

## Resource Sharing

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### 1.0 RESOURCE SHARING AUTHORITY

See 32 CFR 199.17(a)(2), (h)(3), and (m)(4).

### 2.0 RESOURCE SHARING PROGRAM AGREEMENTS

Resource sharing consists only of external resource sharing (where the purpose of the external resource sharing agreement enables military health care personnel, active duty and civilian, to provide covered medical services to active duty and TRICARE beneficiaries in a network facility.) Although both Internal and External Resource Sharing is authorized by Regulation, current policy is that only External Resource Sharing will be implemented.

### 3.0 RESOURCE SHARING PROGRAM REQUIREMENTS

The contractor shall meet the following resource sharing program requirements:

**3.1** Develop a plan for identifying advantageous resource sharing opportunities in conjunction with the Regional Director (RD) and the Military Treatment Facility (MTF) Commanders.

**3.2** After contract award, the contractor shall provide the MTF Commanders with a complete cost analysis within 30 calendar days of a written request for consideration of a potential resource sharing opportunity by the MTF Commanders, provided that the MTF is able to provide the MTF-specific cost and workload information necessary to perform the analysis within 15 calendar days of making the written request. The 30 calendar days will be extended on a day-to-day basis if all of the necessary data is not provided by the 15th calendar day after the written request.

**3.3** Develop and implement procedures for monitoring resource sharing agreement performances.

### 4.0 RESOURCE SHARING AGREEMENT GUIDELINES

External resource sharing shall be based upon written agreements between the contractor, the MTF Commander, and the network facility, with the RD's concurrence. Before a military provider is permitted to practice in the network facility, the MTF Commander will ensure that the military provider has active clinical privileges with the network facility. The MTF Commander will also ensure that external resource sharing providers are licensed to practice medicine in a United States jurisdiction during the term of the resource sharing agreement. The resource sharing agreement shall set forth all the terms, conditions and limitations of the resource sharing arrangements. MTF Commanders may only authorize Medicare dual eligible beneficiaries to be seen under External Resource Sharing Agreements for care that is non-covered under Medicare. The MTF Commander shall forward copies of all completed external resource sharing agreements to the RD for approval.

prior to the implementation of any resource sharing agreement. The RD will provide the contractor written approval/disapproval within 30 calendar days of receipt. The MTF Commander shall forward copies of all approved resource sharing agreements to the Procuring Contracting Officer (PCO) no later than (NLT) 10 calendar days following written notification by the RD of the approval of the agreement.

## **5.0 PROFESSIONAL LIABILITY**

This clause is mandatory in all External Resource Sharing Agreements, unless a wavier is obtained from the TRICARE Management Activity (TMA) Office of General Counsel (OGC) and the service legal advisor:

“While performing health care functions authorized by the MTF, designated health care personnel will be acting within the scope of their duties as determined by the Department of Justice (DOJ). The United States Government will be responsible for their actions within the scope of their duties. As such, any remedy for damages for personal injury, including death, caused by their negligence or wrongful acts or omissions shall be exclusively against the United States under provisions of the Federal Torts Claims Act (Title 28 USC, Sections 1346(b), 2671-2680) and not against the individual military health care provider. In the event any Department of Defense (DoD) health care provider is asked to respond to an emergency involving a non-DoD beneficiary, the state’s borrowed servant defense and any other applicable defenses and immunities available to the United States will apply to allegations of negligence or wrongful acts or omissions arising from care rendered by the provider.”

## **6.0 CREDENTIALS, PRIVILEGING, AND OTHER PROVIDER REQUIREMENTS**

MTF Commanders will ensure that the military health care personnel are appropriately licensed and have active clinical privileges with the network facility. The external resource sharing health care personnel’s military command is responsible for the supervision of the external resource sharing health care personnel.

## **7.0 RECORD KEEPING**

The contractor shall maintain accurate records to document activities related to resource sharing agreements. These records shall include accurate recording of the personnel performing services in network facilities, identifying for each individual the name, Social Security Number (SSN), type of provider or staff, and the hours worked in the facility.

## **8.0 AUDITS**

Contractor resource sharing expenditures are subject to audit by the Government.

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