

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 Quality Assessment and Oversight Committee Meeting
Wednesday, March 24, 2021

The Compliance and Ethics Committee Meeting of the North Broward Hospital District was held on March 24, 2021, immediately following the Quality Assessment and Oversight Committee Meeting, at the Broward Health Corporate Spectrum Location, 1700 NW 49th Street, Suite 150, Fort Lauderdale, Florida 33309.

1. **NOTICE**

Official notice is attached to these minutes, titled EXHIBIT I. Agenda of this meeting is attached to the minutes, titled EXHIBIT II. Supporting documents are attached to these minutes, titled EXHIBIT III. These exhibits are 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 10:49 a.m.

3. **COMMITTEE MEMBERS**

Present:

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

Senior Leadership

Additionally Present:

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

5. **APPROVAL OF MINUTES**

Without objection, Chair Gregoire approved the minutes, dated February 17, 2021.

Motion *carried* without dissent.

6. TOPIC OF DISCUSSION

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

Two-Year Work Plan Summary

- 55 audits scheduled
 - 22 for FY21 scheduled.
 - (8), audits in-process.
 - (6), audits remaining to complete by June 30, 2021, which include:
 - (3) coding audits (BHCS, BHIP, and BHMC).
 - (1) CARES Act (Coding and Billing).
 - (1) Release of (PHI)Protected Patient Information (System-Wide).
 - (1) Inpatient Mechanical Ventilation.
 - 23 for FY22 planned.

Current Audit Activity

- BHMC Coding Audit for FY20-Quarter 2
 - 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%.
 - Final stage.
- 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.
 - Reporting stage.
- 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.
 - Final stage.
- 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.

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- Centers for Medicare and Medicaid Services regulations.
 - Guidelines regarding the operations of an IRB.
 - Reporting stage.
- Tracking and Remuneration for Community Care Partners
 - In process.
 - Objective is to ensure payments made are in compliance with contract terms and conditions.
 - Fieldwork stage.
- Business Associate Agreement (“BAA”) System-Wide
 - In process.
 - Objective is to ensure that any outside source that handles BH patient protected health information has a properly executed, up to date BAA.
 - Audit period, 1/1/2017 - 12/31/2019.
 - Fieldwork stage.
- BHN Coding Audits FY20-Quarter 3 (COVID-19)
 - 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%.
 - Planning stage.
- Referral Source Arrangements & Tracking Remuneration System-Wide – In fieldwork stage
 - In process.
 - Objective: To ensure payments made are in compliance with contract terms and conditions.
 - Planning stage.

Completed Audits

- BHN Rehabilitation Unit
 - Completed.
 - Objective: An external firm reviewed 50 charts from 2018-2020 to verify patients admitted were appropriate for inpatient rehab and that they met CMS guidelines from a documentation and billing perspective.
 - An internal review was made of the firm’s findings, in which only a few of the findings were warranted in regard to payback.
 - Corrective action: Moving forward the Director of Unit has put a process in place to ensure that all documentation and billing meet the CMS guidelines prior to submission.
- SafeGuard Services Audit of Broward Health Medical Center Short Stay
 - Completed.

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- 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.
- On February 26, 2021 was informed that the report is with CMS and the State. Once CMS and the State approve, the report will be sent to Broward Health Medical Center.
- HIPAA Breaches
 - 2020 Impermissible disclosures of Patient Health information (PHI).
 - 33, total.
 - (9) BHMC
 - (4) BHCS
 - (6) BHIP
 - (6) BHN
 - (5) BH Community Services
 - (2) CDTC
 - (1) BH Corporate – CBO
 - February 2021 Impermissible disclosures of Patient Health information (PHI).
 - (3) BHCS
- Broward Health HIPAA Policies
 - The below HIPAA Policies have been reviewed:
 - Business Associate Agreement.
 - Notice of Privacy Practices of Medical Information.
 - Release of Information to the Media.
 - Release of Protected Health Information.
 - Sanctions for Non-Compliance with Information.
 - Privacy/Security Policies.
 - Information Blocking (new).
 - Policies to be approved at the Policy Sub-Committee and, sent to ECG for informational purposes.
- Executive Compliance Group (ECG)
 - Last Meeting: March 2021.
 - Update: Presentations held on medical management HIPAA privacy investigation process.
 - Review of HIPAA policies to go to the ECG for informational purposes.
 - ECG subcommittees highlighted at the February 17, 2021 Compliance Committee meeting.
 - Training
 - Chaired by Mark Sprada, Chief Human Resource Officer
 - Group meets monthly.

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- Incorporating live compliance training at new employee orientations.
- Compliance training for leadership is done in person.
- Conflict of Interest
 - Chaired by Dr. Ana Calderon, Administrator, Children's Diagnostic and Treatment Center (CDTC).
 - Completed thorough review of disclosures.
 - Two highest reported potential issues continue to be HIPAA and HR.
- Sanction Screening
 - Chaired by Barry Gallison, VP, Clinical Quality and Risk Management.
 - There were no reports of individuals excluded from participating in the Medicare and Medicaid for the past month.
- Auditing and Monitoring
 - Chaired by Alex Fernandez, SVP/Chief Financial Officer
 - Part of Enterprise Risk Assessment.
 - Presentations on internal controls were given for the following areas, which received positive feedback:
 - Telehealth claims.
 - Advance beneficiary notices.
 - Transfer DRGs.
- Code of Conduct and Policies
 - Chaired by Tia Bowman, AVP, Corporate Service & Contracts Administration
 - Group charged with reviewing HIPAA policies.
 - Code of Conduct manual to include Board Chair and new CEO letters.

Additional Department Activities

- Conflict of Interest Surveys to be distributed in April.
- CURES Act (Information Blocking Rules).
 - Sent letters to all vendors who handle Patient Health Information (PHI).
- Staffing Update.
 - BHN Compliance Officer resigned. Current staff member filling position on interim basis.
 - New Compliance Analyst – external candidate starting March 29, 2021.
 - New Senior Compliance Specialist – internal candidate starting March 29, 2021.

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- Budget Update.
 - Meeting conducted with Finance Department to begin budget process.
- 6.2. Compliance Education – Conflict of Interest (Presenter – Steve Forman, Interim Chief Corporate Comp. Officer)

Mr. Forman gave an overview on the importance of understanding conflicts of interest and the process elements in terms of how they are dealt with and managed at Broward Health.

7. **ADJOURNMENT**

There being no further business on the agenda, the Chair adjourned the meeting at 11:21 a.m.

Respectfully submitted,

Commissioner Marie C. Waugh, Secretary/Treasurer

DRAFT