

AMENDMENT

**TO THE AGREEMENT BETWEEN THE COUNTY OF TEHAMA
AND BENNET OMALU PATHOLOGY**

This Amendment to Agreement Number 2018-65, dated March 1, 2018, by and between the County of Tehama, through its Sheriff's Office (County) and Bennet Omalu Pathology (Contractor) for the purpose of providing forensic pathology services.

Page 3, Article 3 shall be amended as follows:

Section 3 COMPENSATION OF THE Original Agreement is hereby amended to read as follows:

The Maximum Compensation payable under this Agreement shall not exceed \$80,000.00 per year, in accordance to the new fee schedule starting March 2, 2020

Page 4, Article 4 shall be amended as follows:

The Term date shall be extended to February 28, 2025.

It is mutually agreed that all other terms and conditions of Agreement Number 2018-65 shall remain in full force and effect.

IN WITNESS WHEREOF, County and Contractor have executed this agreement on the day and year set forth below.

Date: 01/27/20 _____
COUNTY OF TEHAMA


Dave Hencratt, Sheriff-Coroner

Date: _____
COUNTY OF TEHAMA


VICE Chairman, Board of Supervisors

Date: 01/27/20 _____


Bennet Omalu, M.D.



Bennet Omalu

P A T H O L O G Y

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Autopsy and Anatomic Pathology
Clinical Pathology and Toxicology
Forensic Pathology

Neuropathology
Epidemiology
Medico-Legal Consultations

Dear Omar and Amanda,

December 27, 2019

Good morning and, how are you? I must thank you and Sheriff Hencratt for all your support and faith in me since Bennet Omalu Pathology began providing pathology services to Tehama County. We are expanding our services to more counties in the region, in part due to your support.

It would be two years since Bennet Omalu Pathology began providing pathology services to your county. These two years provided a valuable learning opportunity for Bennet Omalu Pathology and enabled our continued improvement on the quality of services that we provide. We are very happy with, and proud of where we are today and how far we have come. The quality of our work product speaks for itself and the feedback that we receive from the hospitals and counties we serve are extremely encouraging and heart-warming.

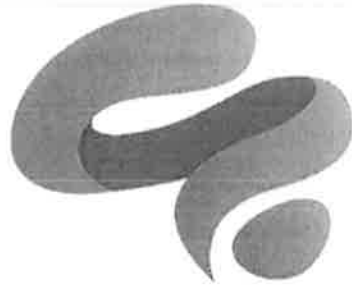
Unfortunately, however, in the past two years, two major pathology corporations in the region went bankrupt and closed. It was clearly advisable at this point to investigate the reasons that led to and the circumstances that surrounded the bankruptcy and closure of the two corporations. I confirmed that these closures were primarily due to poor financial management and poor competitive pricing. When I benchmarked my prices, we were shocked to find that Regional Pathology's 2017 fees were higher than Bennet Omalu Pathology's current 2019 fees. Set against the background of our expertise in this field and the quality of the services that we provide, it became quite evident that our fee pricing was not competitive and is clearly unsustainable. It has thus become imperative to upwardly review our pathology service fees. The increased pricing would better reflect the expertise and quality of the service that we provide and ensure that, we not only sustain but continuously improve on the quality and range of services that we provide. Further it would enable Bennet Omalu Pathology to retain new forensic pathologists and support our continued provision of best in class services, products and standards of practice.

Please find attached to this letter, a new service fee schedule. The new service fee schedule will come into effect on March 1, 2020. These new service fees would be locked at these new rates for 5 [five years] until 2025. This is designed to bring you a reassurance of certainty. Cognizant of the market trends, the unique topographic and geographic character of our beloved central and northern California, this new fee schedule is a very considerate and reasonable proposal for the counties we serve.

We remain very thankful and deeply grateful for all your support. May God continue to bless you both most abundantly in the new year. We wish you every happiness in the new year. Please let me know if you would like to discuss the new fee pricing further. In the meantime, please rest assured of our highest regards.

Very truly yours,

Bennet



Bennet Omalu

P A T H O L O G Y

**FIVE-YEAR COST PLAN AND FEE SCHEDULE
2020 - 2025
COUNTY OF TEHAMA, CALIFORNIA**

bennetomalu@bennetomalu.com

**3031 West March Lane
Suite 323
Stockton, CA 95219**

**Office Phone Number: 209-636-2822
Cell Phone Number: 916-513-5253**

COST PLAN AND FEE SCHEDULE NARRATIVE¹

This fee schedule is in part based upon and derived from the 2017 fee schedule between the County of Mendocino and Regional Pathology and Autopsy Services, Inc for the provision of pathology services. It is the fee schedule between Bennet Omalu Pathology and the County of Mendocino, and the County of Lake. The expected start date for this fee schedule is March 1, 2020.

A. Free Services and Waived Fees:

Bennet Omalu Pathology will not charge for the following services as a good will offer and gesture by Bennet Omalu Pathology to reaffirm that we are partners in service. We shall charge for only direct autopsy related services with no billing for administrative services.

- | | |
|---|--|
| 1. Transportation to and from County of Tehama: | No Charges |
| 2. Training and continuing medical education: | No Charges [Maximum of 4 sessions per year] ² |
| 3. County administrative and committee meetings | No Charges [Maximum of 6 meetings per year] ³ |
| 4. Transcription services: | No Charges |
| 5. Doctor trip fee: | No Charges |
| 6. Weekly operational supplies: | No Charges |
| 7. Autopsy technician service for tissue grossing | No Charges |

B. Direct Autopsy Services:

Bennet Omalu Pathology will not charge the County of Tehama different and higher autopsy fees for different types of full autopsies including homicide and infant autopsies. Bennet Omalu Pathology believes that all autopsies are autopsies and we do not differentiate types of autopsies based on the type of case or age of the deceased. All full autopsies shall be billed at the same cost. This will save the county over \$500.00 per homicide and infant autopsies.

- | | |
|--|--|
| 1. Full Autopsy | \$1,800.00 per case |
| 2. Partial or Targeted Autopsy | \$1,500.00 per case |
| 3. External Autopsy | \$1,000.00 per case |
| 4. Medical Records Review | \$ 500.00 per case |
| 5. Microscopic Examination | \$ 300.00 per case |
| 6. Autopsy Tissue Histology [Hematoxylin and Eosin] | \$ 150.00 per case |
| 7. Autopsy Technician Fee | \$ 350.00 per case |
| 8. Specimen handling, processing, storage and transportation | \$ 50.00 per case |
| 9. Autopsy Tissue Immunohistochemistry [All Types] | \$ 109.00 per slide |
| 10. Specialized Autopsy Tissue Histochemistry [All Types] | \$ 109.00 per slide |
| 11. Review of prior or archival cases and autopsies | \$ 500.00 per hour
[maximum of \$3,000.00 per case] |
| 12. Scene visits and scene investigations | \$ 500.00 per hour |

¹ This fee schedule is in part based upon and derived from the 2017 fee schedule between the County of Mendocino and Regional Pathology and Autopsy Services, Inc for the provision of pathology services. It is the fee schedule between Bennet Omalu Pathology and the County of Mendocino, and the County of Lake.

² If greater than 4 sessions in one year, Bennet Omalu Pathology shall bill \$500.00 per hour

³ If greater than 6 meetings in one year, Bennet Omalu Pathology shall bill \$500.00 per hour

C. Forensic Neuropathology Services

The College of American Pathologists, National Association of Medical Examiners and American Association of Neuropathologists currently require the whole brain to be fixed in formalin for at least two weeks and comprehensively examined with specified protocols. Brain tissue is processed differently from other tissues in the human body, and only specialized tissue laboratories perform such analysis. In addition to specialized histochemical stains, we also perform specialized immunohistochemical stains that will provide answers to medico-legal questions in homicide cases, child abuse cases and elder abuse cases. The standards of practice as set by these governing agencies and associations state that the brain shall be examined in cases involving Seizure Disorder, Sudden Death in Epilepsy, Excited Delirium, Child Abuse, Elder Abuse, Physical Homicidal Assaults, Sudden Death in an Infant or Child, Intra-Operative Deaths etc. This rate is a highly discounted rate. Bennet Omalu Pathology charges a fee of \$7,500 to \$15,000 for forensic neuropathology examination of cases sent to us from universities, coroners and medical examiners from across the United States. We are reducing this rate by 60-80% for Tehama ICounty because of the contractual relationship we share.

1. Whole brain examination with or without spinal cord, pituitary gland and dura mater
\$2300.00 per case
2. Brain tissue histology
\$ 350.00 per case
3. Brain immunohistochemistry [All types]
\$ 109.00 per slide
4. Specialized brain histochemistry [All types]
\$ 109.00 per slide

D. Specialized Tissue and Body Fluid Testing and Laboratory Analysis

Each test including mutational analysis, biochemical analysis, microbiological analysis and toxicologic analysis shall be billed directly for only the laboratory fee charged by the laboratories without any additional fee or cost from Bennet Omalu Pathology

1. The County shall be billed only the total laboratory fee with attached invoice from the laboratory or receipt of payment to the laboratory, without any additional fee from Bennet Omalu Pathology.
2. The per unit cost of these tests are not available and cannot be determined. There are many laboratories across the United States that we use for our services, and there are tens of thousands of unique tests and algorithms than can be performed. It is not reasonably feasible to list all these possible tests performed by different laboratories across the United States. Most of the tests cost from several tens of dollars to several hundreds of dollars. Very fee tests may cost one thousand or more, but no test has ever cost more than \$2500. The most expensive types of tests are rarely, if ever performed, may be once in five to ten years. For example, a comprehensive test panel for elements and metals and a full genome analysis will each cost about \$2000 to \$2500.

E. Specialized Tissue Reagents and Chemicals

These are all types of specialized tissue reagents and chemicals that are not used routinely for example Osmium Tetroxide and Potassium Dichromate. These types of chemicals are rarely used and may never be used or used once or twice in 5-10 years.

1. The County shall be billed the total purchase price with attached invoice or receipt of purchase.

F. Autopsy Supplies

These are all types of supplies for performing autopsies, handling and processing tissue and body fluid samples for example specimen tubes and DNA cards.

1. Bennet Omalu Pathology will bill the county the total purchase price with attached invoice or receipt of purchase.

G. Expert Witness, Consultations and Testimonies

- | | |
|--|-------------------|
| 1. Testimony [preliminary hearing, grand jury and trial] | \$500.00 per hour |
| 2. Pre-trial office or telephone conferences and consultations | \$500.00 per hour |
| 3. Trial preparation and research | \$500.00 per hour |
| 4. Composition of all types of reports | \$500.00 per hour |
| 5. Waiting time in court | \$250.00 per hour |

H. SUBMISSION OF INVOICES

Invoices will be submitted by Bennet Omalu Pathology to the designated personnel at the Sheriff-Coroner's Office or District Attorney's Office, by e-mail, on bi-weekly basis, by the 15th of every month, and by the 30th of every month [by the 28th for the month of February] for autopsies that have been performed and other services that have been provided. Payments are expected within 30 days of receipt of all invoices.

E-Contract Review
Approval as to Form

Department Name: Sheriff

Vendor Name: Bennet Omalu Pathology.

Contract Description: Amendment to agreement for forensic pathology services
increasing compensation and extending termination date.

APPROVED AS TO FORM:



Date: 01/16/2020

Office of the Tehama County Counsel
Richard Stout, County Counsel

