



NORTH BROWARD HOSPITAL DISTRICT
BOARD OF COMMISSIONERS
COMPLIANCE COMMITTEE MEETING
1700 NW 49th Street, Ste. 150
Fort Lauderdale, FL
NOVEMBER 27, 2017

***MINUTES**

MEETING CALLED TO ORDER: 4:09 pm

COMMITTEE MEMBERS:

- ✓ Commissioner Robison, Chair
- ✓ Commissioner Ure
- ✗ Commissioner Wellins
- ✓ Commissioner Klein
- ✓ Commissioner Rodriguez

PUBLIC COMMENTS: No public comments

AUTHENTICATION OF MINUTES:

Commissioner Robison requested that Mr. Hartfield elaborate on the annotation of October's Compliance Minutes. He explained there was a miscommunication regarding the formatting of the minutes and that they would be rewritten and submitted at the next Compliance Committee Meeting for review. Commissioner Robison stated that the current copy was a transcription of the meeting and if any Commissioners had any issues with the transcription they could contact Mr. Hartfield.

REPORTABLE EVENTS – Nicholas Hartfield, Chief Compliance Officer

Mr. Selden, from the firm Bradley Arent called in remotely to provide an update to the Board in regards to a letter that had been received from Richard Westling, who works with the law firm Epstein, Becker and Green. The letter was sent to Laura Ellis, the HHS OIG Monitor and was in regards to the December 7th, 2016 reportable event. Mr. Selden provided background information as to the start of the

investigation in which Mr. Westling was engaged by NBHD in August of 2016 to investigate allegations of Anti-Kickback Statute (AKS) violations by Pauline Grant from 2008 to 2014. It was determined the manner in which contracts were being awarded for Orthopedic Surgeons BHN PPUC Trauma Call Coverage and Rotation Panel violated the AKS and that BHN favored physicians who could bring additional referrals. On March 22, 2017 Mr. Westling sent a supplement for a search of additional documents at the request of the Monitor, which disclosed an additional physician was excluded from the PPUC On-Call Coverage and Rotation. This expanded the timeframe listed in the original investigation to a 16-month period from January 2015 to April 2016. He also submitted a written response dated May 22, 2017 to request for additional information and financial calculation, this particular letter gave revised a financial impact of the reportable event. At great length Mr. Selden reviewed the letter sent November 2017 in which Mr. Westling continued his search for additional documentation at the request of the OIG and Department of Justice (DOJ), his interview of Ms. Grant regarding a letter from one of the physicians, and her role in the schedule of PPUC On-Call Coverage and Rotation. There are 2 additional documents referenced that directly link to the investigation and violations found under BHN PPUC Ortho Trauma Call-Coverage and Rotation. These items were an email and transcription of a meeting held at BHN, the communications are of Ms. Grant and show involvement in the call panel. They contradict her statements of involvement in an interview with the Mr. Westling's team during their investigation of AKS violations. Mr. Westling is currently investigating interactions between John Knox Village and Ms. Grant in regards to her Board membership and approval of payments to them for medical directorship and Board service. Ms. Grant's denials of involvement were deemed not credible in his judgment based on documentation found compared to statements she made. This investigation is continuing as more information is being discovered.

Commissioner Robison asked if there was any feedback from Ms. Ellis, after receiving the materials requested. Mr. Selden reported there was not, only a thanks for the prompt receipt of information. They have yet to complete production for all that has been requested.

Ms. Barrett emphasized that they were in the final stages of producing the documentation from the first request from the DOJ, but expect to complete the production within the next two weeks.

ON CALL POLICY – Nicholas Hartfield, Interim VP CCO

Commissioner Robison requested that Mr. Hartfield explain how the new On-Call Policy that was created by Mr. Hartfield, General Counsel and CEO was handled and who's input was involved in its creation. Mr. Hartfield explained that this began in response to the reportable event. Meetings were held with the Regional Medical Officers, Ms. Capasso, Mr. Santorio, Dr. Westphal and Ms. Barrett. There is now a system wide policy that will be consistent at all facilities and that the Call Coverage Management Team will handle the schedule and implementation of the call-coverage for all facilities as well as the notification of openings within our community so all physicians can be made aware within the district of opportunities. Mr. Santorio will be working with all RMO's, Chiefs of Staff and Department Chairs to create a standard procedure for all specialty services across the district. The criteria for a certain call panel will be the same across all hospitals and should not vary unless there is something truly unique at a facility that will be examined on an individual basis. Ms. Ellis, knows of the new policy but has not received the final version as of yet. Mr. Hartfield further reported that Ms. Todd Atkinson and Dr. Westphal are working on a computer program to track when people come in. It will inform when someone calls and whether the response was by phone or in person.

Mr. Santorio reported that said program was brought to IT, Joint Conference and all executive committees at the hospitals for the buy-in. He believes it will go live the first week in December.

Ms. Capasso further reported that they have met with all the MEC's and everyone seems to be onboard and understand the need for the policy.

There was discussion between the Commissioners whether to bring a Motion to present the policy to the Board or if more time was needed. Commissioner Robison stated that she felt it was important to approve it before it was sent to Ms. Ellis. Ms. Barrett advised that since Commission Ure was not present, it might be better suited for Discussion Agenda versus Consent. Commissioner Wellins expressed he felt comfortable with General Counsel's recommendation and should the OIG want adjustments, they could be made. Mr. Hartfield stated that compliance department would be primarily responsible for reviewing the policy.

MOTION:

Motion was made by Commissioner Wellins to add the On Call Coverage document to the Discussion Agenda of Board meeting on November 29th as well as approval should the Board feel appropriate. Motion was seconded by Commissioner Klein.

Motion carried unanimously.

SECOND REPORTING PERIOD ANNUAL REPORT – Nicholas Hartfield, Interim VP CCO

Commissioner Robison stated that the best way to handle the report was to do a certification and form of a resolution, as well as qualifications. Mr. Hartfield reported there would be some minor qualifications, but very few. This year the Board will be able to certify the massive amount of work that has gone on through the second reporting period. Mr. Hartfield stated that there are 20 required items from our CIA and additional items requested from the OIG Monitor. First part are the changes from the Compliance Committee certifying employees and the Board changes to Certifying Employees and the Board. In addition, Mr. Hartfield also detailed changes to the policy and procedures subsequent to the second reporting period. The training plan did not have any major changes other than live training can be taken web-based by anyone who has previously attended a live training per Ms. Ellis' verbal approval. The next item is number six which is changes to our Focus Arrangement Tracking system; changes to internal review and approval processes. This goes to the implementation of our new tracking system from Meditract to Compliance 360 (C360) as well as changes to our internal review and approval process. We have a more formal review and tracking process for contracts which was not possible in Meditract. The Tracking Remuneration is a major change and the work of finding a system to compile all the payments made and track them. Mr. Goldsmith has put all the checks and balances into place so that payments made to every vendor can be tracked and monitored. Mr. Goldsmith reported that accounts payable will flag all vendors that have focus arrangements, so a contract must be attached and there will be monthly audits conducted by Internal Audit. No payment exceptions are allowed in the system if it exceeds the PO limit of the contract. No manual exceptions can be made. There are check and balances at every part of the process. In regards to timeshare leases going down from 18 to 2, Mr. Hartfield explained that the tenants were given 90 day notices to convert to full-time leases or move to another location. All full-time were given FMV. The real estate department is currently working with the two remaining. Ms. Capasso stated that the real estate department and all staff worked together to settle the situation. The Monitor was kept in the loop and there should be nothing in the report that would surprise the monitor. In section number eight, the response to the IRO transaction review that was done on October 27 for the second reporting period, outlines responses to any deficiencies. Mr. Hartfield stated that the spreadsheet explains where each of the items stand. The medical directorship assessment was reviewed and as a result of assessing the need for each, 23 medical directorships were done away with. Ms. Ellis is fully aware of the assessment of the full-time leases and issue of the load factor which have now been addressed by being included in the FMVs. Mr. Hartfield reported that as of August 21, 2017 the transition from Meditract to C360 began, although everything began to transition in the second reporting, they went live during the third reporting. Meditract and Ariba are being used for archive purposes to do a quality assurance review that all data

crossed over accurately. In C-360 there are several assessments based on the type of contract and the contract initiator enters and answers relevant questions for that type of contract. There are multiple steps for review and approval throughout the process that go through Compliance, General Counsel and all departments involved. Mr. Hartfield reported that there were a few employees who left in the second reporting period which he was not aware of and as a result was not able to obtain their annual certification. Commissioner Robison expressed that she was pleased with the new draft and that she believes that the powers to be in Washington would also be pleased. Commissioner Rodriguez motioned to adjourn.

MEETING ADJOURNMENT: 5:25 pm

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

*Audiotape available upon request.