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Sponsor:	Brian Kozik: SVP, COMPLIANCE & PRIVACY
Section:	GA-Corporate Compliance
Manuals:	Compliance

GA-004-417 Disclosure Of Physician Ownership & Financial Arrangements

I. Scope

This policy applies to all Broward Health-affiliated entities including, but not limited to: hospitals, ambulatory surgery centers, hospices, home health agencies, physician practices, outpatient centers, clinics, and all Broward Health departments, groups, and divisions.

This policy applies to all Workforce Members, which include employees, independent contractors, agents trainees, or other persons who perform work for or on behalf of Broward Health. This includes full-time, part-time, and pool employees; associates; directors; officers; managers; supervisors; volunteers; members of the Board and members of standing committees; medical staff employed by or otherwise affiliated with Broward Health; medical students and all other affiliated students or others receiving training at any Broward Health facility; and others who provide goods or services to Broward Health.

II. Purpose

This Policy establishes a consistent process to identify, disclose, and manage financial arrangements between Broward Health and its Physicians and Contractors.

III. Policy

This policy establishes administrative principles, guidelines, review processes, and approvals that are required to maintain appropriate relationships with individuals and entities that may be in a position to refer, recommend, arrange for, order, lease, or purchase any item, facility, item or service for which payment may be in whole or in part by a Federal or State health care program.

All Broward Health Physicians and Contractors must immediately disclose any potential Financial Interest as they develop. A Disclosure Form for Physician Ownership & Financial Arrangements must be completed initially prior to transaction with Broward Health; however, the duty to disclose potential Financial Interests is ongoing.

No Broward Health Physician or Contractor shall have any Financial Interest, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature that is in

conflict with the proper discharge of their duties in the best interest of any patient or Broward Health.

IV. Procedures

A. **Disclosure of Financial Interests:** All Broward Health Physicians and Contractors are required to complete a Disclosure Form for Physician Ownership & Financial Arrangements which shall require a detailed description of any Financial Interest. The Disclosure Form for Physician Ownership & Financial Arrangements is valid for 180 days from date of signature. If a Physician or Contractor is in doubt about a situation, it should be fully disclosed. Broward Health Physicians and Contractors may direct any questions regarding disclosure to the Corporate Compliance & Ethics Department.

1. **Initial Disclosure:** Prior to any appointment or the beginning of the term of any employment, engagement or other contract, Broward Health Physician or Contractor shall submit a Disclosure Form for Physician Ownership & Financial Arrangements.
2. **Ongoing Duty to Disclose:** The duty to identify and disclose Financial Interests is a duty that is ongoing. All Broward Health Physicians and Contractors shall immediately disclose a potentially new Financial Interest prior to the Financial Interest's potential occurrence. Disclosure should be made by completing and submitting a new Disclosure Form for Physician Ownership & Financial Arrangements.
3. **Inaccurate Disclosures:** Any inaccurate disclosures by a Broward Health Physician or Contractor shall be considered a violation of this Policy and subject to Section V below.

B. Management of Financial Interest Disclosures:

1. Corporate Compliance & Ethics Department Review:
 - a. The Corporate Compliance & Ethics Department is responsible for initially reviewing and evaluating each disclosure made by a Physician or Contractor and for determining whether a Financial Interest exists that requires mitigation as dictated under the Conflict of Interest Policy No. GA-001-015.
 - b. In reviewing disclosure statements, more information may be requested as appropriate from the Physician or Contractor in order to review the disclosure. The Physician or Contractor will be required to comply with any such requests.
2. Review and Evaluation of Disclosure:
 - a. If a Financial Interest disclosed by a Broward Health Physician or Contractor on the Disclosure Form for Physician Ownership & Financial Arrangements requires mitigation, it will be reviewed and evaluated by the applicable senior member of administration, in consultation with the Corporate Compliance & Ethics Department. Depending on the nature of the Disclosure, the Corporate Compliance & Ethics Department may further consult with the General Counsel's office (e.g., when the disclosure implicates a risk of fraud, waste, and abuse). If the disclosure information indicates a financial relationship pursuant to Stark Law may exist, language will need to be added to the agreement to satisfy requirements with Stark Law and Anti-Kickback Statute. In addition, additional requirements may be

needed to comply with policies and procedures related to Referral Source Arrangements.

V. **Enforcement**

All Workforce Members whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate remedial and/or disciplinary action, up to and including termination of any employment or other relationship, in accordance with the Enforcement and Discipline Policy, GA-004-238.

VI. **Document Retention**

Broward Health will retain all documents relating to this policy for a period of seven (7) years after their creation. Documents may be considered a public record under Chapter 119, Florida Statutes and may be subject to disclosure, unless otherwise exempted.

VII. **Exceptions**

There are no exceptions to this Policy.

VIII. **Interpretation and Administration of Policy**

This Policy shall be assessed and updated at least annually (and more frequently, if appropriate) and updated as necessary. Within 30 days of the effective date of any revisions or additions to this Policy, a description of the revisions shall be communicated to all affected responsible persons at Broward Health and a copy of the revised Policy shall be made available. The Chief Compliance Officer will monitor Broward Health's adherence to this Policy.

Administration and Interpretation of this Policy is the responsibility of the Chief Compliance Officer in consultation with the General Counsel.

IX. **Related Policies**

- Physician Financial Arrangement Review, Approval, Tracking and Monitoring, Policy No. GA-004-441;
- Enforcement and Discipline Policy, Policy No. GA-004-238;
- Conflict of Interest, Policy No. GA-001-015;
- Compliance and General Counsel Protocol, Policy No. GA-004-002
- Disclosure Form for Physician Ownership & Financial Arrangements?

X. **References**

- Physician Self-Referral Law, 42 U.S.C. § 1395nn
- Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(b)

XI. **Definitions**

See Policies and Procedures Glossary, Policy No. GA-004-237, for all definitions.

Attachments

[Physician Disclosure Form.rtf](#)

Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	08/2020
	Lauren Brown: DIR, COMPLIANCE/PRIVACY OPS	08/2020
	Lucia Pizano-Urbina: EXEC DIR, CORP COMPLIANCE	08/2020