

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

COMPLIANCE AND ETHICS COMMITTEE MEETING
Immediately Following the Legal Affairs & Governmental Relations Committee Meeting
Wednesday, December 16, 2020

The Compliance and Ethics Committee of the North Broward Hospital District was held on December 16, 2020, immediately following the Legal Affairs & Governmental Relations Committee Meeting, at the Broward Health Corporate Spectrum Location, 1700 NW 49th Street, Suite 150, Fort Lauderdale, Florida 33309.

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**

There being a quorum present, the meeting was called to order by Chair Nancy W. Gregoire at 1:32 p.m.

3. **COMMITTEE MEMBERS**

Present:

Commissioner Stacy L. Angier,
Commissioner Ray T. Berry, Vice Chair
Commissioner Nancy W. Gregoire, Chair

Not Present:

Commissioner Marie C. Waugh,

Senior Leadership

Additionally Present:

Gino Santorio, President/Chief Executive Officer
Alan Goldsmith, Chief Operating Officer
Alex Fernandez, Chief Financial Officer
Linda Epstein, Corporate General Counsel
Jerry Del Amo, Deputy General Counsel

4. **PUBLIC COMMENTS**

Chair Angier opened the floor for public comments, in which there were none.

5. **APPROVAL OF MINUTES**

Without objection, Chair Gregoire approved the minutes, dated November 18, 2020.

Motion *carried* without dissent.

6. TOPIC OF DISCUSSION

6.1. Chief Compliance Officer Report (Presenter – Brian Kozik, Chief Compliance and Privacy Officer)

6.1.1. Compliance Department Updates

- Two-Year Work Plan
 - 55 reviews scheduled: 22 for FY21 and 23 for FY22.
 - FY21.
 - 4 audits completed.
 - 7 audits in-process.
 - 11 audits pending.
- BHIP Coding Audit for FY20
 - In process.
 - Objective is to review inpatient and outpatient coding to ensure it meets federal coding guidelines and Broward Health’s accuracy rate of 95%.
- Coding Review for stroke patients who underwent a mechanical thrombectomy (“coiling”) or received intravenous thrombolysis (IV) tissue-type plasminogen activator (tPA)
 - In process.
 - Objective is to ensure the coding was accurate for patients that underwent a mechanical thrombectomy.
- Tracking and Remuneration Audit for Employed Physician Agreements
 - In process.
 - Objective is to examine payments made during the review period and verify internal controls were effective and consistent with terms of agreement.
- Clinical Trials – Broward Health Medical Center’s Institutional Review Board (IRB)
 - In process.
 - Objective is to determine if BHMC’s Institutional Review Board is following the requirements under:
 - Code of Federal Regulations, subchapter part 56 Institutional Review Boards.
 - Centers for Medicare and Medicaid Services regulations.
 - Guidelines regarding the operations of an IRB.
- BHMC Coding Audit for FY20
 - In process.

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

- Objective is to review inpatient and outpatient coding to ensure it meets federal coding guidelines and Broward Health's accuracy rate of 95%.
- Focus Arrangements Review for CIA Year 5, Q3 and Q4
 - In process.
 - Objective is to ensure internal review and approval processes and procedures were properly followed.
 - Audit period: March 1, 2020 through August 31, 2020.
- Tracking and Remuneration for Community Care Partners
 - In process.
- Centers for Medicare and Medicaid Services (CMS) Audit of 20% Bonus for COVID-19 Inpatient Waivers
 - In process.
 - Objective is to complete CMS's first medical review of the 20% add-on payment for treating COVID-19 inpatient waivers.
 - Proactive steps: Health Information Management (HIM) directors to determine if Broward Health would pass an audit today. Each HIM director is auditing 25 cases for the period of April 1, 2020 through August 30, 2020 to ensure all guidelines were followed.
 - CMS provided a checklist that their auditors are using as a proactive measure.
- Forensic Audit Analysis of Vendor, Employee, Dependent, Physician and Beneficiary Master Files
 - Completed.
 - Objective is to compare information from data mining as well as a comparative approach in order to identify unusual relationships in and amongst the data.
 - In conjunction with the Finance Department, Broward Health engaged Palmar Forensics (PF) to perform a forensic audit analysis.
 - Involves a comparison of information from data mining as well as a comparative approach in order to identify unusual relationships in and amongst the data.
 - No fraudulent activity found.
 - Process improvement opportunities identified within the following areas:
 - Existing information technology, policies, and procedures.
 - Operational and/or financial processes.
 - 22,000 vendors in master file reduced to less than 10,000.
- SafeGuard Services Audit of Broward Health Medical Center Short Stay
 - Completed.

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

- Objective is to determine whether Medicaid payments made for inpatient stays less than two days were in accordance with state and federal laws, regulations, and policies between October 1, 2014 through March 31, 2018.
- Medical Center contested 35 of 36 accounts.
- Auditor has submitted documentation to Centers for Medicare and Medicaid Services (CMS), and the Final Findings Report is pending.

- HIPAA Breaches for November
 - Impermissible disclosures of patient health information (PHI).
 - (1) BHMC.

- 340B Program External On-Site Audit
 - In progress.
 - Objective is to provide external audit documentation as required by the Health Resources and Services Administration (HRSA) auditor for integrity of the program. All sites are required to have an external audit of each 340B registered location.
 - Audit Kickoff Meeting held on December 1, 2020.
 - Audit Focus.
 - Hospitality eligibility.
 - Internal controls.
 - Duplicate accounts.
 - Diversion (transactional testing).

- Other Department Activities
 - New Compliance Council.
 - First meeting held on December 7, 2020.
 - Twenty-seven attendees representing all areas within Broward Health, clinical and non-clinical, as well as an internal medicine physician.
 - The meeting consisted of introductions and background information.
 - Next meeting scheduled for January 2021.

6.1.2. OIG/Fifth Annual Report Update

- Annual report completed and sent to the OIG on December 15, 2020.
- Report includes results of the IRO transaction review.
- Report to be uploaded to the OIG website.
- Mr. Kozik thanked the annual team.

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

- 6.2. Audit and Compliance Department Structure (Presenter – Steve Forman, Board of Commissioners Compliance Consultant)

Due to time constraints, Mr. Forman did not present Item 6.2, and instead presented Item 6.3.

- 6.3. Compliance Education (Presenter – Steve Forman, Board of Commissioners Compliance Consultant)

Mr. Foreman gave an overview of an article by McDermott, Will and Emery entitled, *Key 2020 Corporate Governance Corporate Developments Affecting Healthcare Boards*. The article covered developments in several areas, including board engagement, compliance oversight, workforce culture, diversity, and conflicts of interest.

7. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 1:54 p.m.

Respectfully submitted,

Commissioner Marie C. Waugh, Secretary/Treasurer