



# San Bernardino County

## Legislation Text

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**File #: 5092, Agenda Item #: 14**

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

**November 16, 2021**

#### **FROM**

**WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center**

#### **SUBJECT**

Non-Financial Affiliation Agreement for Fellowship Training with Pomona Valley Hospital Medical Center

#### **RECOMMENDATION(S)**

Approve a non-financial Affiliation Agreement for Fellowship Training with Pomona Valley Hospital Medical Center, for Arrowhead Regional Medical Center Fellows to obtain clinical experience, for the period of November 16, 2021 through November 15, 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 non-financial Affiliation Agreement for fellowship training with Pomona Valley Hospital Medical Center (Pomona Valley) will not result in the use of Discretionary General Funding (Net County Cost) as the agreement is non-financial in nature.

#### **BACKGROUND INFORMATION**

The Agreement with Pomona Valley promotes the County's goals and objectives by continuing to allow Arrowhead Regional Medical Center (ARMC) to work in a collaborative manner with other facilities whose volume and patient mix provide comprehensive well-rounded education programs for its Pulmonary Critical Care fellows. Such affiliation agreements offer the opportunity for ARMC's fellows to gain experience caring for patients and performing procedures that ARMC has too few patients to provide appropriate experience. The affiliation with Pomona Valley provides for the safety, health and social service needs of County residents by ensuring that ARMC's fellows receive specialty clinical training and experience, resulting in the delivery of specialized medical care to ARMC patients.

The Agreement contains the following non-standard contract terms:

1. The County agrees to defend and indemnify Pomona Valley for claims caused by the negligence or willful misconduct of ARMC or the professional negligence of ARMC's fellows while training at Pomona Valley, except where the act or omission that caused harm was undertaken at the direction or supervision of Pomona Valley.
  - The County standard contract does not contractually obligate the County to indemnify the other

party.

- Potential Impact: By agreeing to indemnify Pomona Valley, 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 Pomona Valley without such limitations and the County would be responsible to defend and reimburse Pomona Valley for costs, expenses, and damages. Pomona Valley is similarly required to defend and indemnify the County for any claims that arise out of Pomona Valley's negligence and willful misconduct.

2. The agreement does not include certain standard County insurance requirements, including the waiver of subrogation.

- 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: No waiver of subrogation may allow Pomona Valley's insurer to bring suit against the County.

ARMC recommends approval of the affiliation agreement, including the non-standard terms, to ensure that ARMC's fellows are able to obtain specialized clinical training in pulmonary disease and critical care medicine to provide medical care to ARMC patients.

#### **PROCUREMENT**

Not applicable.

#### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Charles Phan, Deputy County Counsel, 387-5455) on October 13, 2021; Risk Management (Victor Tordesillas, Director, 386-8631) on November 3, 2021; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on October 21, 2021; Finance (Yael Verduzco, Administrative Analyst, 387-5285) on October 27, 2021; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-5423) on October 28, 2021.