

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

June 13, 2023

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Agreement with University of California, Riverside for the Use of the Center for Simulated Patient Care

RECOMMENDATION(S)

1. Approve **Agreement No. 23-519** with The Regents of the University of California, University of California, Riverside, including non-standard terms, for use of its Center for Simulated Patient Care to receive advanced simulation training for an annual not-to-exceed amount of \$30,000, a total of \$120,000 for the term of June 13, 2023 through June 30, 2027.
2. Authorize the Director of Arrowhead Regional Medical Center to execute Service Requests, identifying the dates and times for simulation training under the Agreement, subject to review by County Counsel.

(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). The annual cost of \$30,000 is funded by dedicated simulation funding identified in existing agreements with Saint George's University School of Medicine (Agreement No. 22-558, approved on June 28, 2022, Item No. 15) and Western University of Health Sciences (Agreement No. 22-562, approved on June 28, 2022, Item No. 16), used to provide simulation training to resident physicians of these universities gaining medical experience at ARMC. Adequate appropriation and revenue have been included in the Arrowhead Regional Medical Center (ARMC) 2022-23 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The agreement between The Regents of the University of California, University of California, Riverside (UCR) and the County will allow ARMC's Pulmonary Critical Care (PCC) fellows use of the UCR Center for Simulated Patient Care (Simulation Center) for advanced simulation training. This training is specialized, hands-on training that includes but is not limited to airway management, airway simulation scenarios, bronchoscopy, thoracentesis, thoracic ultrasonography, echocardiography, and central vascular access only available at UCR. As a teaching hospital, it is critical that ARMC's PCC fellows have adequate training to meet Accreditation Council for Graduate Medical Education (ACGME) requirements. ACGME is ARMC's accrediting body for graduate medical education programs.

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Prior to each use of the Simulation Center, the parties will be required to execute a Service Request, which sets forth the dates and times in which ARMC fellows will utilize the Simulation Center at UCR. Recommendation No. 2 will authorize the Director of ARMC to execute these Service Requests, subject to review by County Counsel, up to the annual not-to-exceed amount of \$30,000.

The agreement with UCR has been negotiated by the parties, and contain the following non-standard contract terms:

1. Payment terms are Net 30 days.
 - County standard payment terms are Net 60 days with no interest or late payment penalties.
 - Potential Impact: County standard processing time is 60 days or more. Failing to pay within 30 days of invoice will result in a material breach of the Agreement, which would allow UCR to terminate the agreement and seek other legal remedies.
2. Each party agrees to defend and indemnify the other party from claims that result from the party's negligent acts or omissions which arise from the performance of their obligations under the agreement, but only in proportion to and to the extent of the party's negligence or intentional acts.
 - The standard County contract does not contractually obligate the County to defend or indemnify the vendor. Additionally, the standard County indemnity provision requires the vendor to indemnify, defend, and hold the County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: In the event a claim is filed against UCR that results from a negligent or intentional act of the County, the County would be required to pay for the defense of UCR and any resulting settlements or judgment. Additionally, in the event a claim arises that falls outside the scope of UCR's indemnity obligation, the County may be solely responsible for the cost of defense and any resulting settlement/judgement.
3. Venue shall be in the Superior Courts of the State of California.
 - The County standard contract requires venue for disputes in the Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: UCR is located in Riverside, California. Without the Agreement expressly limiting the venue to San Bernardino County, UCR could file a lawsuit in Riverside County, which may result in additional expenses that it might not incur if venue is in San Bernardino County.
4. The agreement does not require UCR to meet the County insurance standards.
 - The County standard contract requires vendor to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: The Agreement does not include County standard insurance requirements. This means that the County has no assurance that UCR will be financially responsible for claims that may arise from the negligent or intentional acts of UCR.

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ARMC recommends approval of the Agreement, including the non-standard terms, to ensure that ARMC fellows will have access to advanced simulation training, which will assist in the fellows delivering specialized medical care to ARMC patients. It is necessary for fellows to obtain hands-on experience in the delivery of healthcare services, which is required for their licenses and/or certifications.

PROCUREMENT

The Purchasing Department approves of this non-competitive procurement based on specialized credentials/training as UCR's Simulation Center is the only option for ARMC fellows to receive advanced simulation training as required by ACGME.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5455) on May 2, 2023; Purchasing (Ariel Gill, Buyer III, 777-0722) on May 12, 2023; ARMC Finance (Chen Wu, Finance Budget Officer, 580-3165) on May 22, 2023; Finance (Jenny Yang, Administrative Analyst, 387-4884) on May 22, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer 387-5423) on May 24, 2023.

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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: June 13, 2023



cc: ARMC - Gilbert w/ agree
Contractor c/o ARMC w/ agree
File w/ agree
JLL 06/27/2023