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*.

Parent topic: Subpart 37.4 - Nonpersonal Health Care Services