

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

October 27, 2020

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Affiliation Agreement with United States University, School of Nursing for Clinical Training

RECOMMENDATION(S)

Approve Non-Financial Affiliation **Agreement No. 20-1070** with United States University, School of Nursing for students to obtain clinical training at Arrowhead Regional Medical Center for the period of October 28, 2020 through October 27, 2025.

(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 Non-Financial Affiliation Agreement with United States University, School of Nursing will not result in the use of Discretionary General Funding (Net County Cost) as this recommended affiliation is non-financial in nature.

BACKGROUND INFORMATION

This new Affiliation Agreement will provide for the health and social services needs of County residents by allowing Arrowhead Regional Medical Center (ARMC) to provide clinical training to nursing students who assist in the delivery of care to ARMC patients. This Agreement will give ARMC staff members who attend United States University, School of Nursing the ability to complete their clinical rotations at ARMC.

A key component of ARMC's mission is to provide education to students in a variety of disciplines. ARMC has a number of agreements with universities and colleges, junior colleges, and technical and trade schools to provide on-site clinical training for students. This clinical training is necessary for students to obtain their degrees, licenses, and/or certifications.

The volume and patient mix at ARMC provides a comprehensive educational opportunity to students from the United States University, School of Nursing. This affiliation agreement ensures that the students receive specialty clinical training and experience, and gain vital skills that are needed in developing a competent workforce. The affiliation provides for the safety, health, and social service needs of county residents by ensuring the delivery of specialized medical care to ARMC patients, as well as increasing the future pool of healthcare specialists. The Agreement also promotes the County's Vision2Succeed campaign by allowing County residents the opportunity to attain clinical education and experience in healthcare, to propel their career growth and promote lifelong learning.

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The recommended Affiliation Agreement contains terms that were negotiated by the parties that differ from the County's standard contract terms. The non-standard terms are as follows:

Indemnification

Each party is required to defend and indemnify the other party for claims arising out of the agreement, but only to the extent such claim or liability results from the negligent acts or omissions of the indemnifying party. In the event the parties are found comparatively at fault for any claim or loss, the indemnifying party must indemnify the other to the extent of its comparative fault.

- The standard County contract term does not require the County to indemnify the vendor under any circumstances.
- **Potential Impact:** By agreeing to indemnify United States University, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against United States University without such limitations and the County would be responsible to defend and reimburse United States University for costs, expenses, and damages, but only in proportion to its fault. It should be noted that United States University is similarly obligated to defend, indemnify, and hold harmless the County.

Termination

Each party may terminate the agreement without cause with 90 days written notice, and the Director of ARMC may initiate the termination on behalf of the County. However, as to any student in the program during the termination, the student would be able to complete the program for the then academic term.

- The standard County contract permits both parties to terminate a contract for any reason with 30 days written notice without any further obligations.
- **Potential Impact:** The County will need to give 90 days written notice prior to terminating the agreement, and any students in the program during the termination would be permitted to complete the program through that academic term.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5455) on October 1, 2020; ARMC Finance (Chen Wu, Finance Budget Officer, 580-3165) on October 5, 2020; Finance (Amanda Trussell, Principal Administrative Analyst, 387-5423) on October 5, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 9, 2020.

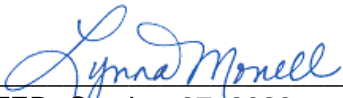
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 27, 2020



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

CCM 11/3/2020