



Board Agenda Item 34

DATE: August 21, 2018

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Agreement with California Department of Public Health

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute an Participation Agreement with the California Department of Public Health for access to the California Integrated Vital Records System effective upon execution by the California Department of Public Health for a term of five years (\$0); and,**
- 2. Authorize the Director of the Department of Public Health, or designee, to execute amendments to the Agreement with California Department of Public Health for the Integrated Vital Records System related to new standards and requirements imposed by the California Department of Public Health.**

Approval of the first recommended action would allow the Department of Public Health to access the California Department of Public Health's (CDPH) new Integrated Vital Records System (Cal-IVRS), a single platform of birth, death, and fetal death registration systems and databases. Access to the system would allow the County to continue to meet its obligations regarding vital records including birth and death certificates. The second recommended action would authorize the Department, or designee, to execute amendments, pending County Counsel's review and approval, related only to new Federal and State standards and requirements. The authorization will allow the Department to make amendments at the Director level instead of returning to the Board each time with an item that is expected to have multiple amendments due to changes in standards and regulations. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended actions, the Department would not have permission to collect, create, access, use, and disclose Cal-IVRS data. The data is necessary due to the Department's obligations regarding birth, death, and fetal death records for the County.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended actions.

DISCUSSION:

Pursuant to California Health and Safety Code, sections 102100-103925, the State Registrar is charged with the duties of registering, maintaining, and indexing all of California's birth, death, and fetal death records. Over the last two years, CDPH has been working to develop Cal-IVRS, which will bring birth, death, and fetal

death registration systems together on a single platform. The recommended Cal-IVRS Participation Agreement governs access to vital records registration systems. Upon your Board's approval of the recommended agreement, the County will protect the privacy and provide for the security in compliance with all applicable State and Federal laws concerning the Cal-IVRS data. In addition, permission will be granted to the Department to collect, create, access, use, and disclose Cal-IVRS data.

Approval of the second recommended action will allow the Department, or designee, to execute future amendments, upon review and approval by County Counsel, related only to new Federal and State standards and requirements imposed by regulations and other applicable law. All other modifications to the recommended agreement would be brought to your Board for consideration.

The recommended agreement contains non-standard indemnification and hold-harmless indemnification provisions, which require the County to indemnify the State. In addition, the County agrees to be available, at the County's expense, for any action against CDPH involving the County. CDPH may cancel immediately for cause or at its discretion give the County 30 days to rectify the incident. CDPH or County may terminate the recommended agreement without cause with 30 days advance notice. Due to CDPH's preferred term, this contract is for five years instead of the County's standard three-year base term with two optional one-year extensions.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with California Department of Public Health for Cal-IVRS

CAO ANALYST:

Sonia M. De La Rosa