

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

June 28, 2022

**FROM**

**WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center**

**SUBJECT**

Agreement with the California Hospital Quality Institute for the Hospital Quality Improvement Platform

**RECOMMENDATION(S)**

1. Approve **Service Agreement No. 22-555** with the California Hospital Quality Institute, including non-standard terms, for the provision of the Hospital Quality Improvement Platform, to allow the department to measure its performance in areas such as patient safety and quality improvement activities compared to other hospitals statewide, for a five-year contract term of July 1, 2022 through June 30, 2027.
2. Approve **Business Associate Agreement No. 22-556** with the California Hospital Quality Institute for a term beginning July 1, 2022, and continuing in effect until the Service Agreement is terminated and all protected health information is destroyed or returned.

(Presenter: William L. Gilbert, Director, 580-6150)

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

**Operate in a Fiscally-Responsible and Business-Like Manner.**

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

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) as the agreement is non-financial in nature.

**BACKGROUND INFORMATION**

Approval of this agreement will allow Arrowhead Regional Medical Center (ARMC) to utilize the Hospital Quality Improvement Platform (Platform) from the California Hospital Quality Institute (HQI), which provides a community comparison to ARMC'S outcome numbers in the areas of performance and improvement measures in patient safety and quality improvement activities. HQI develops tools, such as the Platform, and provides coordination and support for improvement and measures supporting patient safety and quality improvement activities to determine the performance of California's hospitals. The Platform is a web-based analytical program that hospitals can use to see how they compare to other hospitals in the same jurisdiction, as well as statewide. Services are included in the membership benefits secured by ARMC's membership in and dues payment to the California Hospital Association or its affiliate. The dues include quality and patient safety activities through HQI. Comparisons can be made in the areas of Emergency Department metrics, Patient Safety Indicators, and the Hospital-Acquired Condition Reduction Program (HACRP) among other areas. Participation in this

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platform will allow IEHP the ability to see hospital specific measure performance for network hospitals using validated hospital quality measures.

The Service Agreement is HQI's standard contract, which includes terms that differ from the standard County contract and omits certain County standard contract terms. While the Parties negotiated certain contract terms to County Standard, HQI would not agree to the following:

The Service Agreement does not require HQI to indemnify the County as required by County Policy 11-07, including for intellectual property infringement claims.

- The County standard contract indemnity 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: Contractor 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: HQI is not required to defend, indemnify or hold the County harmless from any claims, including indemnification for claims arising from HQI's negligent or intentional acts and intellectual property infringement. If the County is sued for any claim, including intellectual property infringement based on its use of HQI's software or services, the County may be solely liable for the costs of defense and damages, which could exceed the total contract amount.

ARMC recommends approval of this agreement, including non-standard terms, as it will enable the hospital administration to identify areas of improvement and provide a higher quality of patient care. In so doing, the hospital will be able to improve its ability to provide for the safety, health, and social service needs of County residents.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5455) on May 23, 2022; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on June 1, 2022; Finance (Jenny Yang, Administrative Analyst, 387-4884) on June 1, 2022; and County Finance and Administration (Diane Atkeson, Deputy Executive Officer, 387-5423) on June 1, 2022.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Janice Rutherford Seconded: Col. Paul Cook (Ret.)  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr.  
Absent: Curt Hagman

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: June 28, 2022



cc: ARMC - Gilbert w/agree  
Contractor - C/O ARMC w/agree  
File - w/agree

CCM 07/13/2022