

## 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