

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS  
OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY  
AND RECORD OF ACTION**

March 26, 2024

**FROM**

**DANIEL MUÑOZ, Interim EMS Administrator, Inland Counties Emergency Medical Agency**

**SUBJECT**

Grant Subaward from Public Health Institute for the Emergency Medical Services Buprenorphine Use Pilot Program

**RECOMMENDATION(S)**

Acting as the governing body of the Inland Counties Emergency Medical Agency, approve Grant Subaward **Agreement No. 24-245** with Public Health Institute, including non-standard terms, to accept funds in the amount of \$375,000, for the Emergency Medical Services Buprenorphine Use Pilot Program, for the term of March 26, 2024 through June 15, 2024.

(Presenter: Daniel Muñoz, Interim EMS Administrator, 388-5807)

**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 impact Discretionary General Funding (Net County Cost). The one-time, total award for the completion of all program deliverables is \$375,000. Sufficient appropriation and revenue have been included in the Inland Counties Emergency Medical Agency (ICEMA) 2023-24 budget. No matching funds are required with this grant subcontract.

**BACKGROUND INFORMATION**

ICEMA is the local Emergency Medical Service (EMS) agency for the counties of San Bernardino, Inyo, and Mono. ICEMA administers State and local codes and regulations governing the provision of emergency medical care to the sick and injured at the scene of an emergency and during transport to a care facility.

The Public Health Institute (PHI) engaged ICEMA, as the local EMS agency, to partner in efforts to locally address the current national opioid crisis, namely Fentanyl. This agreement between PHI and ICEMA is for grant funds to support the Emergency Medical Services Buprenorphine Use Pilot (EMS BUP) program. The EMS BUP program model will allow EMS providers to offer Buprenorphine, a medication to counter opioid withdrawal, to patients suffering from an opioid use disorder (OUD).

Upon initial contact between EMS providers and patients, patients will be offered long-term treatment options to address their OUD. Buprenorphine will be initially given to patients on site and continually provided during the treatment process to counter opioid withdrawal.

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The EMSBUP program focus is to support ICEMA and EMS providers by providing treatment and access points for patients with an OUD. EMS agencies participating in the EMSBUP program will address substance use disorder (SUD) as a treatable emergency condition, utilizing paramedics to identify and treat patients who would benefit from medication-assisted treatment.

ICEMA will work with EMS agencies and substance use navigators at hospitals to track patient outcome data and report data to PHI. The data will be used to measure EMSBUP program effectiveness, treatment system gaps, and identify opportunities in better treating patients of underserved demographics.

The Grant Subaward Agreement (Agreement) is PHI's subcontract which includes terms that differ from the standard ICEMA contract and omits certain standard contract terms. The PHI subcontract contains the following non-standard terms:

1. The Agreement requires each party to indemnify the other, and the Sierra Health foundation (the Funding Agency) arising out of ICEMA's performance of the subcontract.
  - The ICEMA standard contract does not include any indemnification or defense by ICEMA of the Contractor.
  - Potential Impact: By agreeing to indemnify PHI and the Funding Agency, ICEMA could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against ICEMA, time limited, or expense limited could be brought against the Contractors without such limitations and ICEMA would be responsible to defend and reimburse the Contractors for costs, expenses, and damages, which could exceed the total Agreement amount.
2. The Agreement does not require PHI to meet ICEMA's insurance standards as required pursuant to County Policy 11-07.
  - The County Policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and set forth in the County standard contract.
  - Potential Impact: ICEMA has no assurance that PHI will be financially responsible for claims that may arise from the parties' performance of the subcontract, which could result in expenses to ICEMA that exceed the total Agreement amount.
3. The Agreement limits the liability of both parties in that neither party will be liable to the other for any indirect, incidental, special, consequential, or punitive damages, whether caused by negligence or otherwise.
  - The ICEMA standard contract does not include a limitation of liability.
  - Potential Impact: Claims could exceed the liability cap and the contract amount leaving the County financially liable for the excess.
4. The subcontract requires binding arbitration.
  - The ICEMA standard contract does not include a binding form of dispute resolution.

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- Potential Impact: ICEMA could be bound by a decision in arbitration and not have the opportunity to have the dispute adjudicated in court. Arbitration decisions are not appealable.
5. The subcontract requires that in any legal proceeding including arbitration, the prevailing party will be entitled to recover court costs and attorney fees.
- The ICEMA standard contract requires each party to bear its own costs and attorney fees, regardless of who is the prevailing party.
  - Potential Impact: If either party institutes any legal proceedings related to the Agreement, the prevailing party will be entitled to recover reasonable attorneys' fees, which could exceed the total Agreement amount.
6. Venue is in Sacramento County, California.
- The ICEMA standard contract requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
  - Potential Impact: Having a venue in Sacramento County, California may result in additional expenses that exceed the amount of the Agreement.

ICEMA recommends approval of the agreement, including the non-standard terms, because the benefits to ICEMA, EMS providers, and patients in using the EMSBUP program and receiving the subaward grant funds outweighs other considerations.

The grant subaward agreement is in the amount of \$375,000, awarded to ICEMA, for the term of March 26, 2024 through June 15, 2024. Either party may terminate this agreement on 30 days written notice. Approval of this grant subaward will provide ICEMA funds to support training EMS agencies and tracking of relevant data. Pursuant to County Policy 05-13, Board of Directors approval is needed to accept the grant award and approve the grant subaward agreement with PHI.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, 387-5455) on January 31, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8623) on February 2, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on February 26, 2024; and County Finance an Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on February 27, 2024.

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Record of Action of the Board of Directors  
Inland Counties Emergency Medical Agency (ICEMA)

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, SECRETARY

BY   
DATED: March 26, 2024



cc: ICEMA - Stremel w/ agree  
Contractor c/o ICEMA w/ agree  
File w/ agree

JLL 03/27/2024