

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

April 7, 2020

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

EPIC Customer License Agreement with the National Comprehensive Cancer Network for access to evidence-based treatment guidelines for cancer patients

RECOMMENDATION(S)

Approve **License Agreement No. 20-163** with the National Comprehensive Cancer Network for EPIC customers to access evidence-based treatment guidelines for cancer patients in the amount of \$89,514.93 for the five-year period of April 7, 2020 through April 6, 2025. (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 cost of \$89,514.93 is funded by State Medi-Cal, Federal Medicare, private insurances, and other departmental revenue. Funding sources may change in the future pending any legislative activity related to the repeal and/or replacement of the Affordable Care Act. Adequate appropriation and revenue have been included in the Arrowhead Regional Medical Center (ARMC) 2019-20 budget and will be included in future recommended budgets.

Payment for fees and maintenance under the License Agreement will be paid over a five-year period according to the following schedule:

| YEAR | COST TYPE (Initial End User License Fee) | COST TYPE (Final End User License Fee) | COST TYPE (Maintenance) | ANNUAL COSTS |
|---------------|---|---|------------------------------------|---------------------|
| Year 1 | \$27,500.00 | | | \$27,500.00 |
| Year 2 | | \$27,500.00 | \$8,250.00 | \$35,750.00 |
| Year 3 | | | \$8,497.50 | \$8,497.50 |
| Year 4 | | | \$8,752.43 | \$8,752.43 |
| Year 5 | | | \$9,015.00 | \$9,015.00 |
| TOTALS | \$27,500.00 | \$27,500.00 | \$34,514.93 | \$89,514.93 |

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BACKGROUND INFORMATION

Approval of this recommendation will provide ARMC with access to evidence-based treatment guidelines for cancer patients. The guidelines provided by the National Comprehensive Cancer Network (NCCN) include discovery as well as surgical and oncological procedures that follow the American College of Surgeons Optimal Resources for Cancer Care's accredited cancer programs. Arrowhead Regional Medical Center is pursuing accreditation in 2020 as a Comprehensive Cancer Care Center. Following the guidelines provided by NCCN will help ARMC to receive accreditation as a Comprehensive Cancer Care Center.

In the NCCN Program, patient care histories are accessible through the electronic healthcare record system, EPIC. ARMC will begin implementation of EPIC in 2020, so this license agreement for EPIC customers is necessary to ensure ARMC physicians and medical staff can access the database. Through the license agreement, ARMC physicians and medical staff will have access to NCCN developed-content regarding the currently accepted approaches to cancer treatment, including without limitation, the use of the NCCN Templates[®] and related NCCN Guidelines[®] as integrated into the Beacon medical oncology platform provided by EPIC.

The NCCN EPIC Customer License Agreement is its standard commercial license, as negotiated by the County, which contains terms that differ from the standard County contract. The non-standard terms include the following:

1. The contract does not require NCCN to meet the County's insurance standards.
 - 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 [CONTRACTOR] will be financially responsible for claims that may arise from the County's use of the software, which could result in expenses to the County that exceed the total contract amount.
2. NCCN'S liability to County for direct damages shall not exceed the total amount of fees NCCN has received from the County under the agreement, except for claims subject to NCCN's indemnification obligations, gross negligence, willful misconduct, or violations of law.
 - The County standard contract does not include a limitation of liability.
Potential Impact: Claims could exceed the liability cap and the contract amount leaving the County financially liable for the excess. In addition, the County's liability under the contract is not similarly limited.

ARMC recommends approval of the License Agreement with NCCN as approval of the contract will enable ARMC physicians and medical staff to provide appropriate care to cancer patients within the County using consistent standards for appropriate medical treatment.

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PROCUREMENT

Purchasing has approved this non-competitive purchase based on equipment/system compatibility. There is no other database that provides chemotherapy regimens similar to the NCCN Program that can be adapted for the Beacon medical oncology platform. Beacon is an application for ARMC's new electronic health record system, EPIC.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, County Counsel, 387-5487) on April 3, 2020; Purchasing Department (Michelle, Churchill, Supervising Buyer, 387-2070) on March 16, 2020; Finance (Amanda Trussell, Principal Administrative Analyst, 387-4773) on March 18, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on March 23, 2020.

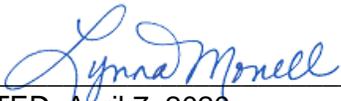
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 7, 2020



cc: ARMC-Gilbert w/agree
Contractor- C/O ARMC w/agree
Fie- w/agree
la 04/8/2020