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GA-004-001 Compliance Office and Human Resource Protocol

I. Purpose

The Corporate Compliance and Ethics Department and Human Resource Administration each have their respective responsibilities and authorities when it comes to compliance matters and can work in conjunction with each other to address this matters. For example, both the Corporate Compliance and Ethics Department and Human Resources Administration are involved in the screening of Workforce Members, training and compliance education, and employee communication of problems and issues. In addition, Workforce Members may report HR and compliance concerns to either department. The Corporate Compliance and Ethics Department is dependent on humans and processes and strives to adhere to appropriate and consistent governance of all applicable laws, regulations, and policies and procedures.

The purpose of this policy is to establish written guidelines promoting open communication and coordination between the Corporate Compliance and Ethics Department and Human Resources Administration whenever an issue is raised to one department that may be the responsibility of the other department. This policy applies to any and all matters that may involve both the Corporate Compliance and Ethics Department and Human Resources Administration.

II. Key Terms

Chief Compliance Officer (CCO): The individual responsible for overseeing, implementing, and monitoring the compliance requirements of the Broward Health Compliance Program. In addition, this individual also holds the title of Chief Privacy Officer.

Confidentiality: Refers to those who contact a hotline or any person who reports any alleged wrongdoing via any of Broward Health's reporting mechanisms, and request that information provided through the Compliance or Workforce Diversity, Inclusion and Advocacy hotline be kept confidential. Such information must be kept confidential and be divulged only to those who have a need to know, such as those performing an investigation into the concerns disclosed by the caller. Investigators should work to protect the source of their information, including a caller's name and contact information if these details are provided by the caller.

Hotline: A confidential communication channel for use by all Workforce Members, patients, and patient families to report suspected or potential violations of law, regulations, standards, Code of Conduct, policies, or other wrongdoing, via a phone line answered by live operators or web-based reporting.

List of Excluded Individuals/Entities (LEIE): The OIG established a program to exclude individuals and entities that have been found to have violated federal law and/or regulations. The effect of OIG exclusion from Federal health care programs is that no Federal health care program payment may be made for any items or services (1) furnished by an excluded individual or entity, or (2) directed or prescribed by an excluded physician.

Retaliation: Defined under this policy to mean any adverse action taken against any Workforce Member because he or she reported or complained about a potential violation of the Code of Conduct, policies, laws, regulations, or professional standards. Any negative action that would deter a reasonable employee in the same situation from making a complaint or occurs within temporal proximity to the filing of the complaint may qualify as retaliation. Such action will be evaluated on a case by case basis. Any Workforce member found to be engaging in retaliation will be subject to disciplinary action up to and including termination of employment or related contract in accordance with Broward Health's policies and procedures.

Workforce Diversity, Inclusion & Advocacy Department Hotline: A communication channel for any allegation of discrimination or harassment made known to any Workforce Member, vendor, or independent contractor of Broward Health, whether it occurs to him/herself or another Workforce Member vendor, independent contractor, patient, or visitor.

Workforce Member: Any employee, independent contractor, agent, trainee, or other person who performs work for or on behalf of Broward Health. This includes full-time, part-time, and pool employees; associates; directors; officers; managers; supervisors; members of the Board and members of standing committees; medical staff employed by or otherwise affiliated with Broward Health; and all other affiliated students or others receiving training at any Broward Health facility; and others who provide goods or services to Broward Health.

III. Policy

1. The Corporate Compliance and Ethics Department and Human Resource Administration shall maintain consistent open communications and establish reciprocal reporting obligations to ensure that the appropriate department is apprised of issues that are of primary concern to the other.
2. The Corporate Compliance and Ethics Department and Human Resource Administration shall coordinate to ensure that all employees are screened against the OIG's LEIE and that all Covered Persons are screened and tracked in compliance with Broward Health policy *Sanction Screening, Policy No. GA-004-290*
3. The Corporate Compliance and Ethics Department and Human Resource Administration will coordinate investigations and resolve allegations and complaints that fall within their respective areas of responsibility. Coordination will be done on a consistent basis to avoid unnecessary duplication of efforts and to ensure that the matter is investigated and addressed appropriately. A third party may be retained by the Corporate Compliance and Ethics Department and/or Human Resource Administration in order to conduct investigations for matters that may be perceived as a conflict for either or both departments. Approval for third-party involvement must be obtained from the Office of

the General Counsel in accordance with Broward Health policies and procedures prior to the third-party being retained or assigned to the investigation. The third-party must be appropriately experienced and/or professionally licensed if required by state statutory requirements and must provide evidence of professional liability insurance (i.e., errors and omissions coverage) prior to conducting any company-initiated investigation.

IV. Procedures

1. Any Workforce Member that raises an issue in good faith, whether by direct contact or through the Compliance or Workforce Diversity, Inclusion & Advocacy Hotline, will be protected from retribution or retaliation in compliance with Broward Health's policies and procedures. Legitimate personnel action against a Workforce Member, proven as unrelated to the complaint/hotline report may not be covered by this Policy.
2. If an issue is raised to Human Resources Administration or Workforce Diversity, Inclusion and Advocacy that includes, or may include, any of the following subject areas, a report of such issue should be forwarded to the Corporate Compliance and Ethics Department within one (1) business day of receipt:
 - a. Billing/coding;
 - b. Physician/Referral Source relationship issues;
 - c. Conflicts of interest;
 - d. Medical records documentation;
 - e. Contracts/Agreements;
 - f. Arrangements with referral sources;
 - g. Abuse of patients;
 - h. Cost reports;
 - i. Patient confidentiality;
 - j. Embezzlement/Theft;
 - k. Paying for referrals;
 - l. False expense, reports, vouchers, etc.;
 - m. Quality of care;
 - n. Fraud/False Claims;
 - o. Retaliation or retribution as a result of a compliance complaint; and
 - p. HIPAA privacy/security problems.
3. If an issue is provided to the Corporate Compliance and Ethics Department that impacts the terms and conditions of employment, employee/employer relations, employee engagement, workplace safety, or any violation of Federal and State Laws governing the employment relationship, a report of such issue should be forwarded to the Workforce Diversity, Inclusion & Advocacy Department within one (1) business day of receipt. Examples may include but are not limited to:
 - a. Allegations of harassment/discrimination;

- b. Uncivil behavior;
 - c. Unfair employment practices;
 - d. Violent, disruptive, or threatening behavior;
 - e. Violations of Broward Health Human Resource Policy and procedures;
 - f. Discrimination/EEOC issues;
 - g. Retribution/retaliation;
 - h. Theft of time;
 - i. Americans with Disabilities Act (“ADA”); and
 - j. Family and Medical Leave Act (“FMLA”).
4. The Corporate Compliance and Ethics Department and Human Resources Administration shall communicate and coordinate the investigation and resolution of any matters that fall under the purview/scope of both departments.
 5. The Corporate Compliance and Ethics Department and Human Resource Administration will participate in a meeting, at a minimum quarterly (and as frequent as required) to discuss cases, coordinate efforts, and resolve issues.
 6. The Corporate Compliance and Ethics Department, under the direction of the Chief Compliance Officer (CCO), will have primary responsibility for ensuring this policy is followed.

V. Related Policies and Compliance Documents

- Broward Health Code of Conduct
- Broward Health Employee Handbook
- HR 001-020-EEO/Anti-Harassment Discrimination Policy
- Non-Retaliation or Retribution, Policy No. GA-004-305
- Sanctions Screening, Policy No. GA-004-290

VI. References

DHHS Office of Inspector General. OIG Supplemental Compliance Guidance for Hospitals, 70 Fed. Reg. 19, 4858, 4858 (Jan. 31, 2005). <http://edocket.access.gpo.gov/2005/pdf/05-1620.pdf>

DHHS Office of Inspector General. Publication of the OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 35, 8987, 8987 (Feb. 23, 1998). <http://www.gpo.gov/fdsys/pkg/FR-1998-02-23/pdf/98-4399.pdf>

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	12/2020
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