



NORTH BROWARD HOSPITAL DISTRICT
BOARD OF COMMISSIONERS
COMPLIANCE COMMITTEE MEETING
1700 NW 49th Street, Ste. 150
Fort Lauderdale, FL
MARCH 21, 2018

***MINUTES**

MEETING CALLED TO ORDER: 10:58 am

BOARD MEMBERS:

- ✓ Commissioner Gregoire, Chairperson
- ✓ Commissioner Ure
- ✓ Commissioner Wellins
- ✗ Commissioner Klein
- ✓ Commissioner Rodriguez

PUBLIC COMMENTS: No public comments

TOPIC OF DISCUSSION:

1. Reportable Event's

Mr. Hartfield stated that there were two reportable events under the Corporate Integrity Agreement.

Ms. Barrett reminded the Board that back in November 2017, it was reported that an arrangement with an employed physician whose compensation could not be confirmed as consistent with Fair Market Value (FMV). This was a prior payment arrangement from 2014. It was decided that as a team, legal, compliance and Ms. Beth Cherry would look at other employment agreements, in which a second employed physician was discovered as inconsistent with the FMV of that current time. Ms. Barrett stated that this new Reportable Event will be reported under the CIA and CMS under the Stark Law. Ms. Barrett requested the Compliance Committee make a recommendation that the Board agree the issue be reported to the appropriate agencies.

Ms. Barrett confirmed the two physicians are still employed and the current arrangements are consistent with current Fair Market Value.

MOTION:

Commissioner Ure motioned to put the recommendation on the Consent Agenda for the next Board Meeting, seconded by Commissioner Rodriguez.

Motion carried unanimously.

Ms. Barrett reported that the second Reportable Issue has to do with Best Choice Plus Program involving certain contracting processes that had been put in place largely through the Managed Care Department. Legal, Compliance and outside counsel partnered to do an internal review. It was determined that certain portions of the Managed Care contracting processes, as it relates to Best Choice, were probable violations of the Anti-Trust Law. Legal has been working with the Federal Trade Commission to determine how to best resolve the issues. In regards to the processes going forward, currently the processes have been stopped for several months. Ms. Barrett reported that a new Anti-Trust Training Program has been put into place with an experienced Anti-Trust lawyer. These are some of the correction actions that have already been put in place. The Monitor is aware of the issues. These issues date back for more than ten years. Ms. Barrett confirmed that no one benefited from the issue, it was merely a contractual process outside of the Anti-Trust Law, in which the individuals involved most probably believed they were processing correctly.

MOTION:

Commissioner Wellins motioned to put the recommendation on the Consent Agenda for the next Board Meeting, seconded by Commissioner Rodriguez.

Motion carried unanimously.

2. Second Reporting Period Annual Report Update

Mr. Hartfield reported that the Annual Report was submitted on time as required by the CIA. Due to Hurricane Irma a 30 day extension was granted. Mr. Hartfield received a letter from the OIG two to three weeks after submission reporting they received the Annual Report on time. He is still waiting for feedback from the Monitor.

3. OIG Monitor Communication

The first Reportable Event in regards to the Stark Self Disclosure associated to the first employed physician was reported to the OIG Monitor within the timeframe required in the CIA. In addition, Commissioner Gregoire's appointment to the Board was reported. There were several changes within the structure of the Internal Compliance Committee that were reported. This included new people and their roles. HIPAA Breaches for the months of November 2017, January 2018 and February 2018 were reported. There were no breaches in the month of December 2017. Mr. Hartfield stated that he sent a request to the OIG for an exception to contract language that is required. The State of Florida's

Department of Health uses template agreements, in which certain verbiage required by the CIA is not able to be included, an exemption was requested from the Monitor.

4. Compliance Re-Organization

Mr. Hartfield stated that the previous structure of the Compliance Department did not include the Focus Arrangement Team or Ethics Team. The former structure was modified. Five different individuals report to the Chief Compliance Officer, including the Executive Assistant, Director of Focus Arrangement and Auditing, Senior Privacy Specialist, Ethics Manager and Director of Compliance Operations. Underneath that first group, it has been divided that the Director of Focus Arrangement heads the Focus Arrangement Team, the new position of Tracking Remuneration Manager, and the Auditors. The Director of Compliance of Operations will oversee Regional Compliance Managers, Senior Compliance Specialists and Compliance Analysts.

5. Introduction of New Ethics Manager

Mr. Hartfield introduced new Ethics Manager, Adlin Tuya. Ms. Tuya commenced her position in January 2018. She did investigative legal work in an environmental torts case against an international conglomerate. Ms. Tuya was a Dartmouth undergrad and graduated from Stetson Law School in 2013. Ms. Tuya also worked with the Children's Legal Program funded by the US Department of Health and Human Services and has extensive experience in Ethics Training.

6. Introduction of New Regional Compliance Manager

Christopher Cuellar has a law degree and MBA from Florida International University. He started employment at Broward Health in December 2016 as Regional Compliance Manager and is currently assigned to Broward Health Coral Springs. Prior to Broward Health, Mr. Cuellar served as Director of Risk Management at Coral Gables Hospital for four years.

7. Introduction of New Tracking Remuneration Manager

Mr. Hartfield introduced Henry Ortiz as the new Tracking Remuneration Manager. Mr. Ortiz was already a longtime Broward Health employee and member of the Compliance Department as a Regional Compliance Manager since 2016. Prior to Compliance he served in the Finance Department for nine years.

Meeting Adjournment:

MOTION:

Commissioner Rodriguez motioned to adjourn the meeting, seconded by Commissioner Ure.

Motion carried unanimously.

MEETING ADJOURNED at 11:24 am

AUTHENTICATION OF MINUTES: Patricia Alfaro, Special Assistant to Executive Office.

*Audiotape available upon request.