

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

August 8, 2023

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Non-Financial Affiliation Agreement with the Regents of University of California on Behalf of University of California, Riverside for Fellow and Resident Clinical Training

RECOMMENDATION(S)

Approve a non-financial Affiliation **Agreement No. 23-832**, including non-standard terms, with the Regents of University of California on behalf of University of California, Riverside for surgical critical-care fellow physicians and hepatology and gastroenterology resident physicians to obtain clinical training at Arrowhead Regional Medical Center for the period of August 8, 2023 through August 7, 2028.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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 affiliation agreement for clinical and instructional programs with the Regents of University of California on behalf of University of California, Riverside (UCR) is non-financial in nature.

BACKGROUND INFORMATION

Approval of the affiliation agreement will provide for the safety, health, and social services needs of County residents by allowing Arrowhead Regional Medical Center (ARMC) to provide clinical training to UCR's surgical critical-care fellow physicians and hepatology and gastroenterology resident physicians to assist in the delivery of specialized medical care to ARMC patients.

The Accreditation Council for Graduate Medical Education (ACGME) provides accreditation to medical residency and fellowship programs. Each accredited program has specific requirements related to the number and types of patients for whom a resident or fellow must provide care. For that reason, to meet volume requirements, it is customary and necessary for hospitals that operate residency programs to enter into affiliation agreements with other hospitals to permit the residents and fellows to have specialized training at other hospitals.

As a teaching hospital, ARMC has a number of agreements with other hospitals to provide on-site clinical training for the residents and fellows of those other hospitals, and for those other hospitals to accept ARMC residents and fellows for onsite training at their facilities.

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The volume and diversity of ARMC patients will provide a comprehensive educational opportunity to the residents and fellows at UCR. The affiliation agreement ensures these residents and fellows will receive specialty training in surgical critical-care, hepatology, and gastroenterology.

The affiliation agreement is UCR's standard affiliation agreement, negotiated by the parties, that includes non-standard contract terms and omits the County standard contract terms as follows:

1. Either party may terminate the agreement without cause with 90 days written notice.
 - The County standard contract allows the County to terminate the contract with 30 days written notice.
 - Potential Impact: ARMC will need to be mindful of the extended notice period when terminating the agreement.
2. The agreement does not require UCR to meet all of the County insurance requirements.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: By not requiring UCR to comply with all of the County's standard insurance requirements, the County has no assurance that UCR will be financially responsible for claims that may arise under the agreement, which could result in expenses to the County.
3. UCR's indemnity obligation is limited to claims that arise out the performance of the agreement but only in proportion to and to the extent the claim is caused by or result from the negligent or intentional acts or omission of UCR, its officers, employees, agents, residents, and fellows.
 - The County general 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.
 - Potential Impact: UCR's indemnity obligation is more limited to the County standard indemnity obligation. In the event a claim arises that falls outside the scope of UCR's limited indemnity obligation, the County may be solely liable for the costs of defense and damages.
4. The County must indemnify UCR from claims that arise out of the performance of the agreement but only in proportion to and to the extent the claim is caused by or result from the negligent or intentional acts or omissions of the County, its officers, employees, agents, or medical staff.
 - The County standard contract does not require the County to indemnify the contractor.
 - Potential Impact: In the event a claim arises that is partially or fully caused by the acts of the County and UCR is sued, the County may owe a duty to defend and indemnify UCR for such claims, which will result in expenses to the County.
5. Venue is in any court of competent jurisdiction in the State of California.
 - The County standard contract requires venue to be in the San Bernardino County Superior Court, San Bernardino District.

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- Potential Impact: In the event a lawsuit is filed, UCR may file it in any court in California, including Riverside, which may require the County to incur expenses it might not otherwise have incurred if the lawsuit venue was in San Bernardino County.

ARMC recommends approval of the affiliation agreement, including the non-standard terms, to provide clinical training to UCR residents and fellows physicians who will assist in the delivery of specialized medical care to County residents.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5455) on July 25, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on July 27, 2023; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on July 25, 2023; Finance (Jenny Yang, Administrative Analyst, 387-4884) on July 25, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 26, 2023.

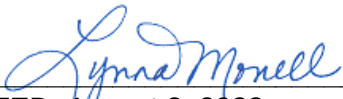
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Record of Action of the Board of Supervisors
San Bernardino County

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, CLERK OF THE BOARD

BY 
DATED: August 8, 2023



cc: ARMC - Gilbert w/agree
 Contractor - c/o ARMC w/agree
 File - w/agree
CCM 08/9/2023