



San Bernardino County

Legislation Text

File #: 4753, Agenda Item #: 8

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

September 14, 2021

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Agreement with Relatient, Inc. for an Automated Patient Engagement System

RECOMMENDATION(S)

Approve Agreement with Relatient, Inc., for an Automated Patient Engagement System to remind patients about scheduled clinic visits, surgical procedures, and specialized testing appointments, for a total cost not to exceed \$280,000, for the contract period of September 14, 2021 through September 13, 2026.

(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 the item will not result in the use of Discretionary General Funding (Net County Cost). The total cost not to exceed \$280,000 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. Sufficient appropriation and revenue are included in the Arrowhead Regional Medical Center (ARMC) 2021-22 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

Approval of the recommended Agreement with Relatient, Inc. (Relatient) for an Automated Patient Engagement System will allow ARMC to remind patients about scheduled clinic visits, surgical procedures, and specialized testing appointments to reduce the number of patients who do not show for their scheduled appointments. A reduction in no-show rates will allow ARMC to make better use of appointment slots, improve arrival time to keep clinics on schedule, increase customer service, and provide better access to care.

Operating since 2014, Relatient is a privately-owned Software-as-a-Service cloud-based patient engagement company based in Tennessee.

With approximately 250,000 appointments scheduled at ARMC each year, Relatient's automated patient engagement technology will deliver patient appointment reminders via phone calls, text messages, and email providing a better way for staff to effectively communicate with patients. Additionally, the Relatient system will send notifications regarding health events, such as flu vaccinations, well-child checks, etc. The system is

configured to interface with ARMC's new electronic health record Epic, allowing information to be communicated automatically between systems and patients.

The County standard agreement was negotiated with Relatient to include the following non-standard terms:

1. The contract does not include certain standard County insurance requirements, including the additional insured requirements.
 - County standard insurance terms set forth in County Policy 11-07 require that the County be a named additional insured on vendor policies.
 - Potential Impact: The County will not be a named additional insured under any of Relatient's insurance policies, which would prevent the County from making a claim directly with Relatient's insurer.
2. Relatient's maximum liability for all claims except claims arising from Relatient's indemnity and insurance obligations, or from Relatient's gross negligence, willful misconduct or violation of law is \$60,000 and all claims related to breach or misuse of protected health information is limited to \$300,000.
 - 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.
3. Payment terms are net 45 days with a late payment interest penalty of 0.5% monthly. In addition, Relatient may suspend the County's access to the Services. If Relatient takes any legal action to collect on undisputed delinquent amounts, the County shall reimburse Relatient for its costs incurred in pursuing such action, including but not limited to legal fees and court costs.
 - 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 45 days will result in a material breach of the contract, which would allow Relatient to terminate the contract and seek other legal remedies, including charging the County interest at a rate of 0.5% annually, and pursue a collection action, which would exceed the contract amount.
4. The Business Associate Agreement (BAA) does not require Relatient to cover County's costs associated with nor indemnify the County for breach of protected health information caused by Relatient. The BAA further does not require Relatient to assist the County in any litigation or administrative proceedings.
 - The County standard Business Associate Agreement requires the contractor to indemnify the County for claims regarding the use, access, maintenance or disclosure of Protected Health Information, including expenses incurred in complying with notifications.
 - Potential Impact: County will be liable to pay all expenses arising from violations under HIPAA, HITECH, the Privacy Rule, the Security Rule or other laws relating to security and privacy of patient protected health information, including claims arising from Relatient's violations, and the County is liable for costs and expenses incurred by Relatient for assisting the County in the performance of its obligations under the BAA, to testify as witnesses, or otherwise, in the event of litigation or administrative proceedings being commenced against the County based upon a claimed violation of HIPAA, the HITECH Act, the Privacy Rule, the Security Rule, or other laws relating to security and privacy, which could exceed the contract amount.

ARMC recommends approval of this Agreement with Relatient as it will provide for the safety, health, and social needs of County residents by keeping patients on track with their care and reducing costs associated with patient no shows and late arrivals.

PROCUREMENT

The Request for Proposal (RFP) No. ARMC121-ARMC-4124 was approved by the County Administrative Office on April 1, 2021, for an automated patient engagement system and was released through the County of San Bernardino's Electronic Procurement (ePro) network. Proposals were due on April 23, 2021, and presentations took place the week of May 3, 2021.

Of the eight proposals received, seven were considered responsive to the RFP. The company names, locations, and total costs are as follows:

Proposer	Location	Total Costs
Andor Health	Orlando, FL	\$700,000
HealthTalk A.I.	Reston, VA	\$375,000
Voicecast Systems, Inc. DBA InTouch Connections	Chicago, IL	\$400,000
Odeza	Chicago, IL	\$325,000
Relatient, Inc.	Franklin, TN	\$276,550
Smart Source of California, LLC	Mission Viejo, CA	\$340,000
WELL Health, Inc.	Santa Barbara, CA	\$1,116,000

Evaluation of the proposals was completed by a committee comprised of representatives from ARMC Hospital Administration, Ambulatory, Patient Reception, and Accounting. All proposals were evaluated based on the following criteria: qualifications and experience, financial review, technical review, cost/revenue, and references. The evaluation committee determined Relatient, Inc. best met the needs of the citizens of the County.

On August 3, 2021, the unsuccessful proposers were notified in writing they were not the recommended proposer for a contract award. A protest was received on August 13, 2021 from HealthTalk A.I. Purchasing reviewed the protest, RFP documents, and associated addendums and found no evidence that the County failed to follow the RFP procedures or requirements. A protest denial letter was sent to HealthTalk A.I. on August 19, 2021. No other protests were received.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5455) on August 3, 2021; Purchasing Department (Ariel Gill, Buyer, 777-0722) on August 31, 2021; ARMC Finance (Chen Wu, Finance Budget Officer, 580-3165) on August 3, 2021; Finance (Yael Verduzco, Administrative Analyst, 387-5285) on August 27, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 30, 2021.