

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

COMPLIANCE AND ETHICS COMMITTEE MEETING **Immediately following the Pension and Investment Committee Meeting** **August 19, 2020**

The Compliance and Ethics Committee of the North Broward Hospital District was held on August 19, 2020, immediately following the Pension and Investment Committee meeting, 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

There being a quorum present, the meeting was called to order by Chair Nancy W. Gregoire at 10:14 a.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/President/Chief Executive Officer, Alan Goldsmith/Chief Administrative Officer, Alex Fernandez/Chief Financial Officer, Linda Epstein/Corporate General Counsel, Jerry Del Amo/Deputy General Counsel

4. GOVERNOR'S EXECUTIVE ORDER ANNOUNCEMENT

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

"This public board committee meeting is being conducted through communications media technology in accordance with the Governor's Executive Order No. 20-69, as extended by the Governor's Executive Order No. 20-179 and Section § 120.54(5)(b)2 of the Florida Statutes. This meeting is open to the public for those 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

Staff Recommendation: That the Compliance and Ethics Committee of the North Broward Hospital District approve the minutes from July 22, 2020.

Staff recommendation *carried* without dissent.

7. TOPIC OF DISCUSSION

7.1. Chief Compliance Officer Report – presented by Brian Kozik, SVP, Chief Compliance Officer

7.1.1. Compliance Department Updates

- Two-Midnight Rule Audit, completed
 - 22% error rate resulted in a little over \$103k payback.
 - OIG Monitor requested Broward Health do an additional sample (currently in review). If the results are similar, we must do a six-year lookback and notify the OIG Monitor of the results.
- Non-Focus Arrangements Audit, in progress.
- Broward Health Medical Center's Institutional Review Board (IRB), in progress.
- Focus Arrangements Review for CIA Year 5, Q2, in progress.
 - Randomly select 40 arrangements across the following four groupings:
 - Physician leadership and call.
 - Physician leases.
 - Physician and resident employment.
 - Services (non-physician) and miscellaneous.
 - Will continue post CIA.
- Tracking and Remuneration for Employed Physician Agreements
 - Sampling 30 agreements to ensure payments were made consistent with terms of the agreement.
- BHIP/BHMC Coding Audits
 - BHIP, completed. Passed with 95% accuracy rate, established as industry best.
 - BHMC, 35% completed.
- Observation Stay/Condition Code 44 Audit, completed.

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- Draft report to be distributed in near future.
- Emergency Medical Treatment and Active Labor Act (EMTALA)
 - Gathering information to begin the review.
- SafeGuard Services Audit of Broward Health Medical Center Short Stay
 - Audit firm hired by ACHA provided report dated July 27, 2020.
 - Audit period was October 1, 2014 through March 31, 2018.
 - Preliminary determination was overpayment of \$529,313 for services not covered by Medicaid.
 - Report under review (including six-year audit period) by BHMC staff. We have 30 days to review and determine if we will appeal.

Mr. Fernandez stated that we determined there were 36 accounts inappropriately paid. Broward Health did a thorough review against the Medicaid handbook. Broward Health found only one account was paid inappropriately in the amount of \$4,500. A meeting is scheduled with outside counsel to submit findings as part of an appeals process.

- Greenberg Traurig Review of Broward Health's HIPAA Privacy Program, in compliance with federal and state regulations.
 - Report shared with ECG on August 18, 2020.
 - Pending report to be provided to Committee in near future.
- Sanction Screening
 - Submitted a proposal to the Data Governance Committee to implement an automated solution (currently manual). Pending approval.
- Enterprise Risk Assessment
 - Assessment began week of August 10, 2020.
 - Managers currently assessing risk in their areas.
 - ECG Meeting held August 18, 2020 to discuss the process.
 - Results to be used in finalizing the Compliance Work Plan FY20 and FY21, as well as an Internal Work Plan
- External Auditors
 - Meeting held August 13, 2020.
 - No related fraud, non-compliance, or illegal acts found during audit inquiries.
- Compliance Council
 - Finalizing implementation plans to include employee representation throughout the organization, clinical and non-clinical areas.
 - OIG Monitor determined this is a best practice.
- Compliance Work Plan
 - Two-year plan for Fiscal Year 2020 and Fiscal Year 2021.
 - 56 reviews in total.
 - 10 reviews in process.
 - 46 reviews pending.
- Compliance Department rebranding.

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- New tagline – Compliance is the tool. Integrity is the rule.
- New posters to be placed throughout the system.
- Video series with Gino Santorio and Brian Kozik to be made available on the internet.

7.1.2. OIG/CIA Update

- OIG Virtual Site Visit
 - Conducted week of August 10, 2020.
 - Schedule included:
 - Discussion of current program and lessons learned from the Corporate Integrity Agreement (CIA).
 - Demonstrations of C360, ServiceNow, and ComplyTrack.
 - Discussion on Enterprise Risk Management.
 - Individual interviews held with Gino Santorio/President and CEO, Alex Fernandez/SVP/Chief of Finance, Dr. Andrew Ta/Chief Medical Officer, Brian Kozik/Chief Compliance Officer, Steve Forman/Board of Commissioners Compliance Consultant, Tia Bowman/AVP Contract Administrator, and Deanna Nicolozakes/Regulatory Manager.
- Sleep Study Six-Year Look-Back Audit
 - Requested a six-month extension due to COVID-19 to repay the final amount. OIG agreed to accept a payment at the settlement signing, a second payment in three months, and a final payment at six months.
 - Final settlement amount is pending (expected to be approximately \$500k).
- Employee Certifications
 - Held meeting for Year-5 to ensure Compliance Department awareness of outstanding issues impacting federal healthcare programs.
 - Certification can begin after August 30, 2020.
 - Distributed a frequently asked questions (FAQ) guide.
- HIPAA Breaches – July
 - Five breaches reported to Monitor.
 - Impermissible disclosures of patient health information (PHI).
 - (1) Broward Health Medical Center.
 - (2) Broward Health North.
 - (1) Broward Health Community Services-Cora Banyon
 - (1) Broward Health Children’s Diagnostic
 - Root-cause analysis performed.
 - Corrective action taken.
- IRO Communications for CIA Year-5 Plan
 - Systems and transaction review required in 2019. Only transaction review required for 2020.

MINUTES

NORTH BROWARD HOSPITAL DISTRICT

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- Post-Corporate Integrity Agreement (CIA) Transition Plan
 - Requested by the OIG Monitor.
 - A copy of the plan will be made available to Committee members for discussion.

7.2. Policy Approval: GA-004-012 Gifts, Gratuities and Business Courtesies (Presenter - Brian Kozik, SVP, Chief Compliance Officer)

MOTION It was *moved* by Commissioner Angier, *seconded* by Commissioner Waugh, that:

Staff Recommendation: That the Compliance and Ethics Committee recommend that the Board of Commissioners of the North Broward Hospital District authorize the District to approve Policy GA-004-012 Gifts, Gratuities and Business Courtesies.

Staff recommendation *carried* unanimously.

7.3. Compliance Education – presented by Steve Forman, Board of Commissioners Compliance Consultant

Mr. Forman shared his experience regarding his meeting with the OIG Monitor the week of August 10, 2020. This included Mr. Forman's recommendation that management at all levels continue to be engaged in compliance as leaders and catalysts to encourage employees to "do the right thing."

8. **ADJOURNMENT**

There being no further business on the agenda, the Chair adjourned the meeting at 10:54 a.m.

Respectfully submitted,
Commissioner Marie C. Waugh, Secretary/Treasurer