

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

**August 9, 2022**

**FROM**

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

**SUBJECT**

Non-Financial Agreement Template for Approved Medical Therapy Conference Physicians

**RECOMMENDATION(S)**

1. Approve a non-financial agreement template, including a non-standard term, with approved licensed orthopedists or pediatricians to provide Medical Therapy Conference services to children under the California Children's Services Program, for the period of August 9, 2022 through July 31, 2027.
2. Authorize the Assistant Executive Officer of Department Operations, the Deputy Executive Officer of Human Services, or the Director of the Department of Public Health to execute the non-financial agreement template with the individually approved licensed orthopedists or pediatricians, on behalf of the County.

(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.**

**FINANCIAL IMPACT**

This item is non-financial in nature and does not impact Discretionary General Funding (Net County Cost). The cost for providing the professional liability coverage is included in the County's insurance coverage. There will be no increase to the premium.

**BACKGROUND INFORMATION**

The California Children's Services (CCS) program is administered as a partnership between county health departments and the California Department of Health Care Services (State). It is a state program that assists children with certain diseases, physical limitations, or chronic health problems.

The Department of Public Health (DPH) offers Medical Therapy Conferences (MTCs) through the CCS program. The conferences provide medical case management, under the direction of an orthopedist and/or pediatrician, to eligible children to develop a comprehensive and coordinated treatment plan based on the child's diagnosis and needs.

Physicians must apply directly to the State to be an approved MTC physician. The State reimburses the physician directly for services provided; however, the State does not provide liability coverage directly for MTC physicians. The majority of the physicians continue to practice in local hospitals or in private practice and have liability coverage through their current employer or practices. It is increasingly difficult to recruit orthopedic and/or pediatric physicians

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Conference Physicians  
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to perform the MTC's for a variety of reasons, including a below-market rate of reimbursement from the State, thus creating a shortage of licensed physicians needed to perform these services.

DPH has identified retired orthopedic and pediatric physicians who are interested in providing MTC services in San Bernardino County. Those physicians have maintained their medical license but no longer carry the professional liability insurance coverage. DPH is interested in establishing a working relationship with them as approved MTC physicians to provide services. Under the terms of the recommended template agreement, the County will cover the required liability insurance while the approved licensed orthopedists or pediatricians are performing MTC services.

DPH is recommending approval of a template agreement in order to be responsive to CCS clients' needs and ensure that the MTC physician role can be filled without interruption of services. The template agreement contains the following non-standard term:

The County shall provide Professional Liability indemnity to the approved physicians while providing the MTC services.

- The County standard contract requires the contractor to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
- Potential Impact: The agreement does not include County standard insurance or indemnity requirements. By the County agreeing to provide the liability insurance, any claims brought against the individuals without such limitations, the County would be responsible to defend and reimburse for costs, expenses, and damages.

In order to continue providing the required services to CCS clients and to meet the State guidelines for Orthopedic MTCs, DPH recommends approval of the template agreement, including the non-standard term. Providing the liability insurance coverage enables licensed physicians, who are retired, to help manage DPH's MTCs and ensures the CCS program remains in compliance with service delivery requirements.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on June 22, 2022; County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on June 30, 2022; Risk Management (Victor Tordesillas, Director, 386-8623) on July 11, 2022; Finance (Paul Garcia, Administrative Analyst, 386-8392) on July 20, 2022; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on July 26, 2022.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Dawn Rowe Seconded: Col. Paul Cook (Ret.)

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 9, 2022



cc: File - Public Health w/attach  
CCM 08/15/2022