

## 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.