

**COMPLIANCE AND ETHICS COMMITTEE MEETING
Immediately Following the Governance Committee Meeting
November 12, 2019**

1. **NOTICE**

Notice of this meeting is attached to the official Minutes as EXHIBIT I. The official Agenda for this meeting, as presented for the consideration of the Committee, is attached to the official Minutes as EXHIBIT II.

2. **CALL TO ORDER** 11:10 a.m.

3. **COMMITTEE MEMBERS**

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

Not Present: Commissioner Christopher T. Ure, Vice Chair
Commissioner Andrew M. Klein

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. **PUBLIC COMMENTS** None

5. **APPROVAL OF MINUTES**

- 5.1. Approval of Compliance and Ethics Committee meeting minutes, dated September 11, 2019.

MOTION It was *moved* by Commissioner Berry, *seconded* by Commissioner Angier, to:

Approve the Compliance and Ethics Committee meeting minutes, dated September 11, 2019.

Motion *carried* unanimously.

6. TOPIC OF DISCUSSION

6.1. Chief Compliance Officer Report

6.1.1. Compliance Department Update

Mr. Kozik reported on the results from the completed Focus Arrangements and Tracking and Remuneration audits:

- CIA Year 4, Quarter 3, Focus Arrangement, 1.1% error rate
- Leases, 2.8% error rate
- On Call Coverage, 2.8% error rate
- Medical Director Agreements, 15.5% error rate

Mr. Kozik further reported on the following departmental activities since his last monthly report:

- Observation Stay, Condition 44 audit, pending and nearly completed.
- Acute Care Discharge Transfer audit, pending and nearly completed.
- Home Health Claims audit, completed at 0% error rate.
- Letter received on August 21, 2019 from SafeGuard Services who were engaged by CMS to conduct audits of claims received by Medicaid providers at Broward Health Medical Center between October 1, 2014 and March 31, 2018. SafeGuard final report pending.
- Enterprise Risk Assessment audit results identified 19 system wide high-risk areas. Each high-risk area will be assigned a senior leader and team to implement risk mitigation plan, increase effectiveness of controls and establish target dates.
- Compliance Work Plan in progress and will be presented on to the Executive Compliance Group, followed by the Board.
- Finalization of contract with the organization conducting HIPAA Patient Privacy Review is in progress.
- A Compliance Coding Specialist had been retained, who will be performing bi-annual comprehensive coding accuracy audit on all hospital coders.
- In an effort to reduce errors identified within internal and external compliance audits, members convened by Broward Health's regional CFOs were in the process of documenting best practices to avoid denials based upon not following a specific National Converge Determination (NCD) or Local Coverage Determination (LCD).
- Compliance report of activity for the 4th reporting period completed and will be reported to the Executive Compliance Work Group, Board Members, and annual report.
- Letter received from the Office of Civil Rights (OCR) regarding a patient complaint. After an internal review by Broward Health's Privacy staff, it was determined that no breach had occurred.
- Automation and tracking organization's conflict of interest issues will be put through C-360. Full implementation anticipated by mid-December.

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- Joint meetings between the compliance and legal departments will continue on a monthly basis.
- An Enforcement Conference in Washington D.C. attended by Mr. Kozik and two compliance staff members.
- A hepatitis vaccination waiver was granted by the Monitor.

* Please note, 6.1.3. CIA Update was given prior to the 6.1.2. IRO Update

6.1.3. CIA Update

- October 31, 2019, letter from the Monitor reported all outstanding issues from the 2nd and 3rd annual reports had been cleared.
- November 1, 2019, letter from Monitor reported reportable events disclosed since the beginning of the CIA had been closed as well.
- Follow up request from Monitor on (2) pending reportable events
 - Physician on the excluded list refund for services
 - Sleep Study, six year review and payback
- Extension was provided until January 3, 2020 for submission of annual report.

6.1.2. IRO Update

- September 27, 2019, received IRO Draft Systems Review Report.
 - October 21, 2019, received Draft Report reference to Exhibit C regarding Policies & Procedures with IRO's recommendations for enhancements. Recommendations being implemented.
- October 21, 2019 through 22, 2019, IRO visit to Spectrum. Delivery of final transaction and system report anticipated by December 13, 2019.
- September 2, 2019, samples provided to Monitor by IRO. Broward Health and IRO recommended two groups of arrangements, being Best Choice and certain committee meeting arrangements, be excluded. Monitor approved exclusion.
- September 2019, (5) HIPAA breaches reported to Monitor from Broward Health North (2) and Broward Health Medical Center (3).
- February 14, 2019, letter sent to Monitor regarding (2) Reportable Events:
 - Certification letter provided by the CFO related to the suspension of a physician, in which a refund in the amount of \$568.34 was made to appropriate payers.
 - Certification letter provided by the CFO related to an overpayment on cardiac devices, which was completely refunded to Medicare and any other applicable Federal Healthcare Program payers.
- Three waivers related to CIA and FMV language were granted by Monitor.
- Board and Audit Committee Compliance Conference scheduled February 24 and 25, 2020.
- IRO Plan of Correction Subcommittee chaired by Ms. Epstein moving forward.

MINUTES

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- In year-4 of the CIA, between August 31, 2018 and August 30st, 2019, the compliance department opened 119 disclosures and closed 495 disclosures.

6.1.2. Annual Report Update

Ms. Pizano-Urbina, Director, Focus Arrangements, reported on the progress regarding the completion of the Annual Report and its extension.

Ms. Brown, Director of Compliance and Privacy, provided status on the Annual Report from a compliance operational standpoint, which included the progress of the collection of required certifications and completed disclosure summaries.

6.2. Regulatory Environment Update

Mr. Forman acknowledged his one-year anniversary as Broward Health's Compliance Consultant. He briefly spoke about the continuation of focus on the auditing and monitoring processes. He also mentioned continuous focus on the resulting plan of corrections, the progress that has been made within risk assessments, and sustainability involving matters within the Corporate Integrity Agreement.

Discussion ensued regarding a meeting between the Monitor and Board Members.

7. ADJOURNMENT 11:52 a.m.

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

Adjourn the Compliance and Ethics Committee meeting.

Motion *carried* unanimously.

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