

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

May 18, 2021

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)

Approve non-financial **Agreement No. 21-354** with the California Hospital Quality Institute, 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, with a contract term of May 18, 2021 to December 31, 2021.
(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 Agreement 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 Hospital Quality Institute (HQI) in order to receive coordination and support for improvement measures in patient safety and quality improvement activities. HQI develops tools, such as the Platform, to determine the performance of California's hospitals. The Platform is a free, web-based analytical program that hospitals can use to see how they compare to other hospitals in the same jurisdiction as well as statewide. 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. HACRP is a Medicare pay-for-performance program that supports the Centers for Medicare and Medicaid Services effort to link Medicare payments to healthcare quality in the inpatient hospital setting.

The HQI agreement is HQI's standard commercial agreement with terms negotiated by the parties that include non-standard County terms and omits certain County standard terms, as discussed below.

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1. HQI is not contractually required to defend or indemnify the County for any claims, including intellectual property rights claims, claims for improper use or disclosure of protected health information, or claims caused by HQI's negligence or willful misconduct.
 - 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. The County standard contract 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. The County standard Business Associate Agreement requires the contractor to indemnify the County for improper use, disclosure or access to protected health information.
 - Potential Impact: HQI is not contractually required to defend, indemnify or hold the County harmless from any claims, including indemnification for claims arising from HQI's negligent or intentional acts, improper disclosure or use of protected health information, and intellectual property infringement. If the County is sued for any claims, the County may be solely liable for the costs of defense and damages, which could exceed the total contract amount.
2. Venue is in the state or federal courts of Sacramento County.
 - The County standard contract requires venue for disputes in the Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: Having a venue in Sacramento County may result in additional expenses that exceed the amount of the contract.

ARMC recommends approval of this agreement 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 and Charles Phan, Deputy County Counsel, 387-5455) on April 30, 2021; ARMC Finance (Chen Wu, Budget and Finance Officer, 580-3165) on April 13, 2021; Finance (Yael Verduzco, Administrative Analyst, 387-5285) on April 14, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on April 18, 2021.

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 18, 2021



cc: ARMC- Gilbert w/agree
Contractor- C/O ARMC w/agree
File- w/agree
LA 05/19/2021