

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 Pension and Investment Committee Meeting
Wednesday, May 19, 2021

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

1. **NOTICE**

Notice and Agenda, titled EXHIBIT I and EXHIBIT II, are attached to the official meeting book archived at the Board of Commissioners' Office. Supporting documents, if applicable, are attached to these minutes, titled EXHIBIT III. 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 12:53 p.m.

3. **COMMITTEE MEMBERS**

Present:

Commissioner Christopher J. Pernicano (via WebEx)
Commissioner Levi G. Williams Jr.
Commissioner Stacy L. Angier
Commissioner Marie C. Waugh,
Commissioner Ray T. Berry, Vice Chair
Commissioner Nancy W. Gregoire, Chair

Not Present:

Commissioner Jonathan K. Hage

Senior Leadership

Additionally Present:

Shane Strum, President/Chief Executive Officer
Alan Goldsmith, Chief Operating Officer
Alex Fernandez, Chief Financial Officer
Linda Epstein, Corporate 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 March 24, 2021.

Motion *carried* without dissent.

6. TOPIC OF DISCUSSION

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

For further detail, related slides are available within the May 2021 Compliance and Ethics Committee Meeting book on the Board of Commissioners' webpage.

Two-Year Work Plan

- (20) audits scheduled for FY21
 - (10) audits in-process.
 - (10) complete.
- (23) audits planned for FY22

Current Audit Activity, (10) audits in total

- Broward Health Medical Center Coding Audit for FY20, Quarter 2
 - In process.
 - Objective is to review the coding of inpatient and outpatient claims to ensure that they meet federal billing/coding guidelines and Broward Health's coder accuracy rate of 95%.
 - In final stage.
- Inpatient Mechanical Ventilation
 - In process.
 - Objective is to determine if Broward Health complied with Medicare coding and billing requirements of inpatient mechanical ventilation.
 - In fieldwork 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.
 - In final stage, report being finalized.
- Clinical Trials – Broward Health Medical Center's Institutional Review Board (IRB)
 - In process.

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- 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.
- In reporting stage.
- Tracking and Remuneration for Community Care Partners
 - In process.
 - Objective is to ensure payments are in compliance with contract terms and conditions.
 - In fieldwork stage, draft report in process.
- 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 and up to date BAA.
 - Audit period, 1/1/2017 - 12/31/2019.
 - In final stage, draft report completed.
 - Exit meeting held.
- Broward Health North Coding Audits FY20-Quarter 3 (COVID-19)
 - In process.
 - Objective is to review the coding of inpatient and outpatient claims to ensure it meets federal billing/coding guidelines and Broward Health's coder accuracy rate of 95%.
 - In planning stage.
- Referral Source Arrangements & Tracking Remuneration System-Wide
 - In process.
 - Objective is to ensure payments are in compliance with contract terms and conditions.
 - In draft report stage.
- CARES Act (Coding and Billing).
 - In process.
 - Objective is to perform a review to ensure the medical record documentation supports the COVID-19 payment received from Medicare, due to multiple coding changes as a result of COVID-19.
 - In fieldwork stage.
- Systemwide Release of (PHI) Protected Patient Information.
 - In process.

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- Objective is to verify BH is following all internal policies and related federal law when releasing patient health information (PHI).
- In fieldwork stage.
- FY2021 Remaining Audits
 - Coding Audits
 - To be completed by June 30, 2021; current year work plan will then be complete.
 - Coding Audit at Broward Health Coral Springs.
 - Coding Audit at Broward Health Imperial Point.

Anticipated Audits

- Telehealth Claims
 - Anticipate government to review information from the COVID-19 time period.
- Inpatient COVID-19 Claims
 - 20%-increase in payment for molecular and androgen testing.
- HIPAA Breaches
 - March 2021 Impermissible Disclosures of Patient Health Information (PHI).
 - (2) Broward Health Imperial Point.
 - (1) Broward Health Medical Center.
- Executive Compliance Group (ECG)
 - Inpatient rehabilitation facility at BHN audit completed; achieved 70% diagnoses requirement for patients to meet one of 13 specific diagnoses in order to receive Medicare payment.
 - 340B Audit and Compliance committee launched and meets every other month.
 - Chaired by Dave Lacknauth, Executive Director, Pharmacy Services.

Additional Department Activities

- Conflict of Interest Surveys sent out.
 - Distributed via C360.
 - 122+ nonresponsive.
 - Penalty for incomplete surveys TBD.
- External Auditors, Warren Averett
 - Provided OIG closing letter to auditors.
 - Provided internal audit work papers for several audits to reduce their hours and fees.
- Compliance and Ethics Relations Council
 - Last meeting held April 26, 2021.

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- 30 members from all levels across the organization.
 - Volunteers serve on the council for two years.
 - Surveyed council to determine how effective is compliance and compliance training.
 - General Risk Assessment
 - Completing general versus Enterprise Risk Assessment in the current year.
 - Requested top 3-5 concerns from system leadership
 - Members: Brian Kozik, Alisha Bert, Jared Smith, and Cynthia Norris.
 - To determine what risks will go on a compliance plan versus an audit plan. Outstanding risks will be assigned to Broward Health leaders to determine how those risks will be mitigated.
 - Completion date set for June 2021.

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

Mr. Kozik shared a presentation on the Corporate Integrity Agreement (CIA) and the Executive Compliance Group (ECG).

- CIA
 - An overview of the five-year term Broward Health was assigned (beginning August 31, 2015) and the overall process of the CIA was presented.
- ECG
 - Consists of executives from the Broward Health Corporate Offices and each hospital and regional facility.
 - Originally divided into seven (7) subcommittees and chaired by an executive with support staff from the Compliance Department.
 - IRO Plan of Correction – disbanded due to the close of the CIA.
 - Disclosures.
 - Sanctions Screening
 - Risk Assessment, Auditing, and Monitoring.
 - Training.
 - Code of Conduct and Compliance.
 - CIA – disbanded due to the close of the CIA.
 - Meets monthly.
- Post-CIA Transition Plan
 - Not required by the Office of Inspector General (OIG).
 - A tracking document was created to monitor completion of all items from CIA Transition Plan and will be monitored by the Auditing and Monitoring Subcommittee of the ECG.

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- The commitment to compliance by the Board of Commissioners and Executive Leadership throughout Broward Health will ensure compliance success into the future.

7. **ADJOURNMENT**

There being no further business on the agenda, the Chair adjourned the meeting at 1:38 p.m.

Respectfully submitted,

Commissioner Christopher J. Pernicano, Secretary/Treasurer

DRAFT