

- b. Authorize the Contracts/Purchasing Office to approve up to two future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original amount and do not significantly change the scope of work or result in an increase in the County General Fund Contribution; and,
- c. Authorize the modification of the County standard insurance requirements pertaining to General Liability Insurance, Business Automobile Liability Insurance, Workers Compensation Insurance, and Professional Liability Insurance.

SUMMARY/DISCUSSION:

The proposed Professional Service Agreement represents the contractual instrument that will permit the County to engage the services of a highly qualified emergency physician to serve as the County's Emergency Medical Services Agency Medical Director. This Agreement includes all requirements necessary to ensure consistent and appropriate medical control of pre-hospital personnel, and medical guidance in the overall planning and management of the EMS Agency. The proposed Agreement is for securing the professional services of Dr. Stubblefield as an independent contractor. It is not an employment agreement. Within the context of this Agreement, Dr. Stubblefield has agreed to maintain and provide proof of insurance meeting the County's requirements for professional liability insurance.

The Department is requesting a modification of the County's requirements for Professional Liability Insurance. Dr. Stubblefield's carrier, Admiral Insurance, is not a California Admitted Carrier but is on the California List of Eligible Surplus Line Insurers (LESLI). Non-Admitted carriers on the LESLI List have been reviewed and approved by the California Department of Insurance. Non-Admitted carriers on the LESLI List are actually "admitted" insurance carriers in another state (Admiral is based in Delaware) or domicile other than California. Dr. Stubblefield's policy has a limit of liability of \$1,000,000/\$3,000,000. The department does not feel that there is inherent risk of liability exposure due to the non-admitted status of his carrier. Documentation is on file at the EMS Agency.

The Department is also requesting a modification of the County's requirement for Business Automobile Liability Insurance as Dr. Stubblefield's insurance provider has refused to issue a certificate naming the County as additionally insured. The Department does feel that a modification is appropriate as Dr. Stubblefield will be on County property a maximum 465 hours/year for the contract period and will not be transporting either County personnel or property in his vehicle.

Finally, the Department is requesting modification of both the County's Comprehensive General Liability and Worker's Compensation Insurance provisions for the reasons set forth in Exhibit B to the Professional Services Agreement.

OTHER AGENCY INVOLVEMENT:

County Counsel, Risk Management, and the Auditor Controller have reviewed the Agreement as to legal form, insurance requirements, and fiscal provisions respectively. Risk Management has reviewed the Agreement and acknowledges that it does not meet the County's standard insurance requirements and cannot approve. Due to the specification of the Medical Director's Agreement, the Department does feel a modification of those requirements will not present any significant exposure of risk to the County of Monterey. A copy of the all attachments is on file with the Clerk of the Board.

FINANCING:

The funds for the FY 2012-13 are included in the health department's Emergency Medical Service (HEA006, Unit 8109) Fiscal Year 2012-13 Approved Budget. Approval of this action has no impact on the General Fund.

Prepared by: Kirk Schmitt, EMS Director, 4964

Approved by: Ray Bullick, Director of Health, 4526

Attachments:

PSA on file with the Clerk of the Board

Exhibit A: Scope of Work and Payment Provisions on file with the Clerk of the Board

Exhibit B: Insurance Exemption Justification on file with the Clerk of the Board