

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 Legal Affairs & Governmental Relations Committee Meeting
Wednesday, January 20, 2021

The Compliance and Ethics Committee Meeting of the North Broward Hospital District was held on January 20, 2021, immediately following the Legal Affairs & Governmental Relations Committee Meeting, at the Broward Health Corporate Spectrum Location, 1700 NW 49th Street, Suite 150, Fort Lauderdale, Florida 33309.

1. **NOTICE**

Official notice and agenda of this meeting is attached to the minutes, titled 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 11:47 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:

Gino Santorio, President/Chief Executive Officer
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 December 16, 2020.

Motion *carried* without dissent.

6. TOPIC OF DISCUSSION

- 6.1. Kaufman Hall EMR Presentation (Presenters - Evan Katzman, Kaufman Hall, Dawn Samaris, Kaufman Hall)

Ms. Samaris gave an overview of the Evaluation Commissioner Report, which focused on the overview of ownership costs for Electronic Medical Records (EMR) software between Epic and Cerner.

Ms. Samaris reiterated that the focus was on the economic impacts to Broward Health and options presented by the two vendors.

After much discussion, it was agreed that this item be tabled pending an EMR presentation by Commissioner Berry at a future meeting.

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

6.2.1. Compliance Department Updates

- Two-Year Work Plan
 - 55 reviews scheduled: 22 for FY21 and 23 for FY22.
 - FY21.
 - 6, audits completed.
 - 6, audits in-process.
 - 10, audits pending.

Mr. Kozik gave a high-level overview of the finalized audits.

- Completed Audits
 - Non-focus arrangements (11/1/19 - 1/31/20).
 - Observation/MOON/Condition Code 44 (1/1/19 - 3/31/19).
 - Focus arrangements CIA Year 5 Quarter 2.
 - Two-midnight Rule (10/1/18 - 12/31/18) – OIG request.
 - Coding audits FY20 Quarter 2 at BHIP (10/19 - 12/31/19).
 - Focus arrangement CIA Year 5 Quarters 3 and 4.
- Current Audits
 - 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.
 - Tracking and Remuneration Audit for Employed Physician Agreements

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- In process.
- Objective is to examine payments made during the review period and verify internal controls were effective and consistent with terms of agreement.
- 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.
 - Centers for Medicare and Medicaid Services regulations.
 - Guidelines regarding the operations of an IRB.
- BHMC Coding Audit for FY20
 - 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%.
- Tracking and Remuneration for Community Care Partners
 - In process.
- Business Associate Agreement (“BAA”) System-Wide
 - In process.
 - Audit period, 1/1/2017 - 12/31/2019.
- Centers for Medicare and Medicaid Services (CMS) Audit of 20% Bonus for COVID-19 Inpatient Waivers
 - In process.
 - Objective is to complete CMS’s first medical review of the 20% add-on payment for treating COVID-19 inpatient waivers.
 - Each hospital reviewed 25 cases, for a total of 100 cases.
 - 98 cases were coded correctly.
 - Two (2) cases were coded incorrectly.
 - Does not impact financial reimbursement.
 - Coding was corrected.

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- SafeGuard Services Audit of Broward Health Medical Center Short Stay
 - Completed.
 - 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.
 - A Final Findings Report will be sent to CMS and the State. Once approved, the State will communicate with Broward Health Medical Center.

- HIPAA Breaches for November
 - 2020 Impermissible disclosures of Patient Health information (PHI).
 - 33, total.
 - December Impermissible disclosures of PHI.
 - (1) BHMC.
 - (1) CDTC.
 - (1) BHIP.
 - (1) BHN.

- Table Top Exercise – Incident Breach Response and Readiness
 - Objectives
 - Develop, test, deploy, and provide training on data security and privacy policies and procedures, including breach response teams; joint incident response plans and simulations with key vendors; and training for management teams.
 - Respond to active and potential breach situations, assisting BH in responding as our situation develops.
 - Assist in post-breach remedial efforts from the legal standpoint, including strong documentation showing good practices and changes made based on the incident.
 - Respond to ransomware and other cybercrime situations.
 - In conjunction with Information Systems, Emergency Preparedness Teams and outside experts, Greeberg Traurig, LLP.
 - Planning a table top exercise on patient privacy and a security breach.

- HIPAA Policies
 - The below Broward Health 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).

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- 340B Program External On-Site Audit
 - In process.
 - Objective is to provide external audit documentation as required by the Health Resources and Services Administration (HRSA) auditor for integrity of the program. All sites are required to have an external audit of each 340B registered location.
 - Audit Focus.
 - Hospitality eligibility.
 - Internal controls.
 - Duplicate accounts.
 - Diversion (transactional testing).
 - Effective October 2020, upon notification of audit, HRSA now requires a clinical crosswalk to be submitted.
 - 340B Compliance Meeting occurs bimonthly.

- ACHA
 - December 17, 2020, Broward Health Medical Center received a request for medical record and billing documentation for services paid by the Florida Medicaid program for five (5) claims with dates of service from February 2016 to July 2016.
 - HIM submitted all requested information to ACHA.

- Centers for Medicare and Medicaid Services (CMS) Price Transparency
 - The final rule requires hospitals to publish standard charges, including discounted and negotiated rates, for all items and services in a specified online format as well as update the files annually, effective January 1, 2021.
 - Hospitals must post standard charges for all items and services on a public-facing website in a machine-readable format.
 - Broward Health is meeting the minimum requirements, including gross charges, self-pay rates and negotiated rates for those payors whose reimbursement is based on a percent-of-charge.
 - A machine-readable file for each region is currently posted on the Broward Health website under Patient and Visitor Information/Pricing Transparency.
 - Hospitals must provide pricing for at least 300 “shoppable” services.
 - 70 services are mandatory.
 - Hospitals may select the remaining 230 services from a list of commonly provided services.
 - Broward Health intends to meet this requirement by maintaining an internet-based price estimator tool.

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- Other Department Activities
 - Compliance Council.
 - Next meeting scheduled for January 25, 2021.
 - CDTC
 - Week of January 11th, the first formal compliance meeting was held to introduce the new regional compliance officer.
- 6.2.2. CIA Year 5 Annual Report Update (Presenter – Brian Kozik, SVP, Chief Compliance and Privacy Officer)
 - OIG’s response to Fifth Annual Report on January 7, 2021. OIG Comments and questions:
 - Compliance Officer – holding two roles.
 - Board – requested the types of information the members receive that enabled them to make the resolution of an effective compliance program.
 - One policy question.
 - Three questions related to the IRO.
 - Disclosure Log –requested updates on eight (8) disclosures.
 - Reportable Events – requested a certification for the CFO regarding an overpayment.
 - Requested an update to three (3) disclosures dating back to 2017, 2018 and 2019.
 - Requested an update on the two-midnight review.
 - Four (4) questions regarding certifications.
 - Response is due February 8, 2021.

6.3. Compliance Education (Presenter – Brian Kozik, SVP, Chief Compliance and Privacy Officer)

Mr. Kozik shared an update on the Healthcare Regulatory Environment outlook for 2021.

7. **ADJOURNMENT**

There being no further on the agenda, the Chair adjourned the meeting at 12:58 p.m.

Respectfully submitted,

Commissioner Marie C. Waugh, Secretary/Treasurer