Subpart 37.4 - Nonpersonal Health Care Services

Parent topic: Part 37 - Service Contracting

37.400 Scope of subpart.

This subpart prescribes policies and procedures for obtaining health care services of physicians, dentists and other health care providers by nonpersonal services contracts, as defined in 37.101.

37.401 Policy.

Agencies *may* enter into nonpersonal health care services contracts with physicians, dentists and other health care providers under authority of 10 U.S.C. chapter 221 and 41 U.S.C. chapter 33, Planning and *Solicitation*. Each contract *shall*-

(a) State that the contract is a nonpersonal health care services contract, as defined in 37.101, under which the contractor is an independent contractor;

(b) State that the Government *may* evaluate the quality of professional and administrative services provided, but retains no control over the medical, professional aspects of services rendered (*e.g.,* professional judgments, diagnosis for specific medical treatment);

(c) Require that the contractor indemnify the Government for any liability producing act or omission by the contractor, its employees and agents occurring during contract performance;

(d) Require that the contractor maintain medical liability *insurance*, in a coverage amount acceptable to the *contracting officer*, which is not less than the amount normally prevailing within the local community for the medical specialty concerned; and

(e) State that the contractor is required to ensure that its subcontracts for provisions of health care services, contain the requirements of the clause at 52.237-7, including the maintenance of medical liability *insurance*.

37.402 Contracting officer responsibilities.

Contracting officers shall obtain evidence of insurability concerning medical liability *insurance* from the apparent successful *offeror* prior to contract award and *shall* obtain evidence of *insurance* demonstrating the required coverage prior to commencement of performance.

37.403 Contract clause.

The *contracting officer shall* insert the clause at 52.237-7, Indemnification and Medical Liability

Insurance, in *solicitations* and contracts for nonpersonal health care services. The *contracting officer may* include the clause in bilateral *purchase orders* for nonpersonal health care services awarded under the procedures in part 13.