



Legislation Details (With Board Report)

**File #:** A 17-003      **Name:** UpToDate Inc, Agreement  
**Type:** BoS Agreement      **Status:** Passed  
**File created:** 12/23/2016      **In control:** Board of Supervisors  
**On agenda:** 1/24/2017      **Final action:** 1/24/2017

**Title:** a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with a retroactive start date of December 1, 2016, with UpToDate Inc. for Anywhere electronic clinical resource subscription services, containing non-standard risk terms regarding insurance limitation of liability, in the amount of \$228,726 for the period of December 1, 2016 through November 30, 2019;  
b. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee accept the recommendations regarding modifications to the insurance provisions and the Limit of liability in the Agreement; and  
c. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Uptodate Inc. Original Agreement.pdf, 3. Completed Board Order

Date	Ver.	Action By	Action	Result
1/24/2017	1	Board of Supervisors	approved	

a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with a retroactive start date of December 1, 2016, with UpToDate Inc. for Anywhere electronic clinical resource subscription services, containing non-standard risk terms regarding insurance limitation of liability, in the amount of \$228,726 for the period of December 1, 2016 through November 30, 2019;  
b. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee accept the recommendations regarding modifications to the insurance provisions and the Limit of liability in the Agreement; and  
c. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with a retroactive start date of December 1, 2016, with UpToDate Inc. for Anywhere electronic clinical resource subscription services, containing non-standard risk terms regarding insurance limitation of liability, in the amount of \$228,726 for the period of December 1, 2016 through November 30, 2019;  
b. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee accept the recommendations regarding modifications to the insurance provisions and the Limit of liability in the Agreement; and  
c. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future

amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

SUMMARY/DISCUSSION:

Wolters Kluwer Health, Up-To-Date, Inc. (UpToDate) is the leading web based clinical research tool that clinicians utilize for their day to day review of clinical topics. NMC is a UCSF teaching facility, and as such, web based research is particularly important for medical students and resident education. The user can access the UpToDate system via an internet link. UpToDate is a standalone resource application and there is no data exchanged to or from NMC systems with this application.

Currently NMC physicians, residents and medical students have access to Up-To-Date's web based research and educational materials online. In addition to research, physicians can receive required individual Continuing Medical Education (CME) credit each time Up-To-Date is logged into and utilized. Annual CME is required by NMC, state and national medical specialty boards thereby aiding NMC and its physicians in keeping current in meeting their continuing medical education requirements. With Up-to-Date access, clinicians are able to "click" on the Up-To-Date icon and are able to research the most recent evidenced based recommendations. As an example, when a physician is on call and must remotely enter antibiotic orders for pneumonia but has a question on the preferred medication, he or she will be able to "click" on the Up-to-Date icon and view the latest recommendation.

For this Agreement, UpToDate and NMC has agreed to sign the Non-Standard Agreement with modification to the insurance requirements and Limitation Liability. Risk has reviewed and declined the Limitation of Liability clause on page 6 of 7 of Non-Standard Agreement. UpToDate insurance shall not exceed the license fee dollar amount. UpToDate shall provide proof of commercial general liability, business automobile liability, worker's compensation and professional liability insurance, but cannot provide the contract required additional insured and primary and non-contributory endorsements.

This agreement will have a term of three years.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this Agreement as to legal form, and reviewed but declined to approve as to risk provisions. The agreement has also been reviewed and approved by NMC's Finance Committee on 9/22/16 and by its Board of Trustees on 10/14/16.

FINANCING:

The cost for this agreement is \$228,726, \$76,242 of which is included in the Fiscal Year 2016-17 Adopted Budget. Amounts for remaining years of the agreement will be included in those budgets as appropriate. There is no impact to the General Fund.

Prepared by: Charles Harris Physician, IT/Medical Staff, 783-2785  
Approved by: Gary R. Gray, DO, Chief Executive Officer, 783-2504

Attachments:  
UpToDate Inc. Original Agreement

Attachments on file with the Clerk of the Board

