

MINERS' COLFAX MEDICAL CENTER

REGULAR MEETING OF THE BOARD OF TRUSTEES

Call to Order

The meeting of the Miners' Colfax Medical Center Board of Trustees was called to order by Chairman Roy Fernandez on January 22, 2010 at 12:30 pm. The meeting was held in the Long Term Care Facility Conference Room located at 900 S. Sixth St. in Raton, New Mexico.

Members Present: Roy Fernandez, Chairman
Jenny Garcia, Secretary Treasurer
Mike Colangelo
Robert Gordon, MD

Members Absent Randy Rubin, Vice Chairman

Staff Present: Mike Carter, CEO
Albino Martinez, CFO
Charles Secora, MD Medical Director
Julene Moore, MD, Pathology
Rob Bukovac, Compliance
Val Ridolfi, DON
Henrietta Romero, Recorder

Visitors Present: Todd Wildermuth, Raton Range
Laura Brewer, Chronicle
Misbah Zmily, MD, Chief of Staff
Loretta Conder, MD, ER Medical Director

Pledge of Allegiance

Chairman Fernandez led board members, staff, and visitors present in reciting the Pledge of Allegiance.

Correction/Approval of Agenda

Motion: After review of the January 22, 2010 agenda, Ms. Garcia moved to approve the agenda as presented. With a second from Mr. Colangelo, a voice vote was taken and all Board Members present voted in favor: Motion carried.

Correction/Approval of Minutes

November 10, 2009

Motion: After review of the November 10, 2009 minutes, Mr. Colangelo moved to approve the minutes as presented. With a second by Ms. Garcia, a voice vote was taken and all Board Members present voted in favor: Motion carried.

November 20, 2009

Motion: After review of the November 20, 2009 minutes, a motion was made by Mr. Colangelo to approve the minutes as presented. With a second from Dr. Gordon, a voice

vote was taken. Ms Garcia abstained from voting as she was absent during this meeting. Remaining Board members present voting in favor. Motion carried.

December 14, 2009

Motion: After review of the December 14, 2009 Special Board Meeting minutes, a motion was made by Ms. Garcia to approve the minutes with a request that a hard copy of the court reporters report be attached to these minutes. With a second from Mr. Colangelo a voice vote was taken. Dr. Gordon abstained from voting as he was absent for this meeting. The remaining Board members present voted in favor. Motion carried.

Recognition of Visitors & Visitors Forum

Chairman Fernandez recognized staff and visitors present. Visitors in attendance introduced themselves to the Board and stated their names for the record. Visitors present were Todd Wildermuth from the Raton Range, Laura Brewer, Chronicle News, Dr. Loretta Conder, ER Medical Director and Dr. Misbah Zmily, Chief of Staff.

Medical Staff Privileges & Appointments

The Board was informed that Dr. Secora is a member of the Credentials Committee. The Board wanted to know if the Credentials Committee had any concerns with any of the providers on the agenda. Dr. Secora informed the Board that all providers were reviewed by the Credentials Committee & the Committee feel that the providers be recommended for privileges

Reappointment:

Motion: A motion was made by Mr. Colangelo to reappoint Limited Active Staff privileges, as recommended by the Credentials Committee, to Joseph Browne, DO, in Emergency and Family Medicine, Charles Goodell, MD in Emergency Medicine, Paul Rastrelli, MD in Ophthalmology and Active Staff privileges to Gilbert Aragon, DO in Family Medicine. With a second from Ms. Garcia, a voice vote was taken, and members present voted in favor. Motion carried.

New Appointment:

Motion: A motion was made by Mr. Colangelo to appoint Active Staff privileges, as recommended by the Credentials Committee, to Charles Yeagle, MD in General Surgery, Limited Active Staff privileges to Mauricio Chavez, MD in Ophthalmology and Kevin Mc Clintock, MD in Emergency Medicine and Consulting Staff privileges to Carl Hardin, MD in Teleradiology. With a second from Ms. Garcia, a voice vote was taken and members present voted in favor. Motion carried.

Medical Staff Report

Misbah Zmily, MD, Chief of Staff, informed the Board that he feels that administration is moving in the right direction by cutting expenses and improving patient care services at MCMC. Dr. Zmily informed the Board that the Medical Staff would like to know what MCMC's Vision is for the next two to three years. He stated that there has been a lack of communication between administration and the medical staff and feels that if communication improves between the two entities, the medical staff can become actively involved in the hospital's vision. Dr. M. Zmily expressed his concern with the limited specialty clinics available at MCMC and wanted to know if there is a plan of action in place for MCMC to provide more specialty clinics, as these are services that would benefit the community.

Mr. Carter informed Dr. Zmily that conflicting schedules make it difficult to meet with all physicians, but he assured Dr. Zmily that greater efforts would be made to meet with the medical staff and keep them apprised of what is going on at MCMC. Mr. Carter confirmed that it would benefit the community and the hospital to ensure that administration and the medical staff works as a unit.

Chairman Fernandez posed a question to Dr. Zmily regarding La Familia not utilizing MCMC's laboratory department. Chairman Fernandez stated that he feels that the medical staff should be supporting the ancillary services offered by MCMC. Problem when MCMC is contracting providers to perform services at MCMC, yet these providers don't utilize the ancillary services available.

Dr. Zmily informed the Board that providers started utilizing other lab services because of the deficiencies at MCMC. He also notified the Board that the some insurance companies are contracted with specific labs. It was pointed to Dr. Zmily that the recent laboratory survey conducted shows that MCMC's lab has corrected deficiencies and has met all requirements for COLA accreditation. Dr. Zmily acknowledged that there have been improvements to MCMC's laboratory department and the services MCMC offers, and informed the Board that in the future, it would be possible for La Familia to start utilizing MCMC labs. The medical staff needs to be kept updated on improvements made by MCMC and explain what services are available to them. Dr. Zmily suggested that administration provide a Medical Staff Newsletter to keep them updated on hospital activity directly related to the medical staff.

Old Business

No old business.

New Business

a. MCMC Auxiliary Bylaws Amendment

A proposal was made to amend Section;2(B) of the MCMC Auxiliary Bylaws which pertains to the student scholarship fund. The amendment more clearly defines the conditions of the scholarship.

b. Policies

Policies presented for approval by the Board were discussed.

Questions were asked regarding the "Charge Master" policy. The Board was informed that the Charge Master works as the hospitals price list. Need to ensure that Common Procedural Codes (CPT) and the prices charged for procedures are correct. The Board was informed that the purpose of the Charge Master Committee is to ensure that recommended changes are appropriate to MCMC.

Questions regarding the Employee Evaluation & Disciplinary Action policy were posed and discussed. Mr. Colangelo requested clarification on whether the policy conflicted with the union contract. The policy refers to the NM State Personnel Guidelines but does not acknowledge the union collective bargaining agreement. Discussion determined that the policy provides guideline for managers to ensure that they are aware of the process required to address a grievance. After further discussion, a recommendation was made to withdraw the policy from the agenda to allow ample time to clarify concerns presented by Mr. Colangelo.

Chairman Fernandez asked if the Board members had questions on the remaining policies presented for review and was assured that the Board members present had no further questions.

Chairman Fernandez requested a motion that the following polices be approved:

Inpatient Length of Stay

Recurring Nursing Outpatient Treatment

Inpatient Length of Stay

Charge Master

Exit Interview

Motion: A motion was made by Mr. Colangelo to approve these polices. With a second from Ms. Garcia, a voice vote was taken and members present voted in favor. Motion carried.

c. Laboratory Department Survey:

Julene Moore, MD, MCMC's Pathologist, updated the Board on the recent lab department survey. The Board was informed that a year and a half ago, when Dr. Moore begin employment with MCMC, the laboratory department was on the verge of being shut down due to several deficiencies within the department. Dr. Moore stated that she understands why the laboratory department lost the confidence of the medical staff. The Board was informed that in the last year and a half, the department has worked very hard to correct deficiencies. The department has a good staff and a good quality control system in place to ensure the department is compliant with the regulations. The department recently went through a COLA inspection and have met the requirements for full COLA accreditation. MCMC sits at the 98th percentile with other labs with the same volume as MCMC. Hope this encourages physicians to start utilizing the lab again. Dr. Moore is encouraged by Dr. Zmily's statement the he wants to work with the laboratory and hopes to develop a relationship with the physicians. Dr. Moore will make the physicians aware of the services available.

Dr. Moore also informed the Board that the COLA survey is conducted every two years but the department does continual internal performance improvement. Wanted to know if MCMC will be able to perform micro biology, and were informed that the current lab is not set up to accommodate micro biology. Problem with the budget constraints and finances and the floor plan is not set up to accommodate.

d. 2010 Financial Disclosure Statement:

Requirement that the Board members submit a Financial Disclosure Statement every January. Copy presented to each Board member with the request that they be completed and returned to the Administrative Office.

Administrator's Report

Furlough Plan

A copy of the Furlough Plan that was required to be submitted to the Governor's Office was presented. The Board was informed that MCMC's plan was created to minimize disruption to patient care and meet the requirements of the Governor's Executive Order. The Plan divides the employees into two distinct categories: Non-Patient Care and Direct Patient Care. The non-patient care employees will be required to take a total of five (5) furlough days that have been administered by the Governor's

office. Direct Patient Care Employee's furlough will be based on hours at management's discretion and based on the census and patient demand. A total of 40 hours for full time employees will be taken between December 24, 2009 and May 31, 2010.

Budget Cut

Mr. Carter and Mr. Martinez testified before the House Committee and informed the Board that the final recommended budget cut for next fiscal year is 1.3 million dollars. With the exception that MCMC is a non general fund agency of the State, MCMC still has unlimited budget authority. This means that even though the budget is cut, as long as MCMC produces the revenue, budget approval can be granted to spend those revenues. Noted that the proposed cut is the same amount anticipated to increase revenues when MCMC changes its designation to a Critical Access Hospital.

House Bill 119

Mr. Carter informed the Board that he has approached Senator Clinton D. Harden to introduce an amendment to House Bill 119. The requested amendment is to Item 18 of the House Bill. The intent of the amendment is to allow physicians who provide in house services at MCMC to have malpractice coverage as provided by the NM Tort Law. The purpose is to provide relief malpractice coverage if providing services at MCMC.

Miner Statue

The Board was informed that administration has heard several opinions regarding the statue of the miner that has been erected in the front of MCMC's Acute Care Facility. Have invited Kandace Evans to give the Board the history of how the art was selected. Ms. Evans informed that Board that in 1986 the *Arts in Public Places Program* Bill was passed which requires that 1% of all construction or major renovation goes to art. With the construction of the new facility, MCMC had to meet this requirement therefore so a committee was established to include:

- Leroy Baca, miner rep
- Terry Bunkas- Raton Arts Council
- Brenda Ferri- Raton Arts Council
- Mark Steinkamp- Architect
- Joe Apache- Artist Rep

The project went out for bid and 21 submissions were received and the Committee chose Mia Torrez.

The art completed and submitted by Ms. Torrez includes:

- The bronze miner statue in front
- Cloud panels in front lobby
- Four panels depicting sequence in time
- The Guardian hanging in lobby
- Two small bronze statues
- Two spheres with Colfax brands hanging in main hallway
- Canaries in various places
- Three Mandela's

Total cost \$61,450.

The Board discussed that artists are allowed "artistic license" but many miners throughout the community don't feel that the statue represents a miner. After discussion a suggestion was made to invite Ms. Torrez to the next Board meeting to allow her the opportunity to explain how the concept of the Miner Statue was developed.

The Board was also asked about a dedication ceremony for the statue and it was agreed that MCMC should have one. Ms. Evans proposed that the dedication ceremony could be held on April 1st to have in conjunction with Miners Day.

Digital Mammography

The Board was informed that Digital Mammography has been added to the services provided by MCMC. Digital Mammography is the Gold Standard for mammography and enables MCMC to provide a better service to our community. Digital Mammography is more comfortable for the patient and increases better results. MCMC has an agreement with Assured Imaging, which is revenue neutral. We don't pay them and they don't pay us. Pointed out that not every service MCMC provide is going to be profitable, but the need for this service was great. The cost for MCMC to upgrade equipment to provide on site digital mammography would require a minimum of \$300,000.00. The alternative is to provide the most updated services by utilizing Assured Imaging at no cost to MCMC. It is the only digital mammography service between Santa Fe, NM and Pueblo, CO. Currently Assured Imaging is providing on site services via a travel van. In the future they will provide a conversion device that will allow them to connect to MCMC old analogue machine to allow digital mammography to be performed in house.

It was pointed out to the Board that this service will enable MCMC to capture some revenue. If a patient's diagnosis requires biopsy or surgery, having the mammogram diagnosed at MCMC increases the chance that the patient's biopsy or surgery will be done in house. Will look at adding further services as economically feasible.

Mr. Carter requested that a standing Agenda Item be added to include the Medical Director's Report. With that, Dr. Secora was introduced to the Board of Trustees and asked to update them on what is duties as Medical Director are.

Medical Director Report:

Dr. Secora informed the Board that he does not govern the Medical Staff; this is the responsibility of the Chief of Staff, which is Dr. Misbah Zmily. Dr. Secora does not interface between the medical staff and the ER providers, as this is the responsibility of the ER Medical Director, which is Dr. Loretta Conder.

As the Medical Director, Dr. Secora will act as liaison between administration, the medical staff and the community. Issues presented by the medical staff or administration will be worked through in a collegial manner and addressed as soon as we are made aware of to avoid them becoming problematic.

The Board was informed that medical staff policies are actively being worked on to address communication issues between the medical staff and administration.

The Board was informed that there are problems with information given to the community that is being misinterpreted. Need to get information out to the community in the correct manner so they are aware of what MCMC is doing and to clarify what is going on. The Hospital and medical staff need to develop the community's confidence based on work being done by MCMC. Dr. Secora informed the Board that he would be happy to work with the

board in any capacity. The Board expressed their appreciation with Dr. Secora as an active Medical Director.

ER Medical Director

Dr. Loretta Conder, ER Medical Director, informed the Board that her role as the ER Medical Director is to be the liaison between the ER providers, nursing and MCMC physicians. She is also responsible to ensure quality of care and identify and address problems as they arise in the ER department. It was noted that the patient satisfaction surveys for the ER department have improved.

Statistical Summary

Board were given copies of the November & December 2009 Statistical Summary.

Financial Reports

Mr. Martinez informed the Board that the detail of the Miners' Trust Fund Revenues and Projected Revenue has been added to the financial report.

The following financial documents were also presented for review:

- Miners' Trust Fund Reconciliation
- The 12/31/2009 Income Statement
- Accounts Receivable
- Revenue Detail
- Cash Deposits

The Board was informed that two non-miner self pay beds are open. Does the board want to fill them as self-pay beds or leave open for miners?

Discussion confirmed that the non-miner self-pay beds were originally increased to assist with the budget deficit. The Board expressed their concern with the public's perception of the non-miner self pay beds. Determined that they need to understand that it is temporary and only done for the betterment of the institution. Original goal to have 10 self-pay beds through the end of the current fiscal year which ends July 2010. Keep open to be filled. Informed that the board will always be informed/updated on status of the self-pay beds.

The Board of Trustees needs to meet with the LTC Admitting committee to clarify the terms of the Eligibility for Admission to MCMC LTC with Miners' Trust Benefits policy. Need to make the policy stronger to protect the Trust Fund. There are applicants that don't meet the definition of a miner, but feel they qualify because they worked at the mine.

Chairman Fernandez informed the Board that he was given a copy of the Outreach Report and noted that there is an increase in volume. Shows that were are providing a service to miners. Jan-Dec 2009, 463 miners were screened. The report shows 65 were coal miners, 14 were over 75 years of age, 47 between 60-74 and 7 between 40-59.

What is the status of a previous suggestion to hire someone part time to go out with the Outreach van? Informed that due to the outreach turnover this has been put on hold until outreach is stable. This position will be included in the grant.

Executive Session

Motion: At 2:50 pm, Ms. Garcia moved to go into Executive Session pursuant to Section 10-15-1(H)(2), k for the purpose of discussion limited personnel matters and Section 10-15-1(H)(9) for the purpose of strategic planning of the Open Meetings Act. With a second by Mr. Colangelo, a Roll Call vote as taken and all Board members present voted in favor, and the motion carried.

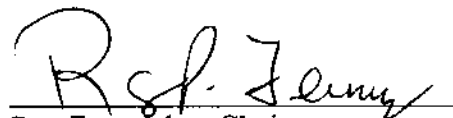
Open Session /Announcements

The Board of Trustees reconvened to regular session at 3:45 pm. Chairman Fernandez announced the date for the Board meeting regarding the "Jones " appeal would be February 4, 2010 at 11:00 am.


Adjournment

With no further business to discuss, Mr. Colangelo made a motion of adjourn the January 22, 2010 Board meeting. With a second from Ms. Garcia, the meeting was adjourned.

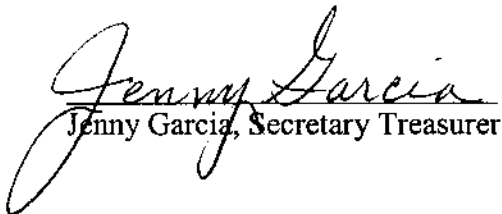
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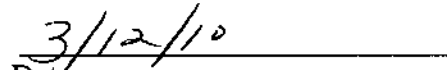
Roy Fernandez, Chairman



Date



Jenny Garcia, Secretary Treasurer



Date