



Board Agenda Item 49

DATE: June 18, 2019

TO: Board of Supervisors

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

SUBJECT: Agreement with Valley Children's Hospital

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Valley Children's Hospital is the sole administrator and authority to grant remote access of Valley Children's Hospital's Electronic Medical Records; and,**
2. **Approve and authorize the Chairman to execute an Agreement with Valley Children's Hospital for designated Department of Public Health employees to access Valley Children's Hospital's Electronic Medical Records, effective July 1, 2019 through June 30, 2020 followed with unlimited one-year auto-renewals unless terminated by either party (\$0).**
3. **Approve and authorize the Director of the Department of Public Health, or designee, and Department employees identified as having a need to access Valley Children's Hospital's Electronic Medical Records to execute the Information Systems NON-Employee Remote Access Agreement.**

Approval of the recommended actions will continue to authorize Department of Public Health's identified staff access to Valley Children's Hospital's (VCH) Electronic Medical Records through a web-based portal at no cost to the County. Electronic access to VCH clients' medical records will benefit multiple programs throughout the Department. The third recommended action will authorize the Director of the Department of Public Health and identified specific employees to enter into Information Systems NON-Employee Remote Access Agreement (Remote Access Agreement) with VCH for access to the Electronic Medical Records (EMRs). There is no money associated with the recommended agreement. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the Department would revert to requesting medical record documentation via US Mail and/or fax; which often results in multiple and/or follow-up phone calls to request additional information and delays delivery of services.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process is consistent with Administrative Policy No. 34 results from the fact that VCH has the sole authority to grant or provide remote access of their EMRs to non-VCH employees. Several Department programs perform State mandated functions, which require full knowledge and documentation of patient's medical records provided only by medical providers such as VCH. The Internal Services Department - Purchasing Division has reviewed and concurs with the

Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. VCH will allow access to the EMRs to an unlimited number of identified Department staff at no cost to the County upon execution of the Remote Access Agreement. The system is accessed remotely through the internet and does not require any County staff time to coordinate or maintain the secure internet connection.

DISCUSSION:

On April 29, 2014, the Board approved Agreement No. 14-246 with Children's Hospital of Central California (named changed to Valley Children's Hospital in January 24, 2015) allowing access to EMRs through June 30, 2019. Prior to 2014, medical records were received as hard copy via fax and/or US Mail. Upon receipt of the records, Department staff would determine if enough information was received to satisfy program requirements. If the information provided was insufficient for programmatic needs, additional communication, and records would be requested, extending the time to receive the required information. Establishment of the agreement in 2014 eliminated the need to receive the hard copy of medical records, and facilitated obtaining complete documentation in a timely manner.

The recommended agreement will continue to authorize the Department's identified staff access to VCH's EMRs through a web-based portal at no cost to the County. The County is not a party to the Remote Access Agreement with the Department's identified employees and VCH, pursuant to Government Code, section 23005 and County Charter, section 11. Identified staff will be notified that previously signed Remote Access Agreement will be terminated and a newly signed Remote Access Agreement will be required.

The recommended agreement deviates from the County's standard contract language by including a one-year term with unlimited one year auto renewal, mutual hold harmless, insurance and termination language, and non-standard Health Insurance Portability and Accountability Act (HIPAA) language that represents both the County and VCH as covered entities.

The Department is requesting the recommended agreement be executed as "evergreen" or with unlimited one-year auto-renewals unless terminated by either party. VCH's EMRs are the only documentation needed to support Department processes related but not limited to, medical eligibility, health assessments, disease and outbreak investigation, treatment, surveillance, and epidemiological studies. Direct access to VCH's EMRs has been an invaluable tool for the Department's programs. Continued remote access to EMRs will provide the accurate, uninterrupted, and complete medical information necessary to perform the required functions for the Department's programs in a safe HIPAA compliant, efficient, and timely manner.

REFERENCE MATERIAL:

BAI #35, April 29, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Sole Source Acquisition Request

On file with Clerk - Agreement with Valley Children's Hospital

CAO ANALYST:

Sonia M. De La Rosa