

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

June 28, 2022

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Non-Financial Affiliation Agreement with the Naval Medical Center, San Diego for Resident and Fellow Clinical Training at Arrowhead Regional Medical Center

RECOMMENDATION(S)

Approve a non-financial Affiliation **Agreement No. 22-574**, including non-standard terms, with the Naval Medical Center, San Diego for general surgery and emergency physician residents and pulmonary critical-care medicine fellows to obtain clinical training at Arrowhead Regional Medical Center for the period of July 1, 2022 through June 30, 2027.
(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 affiliation agreement for clinical and instructional programs with the Naval Medical Center, San Diego (NMCSO) is non-financial in nature.

BACKGROUND INFORMATION

Approval of the affiliation agreement will provide for the safety, health, and social services needs of County residents by allowing Arrowhead Regional Medical Center (ARMC) to provide clinical training to NMCSO general surgery resident physicians, emergency medicine resident physicians and pulmonary critical-care medicine fellow physicians, which as a result, will assist in the delivery of specialized medical care to ARMC patients. ARMC will provide one-month clinical training rotations to approximately two resident or fellow physicians per month.

The Accreditation Council for Graduate Medical Education (ACGME) provides accreditation to medical residency and fellowship programs. Each accredited program has specific requirements related to the number and types of patients for whom a resident or fellow must provide care. For that reason, to meet volume requirements, it is customary and necessary for hospitals that operate residency programs to enter into affiliation agreements with other hospitals to permit the residents and fellows to have training at other hospitals.

As a teaching hospital, ARMC has a number of agreements with other hospitals to provide on-site clinical training for the residents and fellows of those other hospitals, and for those other hospitals to accept ARMC residents and fellows for onsite training at their facilities.

**Non-Financial Affiliation Agreement with the Naval Medical Center, San Diego for Resident and Fellow Clinical Training at Arrowhead Regional Medical Center
June 28, 2022**

The volume and diversity of ARMC patients will provide a comprehensive educational opportunity to the residents and fellows at NMCS D. The affiliation agreement ensures these residents and fellows will receive specialty training in general surgery, emergency medicine, and pulmonary critical-care medicine.

The affiliation agreement is NMCS D's standard affiliation agreement, negotiated by the parties, that includes the following non-standard contract terms:

1. The County will not seek indemnification from NMCS D for any settlement, verdict, or judgment resulting from any lawsuit that arises out of the performance of their residents/fellows.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold the County harmless from third party claims arising out of the acts, errors or omissions of any person. The standard County contract also does not restrict the County from seeking indemnification from the contractor.
 - Potential Impact: In the event a lawsuit is filed against the County arising out of NMCS D's conduct, the County is solely financially responsible for defending the claim and paying any settlement or judgment that may result from the lawsuit.
2. The agreement does not contain any of the standard County insurance provisions.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: The contract does not include County standard insurance requirements. This means that the County has no assurance that NMCS D will be financially responsible for claims that may arise.
3. Governing Law is the United States and venue is silent.
 - The County standard contract requires that the contract is governed by the laws of the State of California and that venue be in the San Bernardino County Superior Court, San Bernardino District.
 - Potential Impact: The agreement will be interpreted under federal law rather than California law. The lack of an express provision for a venue in the agreement may mean that in the event a lawsuit is filed, it may be venued at a location other than the San Bernardino County Superior Court, which may result in expenses to the County.

ARMC recommends approval of the affiliation agreement, including the non-standard terms, to provide clinical training to NMCS D residents and fellows physicians who will assist in the delivery of specialized medical care to County residents.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5455) on May 31, 2022; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on June 1, 2022; Finance (Jenny Yang, Administrative Analyst, 387-4884) on June 3, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-5423) on June 7, 2022.

**Non-Financial Affiliation Agreement with the Naval Medical Center, San Diego for Resident and Fellow Clinical Training at Arrowhead Regional Medical Center
June 28, 2022**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: June 28, 2022



cc: ARMC - Gilbert w/agree
Contractor - C/O ARMC w/agree
File - w/agree
CCM 07/18/2022