

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

January 28, 2025

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator
TRACY REECE, Chief Probation Officer, Probation Department

SUBJECT

Contract with NaphCare, Inc. for Software Upgrades of a Corrections-Based Electronic Health Records System

RECOMMENDATION(S)

1. Approve **Contract No. 25-84** with NaphCare, Inc., including a non-standard term, for licensing, software upgrades, and customization of its Electronic Health Records system, TechCare to version 5, used in detention facilities administered by the Sheriff/Coroner/Public Administrator and the Probation Department, in the amount of \$793,000, for a period of January 28, 2025, through January 27, 2028.
2. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff, on behalf of the Sheriff/Coroner/Public Administrator, and the Chief Probation Officer or Assistant Chief Probation Officer, on behalf of the Probation Department, to execute change orders to the Contract with NaphCare, Inc., subject to review by County Counsel, in an amount not to exceed \$15,000 per change order, so long as the total aggregate amount does not exceed \$79,300 or amend the contract term.
3. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff, on behalf of the Sheriff/Coroner/Public Administrator, and the Chief Probation Officer or Assistant Chief Probation Officer, on behalf of the Probation Department, to accept, execute, and submit project completion documents related to the upgrade of NaphCare, Inc.'s Electronic Health Records system.
4. Direct the Sheriff/Coroner/Public Administrator, Undersheriff, Chief Probation Officer, or Assistant Chief Probation Officer, to transmit all contract change orders to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Kelly Welty, Chief Deputy Director, 387-3760)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

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 additional Discretionary General Funding (Net County Cost). The cost of upgrading the NaphCare, Inc. (NaphCare), TechCare Electronic Health Records (EHR) system to version 5 (TechCare v5), in the amount of \$793,000, of which \$575,000 is the responsibility of the Sheriff/Coroner/Public Administrator (Sheriff); and \$218,000

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is the responsibility of the Probation Department (Probation), will be funded by the Providing Access and Transforming Health (PATH), Justice-Involved Planning and Capacity Building Program Grant. Sufficient appropriation is included in the Sheriff's and Probation's 2024-25 budgets.

BACKGROUND INFORMATION

On December 15, 2015 (Item No. 74), the Board of Supervisors (Board) approved Contract No. 15-886 with NaphCare to implement a detentions-based EHR system utilized by the Sheriff and Probation, at a cost of \$3,000,000 for the period of December 16, 2015 through December 15, 2020, with the option to extend the contract term by one three-year period, followed by two one-year periods.

On March 24, 2020 (Item No. 52), the Board approved Amendment No. 1 to Contract No. 15-886 with NaphCare to provide an additional 900 hours of proprietary software development for the EHR system, increasing the contract amount by \$135,000, for a new total amount not-to-exceed \$3,135,000, with no change to the contract term of December 16, 2015 through December 15, 2020.

On December 8, 2020 (Item No. 43), the Board approved Amendment No. 2 to Contract No. 15-886 with NaphCare, for software maintenance and the addition of the NaphPro hosting platform to the EHR services, increasing the contract amount by \$1,879,500, for a new total amount not to exceed \$5,014,500, and exercising the first option to extend the contract term by three years, for a new total contract term of December 16, 2015 through December 15, 2023.

On December 5, 2023 (Item No. 38), the Board approved Amendment No. 3 to Contract No. 15-886 with NaphCare, for Sheriff and Probation to continue the use of the NaphPro hosting platform, increasing the contract amount by \$1,407,080, for a new total contract amount of \$6,421,580 and extending the contract term by two years, for a new contract period of December 16, 2015 through December 15, 2025.

California State Assembly Bill 133 (Chapter 143, Statutes of 2021) authorized PATH funding to support the planning processes related to the implementation of the full suite of statewide California Advancing and Innovating Medi-Cal (CalAIM) initiatives, such as the Justice-Involved Planning and Capacity Building Program that builds on the successful work conducted under Department of Health Care Services (DHCS), Whole Person Care initiatives.

The PATH Grant builds capacity and expands access to necessary pre-release and post-release services under CalAIM. The PATH Grant provides funding opportunities to correctional agencies, correctional institutions, and County departments of social services in three rounds.

On October 25, 2022 (Item No. 86), the Board approved Contract No. 22-1078 with DHCS, accepting the PATH Round 1 grant award in the amount of \$300,000, for the period of July 1, 2022 through December 31, 2026, to identify the processes, protocols, and the information technology (IT) system infrastructure necessary to implement or modify pre-release Medi-Cal enrollment and suspension. Additionally, PATH Round 1 funding is utilized to reimburse Arrowhead Regional Medical Center (ARMC) for consulting costs to facilitate the assessment of current Medi-Cal enrollment and suspension processes for individuals housed in County adult and juvenile correctional facilities.

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PATH Round 2 funding provides support to entities as they implement the processes, protocols, and IT system modifications that were identified during Round 1. PATH Round 3 funding is dedicated exclusively to justice-involved pre-release services, behavioral health linkage implementation, and Medi-Cal application and suspension processes.

On August 8, 2023 (Item No. 56), the Board approved Contract Nos. 23-859 and 23-860 with DHCS, accepting PATH Round 2 and Round 3 grant awards in the amount of \$1,801,607 and \$5,000,000 respectively, for the performance period of January 30, 2023 through December 31, 2026 for the Sheriff.

On August 22, 2023 (Item No. 44), the Board approved Contract Nos. 23-925 and 23-926, accepting PATH Round 2 and Round 3 grant awards in the amounts of \$719,100 and \$2,500,000 respectively, for the performance period of January 30, 2023 through December 31, 2026 for Probation.

The proposed Contract with NaphCare will allow for the upgrade of the TechCare v5. The upgraded software offers a web-based interface, allowing access to the system from any compatible device, including desktop computers and tablets, for physicians and other medical staff that provide services to justice-involved patients while housed at the detention centers or juvenile correctional facilities. Additionally, among other functionality improvements, TechCare v5 will allow for electronic prescriptions to be securely transmitted by healthcare providers directly to ARMC's pharmacy instead of utilizing the current hard copy/wet signature process and provide a "Patient Portal" for patients to access up-to-date health information, submit new healthcare requests and/or appointments, and receive medical educational material while still in custody. The Patient Portal will also provide necessary communications related to Medi-Cal information and application status.

While the parties successfully negotiated certain terms, the Contract includes a non-standard term as follows:

1. The County is required to indemnify, hold harmless, and defend NaphCare, and its agents, subsidiaries, successors and assigns from and against any third-party claims arising from a breach by the County or its agents of the confidentiality obligations set forth in the Agreement and/or for a violation of Health Insurance Portability and Accountability Act.
 - The County standard contract does not include any indemnification, hold harmless, or defense obligations by the County of a contractor.
 - Potential Impact: By agreeing to indemnify NaphCare, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against NaphCare without such limitations and the County could be responsible to defend and reimburse NaphCare for costs, expenses, and damages, which could exceed the total Contract amount.

The proposed Contract is recommended, including the non-standard term, as it will allow for the EHR system to be upgraded to TechCare v5. The Contract provides for termination for convenience at any time upon 120 days' advance written notice by either party.

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PROCUREMENT

TechCare is an existing system used by the Sheriff and Probation, as developed by NaphCare, that is proprietary in nature, which precludes any other vendor from providing the required system maintenance, upgrades and system support. The Purchasing Department concurs that a non-competitive justification is warranted due to NaphCare's proprietary rights to the TechCare system.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Grace B. Parsons and Maria Insixiengmay, Deputies County Counsel, 387-5455) on January 21, 2025; Purchasing (Jason Cloninger, Lead Buyer, 387-0321) on January 16, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst, 396-9008) on January 16, 2025; Finance (Erika Rodarte, 387-4919, and Iliana Rodriguez, 387-4205, Administrative Analysts) on January 22, 2025; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on January 22, 2025.

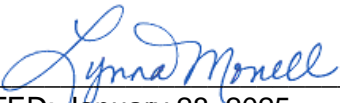
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Record of Action of the Board of Supervisors
San Bernardino County

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: January 28, 2025



cc: Sheriff - Welty w/agree
Contractor - c/o Sheriff w/agree
File - w/agree
CCM 01/30/2025