



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #:** A 13-006, **Version:** 1

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- a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with the American College of Surgeons (ACS) for participation in the ACS National Surgical Quality Improvement Program (ACS NSQIP) in an amount not to exceed \$30,500 for the period January 1, 2013 through December 31, 2013; and
- b. Accept the modification of non-standard Insurance, Warranty, Indemnification language, Governing Law and Payment Provisions per the ACS NSQIP Agreement and as recommended by the NMC CEO.

### **RECOMMENDATION:**

It is recommended the Board of Supervisors

- a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with the American College of Surgeons (ACS) for participation in the ACS National Surgical Quality Improvement Program (ACS NSQIP) in an amount not to exceed \$30,500 for the period January 1, 2013 through December 30, 2013; and
- b. Accept the modification of non-standard Insurance, Warranty, Indemnification language, Governing Law and Payment Provisions per the ACS NSQIP Agreement and as recommended by the NMC CEO.

### **SUMMARY/DISCUSSION:**

The American College of Surgeons National Surgical Quality Improvement Program (ACS NSQIP®) is a database and reporting system that provides Natividad Medical Center (NMC) with fact-based information needed to make quick, confident decisions in support of the hospital's quality improvement initiatives. The database and reporting system allows Natividad Medical Center to: evaluate our performance as compared to peer hospitals; and evaluate our outcomes, complications, and risk-adjusted mortality. The database and reporting system allows NMC to compare patient-care patterns among physicians and compare expected results to observed results. ACS NSQIP® is the leading nationally validated, risk-adjusted, outcomes-based program to measure and improve the quality of surgical care in the private sector. Participation in ACS NSQIP® will satisfy the Centers for Medicare and Medicaid Services (CMS) surgical quality measure requirement (NQF #0493) to be implemented in 2014, "Participation in a Systematic Clinical Database Registry for General Surgery." The ACS NSQIP® database and reporting system is used by many public and private hospitals in California and throughout the nation, such as Riverside County Regional Medical Center and the University of California, Irvine Medical Center.

The Natividad Medical Center Information Technology Department has reviewed the database and reporting system and found that it does not pose a security risk (see NMC Risk Assessment attached). County Counsel has not approved the Agreement as to risk provisions. NMC requests that the Board of Supervisors authorize a modification of the County's requirement for commercial general liability insurance as vendor's insurance carrier will not agree to provide a Certificate of Insurance or Endorsements stating that such insurance is primary and that County's insurance/self-insurance shall not be called upon to contribute to a loss covered by vendor's insurance. NMC also requests the Board of Supervisors accept modifications to the standard County

Indemnification, Warranty, Governing Law language as well as Payment Provisions. NMC does not believe there is inherent risk of liability exposure.

**OTHER AGENCY INVOLVEMENT:**

The Agreement has been reviewed and approved as to legal form by County Counsel. The Agreement has been reviewed and approved by the Natividad Medical Center's Board of Trustees.

**FINANCING:**

The cost for this Agreement is \$30,500 and is included in the Fiscal Year 2012/2013 Adopted Budget. There is no impact to the General Fund.

Prepared by: Jane Finney, Quality Director, 783-2502

Approved by: Harry Weis, Chief Executive Officer, 783-2553

Attachments: Agreement, Sole Source Form and NMC Risk Assessment

Attachments on File with the Clerk of the Board