

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

December 17, 2024

FROM

ANDREW GOLDFRACH, ARMC Chief Executive Officer, Arrowhead Regional Medical Center

SUBJECT

Maternal and Neonatal Patient Transfer and Regional Cooperation Agreement with The Regents of the University of California on behalf of UC Irvine Health

RECOMMENDATION(S)

Approve the non-financial Maternal and Neonatal Transfer and Regional Cooperation **Agreement No. 24-1306**, including non-standard terms, with The Regents of the University of California on behalf of UC Irvine Health, for the five-year period, effective January 1, 2025 through December 31, 2029, for neonatal patient transfers requiring specialized care not available at Arrowhead Regional Medical Center.

(Presenter: Andrew Goldfrach, ARMC Chief Executive Officer, 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). There is no financial impact for the Agreement as the neonatal patient transfer services are provided at no cost to Arrowhead Regional Medical Center (ARMC). Charges for services performed by The Regents of the University of California on behalf of UC Irvine Health (UC Irvine) will be billed by UC Irvine to the third-party payor identified as the financially responsible party by ARMC at the time of patient transfer.

BACKGROUND INFORMATION

Since January 1, 2014, ARMC has contracted with UC Irvine for the referral and transfer of neonatal patients requiring a higher level of care services. Approval of the Agreement allows ARMC to secure a new five-year agreement with UC Irvine to maintain compliance for California Children's Services (CCS) certification. ARMC is required by CCS to have a Regional Cooperation Agreement in place with a CCS- certified tertiary hospital. CCS is a state-funded insurance plan administered through the California Department of Public Health. The costs of treating children with certain serious illnesses are reimbursed through the CCS program to CCS- certified hospitals.

The Agreement will allow ARMC to continue to collaborate with UC Irvine for tertiary care of neonatal patients who require specialized care not available at ARMC and arrange for the transfer of the patient to the most appropriate hospital, depending on their medical needs, to provide for the safety and health needs of the patient. UC Irvine is licensed, equipped and

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staffed to provide a full range of medical and surgical services for critically ill neonatal patients in accordance with CCS requirements for regional (tertiary) level approval and provides 24-hour neonatal transport services.

The Agreement with UC Irvine was negotiated by the parties and include the following non-standard contract terms:

1. UC Irvine is not required to meet all of the standard County insurance requirements under County Policies 11-05, 11-07 and 11-07SP.
 - County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: Without all of the standard County insurance terms, the County has no contractual assurance that UC Irvine will be financially responsible for claims that may arise under the Agreement.
2. The County is required to indemnify UC Irvine for claims that arise out of its performance of the Agreement, but only in proportion to the extent caused by the negligent or intentional acts or omissions of the County, its employees, or agents.
 - The standard County contract does not require the County to indemnify the contractor.
 - Potential Impact: In the event a claim arises that falls within the scope of the County's indemnity obligations, the County would be responsible, at the County's cost, for retaining attorneys to defend UC Irvine and paying any resulting settlement/judgment.
3. UC Irvine limits its indemnity obligation to claims that arise out of its performance of the Agreement and only in proportion to the extent caused by the negligent or intentional acts or omissions of UC Irvine, its employees, or agents.
 - The County standard contract general indemnity provision requires the contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: UC Irvine's indemnity obligation is more limited compared to the standard County general indemnity obligation. In the event a claim arises that falls outside the scope of UC Irvine's limited indemnity obligation, the County could be financially responsible for the defense of the claim and any resulting judgment/settlement.
4. Venue is in the state or federal courts of California.
 - The standard County contract requires the venue to be in the San Bernardino County Superior Court, San Bernardino District.
 - Potential Impact: UC Irvine is based in Orange County. In the event it files a lawsuit against the County under this Agreement, it may file the lawsuit in the state or federal courts of Orange County. Having venue in Orange County may result in expenses to the County that may not have been incurred if the lawsuit was filed in San Bernardino County.

ARMC recommends approval of the Agreement, including the non-standard terms, as it will provide additional neonatal care to ARMC Patients.

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PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Charles Phan, Supervising Deputy County Counsel, 387-5455) on November 20, 2024; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on November 21, 2024; Finance (Jenny Yang, Administrative Analyst, 387-4884) on November 25, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on November 26, 2024.

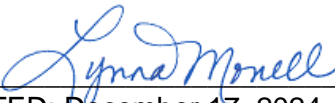
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 17, 2024



cc: ARMC - Goldfrach w/agree
 Contractor - c/o ARMC w/agree
 File - w/agree
CCM 12/23/2024