

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

September 23, 2025

**FROM**

**JOSHUA DUGAS, Director, Department of Public Health**

**SUBJECT**

Non-Financial Interagency Agreement with Special Education Local Plan Areas for Medical Therapy Program Services

**RECOMMENDATION(S)**

1. Approve non-financial Interagency **Agreement No. 25-740**, including non-standard terms, between the Department of Public Health and the seven Special Education Local Plan Areas below, to facilitate the provision of medically and educationally necessary occupational and physical therapy services, effective upon execution, and automatically renewing every year thereafter, unless terminated by either party:
  - a. Desert-Mountain Special Education Local Plan Area
  - b. East Valley Special Education Local Plan Area
  - c. West End Special Education Local Plan Area
  - d. Fontana Unified School District
  - e. Morongo Unified School District
  - f. San Bernardino City Unified School District
  - g. Ontario-Montclair School District
2. Authorize the Director of the Department of Public Health to execute the Interagency Agreement and subsequent non-substantive amendments related to the Interagency Agreement, subject to review by County Counsel.
3. Direct the Director of the Department of Public Health to transmit the executed Interagency Agreement and any subsequent non-substantive amendments in relation to the Interagency Agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Joshua Dugas, Director, 387-9146)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Interagency Agreement (Agreement) is non-financial in nature; the Department of Public Health (DPH) and each of the seven Special Education Local Plan Areas (SELPAs) pay for their own costs for providing services separately under this Agreement.

**BACKGROUND INFORMATION**

California Children's Services (CCS) is a statewide program that arranges, directs, and pays for medical care, equipment, and rehabilitation, when these services are authorized, for children

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and young adults under 21 years of age, who have eligible medical conditions, and whose families are unable to pay for all or part of their care. DPH provides services through Medical Therapy Program (MTP) units at nine sites located throughout the county. Each MTP is co-located on the grounds of a school.

San Bernardino County schools are organized into seven SELPAs, each comprised of one or more school districts under the authority of the San Bernardino County Superintendent of Schools. The Agreement is a state requirement and is between DPH and the SELPAs, to outline the roles for each agency in providing MTP services. The SELPAs are responsible for providing space, equipment, and day-to-day maintenance for the MTPs. The SELPAs are also responsible for referring students to the MTP, arranging Individualized Education Program meetings, and assessing students for any special or unique educational needs. DPH is responsible for receiving referrals, evaluating medical eligibility, performing assessments, and developing therapy plans based on assessment findings. DPH also provides medically necessary physical therapy and occupational therapy, as approved by a physician.

Approval of this item would allow DPH to provide MTP services to students at the nine sites throughout the county. In accordance with California Code of Regulations Title 2, Section 60310, Recommendation No. 2 would allow the Director of DPH to execute the Agreement, as well as subsequent non-substantive amendments to the approved Agreement, subject to review by County Counsel. The Agreement is effective upon execution and is automatically renewed each year unless terminated by either party.

The Agreement omits certain County standard contract terms. The missing terms include the following:

1. The Agreement does not require the parties to meet the County's insurance standards as required pursuant to County Policies 11-05, 11-07, and 11-07SP.
  - County policy requires contracting partners to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
  - Potential Impact: The County has no assurance that contracting partners will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County.
2. The Agreement does not require the contracting partners to indemnify the County, as required by County Policies 11-05 and 11-07, including for intellectual property infringement claims.
  - The County standard contract indemnification provision requires the contractor to indemnify, defend, and hold County harmless from third-party claims arising out of the acts, errors or omissions of any person. The standard contract provision for intellectual property indemnity is: Vendor will indemnify, defend, and hold harmless County and its officers, employees, agents and volunteers, from any and all third party claims, costs (including without limitation reasonable attorneys' fees), and losses for infringement of any United States patent, copyright, trademark or trade secret (Intellectual Property Rights) by any goods or services.
  - Potential Impact: The contracting partners are not required to defend, indemnify or hold the County harmless from any claims, including indemnification for claims arising from their negligent or intentional acts, which could result in expenses to the County.

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DPH recommends approval of the Agreement, despite the missing standard contract terms, to enable medically fragile children and youth to receive MTP services. Services assist patients with achieving greater independence in areas such as getting in and out of a wheelchair, walking, feeding, dressing, personal grooming, and home skills.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, 387-5455) on September 2, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on July 23, 2025; and County Finance and Administration (Iliana Rodriguez, Administrative Analyst, 387-4205) on July 31, 2025.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Curt Hagman  
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  \_\_\_\_\_  
DATED: September 23, 2025



cc: PH - Correra w/agree for sign  
Contractor - c/o PH w/agree  
File - w/agree  
MBA 09/24/2025