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Sponsor Judith Ringholz:  
Chief Compliance Officer  
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## GA-001-015 Conflict of Interest

### A. Purpose

North Broward Hospital District d/b/a Broward Health ("Broward Health") is a publicly funded institution with an obligation to preserve public trust and provide an environment where its Workforce Members, as defined below, are free from actual or perceived conflicts of interest. This Policy establishes a consistent process to identify, disclose, and manage conflicts of interest and financial arrangements between Broward Health and its Workforce Members, Physicians and Contractors.

This policy applies to all workforce members, which include employees, independent contractors, agents trainees, or other persons who perform work for or on behalf of Broward Health. This includes full-time, part-time, and pool employees; associates; directors; officers; managers; supervisors; members of the Board and members of standing committees; medical staff employed by or otherwise affiliated with Broward Health; medical students and all other affiliated students or others receiving training at any Broward Health facility; independent contractors, agents trainees, or other persons who provide goods or services to Broward Health.

This policy also applies to all Broward Health-affiliated entities including, but not limited to: hospitals, ambulatory surgery centers, hospices, home health agencies, physician practices, outpatient centers, clinics, and all Broward Health departments, groups, and divisions.

### B. Key Terms

For purposes of this Policy, the below terms shall have the meanings set forth below wherever they appear in this Policy, regardless of whether they are capitalized, unless:

1. The context in which they are used clearly requires a different meaning; or
  - A different definition is prescribed for a particular section of this Policy.

**Board Member:** Any member of a board of Broward Health's wholly owned entities, subsidiaries, or affiliates.

**Code of Ethics for Public Officers and Employees:** The Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes, which contains standards of ethical conduct and disclosures applicable to public officers and employees.

**Commissioner:** a member of the Board of Commissioners of Broward Health.

**Committee Member:** a member appointed to a committee of the Board of Commissioners of Broward Health.

**Committee on Conflicts of Interest:** A Broward Health Committee established to gather facts and information on disputed management plans and conflicts of interest when an initial resolution cannot be established between the Corporate Compliance and Ethics Department, the Workforce Member's immediate supervisor, and/or the applicable member of Broward Health's administration. The members of the Committee on Conflicts of Interest include the Chief Compliance Officer, Executive Vice President and Chief Operating Officer, and General Counsel. When required the Committee on Conflicts of Interest will gather facts and information related to the disputed management plan and/or conflict of interest to present to the Chief Executive Officer ("CEO") of Broward Health. The final determination of resolution of such disputed management plan and/or conflict of interest will be made by the CEO after review of the facts and information gathered by the Committee.

**Conflicts of Interest:** A situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

**Conflicts Management System:** Broward Health's electronic repositories that store Disclosure Forms, which includes review of Disclosure Forms and, if necessary, Management Plans.

**Contractor:** Means any person or entity having a Contract with Broward Health to provide goods or services of any kind.

**Immediate Family Member:** A husband or wife; birth or adoptive parent, child, or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law; mother-in-law, son-in-law, daughter-in-law; brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

**Incidental Disclosures:** Any changes in Significant Financial Interests or relevant Personal Interests that occur after the new hire or annual disclosure.

**Key Employees:** All employees with the title Manager and above, members of Supply

Chain Services, members of the Contract Administration Department, members of the Case Management/Social Workers Department, members of the Office of the General Counsel, members of the Corporate Compliance and Ethics Department, members of the Internal Audit Department, and employed physicians/providers.

**Key Medical Staff:** Medical Staff members in leadership positions (e.g., Chief of Staff, Department Chair, etc.), Medical Directors/Program Directors, and Medical Staff members who participate in the Pharmacy and Therapeutics Committee, Central Formulary Committee, Health Technology Committee, Quality/Peer Review Committee, and Medical Education Committee.

**Personal Interests:** Relevant activities that may have a non-financial benefit to a Workforce Member but may present an actual or apparent Conflict of Interest. Such interests may involve the Workforce Member or his or her immediate Family Members.

**Significant Financial Interests:** Monetary arrangements with individuals, businesses, or other entities, including but not limited to the following: **1- Debt Interests:** Holding of debt or debt securities by an individual or Immediate Family Member in any company or entity. **2- Equity Interests:** Ownership interest that exceeds 5% by an individual or Immediate Family Member of stock, stock options or other proprietary interests in any company or entity, whether said entity is publicly traded or privately owned. Significant Financial Interests do not include investments in mutual funds or retirement plans, such as 401(k) or 403(b) plans, where there is no individual control over selections within a fund.

**Outside Activities:** Workforce Member's relationships outside of Broward Health and his or her duties thereto including but not limited to the following activities: **1- Work Relationships with Entities outside of Broward Health:** A direct or indirect engagement (e.g., through an immediate family member) where salary or other remuneration is received as an employee, consultant, officer, contractor, or board member in any business or health care enterprise in the South Florida Tri-County Area, Palm Beach County, Broward County or Dade County, that produces services or products outside of Broward Health. **2- Relationships with Organizations Doing Business with Broward Health and Pharmaceutical/Medical Device/Suppliers:** A situation in which a Workforce member serves as an officer, director, employee, committee, member, advisor, agent, representative, or consultant, or in any other professional activity capacity for any company, firm, or business that, to the best of their knowledge, does or seeks to do business with Broward Health. **3- Employment of Relatives and Partner Relationships in the Workplace:** Workforce members shall disclose any situation in which their relationship with an immediate family member result in a potential, perceived, or actual conflict of interest. A conflict of interest may be the result of a direct reporting relationship (e.g., a supervisory relationship) or an indirect reporting relationship (e.g., if one workforce member holds a position which may influence the status or compensation of an immediate family member).

**Management Plan:** A written document developed when a Workforce Member has a Significant Financial Interest or Ownership Relationship, or other circumstance that has the actual, potential, or perceived ability to impair their objectivity while performing his or her Broward Health duties. Its purpose is to formulate a strategy to mitigate or eliminate risks to the key personnel's objectivity. This document outlines steps necessary to manage the situation so that the Workforce Member's objectivity will not be compromised while performing his or her Broward Health duties.

**Medical Staff Member:** A Practitioner who has been granted and maintains Medical Staff membership and whose membership is in good standing pursuant to Broward Health's Medical Staff Bylaws.

**Workforce Member:** Any employee, independent contractor, agent, trainee, or other person who performs work for or on behalf of Broward Health. This includes full-time, part-time, and pool employees; associates; directors; officers; managers; supervisors; Board Members, and members of standing committees; Broward Health medical staff members; and others receiving training at any Broward Health facility; and others who provide goods or services to Broward Health.

#### C. **Policy**

This policy establishes administrative principles, guidelines, review processes, and approvals that are required to maintain appropriate relationships with individuals and entities that may be in a position to refer, recommend, arrange for, order, lease, or purchase any item, facility, item or service for which payment may be in whole or in part by a Federal or State health care program.

No Broward Health Workforce Member shall have any Financial Interest, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of their duties in the best interest of any patient or Broward Health.

All Workforce Members must immediately disclose any actual or potential Financial Interest and/or Outside Activities as they develop. A Disclosure Form must be completed prior to transaction with Broward Health, unless otherwise exempt by this policy.

All Commissioners and Committee Members shall be subject to Section 2.7 of the Codified Resolutions of the Board of Commissioners of North Broward Hospital District, as amended from time to time.

#### D. **Procedures**

- a. **Disclosure of Conflict of Interest or Financial Disclosure:** All Broward Health Workforce Members are required to complete a Disclosure Form which shall require a detailed description of any Conflict of Interest or Financial Interest. The Disclosure Form will be obtained, reviewed, and stored as follows:

Reporting Category	Disclosure Form Submission	Disclosure Review Process	Incidental Disclosures
Employees	Upon Hire	HR notifies of any information related to a conflict and/or a potential conflict that needs reviews by Corporate Compliance & Ethics Department.	Ongoing.
Key Employees	Upon Hire & Annual Certification	Annual disclosure process through the conflict management system.	Ongoing and at least annually.
Key Medical Staff	Upon engagement and/or Annual Certification	Annual disclosure process through the conflict management system.	Ongoing and at least annually.
Board members, Commissioners and Committee Members	Upon appointment and Annual Certification	Annual disclosure process through the conflict management system.	Ongoing and at least annually.
Contracted Physician	Upon engagement unless a documented exception is applicable	Contracting process through the contract management system.	Ongoing in accordance with the agreement terms.
Contractor	Upon engagement unless a documented exception is applicable	Contracting process through the contract management system.	Ongoing in accordance with the agreement terms.

The Disclosure Form is valid for one (1) year from date of signature. If a Workforce Member is in doubt about a situation, it should be fully disclosed. Workforce Members may direct any questions regarding disclosure to the Corporate Compliance and Ethics Department.

**b. Management of Conflicts of Interests and Financial Interest Disclosures:**

1. Corporate Compliance and Ethics Department Review:

- a. The Corporate Compliance and Ethics Department is responsible for initially reviewing and evaluating each disclosure made by a Workforce Member and for determining whether a Conflict of Interest or Financial Interest exists that requires a management plan as dictated under this policy.

- b. In reviewing a Disclosure Form, more information may be requested as appropriate from the Workforce Member in order to review the disclosure. Workforce Member will be required to comply with any such requests.

2. Review and Evaluation of Disclosure:

- a. If a Conflict of Interest or Significant Financial Interest is disclosed by a Workforce Member that requires mitigation, it will be reviewed and evaluated by the applicable Workforce Members supervisor, in consultation with the Corporate Compliance & Ethics Department. Depending on the nature of the Disclosure, the Corporate Compliance & Ethics Department may further consult with the General Counsel's office (e.g., when the disclosure implicates a risk of fraud, waste, and abuse).
- b. If an arrangement with a Workforce Member requires a written agreement and the disclosure information indicates a financial relationship pursuant to Stark Law may exist, language will need to be added to the agreement to satisfy requirements with Stark Law and Anti-Kickback Statute. In addition, additional requirements may be needed to comply with policies and procedures related to Referral Source Arrangements.

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Workforce Members	Management Plan Developed by:	If no resolution or agreement to management plan.
Board Member or Board Committee Member	CEO or designee Chief Compliance Officer General Counsel	Conflicts Committee
Employee	Immediate Supervisor Corporate Compliance & Ethics Department Human Resources	Conflicts Committee in Consultation with Human Resources
Key Employee	Immediate Supervisor Corporate Compliance & Ethics Department Human Resources	Conflicts Committee in Consultation with Human Resources
Medical Staff Member	Regional CMO Corporate Compliance & Ethics Department	Conflicts Committee in Consultation with the Corporate CMO
Key Medical Staff	Regional CMO Corporate Compliance & Ethics Department	Conflicts Committee in Consultation with the Corporate CMO
Contractor	Regional CEO or designee Corporate Compliance & Ethics Department	Conflicts Committee

**E. Enforcement**

Any inaccurate or discovered, undisclosed information by a Workforce Member at the time of submission of the Disclosure form that constitutes a Conflict of Interest or Financial Interest will be considered a violation of this Policy.



All Workforce Members whose responsibilities are affected by this Policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this Policy will be subject to appropriate remedial and/or disciplinary action, up to and including termination of any employment or other relationship, in accordance with the GA-004-238 Enforcement and Discipline.

**F. Document Retention**

Broward Health will retain all documents relating to this policy for as defined by GA-004-135 Record, Retention, Storage and Disposal.

**G. Exceptions**

This Policy and the requirement of submitting the Disclosure is not applicable to:

- a. Any state, federal, or tribal government and/or public entity including, but not limited to, any state, federal, or tribal branch, department, division, bureau, commission, authority, board, local government, special district, political subdivision, public school, community college, or state or government university.
- b. Any organizations exempt from taxation under the Internal Revenue Code, 26 U.S.C. § 501, and that are providing monetary compensation or in-kind contributions to Broward Health through a research or other charitable grant.
- c. Organizations whose securities trade on public markets and organizations that disclose certain business and financial information regularly to the public.
- d. Organizations or entities that Broward Health submits bids to in response to requests for proposals or other competitive solicitations; and
- e. Managed Care organizations acting in the capacity as a managed care company.
- f. Any other individuals or entities who the Chief Compliance and Officer, or his or her designee, decides should be exempt from such requirement for good cause.

In the event any of these exceptions are applicable to a given entity, organization, individual, or situation, the circumstances and/or exempting status must be properly documented within the applicable arrangement in Broward Health's electronic contracting system or other centralized location designated by Corporate Compliance and Ethics Department.

**H. Interpretation and Administration of Policy**

Administration and Interpretation of this Policy is the responsibility of the Chief Compliance and Privacy Officer in consultation with the General Counsel.

**I. Related Policies**

- a. GA-004-441 Physician Financial Arrangement Review, Approval, Tracking and Monitoring
- b. GA-004-238 Enforcement and Discipline
- c. GA-004-002 Compliance and General Counsel Protocol
- d. GA-004-007 Compliance with Federal Anti-Kickback Statute and Stark Law

**J. References**

- a. Physician Self-Referral Law, 42 U.S.C. § 1395nn



b. Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(b)

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## Attachments

[Disclosure Form for Conflict of Interest, Physician Ownership & Financial Arrangements](#)

## Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	10/2021
	Lucia Pizano-Urbina: AVP, COMPLIANCE [LH]	10/2021

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