

HYPERBARIC OXYGEN TREATMENT REGISTRY CONSORTIUM NEW MEMBER AGREEMENT

This Hyperbaric Oxygen Treatment Registry Consortium New Member Agreement (this "New Member Agreement"), effective as of _____ ("Effective Date"), is by and among _____, a public _____ organized under the laws of the state of _____ and located in _____ ("New Member"), and the parties to the Amended and Restated Hyperbaric Oxygen Treatment Registry Consortium Agreement, dated as of November 15, 2016, as it may be amended from time to time (the "Consortium Agreement").

New Member wishes to participate in the Hyperbaric Oxygen Treatment Registry Consortium (the "Consortium"). In consideration for its participation in the Consortium, and except as set out below, New Member agrees to be bound by all of the covenants, obligations, terms and conditions contained in the Consortium Agreement among Trustees of Dartmouth College, as represented by the Geisel School of Medicine at Dartmouth, Dartmouth-Hitchcock Clinic and Mary Hitchcock Memorial Hospital, acting jointly as Dartmouth-Hitchcock, and Elliot Hospital, and any other party that has signed a New Member Agreement.

Notwithstanding the foregoing, with respect only to New Member's participation in the Consortium, the Consortium Agreement shall be amended as follows:

1. Obligations Limited. New Member represents that it is a state public institution in that it is an instrumentality of a state government. As such, New Member's obligations to the other Members and to Geisel/D-H in accordance with the Consortium Agreement, including without limitation its indemnification obligations, will be limited in substance by the applicable law of the state or federal jurisdiction in which such New Member serves as an instrumentality to the extent that such applicable law is designed to protect and limit the liability of New Member as an instrumentality of such state/federal government. Notwithstanding any other terms and conditions of the Consortium Agreement, no state agency shall be deemed to waive any privileges or immunities that might be available to it under applicable law.
2. Governing Law. The provisions of Section 12.8 (Governing Law) of the Consortium Agreement shall have no force or effect.
3. Policies and Procedures. New Member acknowledges it has obtained a copy of the Consortium Policies and Procedures located at <https://uhms.org/resources/uhms-supported-hyperbaric-registry/multicenter-registry-for-hyperbaric-oxygen-therapy.html>
4. Conflict. In the event of a conflict between the Consortium Agreement and this New Member Agreement, the terms of this New Member Agreement shall control.

For purposes of this New Member Agreement, the parties intend and agree that a signed copy delivered electronically shall be treated by the parties as an original of this New Member Agreement and shall be given the same force and effect.

In witness whereof, New Member has caused this New Member Agreement to be executed by its authorized agent:

Signature: _____
Name: _____
Title: _____
Date: _____

Address
for Notice:

This New Member Agreement has been read and understood by the undersigned.

By: _____
Name:
Title: New Member's Investigator

Acknowledgement of New Member Admission:

Signatures of Steering Committee Co-Chair
(or Designee):

Signature of Steering Committee Co-Chair
(or Designee):

Printed Name: _____
Date: _____

Printed Name: _____
Date: _____