

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: INITIATING A LAWSUIT AGAINST OCCUPATIONAL MEDICAL CENTER, INC., TO RECOVER HEPATITIS B VACCINE OWNED BY THE SCHOOL BOARD

On January 8, 1997, the School Board awarded bid #140-TT06 to Occupational Medical Center, Inc. ("Occupational"). The purpose of the bid was to establish a contract for the administration of Hepatitis B vaccine to School Board employees. The initial contract period lasted from the date of the bid award, January 8, 1997, until January 31, 1998. By mutual consent, the parties renewed the contract for an additional 90 days, from February 1, 1998, until April 30, 1998.

Under the terms of the contract, the Hepatitis B vaccine was ordered by and delivered to Occupational on an as-needed basis. Occupational did not pay for the vaccine it ordered. Instead, according to the contract, as Occupational ordered the vaccine, the School Board paid the vaccine supplier directly. On April 30, 1998, at the close of the contract period, Occupational had 1,345 units of Hepatitis B vaccine, owned by the School Board, remaining in its inventory. The School Board paid \$31,795.80 for that vaccine.

The School Board's Hepatitis B vaccine program representative requested Occupational release those remaining units to the new vendor administering the vaccine. However, Occupational refused to release the vaccine from its inventory. Consequently, over the last 18 months, the Office of Professional Standards and the Board Attorney's Office have repeatedly initiated conversations and meetings with Occupational's president to obtain the School Board's vaccine. Despite these efforts, Occupational continues to refuse to release the School Board's vaccine, or to pay the School Board its equivalent value. Therefore, the Board Attorney recommends the initiation of a lawsuit by the Board Attorney's Office to recover the School Board's vaccine held by Occupational, or its equivalent value.

RECOMMENDED: That The School Board of Miami-Dade County, Florida approve and authorize the initiation of a lawsuit by the Board Attorney's Office to recover the School Board's Hepatitis B vaccine held by Occupational Medical Center, Inc., or its equivalent value.