

North Broward Hospital District Board Of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, 33309

COMPLIANCE AND ETHICS COMMITTEE MEETING 3:30 p.m., April 28, 2020

The Compliance Committee meeting of the North Broward Hospital District was held at 3:30 pm. on April 28, 2020 via WebEx video conference.

1. **NOTICE**

Official notice and agenda of this meeting is attached to the Minutes, as EXHIBIT I and EXHIBIT II, as presented for consideration of the Committee.

2. **CALL TO ORDER** 3:31 p.m.

3. **COMMITTEE MEMBERS**

Present: Commissioner Nancy W. Gregoire, Chair
Commissioner Christopher T. Ure, Vice Chair
Commissioner Ray T. Berry
Commissioner Stacy L. Angier
Commissioner Marie C. Waugh

Senior Leadership

Additionally Present: Gino Santorio/Chief Executive Officer, President, Alan Goldsmith/Chief Administrative Officer, Alex Fernandez/Chief Financial Officer, Linda Epstein/Corporate General Counsel, Brett Bauman/Sr. Associate General Counsel

4. **GOVERNOR'S EXECUTIVE ORDER ANNOUNCEMENT**

General Counsel delivered the Governor's Executive Order for the record, as seen below.

"This public meeting of the Compliance Committee of the board of commissioners of the North Broward Hospital District is being conducted through communications media technology in accordance with the Governor's Executive Order No. 2020-69, dated March 20, 2020, and § 120.54(5)(b)2., Florida Statutes. This meeting is open to the public who are able to attend this meeting via telephone conference call. The conference call information is currently posted on Broward Health's website. All the requirements of Florida's Sunshine Law are still in effect including the memorialization of minutes. While not a requirement under Florida law, we will attempt to record this meeting and post it on Broward Health's website for the public and for those who may not be able to attend this live telephone conference."

5. **PUBLIC COMMENTS** None.

6. APPROVAL OF MINUTES DATED FEBRUARY 19, 2020

MOTION: Compliance and Ethics Committee meeting minutes dated February 19, 2020, passed without dissent.

7. TOPIC OF DISCUSSION

7.1. Chief Compliance Officer Report – Brian Kozik

7.1.1. Compliance Department Update – Brian Kozik

Prior to giving his monthly report, Mr. Kozik noted that the Broward Health system continued to maintain high standards, considering the current pandemic crisis.

Mr. Kozik reported on status and observations of audits that occurred in the past month, as listed below.

- Two-Midnight Rule audit, completed.
 - Error rate 22%.
 - Reported to OIG as a reportable event.
 - Finance has voided the claims in the amount of \$103,940.49.
 - Additional testing in process at request of OIG.
- Focus Arrangements and Tracking and Remuneration audit commenced for first quarter of Year 5, in process.
 - 85% completed. Anticipated completion May 2020 due to virus crisis.
- Non-Focus Arrangements audit, in process.
 - 60% completed. Anticipated completion May 2020.
- Observation Stay / Condition Code 44, audit in process.
 - 85% completed.
- Acute Care Discharge Transfer audit, completed.
 - No issues identified.
 - Finance department experienced take backs at approximately \$500k.
 - Report pending.
- Inpatient Psychiatric Stays Certification and Re-Certification, in process.
 - 75% completed. Completion anticipated May 2020.
- Medicare Payments for Bariatric Procedures, in process.
 - 70% completed. Completion anticipated May 2020.
- SafeGuard Services audit of BHMC Short Stay Claims to Medicaid.
 - 40% error rate.

MINUTES

North Broward Hospital District Board Of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, 33309

- SafeGuard initial findings report submitted to CMS.
- Draft report to Medical Center still pending.
- Greenberg Traurig review of Broward Health's HIPAA Privacy Program, in process.
 - All policies and questionnaires requested are completed.
 - Positive feedback received.
 - On-site visit postponed due to pandemic.
- Broward Health North Coding audit.
 - Draft report pending review.
- Broward Health Coral Springs Coding audit.
 - Draft report pending review.
- C360, 2020 Conflict of Interest Disclosure Survey, distributed to key employees.
 - 86% completed.
- HIPAA Reported Breaches.
 - Broward Health experienced (56) breaches in 2019.
 - 116 patients were notified of PHI breach.
 - 2019 breaches were reported to the Office of Civil Rights (OCR).
 - Appropriate notifications were made to Secretary of HHS.

Mr. Kozik reported that the department was in process of reviewing the following compliance policies:

- Annual compliance policies under review, (9) in process.
 - Compliance and HR Protocol.
 - Compliance and General Counsel Protocol.
 - Investigations Policy.
 - Conflict of Interest Policy.
 - Compliance Education and Training Policy.
 - Sanction Screening Policy.
 - Tracking and Monitoring Activities.
 - Overpayments Policy.
 - Overarching Stark Policy.

Mr. Kozik briefly updated the status of completion for subjects listed below:

- Arrangement Contract Payment Guide, completed.
 - Lists essential steps in contracting process, related policy and procedure reference.

North Broward Hospital District Board Of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, 33309

- Corrective action plan tracking sheet implemented systemwide.
 - Auditing and Monitoring will utilize the same document.
- Training document created in Health Stream for *Florida's Public Records Law and Document Destruction*.
- Local Coverage Determinations (LCDs) and National Coverage Determinations (NCDs).
 - Training document created by revenue cycle team.
 - Training provided on Health Stream.
 - (185) individuals assigned to train.
 - 41% completed.
- Code of Conduct emails sent daily to teleworkers.
 - Reminders protecting patient information when accessing while teleworking.
 - Reminders protecting patient health data when printing.
 - Reminders protecting organization from phishing campaigns.
- (8) Compliance staff members on required personal leave. Anticipated until May 3, 2020.

7.1.2. OIG/CIA Update – Brian Kozik

- CIA Fourth Annual Report completed and received by OIG Monitor.
 - OIG response positive.
- Expedited waivers received from OIG Monitor during COVID19 crisis.
- CIA Compliance Year 5 training.
 - (15,500) health work force members assigned.
 - Training commenced on March 25, 2020 via Health Stream.
 - Completion date extended to June 25, 2020 to convenience clinical staff.
 - 42.44% completed.
 - Board of Commissioners assigned training as well.
- HIPAA breaches for month of March.
 - Reported to Monitor.
 - (3) Impermissible disclosures.
 - (2) patients impacted at BHIP.
 - (1) patients impacted at BHN.
 - Analysis performed.
 - Corrective action taken.
 - Patients impacted notified.
- Disclosure made to OIG Monitor on April 13, 2020 of report submitted to the Drug Enforcement Agency (DEA).

MINUTES

North Broward Hospital District Board Of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, 33309

- Theft of a controlled substances at Broward Health Imperial Point.
- Internal review of pharmacy department.
- Corrective action plan put in place.
- Pharmacy Technician suspended then terminated.
- Broward Sherriff's Office notified of incident.

- Transition plan for Compliance program post Corporate Integrity Agreement.
 - 90% completed.
- Centers for Medicare and Medicaid Services (CMS) blanket waivers of the Stark Law.
 - (18) waivers issued on March 30, 2020.
 - Only apply to financial relationships and referrals solely related to COVID-19.
 - No cap on nonmonetary compensation for physicians.
 - Hospitals can accept below market payments for leases and equipment or forgo them altogether.
 - Hospitals temporarily released of the writing and signature requirements.
 - Above fair market value compensation allowed, although Anti-Kickback Statute could be implicated.
 - Broward Health is tracking activity related to waivers.

- Status on Compliance Work Plan FY 2020.
 - (27) REVIEWS IN TOTAL.
 - (8) REVIEWS COMPLETED.
 - Tracking Remuneration – Lease Agreements: Completed 9/26/19.
 - Tracking Remuneration – On Call Coverage Agreements: Completed 9/26/19.
 - Tracking Remuneration – Medical Director Agreements: Completed 9/26/19. Required a Plan of Correction.
 - Focus Arrangements CIA Year 4 Third Quarter (March 2019 – May 2019): Completed 10/3/19.
 - Focus Arrangements CIA Year 4 Year in Review (August 31, 2018 – August 30, 2019): Completed 12/16/19.
 - Gold Coast Home Health: Completed 12/26/19.
 - Two Midnight Rule: Completed 1/27/20. Required a Plan of Correction and, OIG Monitor notification.
 - Acute Care Discharge Transfers: Completed 3/9/20.

North Broward Hospital District Board Of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, 33309

- (6) REVIEWS IN PROCESS
 - Inpatient Psychiatric Hospital Services Certification and Recertification: 75% complete.
 - Non-Focus Arrangements (11-1-19 – 1/31/20). 60% complete; impacted by COVID-19.
 - Focus Arrangements CIA Year 5 Quarter 1 (9/19 – 11/19). 85% complete.
 - Medicare Payments for Bariatric Procedures. 70% complete; impacted by COVID-19.
 - Observation/MOON/Condition Code 44. 85% complete; impacted by COVID-19.
 - Coding Audits FY20-Quarter 2 BHIP. 15% complete; impacted by COVID-19.

- (11) REVIEWS PENDING.
 - EMTALA: Medical Screening Examination.
 - Graduate Medical Education (GME).
 - Three Day Window.
 - Clinical Trials Billing & Coding Review.
 - Tracking Remuneration – Employed Physician Agreements.
 - Coding Audits FY20-Quarter 2 BHMC.
 - Coding Audits FY20-Quarter 3 BHN.
 - Coding Audits FY20-Quarter 3 BHCS.
Physicians at Teaching Hospitals (PATH).
 - Focus Arrangements CIA Year 5-Quarter 2 (December 2019 – February 2020).
 - Managed Care Auto-Renewal Project Audit.

Mr. Kozik was asked to give a quick update on the activities of the audit department, now that he was serving as the Interim Chief Internal Auditor.

The following subjects were briefly mentioned:

- Several changes to policies, procedures, how audits are conducted, concluded and how meetings are held and closed.
- Reports being rewritten under new format, which was modified to be much more organized and relevant to the audit. The feedback received was that the reports provided value to the

MINUTES

North Broward Hospital District Board Of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, 33309

organization, and a more constructive conversation back and forth between the auditor and leadership.

- The tone of the reports is less negative by replacing comments with positive wording.
- Each member of audit team will attend the regional compliance meetings.
- IS auditor included in the quarterly privacy security meetings.
- Audit member included on the auditing and monitoring team.
- Audit member included on record retention and destruction meeting committee.
- Audit plan currently under review.
- Meeting with Human Resources to commence recruitment of (3) vacant positions.

8. **ADJOURNMENT** 4:00 p.m.

Respectfully submitted,
Commissioner Stacy L. Angier, Secretary/Treasurer

APPROVED