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Importance: High

Misconception about possibility of changing. It is final. No method to overturn. Both KEENE's decision with the information available about the clinics approaching Palomar and Adam Wilson's report provide a clear basis for the application of the statute and the existing policy.

To use a sports analogy we have a game that has been completed with the team having left the field but a group of fans are still in the stadium chanting for the referee to reverse a call that had been reviewed and confirmed on instant replay. Any attempts to cancel the status quo will place the Commission in jeopardy of violating the rights of individuals as well as the clinics and Palomar.

Nothing prevents patients from going to Tri-City if they choose. The Commission cannot control where patients go for medical services any more than they can control which parks people will visit. In fact, the Tri-City Press release of July 1, 2021 announcing its contract with Kaiser that will provide services to patients from Palomar's district states "Kaiser Adds Tri-City Medical Center to its options of North County Members."

The first written response of Tri-City to the delivery of Keene's approval of Palomar contracts with the clinics on August 1 was the letter from the CEO of Tri-City on September 29, almost a full two months later. Not only is such a delay curious but it supports the reports of the management at both clinics that Tri-City had been unresponsive to their circumstances requiring immediate attention. As indicated in Adam Wilson's report, any entity- public or private- cannot sustain its existence with a downward spiraling financial condition.

Instead of considering if the Commission can reverse Keene's approval, the Commission should be lauding him for taking the appropriate action for the health and safety of the residents of North County. Keene's response was

exactly what the law and the policy permitted him to do.

And the efforts initiated by Palomar to seek collaboration in the provision of healthcare in North County should be encouraged.