

ORDINANCE NO. 2022-017

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS; AN ORDINANCE TO ENTITLED: "AN ORDINANCE CREATING THE OFFICIAL POSITION OF COUNTY JAIL HEALTHCARE PROVIDER".

WHEREAS, the County has contracted with an individual health care provider to provide inmate health care in the County Detention Center, and;

WHEREAS, the County is a member of the Association of Arkansas Counties Risk Management Fund ("AACRMF") and is covered by the General Liability Agreement offered by the AACRMF, and;

WHEREAS, in order for the independent contractor health care provider to be entitled to a legal defense under the AACRMF General Liability Agreement for covered claims, there must be an ordinance designating the individual health care provider by name.

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:

Section 1. Position. Dr. Lee Vaughan and his medical staff are designated as the County Jail Healthcare Provider for the purpose of providing the Sheriff access to inmate healthcare as a part of the Sheriff's duty to not be deliberately indifferent to the necessary health care needs of jail detainees.

Section 2. Legal Defense Available. Legal defense is only available for claims specified by the AACRMF General Liability Agreement in Section 2.2.10, which may be amended from time to time. It is understood that legal defense of a healthcare provider who is an independent contractor of the County does not include indemnification for any finding of liability. The healthcare provider, that is an independent contractor of the County, is responsible for payment of any judgment arising from a matter defended under the AACRMF General Liability Agreement. Further, this Ordinance shall not be construed to create additional obligations on behalf of the County, or AACRMF in regards to claims brought against the County Jail Healthcare Provider.

Having designated the County Jail Healthcare Provider, the named healthcare provider and their employees may be eligible for legal defense under the AACRMF's General Liability Protection Agreement if they each meet the following conditions:

- a) They shall attend at least one training every calendar year, presented by the AACRMF, on inmate medical care;
- b) They shall provide proof of current licensure status; and
- c) They shall carry and provide proof of their current medical malpractice coverage, which applies to patients at the County Jail and to all matters related to the practice of medicine at the County Jail.

Section 3. Medical Judgment. The County Jail Healthcare Provider is an independent professional with specialized knowledge who agrees to use his or her medical judgment and to practice medicine in the County Jail in the same manner as he or she would practice medicine outside the county jail environment.

Section 4. Contract for Services. The County Jail Healthcare Provider must enter into a written contract for services with the County. A copy of this executed contract shall be attached hereto and marked as "Exhibit A".

Section 5. Invalidity. In the event that any provision of this Ordinance or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect the other provisions or applications to this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 6. Conflicts. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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Emergency Clause

The adoption of this Ordinance is necessary for the proper and efficient administration of the Cleburne County Jail and for the preservation of the health, safety, and welfare of the residents of Cleburne County, Arkansas; therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage.

PASSED AND ADOPTED this 12th day of May 2022.

ATTEST:



Rachelle Evans, Cleburne County Clerk

APPROVED:



Karl Martin, Cleburne County Judge

Recorded: Book E Page(s) 335-338

FILED
2022 MAY 16 AM 10:00
RACHELLE EVANS
CLEBURNE COUNTY CLERK