

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

May 24, 2022

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Non-Financial Resident Affiliation Agreement with the Regents of the University of California for Short-Term Clinical Experience at the University of California, San Diego

RECOMMENDATION(S)

Approve a non-financial short-term resident physician affiliation **Agreement No. 22-357** with the Regents of the University of California for Arrowhead Regional Medical Center resident physicians to obtain clinical experience at the University of California, San Diego, effective on the date fully executed for a duration of no more than 60 days.

(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 agreement with the Regents of the University of California for short-term clinical experience is non-financial in nature.

BACKGROUND INFORMATION

Approval of this short-term resident physician affiliation agreement will allow for some Arrowhead Regional Medical Center (ARMC) emergency medicine resident physicians to obtain clinical experience at the University of California, San Diego (UCSD), in the sub-specialty field of toxicology. ARMC operates 12 residency programs, accredited by the Accreditation Council of Graduate Medical Education, to train resident physicians in various medical specialties. It is customary for resident physicians to acquire specialty clinical knowledge and training at medical facilities other than their primary training facility. The other medical facilities offer the opportunity for resident physicians to gain experience caring for patients and performing procedures that their primary training facility may not offer or may offer at a lesser volume, thereby enhancing the experience and skills of those physicians.

The residency programs have specific requirements as to the numbers and types of patients to whom a resident physician must provide care. In order to meet these requirements, with respect to volume and types of patients, it is necessary to provide educational opportunities at other facilities to supplement those available at ARMC.

The short-term affiliation agreement with the Regents of the University of California is based on the short-term offsite resident physician affiliation agreement template ("County Template

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Agreement”) previously approved by the Board of Supervisors on March 1, 2022 (Item No. 11), but deviates from that template in the following ways:

1. The agreement requires the County to maintain a program of professional liability, general liability, and workers’ compensation liability insurance to insure the County’s activities in connection with this agreement, and to name UCSD as an additional insured.
 - The County Template Agreement does not require the County to maintain workers’ compensation insurance or to name the other institution as an additional insured under its policies.
 - Potential Impact: The County already maintains the necessary insurances required under this agreement, but will need to name UCSD as an additional insured. In the event of a claim, the Regents of the University of California will be able to file a claim on the County’s self-insurance program in the capacity as a named insured.

2. Each party agrees to indemnify and defend the other against claims arising out of the negligent or intentional acts of the indemnifying party, but only in proportion to and to the extent such liability is caused by or result from the negligent or intentional act of the indemnifying party.
 - The County Template Agreement’s indemnification provision is broader in that it also includes the obligation to indemnify for any breach by the indemnifying party of its representations, warranties, and covenants in the agreement.
 - Potential Impact: The indemnification obligations imposed on the Regents of the University of California under this provision is more limited in scope in comparison to the County Template Agreement. In the event a claim arises that exceed the scope of this indemnification provision, the County could be financially responsible for defending and paying any settlements/judgments arising from the claim.

ARMC recommends approval of this agreement, including the non-standard terms, as it will provide for the safety, health, and social service needs of County residents by ensuring that ARMC resident physicians receive specialty clinical training and experience, resulting in the delivery of specialized medical care to ARMC patients.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5455) on April 27, 2022; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on May 3, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-5423) on May 4, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman 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 24, 2022



cc: ARMC - Gilbert w/agree
 Contractor - C/O ARMC w/agree
 File - w/agree
CCM 05/27/2022