

NASSAU HEALTH CARE CORPORATION

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BOARD OF DIRECTORS/EXECUTIVE COMMITTEE

MEETING

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Nassau University Medical

Center

2201 Hempstead Turnpike

East Meadow, New York

September 26, 2016

7:52 a.m.

REPORTED BY:

Angela Arena

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A P P E A R A N C E S:

BOARD OF DIRECTORS/EXECUTIVE COMMITTEE
MEMBERS PRESENT:

Michael Mirotznik, Esq. -
Chairman of the Board
Warren Zysman, LCSW - Board
Member
Linda Reed, Board Member
Giuseppe Caruso, MD - Board
Member
Krishan Kumar, MD - Board Member
Steven Cohn, Esq. - Board Member
Michael M. DeLuca, MPA - Board
Member

ALSO PRESENT:

Victor Politi, MD -
President/CEO
Beatriz Fuschetto - Executive
Assistant to the Board of
Directors
John Ciampoli, Esq. - Counsel to
the Board of Directors
John Ciotti, Esq. - General
Counsel
Megan Ryan, Esq. - EVP/Chief
Financial Officer
Craig V. Rizzo, Esq. -
EVP/Special Assistant to NUMC
Shelley Lotenberg - Director of
Public Affairs
Robert Heatley - EVP Business
Development and Ambulatory
Services
Harold E. McDonald - Deputy
Executive Director and Chief
Administrative Officer
Robert Tepper, Esq. - Office of
Legal Affairs
Barbara Van Riper, Esq. - Office
of Legal Affairs
Gerald Wright, Esq. - Office of
Legal Affairs

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Legal Affairs
Elizabeth Faughnan, Esq. - Office
of Legal Affairs
Paul Mustacchia, MD - Chairman of
Medicine
John Maher - EVP/CFO
Michael Ferrandino - VP Security
and Investigative Services
Kathy Skarka, RN, MSN, CNA - EVP
Patient Care Services
Karen McGlynn, RN - Deputy Chief
Nursing Officer
Kevin Mannle - VP of Facilities
Anthony Boutin, MD - Chairman of
Emergency Department
Maureen Roarty - EVP of Human
Resources
Jeffrey Thrope, Esq. - Outside
Counsel
Anne Salvo - Administrator for
Surgery, Anesthesia, and
Ophthalmology Departments
Teresa Silversmith, MBA, RHIT,
CCS, C-CDI - Director of Health
Information Management
Ann Marie Studdert - Director of
Intergovernmental Affairs

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2 MR. MIROTZNIK: Good morning,
3 ladies and gentlemen. Thank you for
4 all getting up so early. I'd like to
5 make a motion to open up Nassau
6 Healthcare Corporation Executive
7 Committee of September 2nd, 2016. Can
8 I have a motion? Second, Mr. Cohn.
9 All in favor? Unanimous.

10 At this time I have no report so
11 we will have some report next month or
12 so. Dr. Politi, any report?

13 DR. POLITI: Just briefly,
14 Mr. Chairman. As we know, today is the
15 debate going on at Hofstra University
16 and we have been the designated
17 hospital to receive any dignitaries.

18 I know Mike Ferrandino and his
19 whole team has been working all week,
20 having meetings, and we have another
21 meeting after this, matter of fact. We
22 are the designated hospital if
23 something might happen.

24 MR. MIROTZNIK: I have been told
25 anyone who wants to go to the debate

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2 tonight see John Maher. He has plenty
3 of tickets. Anything else?

4 DR. POLITI: No, sir. That's my
5 report.

6 MR. MIROTZNIK: I understand one
7 of our board members was not feeling
8 well last week, so if anybody wants to
9 reach out to Dr. Saracino, I'm sure he
10 will be very respectful of a phone
11 call, et cetera.

12 In any event, I got a chance to
13 see him on Thursday. He was very happy
14 to see some friendly faces. Ms. Reed,
15 MPAC?

16 MS. REED: Can I have approval of
17 the minutes of 8/30/2016, please? All
18 in favor? Unanimous.

19 MR. MIROTZNIK: Tomorrow morning
20 is your meeting at 7:30?

21 MS. REED: Yes.

22 MR. MIROTZNIK: Can you make it a
23 little earlier?

24 MR. DELUCA: What meeting is
25 7:30?

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2 MS. REED: MPAC.

3 MR. MIROTZNIK: Mr. Zysman,
4 DSRIP?

5 MR. ZYSMAN: There is no report
6 at this time.

7 MR. MIROTZNIK: Finance
8 Committee, Mr. Zysman?

9 MR. ZYSMAN: The only thing that
10 did recently come up was some confusion
11 in terms of nursing. There was some
12 e-mail I saw that went around related
13 to a nursing person, but I received it
14 from the department, not from Vic,
15 Maureen or John Maher, as indicated at
16 the last finance meeting.

17 So if you guys can come up -- I'm
18 not looking for discussion. Just the
19 three of you can get together, give
20 some clear direction and focus to the
21 different departments, because while we
22 have had discussions about this in the
23 past finance meeting, there still seems
24 to be confusion.

25 I'd like you guys to be the

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2 people to come together and work out
3 the confusion and resolve the
4 confusion, rather than it being
5 somebody that's coming to me.

6 So if you guys can, do that as a
7 group. Dr. Politi, if you can head
8 that up, I'd greatly appreciate it
9 because there are folks that you need.
10 Certainly we are in the position to
11 vote on them.

12 One hundred percent of the time
13 that you put people forward you have
14 gotten unanimous support from the
15 committee and from this Board. I ask
16 that whatever air of confusion there
17 is, it seems like everyone was on the
18 same page last Finance Committee, but
19 there is still confusion out there and
20 there should be ways to resolve it.

21 I'm happy to give some time, even
22 after the meeting today, to talk with
23 the three of us and hopefully resolve
24 whatever pending issues there are.

25 I just know we have other things

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2 to handle at today's meeting and we
3 can't continue to have things that you
4 guys could resolve at an administrative
5 level come to the Board and slow down
6 other business that needs to be done.

7 So if you guys can get together
8 and resolve whatever issues and
9 confusion there are with the
10 departments, I'd appreciate it.

11 Again, I want to emphasize for
12 the record there was a discussion at
13 the last Finance Committee meeting and
14 it appears there is still significant
15 confusion.

16 Other than that, I don't have a
17 report. We can move forward.

18 DR. POLITI: I welcome that,
19 Mr. Zysman, if we can meet right after
20 this meeting with Ms. Roarty to clarify
21 exactly what we can do. We would
22 appreciate that. Thank you.

23 MR. ZYSMAN: Briefly, but we can
24 meet.

25 MR. MIROTZNIK: Thank you,

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2 Mr. Zysman. Ms. Reed, Facility and
3 Real Estate Development Committee?

4 MS. REED: No report at this
5 time.

6 MR. MIROTZNIK: Again Ms. Reed,
7 Compensation Committee?

8 MS. REED: No report at this
9 time.

10 MR. MIROTZNIK: Mr. Zysman, I
11 turn to you for contracts. We have a
12 few add-ons.

13 MR. ZYSMAN: There are a few
14 contracts we weren't able to get to at
15 the last contracts meeting. I believe
16 there were 30 DSRIP contracts that
17 Harold brought forward with other staff
18 that needed to be voted on, and some of
19 these were not able to be attended to.

20 I asked that only contracts that
21 could not wait until the contracts
22 meeting, which I think is in a few
23 weeks, be brought today, that were
24 urgent need.

25 I believe we have four before us

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2 today. The first one is Harold
3 McDonald, Long Island Plastic Surgery
4 Group.

5 MR. MCDONALD: These are the
6 clinical contracts we are looking to
7 approve now?

8 MR. ZYSMAN: Do you need this
9 approved today? Because if you don't
10 we will table it until the middle of
11 October.

12 MS. STUDDERT: Mr. Chairman, I
13 believe that was an error that was
14 brought to my attention that Long
15 Island Plastic Surgery Group and
16 Beckman Coulter, there was an error at
17 the last meeting, which I think legal
18 is going to represent today.

19 But I don't think Long Island
20 Plastic Surgery Group is going to be on
21 today. Legal is aware of it, right?

22 MR. TEPPER: When we were looking
23 through the resolutions there was
24 clearly an error on the Long Island
25 Plastic Surgery resolution.

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2 We called it to everybody's
3 attention and said that nothing can be
4 done, so we are not going to present a
5 correction. It needs to be
6 re-presented by the owner. It looks
7 like two things were done.

8 We don't know if it was an error
9 in the way it was taken down or an
10 error in the way it was presented, but
11 clearly there was an error there.

12 MR. ZYSMAN: Harold, are you
13 prepared to present this today?

14 MR. RIZZO: I thought it was just
15 a minutes issue.

16 MR. ZYSMAN: Can I get a motion
17 to table Long Island Plastic Surgery
18 Group, number one?

19 MR. COHN: Before you table it,
20 may I make a comment? Who is the
21 person that is framed in the contract?
22 Who is framing the Long Island Plastic
23 Surgical contract?

24 MR. TEPPER: I'm not sure. I
25 don't know. We looked at the

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2 resolution. The resolution was
3 clearly --

4 MR. MIROTZNIK: Rob, Beth, can
5 you caucus for five minutes?

6 MR. DELUCA: Where did that
7 contract -- who was the person who
8 brought that contract to legal?

9 DR. POLITI: Harold McDonald owns
10 the contract.

11 MR. MCDONALD: I presented the
12 contract.

13 MR. COHN: I want to make a note
14 and I'm sure you thought of this,
15 Harold, so I don't mean to be
16 redundant, but make a note that it is
17 noted in the contract that this
18 contract is for plastic surgeons to
19 come to our emergency room, I'm
20 assuming?

21 MR. MCDONALD: To provide, in
22 addition to the emergency department,
23 plastic surgery coverage at the
24 hospital.

25 MR. TEPPER: That's not what this

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2 was. We will caucus.

3 MR. MIROTZNIK: Mr. Zysman,
4 please.

5 MR. ZYSMAN: No reason to get so
6 aggravated, Mr. Tepper. Streamline
7 Health, Teresa Silversmith? Teresa is
8 always very well-prepared.

9 MS. SILVERSMITH: Originally we
10 came to you in January to ask for a
11 three-year extension on the maintenance
12 agreement, but the Board only gave us
13 18 months because the Board wants us to
14 put out an RFP, which we have done.

15 What we have found after research
16 is that it could take a year or more to
17 migrate the data because we have 6.3
18 terabytes of information. So the
19 18 months won't be enough to carry us
20 through. Does that make sense?

21 So in other words, you want us to
22 RFP. So we are doing that. If we
23 bring on a new vendor, then by the time
24 we get all our data moved over it will
25 take longer than 17 months because of

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2 the amount of data we have. It could
3 take a year or more to migrate --

4 MR. ZYSMAN: When do you expect
5 to complete the RFP?

6 MS. SILVERSMITH: It's out
7 already. We are waiting for the
8 responses.

9 MR. ZYSMAN: What is your
10 timeframe on that?

11 MS. SILVERSMITH: For them to
12 come back, they are due October 4th.

13 MR. ZYSMAN: So there is a
14 possibility that this company will be
15 selected?

16 MS. SILVERSMITH: It's possible,
17 yes. It's possible.

18 MR. ZYSMAN: So I think it might
19 be premature with the extension.

20 MS. SILVERSMITH: The thing is we
21 only have 18 months.

22 MR. ZYSMAN: When does the
23 18 months end?

24 MS. SILVERSMITH: It ends
25 February of 2018. So because we only

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2 have 18 months, they bill us for each
3 year for maintenance and we only have a
4 year and-a-half of money for
5 maintenance.

6 MR. ZYSMAN: Why don't you see
7 what happens with the RFP before you
8 come for the extension? You have a lot
9 of time.

10 MS. SILVERSMITH: Because it
11 expired on 9/1/2016.

12 MR. ZYSMAN: I thought you said
13 it goes until -- you're not looking for
14 36 additional months? How many extra
15 months are you looking for?

16 MS. SILVERSMITH: Another 18 from
17 what you have already given us, which
18 would get us to three years.

19 MR. ZYSMAN: What date does that
20 bring you to?

21 MS. SILVERSMITH: That is
22 September of 2019.

23 MR. ZYSMAN: So that's why you
24 are not just putting in --

25 MR. MIROTZNIK: September of '18

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2 or '19?

3 MS. SILVERSMITH: '19 because it
4 would be three years. You gave us 18
5 months already and if you gave us
6 another 18 months on top of that it
7 would be three years.

8 MR. ZYSMAN: How much time do you
9 need to complete the RFP?

10 MS. SILVERSMITH: That's done
11 already.

12 MR. ZYSMAN: You got submissions,
13 you're saying. So why don't we give
14 you some time to get that complete and
15 you can come back if you need an
16 extension?

17 MS. SILVERSMITH: Because if we
18 are going to only have the 18 months,
19 it's not enough money because they have
20 to do the contract, too.

21 MR. ZYSMAN: Off the record.

22 (Discussion held off the record.)

23 MR. ZYSMAN: Can a contract be
24 terminated once an RFP is awarded, if
25 necessary?

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2 MS. SILVERSMITH: No, because
3 they still have our information. So we
4 have to make sure that we can migrate
5 data. That's all our patient records.
6 We have 20 million records.

7 MR. ZYSMAN: Mr. Ciotti?

8 MR. CIOTTI: Many of our
9 contracts have a 30-day out clause. Is
10 there a reason why we can't have one?

11 MS. SILVERSMITH: We need our
12 information. They would have to give
13 us our information, so it would take a
14 while for that information to migrate
15 to wherever we're going to put it. The
16 thing is --

17 MR. ZYSMAN: But those are things
18 you might work out. Do you have any
19 objection to a 30-day out clause with
20 this contract?

21 MS. SILVERSMITH: As long as we
22 have our information viewable, because
23 remember, this is where our doctors
24 complete their records.

25 MR. ZYSMAN: That is not the

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2 question I'm asking.

3 MS. SILVERSMITH: Ask it again
4 then, please.

5 MR. ZYSMAN: Do you have any
6 objection to having a 30-day out clause
7 in the contract extension?

8 MS. SILVERSMITH: Not that I'm
9 aware of.

10 MR. COHN: 30 days on both sides
11 or 30 days just for us?

12 MR. ZYSMAN: That would be
13 30 days just for us because that sounds
14 like there is an issue. That is a very
15 smart point, Mr. Cohn.

16 MR. COHN: So you would have no
17 problem if it's just for us?

18 MS. SILVERSMITH: As long as we
19 have our information, I'm okay with it,
20 because these are our patient records.
21 We can't treat patients without them.

22 MR. CIOTTI: How long do you
23 suppose it would take to get the
24 information?

25 MS. SILVERSMITH: To get all of

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2 our records they said it could be up-to
3 a year or more.

4 MR. CIOTTI: So much for an out
5 clause.

6 MR. COHN: Why would it take a
7 year?

8 MS. SILVERSMITH: Because we have
9 6.3 terabytes of information, 20
10 million records, pictures --

11 MR. COHN: I watch TV. That
12 should be done with someone putting a
13 stick in there and it's done in five
14 seconds.

15 MS. SILVERSMITH: I'm not an IT
16 expert, so I can't speak that
17 intelligently on it.

18 MR. ZYSMAN: Let's say at some
19 point we use the out clause, we ended
20 the contract. Why do we have to pay
21 them to get our information? Why do
22 they have to still be a vendor? Don't
23 we own our information?

24 MS. SILVERSMITH: We do own it,
25 but they are housing it right now.

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2 They would have to give it to us.

3 MR. ZYSMAN: They won't give it
4 to us?

5 MS. SILVERSMITH: They have to.

6 MR. MAHER: Mr. Chairman, what
7 happens is information that Teresa is
8 referring to is out on their servers.
9 In order to bring it back in-house to
10 us to a different vendor, there are a
11 significant number of interfaces that
12 those images have to relate to in our
13 systems here.

14 That's what takes the time. You
15 don't want to just get the images here.
16 You won't be able to do anything with
17 them. You can have this 30-day out
18 clause. You have to be prepped for it.

19 MR. ZYSMAN: You have your
20 operational ways of how you want to
21 roll this out. I understand that. I'm
22 hearing that. All I'm trying to find
23 out is if there is any objection to
24 NUMC having a 30-day out clause in the
25 contract.

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2 MR. MAHER: There is not an
3 objection to it.

4 MR. ZYSMAN: Is there any
5 requirement that we have to use them as
6 a vendor in order to get our
7 information back?

8 MR. MAHER: You would have to use
9 them as a vendor to get the information
10 back. You have to get it from them.

11 MR. ZYSMAN: So if you ended a
12 contract in 30-days and it takes a year
13 to get the information, you have to pay
14 them for a year to get our information?

15 MR. MAHER: Probably not. You
16 would have to pay them to get the
17 information in-house and you would have
18 the problem or issue --

19 MR. ZYSMAN: But that's an
20 operational issue. That's not the
21 question.

22 MR. COHN: If that's an issue, is
23 that an issue solely with that one
24 company or do we have the same problem
25 with other companies?

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2 MR. MAHER: You have the same
3 problem with every one of the Legacy
4 vendors we have here.

5 MR. COHN: Do we have a clause in
6 our contract that covers that in the
7 event we do want a pricing structure, a
8 time structure, a cooperation
9 structure?

10 Do we have that in our contract
11 or do the contracts say we are ending
12 and no reference to the transfer of the
13 data and the matter in which it's
14 transferred?

15 MR. MAHER: We do have that in
16 some of the contracts. I'm not sure
17 about all of them, but you are exactly
18 right, we do have that --

19 MR. COHN: I would recommend we
20 have it in every single contract
21 because if this is going to be a
22 recurring problem, if it's been a
23 recurring problem, it shouldn't be.

24 It should be in every single
25 contract so we are not in this position

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2 again where we're sitting here
3 wondering how we're going to get our
4 information back.

5 MR. MAHER: I agree.

6 MR. ZYSMAN: So understanding the
7 issue much better than us, John, how do
8 you suggest this get rectified? What
9 advice would you give to legal about
10 how you would want to see it structured
11 in the contract?

12 MR. MAHER: I would say we can
13 have a 30-day out clause because we
14 would have the prep time beforehand.

15 MR. ZYSMAN: What is the business
16 point for the concern of the housing?
17 What is the business point you want on
18 this contract?

19 MR. MAHER: That should the
20 contract be terminated on whatever, for
21 whatever reason, that the vendor will
22 operate in migrating the data off their
23 servers on the new vendor's system and
24 provide any assistance to make that
25 happen.

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2 MR. COHN: I leave it to our
3 legal department. I think it has to be
4 a lot more comprehensive than that, but
5 structurally, conceptually, I think
6 that's what we're talking about.

7 MR. DELUCA: John, there is no
8 generic way, there is no generic
9 company that can do this and migrate
10 this information to every company?

11 MR. MAHER: No. So what happens
12 is that you need to have those images
13 brought onto the new vendor and then
14 every system here that accesses those
15 images has to be interfaced to the new
16 vendor, and that's what takes the time.

17 You want that thoroughly tested
18 before you roll it out so it's not
19 something that is going to happen
20 overnight or in 30 days. You have to
21 prepare for it ahead of time. There
22 are several systems that we have that
23 are like that in this hospital.

24 MR. ZYSMAN: So you're looking
25 for 18 months starting what date?

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2 MS. SILVERSMITH: It would be an
3 additional 18 months from what you
4 originally gave us.

5 MR. ZYSMAN: What date did the
6 contract end?

7 MS. SILVERSMITH: 9/1/2016.

8 MR. ZYSMAN: So 18 months and the
9 \$395 is not additional money, it's just
10 to cover the 18 months?

11 MS. SILVERSMITH: That's for
12 three years.

13 MR. ZYSMAN: You don't need \$395?

14 MS. SILVERSMITH: If we are going
15 to go three years we would, but we may
16 be finished.

17 MR. ZYSMAN: Are you asking for
18 18 months from 9/1 or are you asking
19 for 36 months from 9/1?

20 MS. SILVERSMITH: 36 months, but
21 originally we were given 18 months.
22 That is the confusion.

23 MR. ZYSMAN: Some things have to
24 be worked out. This is not ready for
25 the full Board. I ask that we table

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2 this to the next contracts meeting
3 because it's taking too much time.

4 MR. COHN: I would also say in
5 the event we do extend to the 18
6 months, we put the clause in that we
7 just talked about. I think you have to
8 work it up with legal and put it in.

9 MR. CIOTTI: I would recommend an
10 extension to some short period, only so
11 we don't start with unauthorized
12 payments.

13 MR. ZYSMAN: Motion to approve --
14 where is Beth Faughnan? Beth, I need
15 your help. We have Streamline Health,
16 I think 18 months. The moneys have to
17 be divided -- John Maher, are you doing
18 the math already?

19 Beth, I want you to frame a
20 motion for month-to-month on this
21 contract until the end of the year.
22 This will go to the contracts for a
23 more comprehensive presentation.

24 MR. MIROTZNIK: Mr. Rizzo?

25 MR. RIZZO: We went out and

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2 caucused outside and went through what
3 happened with the minutes from the last
4 time.

5 So I want to make a motion to
6 amend the minutes to reflect the proper
7 resolution. This is LIPS. Apparently
8 there was an error with respect to
9 LIPS, and the name of Beckman Coulter
10 was substituted for Long Island Plastic
11 Surgery Group in the minutes.

12 So the resolution referring to
13 Beckman Coulter had Long Island Plastic
14 Surgical Group as the title and the
15 entity within which we were supposed to
16 be moving for would be Beckman Coulter.

17 So we have to make a motion to
18 amend the minutes that were executed by
19 me on September 16, 2016, to reflect
20 the Long Island Plastic Surgical, P.C.
21 name be substituted. Beckman Coulter
22 is going to be substituted in place
23 instead of Long Island Plastic Surgical
24 Group.

25 MR. ZYSMAN: Mr. Tepper, so

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2 getting this substitution of name, I
3 guess there was an error in the minutes
4 is what Mr. Rizzo is telling us?

5 MR. RIZZO: Name and amount.

6 MR. ZYSMAN: For Long Island
7 Plastic Surgical Group. Do you have
8 any concerns about that contract other
9 than those issues?

10 MR. TEPPER: I don't know
11 anything about the contract. What I
12 recognized is that this vendor didn't
13 match those services so it needed to be
14 re-presented from scratch by the owner.

15 MR. ZYSMAN: Harold, who did you
16 work with from legal with this
17 contract?

18 MR. MCDONALD: This isn't related
19 to LIPS. This is related to another
20 contract.

21 MR. ZYSMAN: That's not my
22 question to you. My question is who
23 did you work with on legal related to
24 this contract?

25 MR. TEPPER: Did you have

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2 anything to do with the contract?

3 MR. MCDONALD: LIPS, I did.

4 MR. ZYSMAN: He is owner of the
5 contract, Rob?

6 MR. TEPPER: No, he is not.

7 MR. ZYSMAN: I'm looking at the
8 sheet that says Harold McDonald. This
9 is reviewed by you, isn't it, Rob?

10 MR. TEPPER: No.

11 MR. ZYSMAN: Guys, we are
12 spending all this time trying to do
13 your work at the Board meeting. It is
14 very frustrating.

15 MR. MCDONALD: It is my
16 understanding that there was an error
17 made in the minutes and instead of
18 having --

19 MR. ZYSMAN: Does anyone in legal
20 know about this \$6 million contract?
21 Nobody knows about it? I'm not voting
22 on a \$6 million contract that no one
23 knows about.

24 On all these contracts Mr. Tepper
25 was supposed to be involved in working

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2 with Harold McDonald and there are
3 minutes to support it from before.

4 If you chose not to be involved
5 in it, Mr. Tepper, that's your choice,
6 but we need someone from legal to get
7 involved. John, I would ask that
8 someone get involved with this \$6
9 million contract.

10 MR. CIOTTI: Harold, are you the
11 owner of this contract?

12 MR. MCDONALD: I am the owner of
13 the LIPS contract, but that's not the
14 issue here.

15 MR. CIOTTI: I understand what
16 the issue is, but I want to know who
17 the owner is.

18 MR. MIROTZNIK: I want to make
19 two notes. One is that I have executed
20 the minutes that were sent to me on
21 September 16th, 2016, and I executed
22 them timely.

23 I did not pick up this issue
24 because I would not have known that
25 there was an issue. I would not have

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2 known that there was a semantics or
3 there was some name issue.

4 So therefore, who from legal
5 reviewed the minutes before they were
6 sent to me? Are we in Kansas?
7 Dorothy? No one? Okay.

8 MS. REED: Obviously no one
9 reviewed them.

10 MR. DELUCA: May I make a
11 suggestion?

12 MR. MIROTZNIK: I would relish
13 your suggestion.

14 MR. DELUCA: We have our counsel
15 here. Why don't we take up to the
16 Board what needs to be procedurally
17 done? Also, while we're still on this
18 Long Island Plastic Surgery thing, I
19 have a very simple comment.

20 I'm assuming somebody has put in
21 a caveat as to what the response time
22 should be for the Long Island Plastic
23 Surgery Group to get here? There are
24 these response times. It used to be an
25 hour. I don't know what clinically

1 September 26, 2016

2 they are requesting now.

3 MR. TEPPER: The point is it's
4 not about Long Island Plastic Surgery
5 at all. That was the error. It's got
6 nothing to do with Long Island Plastic
7 Surgery.

8 MS. STUDDERT: Can I clarify for
9 a moment, please?

10 MR. ZYSMAN: Ann Marie just
11 explained to us, because you are the
12 only person to fill in the blanks.

13 MS. STUDDERT: What happened was
14 Beatriz brought it to my attention that
15 there was an error in the minutes, that
16 Long Island Plastic Surgery Group and
17 Beckman Coulter were transposed.

18 So I put Long Island Plastic
19 Surgery Group back on the agenda. It
20 did not need to be on the agenda. It
21 was not presented at the last meeting.
22 It was tabled.

23 The only reason it was on was
24 because it was number four, and I
25 believe the court reporter was told

1 September 26, 2016

2 that it was number four. That was
3 Beckman Coulter. That's what she wrote
4 down.

5 The information under Beckman
6 Coulter, she went to the spreadsheet
7 and looked at number four, which was
8 Long Island Plastic Surgery Group,
9 which was tabled. So it was an
10 administrative error.

11 DR. CARUSO: May I ask one
12 question? Was the contract presented,
13 Beckman Coulter?

14 MS. STUDDERT: Yes, it was
15 presented correctly.

16 DR. CARUSO: So LIPS was never
17 presented?

18 MS. STUDDERT: No, and it really
19 should not be on here today. The
20 reason I put it on was because I
21 thought both had to be here to make a
22 correction.

23 DR. CARUSO: So the amendment
24 that needs to take place is for Beckman
25 Coulter, not for LIPS? LIPS was never

1 September 26, 2016

2 presented? So I think that's what
3 needs to be put on the minutes.

4 MR. ZYSMAN: It's on the minutes
5 right now as you're saying it.

6 MR. COHN: Do you agree with
7 this, Mr. Tepper?

8 MR. RIZZO: The numbers need to
9 be changed on Beckman Coulter.

10 MR. ZYSMAN: Before we table
11 LIPS, there is about \$40 million or-so
12 in clinical contracts that were tabled,
13 of which about six, seven months ago
14 Mr. Tepper, you took it up that you
15 were going to work with Harold
16 McDonald. Are you working on any of
17 them with him?

18 MR. TEPPER: Yes.

19 MR. ZYSMAN: LIPS is the
20 exclusion, the \$6 million one?

21 MR. TEPPER: I don't have the
22 sheet you're looking at.

23 MR. ZYSMAN: Long Island Plastic
24 Surgery Group is the only one I'm
25 asking you about. Is this the only

1 September 26, 2016

2 exclusion you're not working on with
3 him? Every other one you are?

4 MR. TEPPER: I don't know what
5 you're looking at.

6 MR. MIROTZNIK: Someone pass him
7 a sheet. Beatriz, thank you.

8 MS. REED: Table everything with
9 the minutes and let's get on the way.
10 We are really here --

11 MR. COHN: You're going to run
12 out of people soon.

13 MR. ZYSMAN: Let me resolve this
14 one issue and I will terminate all of
15 them except Beckman Coulter and we will
16 vote on the name. Rob, LIPS, you never
17 worked on, right?

18 MR. TEPPER: I didn't say that.

19 MR. ZYSMAN: We're at different
20 meetings. I'm going to ask, John, that
21 maybe you reassign it to somebody else.
22 I know Rob had taken it up. I will
23 show you the minutes that say that.

24 Can I get a motion to table Long
25 Island Plastic Surgery Group, number

1 September 26, 2016

2 one? Motion? Second? Favor?

3 Unanimous.

4 Streamline Health, Ms. Faughnan,
5 do you have it framed? Otherwise we
6 will have to table it.

7 MS. FAUGHNAN: I believe
8 Ms. Silversmith would rather table it
9 for today's meeting because she doesn't
10 have a month-to-month price. It's an
11 annual license fee, so we would like to
12 table it.

13 MR. ZYSMAN: Can we table number
14 two Streamline Health Inc.? Favor?
15 Unanimous.

16 MR. MIROTZNIK: Question.
17 Dr. Politi, with regard to LIPS and the
18 tabling, I know they are our plastic
19 surgical group that covers not only the
20 ER, but the hospital, and the burn
21 unit. The tabling of this, does it
22 affect the safety and the welfare of
23 our patients?

24 DR. POLITI: What is the status
25 of the LIPS contract?

1 September 26, 2016

2 MR. MCDONALD: We will be
3 presenting the clinical contracts at
4 the next contracts meeting.

5 MR. MIROTZNIK: I see we have up
6 until November 1st, so we will have a
7 resolution to this without any
8 interruption of service, correct?

9 MR. MCDONALD: Correct.

10 DR. POLITI: I will confirm that
11 as well.

12 MR. MIROTZNIK: Beatriz, when the
13 minutes get prepared, if you can, just
14 CC the minutes to Mr. Ciampoli and I'd
15 like him to be on the chain of e-mails
16 for review.

17 MR. ZYSMAN: Any reason why
18 Bellmore Merrick Central High School is
19 here for today's meeting?

20 MS. SALVO: It was just to
21 clarify. When I brought it to the
22 Board in June and it was approved, I
23 had won a three-year contract proposal
24 and the school district needs me to
25 contract annually.

1 September 26, 2016

2 So I would like to clarify for
3 the minutes that we will contract
4 annually for an amount of \$26,750, plus
5 an additional occupation health
6 services income for evaluations.

7 MR. ZYSMAN: Is Board action
8 required for her to do that?

9 MR. CIOTTI: Are you saying that
10 you have a multiyear contract and you
11 can only do one?

12 MS. SALVO: The school district
13 is requesting that we contract and
14 execute annually.

15 MR. CIOTTI: Will that change any
16 of the terms we negotiated with the
17 school district?

18 MS. SALVO: No, it did not.

19 MR. ZYSMAN: We don't have to
20 vote on this?

21 MR. CIOTTI: That is
22 revenue-based.

23 MR. ZYSMAN: Motion to strike R1
24 from the record, Bellmore Merrick
25 Central High School. It's already been

1 September 26, 2016

2 voted on previously. Second? Favor?

3 Unanimous.

4 Beth, can you frame Beckman

5 Coulter for us?

6 MS. FAUGHNAN: The Executive
7 Committee of the NHCC Board of
8 Directors authorizes the President to
9 negotiate and execute an agreement with
10 Beckman Coulter for a five-year lease
11 on one machine and one back-up machine
12 for bacteria identification and to
13 determine what strain of antibiotics to
14 the bacteria, for a five-year term not
15 to exceed \$425,550 with an anticipated
16 start date of October 27, 2016.

17 MR. ZYSMAN: On the sheet it says
18 40 cents. Do you want to put that in
19 here now?

20 MS. FAUGHNAN: Sorry, I didn't
21 have that. In a total amount not to
22 exceed \$425,550.40 as a correction to
23 resolution number 206-2016.

24 MR. COHN: I know nothing about
25 this, but a five-year term for a

1 September 26, 2016

2 particular machine in today's day and
3 age to analyze the strain of
4 antibiotics, is that rather long?

5 Do these things change rapidly,
6 these types of machines? Do we have
7 any built-in upgrading at a discounted
8 place with a credit, something?

9 MR. RIZZO: There is training
10 that goes along with the new machine
11 and there needs to be verifications
12 that are done every time you get a new
13 machine.

14 So the five-year contract was
15 vetted out at the contracts meeting. I
16 don't have all the areas that we
17 discussed.

18 MR. MIROTZNIK: Dr. Mustacchia,
19 can you lend some insight into this?

20 DR. MUSTACCHIA: Sure. Bacterial
21 resistance is a real concern and the
22 bacteria is evolving. I think what
23 we're asking is if the technology is
24 evolving, and if so, are we going to be
25 able to anticipate that and gain the

1 September 26, 2016

2 services that we need?

3 I was not involved in the
4 discussion of this contract, but from
5 the comments that I just heard, it's
6 quite likely.

7 We need to be certain that we
8 will have any new technology available
9 to us in the future as antibiotics
10 become more evolved, or as strains
11 become more resistant to antibiotics,
12 to get that in the contract.

13 MR. COHN: Right. Is that in the
14 contract?

15 MR. RIZZO: I don't know. I am
16 not ready to present that today.

17 MR. COHN: I suggest that we find
18 out. If it's not in, get it in. If
19 it's impossible to get it in, let us
20 know. I am not prepared to vote on it.

21 MR. MIROTZNIK: I'm not either.
22 Who is the owner of the contract?

23 MR. RIZZO: We are, labs, me.

24 MR. MIROTZNIK: So it's not a dig
25 or anything, but Mr. Rizzo, maybe we

1 September 26, 2016

2 could include --

3 MR. RIZZO: It was already
4 presented. I had it all last time, but
5 I don't have it now.

6 MR. MIROTZNIK: Was there any
7 consultation with the medical staff on
8 this?

9 MR. RIZZO: Yes, there was, but
10 she is not here right now.

11 MR. CIOTTI: Just for the record,
12 many of these contracts are not
13 prepared until the Board approves them.
14 We don't prepare contracts --

15 MR. MIROTZNIK: We are not asking
16 the preparation of the document, but
17 the consultation.

18 MR. CIOTTI: Yes.

19 MR. COHN: I have no problem with
20 negotiating. I don't really care what
21 we do, but before we sign off on it, it
22 would seem to make sense. Would you
23 agree?

24 DR. MUSTACCHIA: Yes, I would
25 agree.

1 September 26, 2016

2 MR. CIOTTI: I would legally say
3 it makes sense.

4 MR. COHN: I want to make sure
5 it's there. So if you're telling me I
6 thought we were voting on the contract
7 authorizing somebody to execute it, if
8 that's the case, I'm not prepared.

9 If we're talking about
10 negotiating it, and as long as that
11 clause is in, and whatever clause
12 everybody else is comfortable with, and
13 come back here for final approval,
14 that's fine.

15 So whichever of those two options
16 work.

17 MR. ZYSMAN: The way they
18 typically state it is that we authorize
19 the CEO to negotiate and execute.

20 MR. COHN: With that amendment or
21 clarification of P1, then I would say
22 go negotiate.

23 MR. CIOTTI: I came back
24 July 18th. Has anybody in legal
25 prepared a contract for this company?

1 September 26, 2016

2 MS. FAUGHNAN: This is a
3 purchasing contract, John, so it will
4 be done downstairs through purchasing
5 because it's a commodity.

6 MR. ZYSMAN: Legal doesn't review
7 purchasing contracts?

8 MS. FAUGHNAN: No. By and large,
9 no. They have our guidelines.

10 MR. COHN: Let me ask you a
11 question. Is that one of the
12 guidelines that I just brought up that
13 we be kept on the cutting edge of
14 technology, given the options? Is that
15 one of the guidelines?

16 MS. FAUGHNAN: I don't know.

17 MR. COHN: Why don't we have
18 legal review it?

19 MR. DELUCA: Board members agree
20 that we should review it.

21 MR. MIROTZNIK: There is a
22 unanimous shake of the heads.

23 MR. DELUCA: Steve, I just walked
24 in on this. Shouldn't legal review
25 every one?

1 September 26, 2016

2 MR. CIOTTI: You are talking
3 about this specific contract?

4 MR. MIROTZNIK: No, he is talking
5 in general, that all these contracts
6 should be reviewed by an attorney.

7 MR. COHN: Somebody has to make
8 sure. This is just one of -- how many
9 other contracts are ideas like that not
10 in there? I think if it's not in
11 there, if it's in there then I
12 apologize, but we have to get our act
13 together.

14 We can't have a five-year machine
15 that everybody dusts off periodically
16 because it's worthless because
17 purchasing didn't think about it.

18 So let's get the people who use
19 it involved, and Mr. Rizzo has
20 indicated is the case, and let's get
21 legal to look at the others so that we
22 don't get fleeced, and let's get our
23 act together.

24 MR. CIOTTI: For the record,
25 these are not contracts per-se. These

1 September 26, 2016

2 are requisitions, that's number one.
3 Number two, I just spoke to Craig who
4 signs off on them. It's hundreds a
5 month, hundreds. Not 30, not 45,
6 hundreds.

7 MR. COHN: John, this is one that
8 was just brought to us. Nobody can
9 answer the question as to whether or
10 not --

11 MR. CIOTTI: I'm not arguing with
12 you.

13 MR. COHN: Right. So come up
14 with a format.

15 MR. RIZZO: Steve, the answer to
16 the question would have been done when
17 it was presented at the contracts
18 committee. We aren't prepared to go
19 through all the issues.

20 MR. COHN: Craig, I understand it
21 would be in there. I'm not saying it
22 is or it isn't and I'm not pointing
23 fingers. When I am, I will point
24 fingers.

25 I'm saying there needs to be a

1 September 26, 2016

2 system for something like that, we
3 should know the answer to, and it
4 should be in the form don't buy
5 machines for extended periods of time
6 that can be outdated in a year. That's
7 all. I think it's something we should
8 be aware of.

9 MR. RIZZO: I have her coming up
10 if you want to ask her all the
11 questions.

12 MR. COHN: No, we have to get out
13 of here. Everybody needs to leave.
14 Not today, maybe next time.

15 MR. MIROTZNIK: Mr. Cohn, your
16 point is well taken and Mr. Ciampoli, I
17 don't have to speak for you, but the
18 consensus is that your recommendation
19 is that all of these contracts need to
20 be reviewed and authorized by someone?

21 MR. CIAMPOLI: Frank Intagliata
22 is not here. When he was with
23 purchasing, he had a punch list,
24 so-to-speak, that had been developed
25 with legal of what had to be in a

1 September 26, 2016

2 purchase order.

3 For instance, there had to be
4 insurance to the benefit of the county.
5 You want insurance more to the benefit
6 here of the medical center. Those
7 things and the concerns, like dying
8 technology that would be outdated,
9 would be on that punch list. That's
10 something legal and purchasing have to
11 do, come up with a punch list.

12 MS. FAUGHNAN: There is an
13 existing punch list. I just did not
14 prepare it. I have only been here for
15 slightly over three years, so I don't
16 know what the punch list consists of,
17 but I know there is one.

18 MR. COHN: If it hasn't been
19 reviewed for at least three years,
20 which probably means it hasn't been
21 reviewed for at least ten years.

22 MS. FAUGHNAN: I don't know that
23 it hasn't been reviewed for at least
24 three years. I just know that I
25 haven't been involved in it.

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2 MR. COHN: Why don't we get it
3 reviewed?

4 MS. FAUGHNAN: We will do that.

5 MR. MIROTZNIK: Mr. Zysman, your
6 committee.

7 MR. ZYSMAN: Do you want to table
8 it? Motion to table? Strike my last
9 statement to table. The motion was
10 articulated by Ms. Faughnan.

11 It appears from a discussion with
12 Mr. Cohn, with Dr. Mustacchia,
13 Dr. Politi, we ask that you work
14 collaboratively with Dr. Mustacchia to
15 make sure all of his department's needs
16 are met in your negotiation of this
17 contract before execution.

18 MR. TEPPER: You want to rescind
19 the erroneous resolution?

20 MR. ZYSMAN: Where is the
21 resolution?

22 MR. TEPPER: The one that started
23 this whole conversation.

24 MR. ZYSMAN: Can we vote on the
25 resolution that Ms. Faughnan

1 September 26, 2016

2 articulated?

3 MR. TEPPER: It's up to you. My
4 understanding based on the discussion
5 was you weren't prepared to vote on
6 that.

7 MR. ZYSMAN: Can I get a motion
8 to approve Ms. Faughnan's motion that
9 she made with the caveat that we just
10 said, that Dr. Mustacchia, Dr. Politi
11 work collaboratively so his
12 department's needs are met in this
13 negotiation? Second? Unanimous.

14 Mr. Tepper, you are recommending
15 we need to rescind the last one?

16 MR. TEPPER: You need to rescind
17 the one that was done in error with
18 Long Island Plastics.

19 MR. ZYSMAN: So why don't you
20 give us whatever cue so that we can say
21 that there was an error and strike it
22 from the record?

23 MR. TEPPER: It's resolution 206
24 of 2016.

25 MR. ZYSMAN: Can we get a motion

1 September 26, 2016

2 to rescind 206 of 16? Motion? Second?
3 Favor? Unanimous. That was very
4 pleasant.

5 MR. MIROTZNIK: Thank you,
6 Mr. Zysman. It was a very wonderful
7 experience. LIFQHC, quick. We are
8 meeting, our Board and Bob DeTor and
9 his people are meeting. We will report
10 back next month.

11 We have made what we feel to be
12 some strides and hopefully it will
13 culminate in certain agreements that
14 will be to the benefit of the hospital.

15 At this moment I'd like to make a
16 motion to go out of executive committee
17 and go into executive session of the
18 executive board, right John?

19 MR. CIOTTI: Yes.

20 MR. MIROTZNIK: All in favor?
21 Unanimous. Other than legal, please
22 exit the room for a short period of
23 time and Dr. Politi, would you please
24 exit the room, too? With due respect,
25 thank you.

1 September 26, 2016

2 So the record is clear, and our
3 agenda is quite clear, as well as our
4 posting is quite clear, we are going
5 into executive session of the Board for
6 matters involving employment of a
7 particular person.

8 (A brief recess was taken.)

9 MR. ZYSMAN: Motion to go back in
10 public session? All in favor?
11 Unanimous. We are now in public
12 session.

13 MR. MIROTZNIK: Is there any
14 public comments?

15 MR. ZYSMAN: Let me read this in.
16 Can I get a motion: Resolved that the
17 Board approve an extension for all
18 current corporate insurance policies on
19 the same terms and conditions for up-to
20 60 days for a total amount not to
21 exceed \$300,000?

22 This is a premium cost. John
23 Maher and John Ciotti have indicated
24 they need this time in order to secure
25 insurance so the insurance doesn't

1 September 26, 2016

2 lapse. Can I get a motion? All in
3 favor? Unanimous.

4 MR. MIROTZNIK: We have handled
5 some employment matters during our
6 executive session and on behalf of the
7 members of the Board of Directors of
8 NUMC, it gives me great pleasure to
9 announce that Dr. Politi is staying
10 with us.

11 His contract has been extended
12 and he is not going to Disneyland. So
13 he is staying with us and doing the
14 work that is necessary.

15 DR. POLITI: I like Disneyland.

16 MR. MIROTZNIK: With that being
17 said with Dr. Politi, we are going to
18 take a vote on it.

19 Motion, Mr. Ciampoli?

20 MR. CIAMPOLI: Of the renewal of
21 Dr. Politi's contract as was adopted in
22 executive session.

23 MR. MIROTZNIK: And pursuant to
24 Exhibit A attached to the minutes.

25 MR. CIOTTI: You can't do that.

1 September 26, 2016

2 That is not appropriate. The amendment
3 number two, Exhibit A, is amended to
4 extend the terms through January 31st,
5 2018, and notification as per the
6 original contract, the terms and
7 conditions are the same, but
8 notifications shall be ordered before
9 November 30th, 2017.

10 MR. MIROTZNIK: All in favor?
11 Second, Mr. Cohn. Unanimous,
12 Dr. Politi. Congratulations. Any
13 quick comments?

14 DR. POLITI: I thank the Board
15 for their cooperation.

16 MR. MIROTZNIK: Thank you,
17 members of the Board, Steve, Mike,
18 Dr. Caruso. Motion to adjourn?
19 Unanimous.

20 (Time noted: 9:00 a.m.)

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CERTIFICATION

I, ANGELA ARENA, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 26th day of
September, 2016.

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