

# MINUTES

1700 NW 49<sup>th</sup> Street, Suite #150, Ft. Lauderdale, 33309

**RE: COMPLIANCE COMMITTEE MEETING**

**DATE: JULY 18, 2018 TIME: 10:00 A.M.**

**MEETING CALLED TO ORDER:** 10:05 a.m.

**MEETING ADJOURNED:** 11:00 a.m.

**ROLL CALL:** Commissioner Gregoire/Chair, Commissioner Ure, Commissioner Wellins (via video conference), Commissioner Klein, Commissioner Berry

**PRESENT:** Beverly Capasso/CEO, Gino Santorio/COO, Alan Goldsmith/CFO, Lynn Barrett/General Counsel, Nick Hartfield/CCO, Nigel Crooks/CIA

**PUBLIC COMMENTS:** None

## **APPROVAL OF MINUTES:**

1. Approve Compliance Committee Meeting Minutes from May 30, 2018

**MOTION:** Motion was made by Commissioner Klein to approve the Compliance meeting minutes for May 30, 2018, seconded by Commissioner Berry. **Motion carried unanimously.**

## **TOPIC OF DISCUSSION:**

- Executive Compliance Workgroup Update

Nick Hartfield, Chief Compliance Officer, reported he is in the process of revising all internal departmental procedures and will be bringing revisions to the Executive Compliance Workgroup meeting on July 31st. He further reported that in an effort to decrease staff confusion and streamline processes, the Compliance and Ethics department are combining three forms that were individually sent to employees on a monthly basis. The forms should be in circulation by August 2018. Mr. Hartfield agreed to bring the new form to the next committee meeting for review.

Mr. Hartfield noted that the Executive Compliance Workgroup meetings are already having great success. At the last meeting, an issue related to on-call physicians being scheduled at multiple facilities is now being controlled by transitioning from hardcopy to electronic database.

The Executive Compliance Workgroup meets once a month and is made up of all of the heads of the departments at the District, which includes Ms. Capasso, Mr. Santorio, Mr. Goldsmith, Ms. Barrett, Mr. Crooks, Mr. Fernandez, Ms. Cherry, Mr. Nyamora, Mr. Ghezzi, Mr. Fernandez, Ms. Blunt, Ms. Calderon, Dr. Ta, and Mr. Hatfield.

2. Hotline Follow-Ups

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Mr. Hartfield provided a breakdown of the January 1st through May 30th hotline cases, as per Commissioner Berry's request at the prior month's committee meeting. As of now only 12 of the 22 cases are still open. Of the 64 that were closed, 3 were determined *not-applicable*. Mr. Hartfield further detailed the differences between categories titled *substantiated*, *undetermined*, and *unsubstantiated*. Mr. Hartfield agreed to bring anything substantial to the Board's attention.

Ms. Barrett reported that a prior Board asked the former Chief Compliance Officer to create a procedure related to what information should be brought to the Board. Mr. Hartfield is currently creating the procedure.

Commissioner Ure clarified that while the category is important to understand, due to a severe lack of transparency from Mr. Hartfield's predecessor, what the Board would most be interested in is information that could expose the organization financially or significantly in terms of image and reputation.

Commissioner Berry further suggested any substantiated allegation(s) against a Board Report be brought to the Board.

Commissioner Ure praised the efforts of the Compliance department for having incredible progress in reducing the amount of cases that were *left in limbo* not so long ago.

Mr. Hartfield and Ms. Capasso confirmed that the increased reporting is a positive outcome and a result of the legal and compliance training, in combination with the support being experienced at the executive level of all the facilities. Cases are being preserved in the Navex system, in addition to a compliance disclosure log.

Commissioner Klein opined that the procedure requested by the former Board is of high priority and would like the process reviewed at the next committee meeting. Mr. Hartfield agreed.

### 3. June Report

Mr. Hartfield reported that of the twenty one (21) reports received in the month of June, thirteen (13) are still open for an investigation assessment. He agreed to bring a monthly trend analysis to the committee.

Commissioner Klein asked for a follow up report related to the European Union General Data Protection Requirement (GDPR).

Ms. Barrett reported that an expert on HPPA, whose entire scope focuses on nothing but GDPR, confirmed that if Broward Health is not directly advertising and only treating EU patients through the ER, the District is not subject to the GDPR. The next phase of the analysis is to confirm if arrangements with cruise lines would affect the EU, from a contractual perspective.

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Commissioner Klein had concerns related to Broward Health being subjected to the GDPR regulation due to having personal information when treating a European Union individual. He asked that further action be taken to ensure compliance, as the scope of the regulation is broad and has significant penalties.

Mr. Santorio further confirmed that there have been several meetings held with Legal and International departments to review details, answer follow-up questions and describe interactions with the EU patients. He confirmed the findings would be brought to the committee.

Ms. Barrett reported additional documents and information were received the day before the current meeting and that a report would be brought to the committee.

Commissioner Klein requested a legal memorandum be provided from outside counsel confirming whether or not Broward Health is within the scope of the GDPR, and if so, what should be done to comply.

Commissioner Ure felt it would be helpful to understand how other systems are handling the same issues.

Mr. Santorio confirmed he would reach out to external affiliated groups, such as the American Hospital Association and Safety Net, to solicit general guidance.

**MEETING ADJOURNMENT:** Meeting was adjourned at 11:00 a.m.

**MOTION:** Commissioner Klein motioned to adjourn the meeting, seconded by Commissioner Ure.  
**Motion carried unanimously.**

**AUTHENTICATION OF MINUTES:** Patricia Alfaro, Special Assistant to the Board of Commissioners. \*Audiotape available upon request.

Respectfully submitted,

Commissioner Ray T. Berry  
Secretary / Treasurer