

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

COMPLIANCE AND ETHICS COMMITTEE MEETING **Immediately following the Legal Affairs & Governmental Committee Meeting** **June 17, 2020**

The Compliance Committee meeting of the North Broward Hospital District was held on June 17, 2020, immediately following the Legal Affairs & Governmental 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 Gregoire at 11:02 a.m.

3. **COMMITTEE MEMBERS**

Commissioners 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

*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 – presented by Linda Epstein, General Counsel**

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

“This public board meeting of the is being conducted through communications media technology in accordance with the Governor's Executive Order No. 20-69, as extended by Governor's Executive Order No. 20-139, and § 120.54(5)(b)2., Florida Statutes. This meeting is open to the public, 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

Compliance & Ethics Committee 1

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 May 27, 2020.

Staff recommendation carried unanimously.

7. TOPIC OF DISCUSSION

7.1 Information Systems Presentation – presented by Katherine Ross, Chief Information Officer

Ms. Katherine Ross, CIO, reminded the committee that last fall Broward Health and Memorial Health agreed to engage Cumberland Consulting to assess and compare two healthcare information technology software companies, Cerner Corporation and Epic Systems. She further reported that Cumberland Consulting would share their report after Cerner and Epic's presentation.

7.1.1 Cerner – presented by Donald Trigg, President

Mr. Trigg's presentation highlighted:

- Four Decades of Healthcare Innovation
- Industry-Leading Research & Development (R & D) Focused on Client Value
- Broward Health-Cerner Partnership History
- Advancing the Broward Health Business Strategy – CEO Board Presentation
 - Growth: Helping Broward's Push to be a Data Driven Enterprise
 - Service: Enhancing the Patient Experience
 - Quality: Driving Data Access
 - Finance: Advancing the Business Strategy
- Cerner 2025
 - Advancing the Core: Clinical Electronic Medical Records (EMR) and Revenue Cycle
 - Enabling the Health Network: Beyond the Millennium Electronic Health Records (EHR). Beyond the Hospital. Beyond Fee for Service
 - Cerner 2025: Person-Centered Vision for Health and Care

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

After the presentation Mr. Trigg took questions from the committee related to patient information sharing across systems and their primary market share in Florida and the US.

7.1.2 Epic – presented by Rachel Brown, Customer Happiness Executive

Ms. Brown gave a brief history of the Epic Software Factory and its founder, Judy Faulkner. Ms. Brown's presentation reported on the following:

- Research & Development (R&D) Focus for Delivering New Technology
- We are Builders and Innovators – Not Acquirers
- Healthcare Technology Consolidation
- One Unified Platform
 - Ambulatory
 - Inpatient
 - Social Care
 - Health Plan
- 72% of the U.S. Population: will be cared by EpicCare when current rollouts are complete.
- Emergency Medical Records (EMR)
 - Percentage of Ambulatory Physicians.
 - All Hospitals, Percentage of Licensed Beds.
- Over 90% of Medical Student and Residents Train on Epic.
- 20 out of 21 of the Best Hospitals in 2019 use Epic.
- Benchmark compared to your peers.
 - Clinical and financial key performance indicators (KPIs)
- KLAS Performance Results
 - Ambulatory Care, EMR.
 - Patient Accounting and Management.
- Organizations replacing:
 - Allscripts hospitals with Epic.
 - MEDITECH hospitals with Epic.
 - Cerner hospitals with Epic.
- Lifetime Partnership
- Data from Moody's
- Benefits Realization overview
- Patient Experience
- Physician Experience
- Virtual System

After the presentation Ms. Brown took questions from the committee related to patient information sharing across systems and their primary market share in Florida and the US.

7.1.3 Cumberland – presented by Luke Laurin, Managing Consultant and Greg Varner, Provider Division Partner

Mr. Laurin noted that Cumberland Consulting Group was engaged to analyze three different electronic health record implementation scenarios and to align an implementation scenario with Broward Health's strategic objectives.

- Project Overview
 - Three Implementation Scenarios Evaluated
 - Enhance Broward's Cerner footprint by replacing INVISION (legacy patient accounting platform currently with Cerner Patient Accounting).
 - Epic partnership with Memorial to implement via Epic Connect.
 - Broward implementation of Epic on their own.
 - Main Objectives
 - Pros and cons for each scenario.
 - Specific price quotes from each vendor (including Memorial).
 - Total cost of each implementation.

Driving Factors were also shared related to the EHR Evaluation.

- Cumberland's Assessment
 - Cumberland did not learn of a requirement for Broward Health to switch EHR platforms.
 - INVISION is not Broward Health's long-term patient accounting solution.
 - There is a financial and maintenance impact to support current portfolio of third-party applications and bolt-ons required to run INVISION that can be consolidated with the implementation of Cerner Patient Accounting.
 - Cerner Patient Accounting has deficits; Cerner has a roadmap to address deficiencies by 2024.
 - Each implementation path has inherent risks and potential financial implications.
- In regard to Cumberland's recommendations, they did not identify a need to replace Broward Health's current EHR platform. In considering replacing INVISION with Cerner Patient Accounting they shared the following:

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

- Broward Health should own the build process to right-fit manual workflows.
- Evaluate where you want to rely on your third-party bolt-on applications to assist.
- Be willing to wait for the product to become more mature within the marketplace and use current Cerner account resources to stay informed regarding the Cerner Patient Accounting Roadmap until 2024.
- Majority of the functional deficits have been addressed by Cerner to be delivered to Broward Health with others currently in development need to ensure that these issues have truly been resolved.
- As an alternative, Broward Health may consider exploring Soarian Financials as a comparison to Cerner Patient Accounting.
- Implementation scenario rankings against driving factors were given.
 - Implementation Scenario Rankings Against Driving Factors were weighted by importance to the organization with cost and alignment or the organization's direction of not needing to change EHR platforms as the top two.
- Financial Comparison of Vendors Evaluated
 - Partial list of cost categories below for implementation models included in all three scenarios.
 - Software
 - Implementation
 - Staffing
 - Internal Staffing Cost (\$55 standard cost per hour)
 - External Staffing Cost (\$180 standard cost per hour)
- Total Implementation Cost Estimate – Detail and Assumptions
 - Cost of Cerner (combined estimate of \$180m over 10 years).
 - Cost of Epic Connect with Memorial Health Services (estimated at \$201m).
 - Cost of Epic Direct (estimated at \$244m).

7.2 Chief Compliance Officer Report – presented by Brian Kozik, SVP, Chief Compliance Officer

7.2.1 Compliance Department Updates – presented Brian Kozik, SVP, Chief Compliance Officer

- Two-Midnight Rule Audit
 - Review, completed.
 - 22% error rate equally a \$103k payback.
 - Additional three-month testing commenced, per OIG.
 - If results confirm error rate, a six-year lookback will commence.
- Non-Focus Arrangements Audit

MINUTES

NORTH BROWARD HOSPITAL DISTRICT

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

- Review, 65% complete.
- Observation Stay/Condition Code 44 Audit
 - 85%, complete.
- Managed Care Auto Renewal Audit
 - Review, completed.
 - No deficiencies identified.
- Inpatient Psychiatric Stays Certification and Recertification
 - Review, completed.
 - All billing certifications were being met.
 - Draft report issued June 9, 2020.
 - Some internal policies need to be updated but do not impact payment.
- Medicare Payments for Bariatric Procedures
 - Review, completed.
 - No issues identified.
 - Report issued.
- SafeGuard Services audit of BHMC Short Stay Claims to Medicaid
 - Review, completed.
 - 40% error rate.
 - Closing meeting held with the Compliance Department.
 - Audit placed on hold pending CMS direction due to COVID-19.
- Office of Inspector General Laboratory Compliance Guide
 - OIG recommends sending notice to physicians/providers annually regarding lab's compliance program.
 - Letters are informational and do not require action.
 - Letters distributed to all physicians and providers June 16, 2020.
- Greenberg Traurig review of Broward Health's HIPAA Privacy Program
 - External review, in process.
 - All requested policies and procedures and completed privacy questionnaire were provided.
 - Results extremely positive.
 - Meeting with the Information Systems Security Manager and IT Auditor from Internal Audit held on June 16, 2020.
 - HIM and processes/procedures.
 - Incident and disaster response.
 - Ransomware and phishing training.
- Monthly Reportable HIPAA Incidents
 - No reportable HIPAA breaches in May 2020 (first time in over a year).

Compliance & Ethics Committee 6

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

- Pre-COVID-19 face-to-face nursing education sessions at leadership meetings, successful.
- Team met with BHMC Surgical Committee to provide guidance on Telemedicine and Use of Technology.
- Rebranding Project
 - Video series scheduled introducing Compliance department as a team.
 - Reviewing seven elements of an effective compliance program.
 - Reviewing code of conduct.
 - Launching Compliance Relations Council for staff to enhance opportunity for education and outreach.
- Compliance Work Plan – Fiscal Year 2020: Status
 - 28 reviews in total for the fiscal year.
 - 12 reviews completed at this time.
 - 8 reviews in process (to be completed by end of June).
- Compliance Plan and Budget Plan 2021
 - In progress.
 - Working with the Audit department on their work plan for 2021 and will include the risk assessment process.

7.2.2 OIG/CIA Update – presented by Brian Kozik, SVP, Chief Compliance Officer

- Annual Report – Year 4
 - OIG response submitted May 28, 2020.
- Sleep Study
 - Due to high error rate, OIG requested six-year lookback audit resulting in additional \$1.1-\$1.2m payback.
 - Statistician assisted to extrapolate error rate for six years.
 - June 1, 2020 call with Monitor to discuss overpayment.
 - Monitor indicated the item remain open, pending review of supporting documentation of payback and corrective action plan.
 - OIG proposed it be resolved via the OIG Self-Reporting protocol which, would offers Broward Health credit for reporting the issue to the OIG rather, than having a review conducted and reporting the problem.
 - Statistician will assist and provide amount within a week.
- IRO Opinion and Requests for CIA Year 5 Plan
 - IRO noted a Systems and Transaction Review is not needed.
 - Monitor's letter and responses will be provided to IRO.
 - A summary report of material policy changes will be provided to IRO.
 - IRO field work launching July 2020.

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

- Group call to Monitor tentatively scheduled for July 6, 2020.
- Transition Plan for Compliance Program, Post-CIA
 - Steve Forman leading the plan, along with President/CEO, CAO, CFO, General Counsel and Chief Compliance Officer.
 - Plan nearly complete.
 - Transaction review to begin on August 31, 2020 (the day after the CIA year 5 ends).

Mr. Kozik took a moment to introduce Mr. Mark Green, new compliance manager.

7.2.3 Conflict of Interest Update – presented by Lauren Brown, Director, Compliance/Privacy Operations)

- Conflict of Interest Survey
 - Distributed January 6, 2020 to key employees, including the Board of Commissioners.
 - 1,200 surveys sent.
 - 93% completed.

7.2.4 Annual Compliance Mandatory Education Update – presented by Brian Kozik, SVP, Chief Compliance Officer

- Mandatory CIA Compliance Year 5 Training
 - Roll out date extended to June 25, 2020 due to the pandemic.
 - 15,500 work force members (including Board of Commissioners) assigned training.
 - As of June 12, 97% completed training.
 - Code of Conduct included.

7.3 Mr. Steve Forman presented his monthly compliance training for the Board, titled Reportable Breaches of Privacy.

8. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 1:33 p.m.

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