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### Road to Redemption? Broward Health Rebuilds Compliance Program; OIG Cited CIA Problems

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Until recently, employees at Broward Health in Florida who wanted to see the compliance officer were buzzed in through a locked door after being screened on a TV monitor, like they were shopping at a high-end jewelry store. That stopped in April, when Broward Health's new chief compliance officer removed the lock and flung the door open as part of its overdue overhaul of the compliance program and the corporate culture, 3 1/2 years into its less-than-stellar performance under a corporate integrity agreement (CIA) and a series of ethical and governance blunders.

"You don't know how much mileage that got," says Chief Compliance Officer Brian Kozik. "I am building trust from the ground up."

Broward Health, one of the nation's largest public health systems, is hoping to leave its troubles in the rearview mirror, according to compliance officials and the interim general counsel. "We have resurrected the compliance program," and "we will be able to certify we have a fully functional compliance program for the CIA," says Steve Forman, compliance adviser to the Broward Health Board of Commissioners, who also served as interim chief compliance officer from November until March 31. "It's all being driven by senior management. These people are engaged in it," he tells *RMC*.

Broward Health is recovering from a lot of self-inflicted wounds. They include a 2015 \$69.5 million Stark-based False Claims Act settlement over compensation for employed physicians ("Compensation for Employed MDs Who Lost Money Led to Hospital's \$69M Settlement," *RMC* 24, no. 33). The settlement included a five-year CIA that requires Broward Health to implement a compliance program and oversee its "focus arrangements," which are arrangements with referring physicians and entities that generate business for the health system. The CIA also requires managers to sign certifications attesting to the organization's compliance with the CIA and federal regulations, and requires board members to attest to the effectiveness of the compliance program.

But things haven't gone well, at least until recently. A January letter to Broward Health from Laura Ellis, an OIG senior counsel assigned to monitor the CIA, stated that "Broward Health's board has been unable to certify that Broward Health has implemented an effective compliance program." In her opinion, Ellis wrote, "Broward Health was in breach of the CIA" in five provisions: policies and procedures, training and education, compliance with the Anti-Kickback Statute and Stark Law, risk assessment and internal review process, and disclosure program.

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