

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

August 6, 2024

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Non-Financial Data Use and Disclosure Agreement with the California Department of Public Health for Data Collection

RECOMMENDATION(S)

1. Approve non-financial Data Use and Disclosure **Agreement No. 24-747** with the California Department of Public Health – Maternal, Child, and Adolescent Health Division and the Injury and Violence Prevention Branch, including non-standard terms, for the provision of infant mortality data collection, effective upon execution for an indefinite term, unless terminated by the California Department of Public Health.
2. Authorize the Chair of the Board of Supervisors, Chief Executive Officer, or Director of the Department of Public Health to execute and submit any subsequent non-substantive amendments and documents to the Data Use and Disclosure Agreement, on behalf of the County, subject to review by County Counsel.
3. Direct the Director of the Department of Public Health to transmit all non-substantive amendments in relation to the Data Use and Disclosure Agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(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.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

This item is non-financial in nature and does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

Approval of the recommended Data Use and Disclosure Agreement (State Agreement) between the Department of Public Health (DPH) and the California Department of Public Health (CDPH) – Maternal, Child, and Adolescent Health Division (MCAH) and the Injury and Violence Prevention Branch (IVPB), will allow DPH to input infant and fetal mortality case review data into the State's mandatory National Fatality Review Case Reporting System (Reporting System).

The Reporting System is a web-based standardized case report tool available to states and allows local and state Child Death Review and Fetal and Infant Mortality Review (FIMR) users to enter case data, summarize findings, review team recommendations, access and download data, and create standardized reports. DPH previously utilized a manual reporting process, as

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the required sample size of the FIMR was only 12 cases annually. However, CDPH has increased the sample size to 70 cases annually and is now mandating the use of the Reporting System.

DPH has received funding from CDPH since 1987 to operate the FIMR program. One aspect of the FIMR involves reviewing cases of infant and fetal mortality, including accessing medical records and data for women experiencing loss. The Reporting System will collect, store, and analyze data for each case of fetal or infant death reviewed by DPH, and enhance the department's ability to analyze case data that may identify strategies to prevent future deaths. Use of the Reporting System requires DPH to enter into a State Agreement with MCAH and IVBP to protect privacy, provide security for the data under the agreement, and comply with the state and federal laws applicable to the data. In addition, as part of the State Agreement requirement, each DPH staff member will complete a User Confidential Statement in order to access and/or enter data into the Reporting System.

On May 22, 2024, DPH received the State Agreement from CDPH-MCAH and IVPB to collect and utilize fetal and infant mortality data, with an indefinite contract term. The case review data utilized under this State Agreement will allow CDPH to continue performing special investigation studies of fetal and infant mortality, thereby increasing its capabilities to administer a broad range of public and clinical health programs that provide health care and preventive services to California constituents.

The State Agreement is CDPH's standard Data Use and Disclosure Agreement, which includes terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard and missing terms include the following:

1. Venue for disputes arising under the State Agreement is in Sacramento California.
 - County Policy 11-05 requires the venue for disputes to be the Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: Having a venue in Sacramento California may result in additional expenses that exceed the amount of the State Agreement, which is non-financial.
2. The term of the State Agreement is indefinite with no set termination date.
 - County Policies 11-05 and 11-06SP1 do not permit indefinite term or automatically renewing contracts except for end user license agreements, software/hardware licenses and subscriptions, and master service agreements or unless approved by the Board of Supervisors.
 - Potential Impact: There is no end term to the State Agreement and the County is indefinitely bound to the terms and conditions of the State Agreement until terminated by CDPH.

DPH recommends the approval of the State Agreement, including the non-standard terms, to allow DPH to utilize the Reporting System to enter infant and fetal mortality case review data.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

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This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on July 11, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on July 19, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 22, 2024.

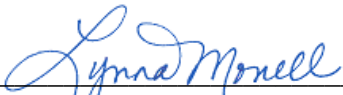
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 6, 2024



cc: DPH - Padilla w/agree for sign
Contractor - c/o DPH w/agree
File - w/agree
MBA 08/13/2024