

**Meyers, Robert (COE)**

ING 05-180

**From:** Meyers, Robert (COE)  
**Sent:** Monday, October 17, 2005 4:40 PM  
**To:** 'Salinas Diana'  
**Subject:** RE: Ethics Consultation

Ms. Salinas,

I did not receive your previous e-mail and we have been experiencing problems with our Microsoft Outlook over the last several days or I would have responded sooner.

As you state below, one of your responsibilities with Jackson Memorial is to facilitate transfer agreements between private Community Mental Health Centers (CMHC) and the Hospital. Moreover, you indicate that one of these centers would like to retain you to represent them in contract negotiations with another CMHC they own in Broward County and a hospital in Broward County.

Based on your description of the transfer agreement process and the reasons why such agreements must be reached, there appears to be no conflict of interest if you were to provide legal services for one of the CMHC's which has entered into or will enter into a transfer agreement with Jackson Memorial Hospital. Obviously, if a dispute between the CMHC that retains you and JMH arose, you would have to cease representing the CMHC. Absent that remote possibility, there is no conflict under the County Code. However, you must receive official permission from your superiors to have outside employment and you are required to disclose the income you earn from this work at the appropriate time.

If you have any additional questions, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers

-----Original Message-----

**From:** Salinas Diana [mailto:DSalinas@um-jmh.org]  
**Sent:** Thursday, October 13, 2005 11:08 AM  
**To:** 'rmeyers@miamidade.gov'  
**Subject:** FW: Ethics Consultation

I am resending as I am not sure you received my email last week.  
Thanks again, Diana

> -----Original Message-----

> **From:** Salinas Diana  
> **Sent:** Friday, October 07, 2005 10:41 AM  
> **To:** 'RMeyers@Miamiade.gove'  
> **Subject:** Ethics Consultation

> Good Morning Mr. Meyers,

> I am writing to you regarding an ethics consultation.

> I work at Jackson Memorial Hospital in the capacity of Baker Act  
> Compliance Officer. In this position I am considered a resource  
> person for the staff, residents, students and physicians regarding all  
> statutory and regulatory compliance mandates.

> I have numerous responsibilities including auditing, teaching and  
> responding to any and all compliance/non-compliance/legal issues that  
> arise in our division. In addition I also consult for Jackson South  
> and Jackson North.

> Another responsibility I acquired recently is to facilitate "transfer  
> agreements" between private Community Mental Health Centers (CMHC) and

> Jackson Memorial Hospital. Although we are a designated Baker Act  
> Receiving Facility under fs 394 and must receive any person brought to  
> us for a psychiatric evaluation, these CMHCs are required by  
> CMS/Medicare and Medicaid to have "transfer agreements" with state  
> designated receiving facilities. This agreement basically states that we will receive  
persons  
> brought to us by them.  
>  
> Question: I am also an attorney licensed in the state of Florida and  
> in good standing with the BAR. One of these CMHC (who  
> has a transfer agreement with JMH) has approached me and would  
> like to hire me privately to represent them in  
> contract negotiations between another CMHC they own in Broward  
> County and the hospital in that county. This  
> representation would be for a one time matter and not an ongoing  
> representation.  
>  
> I spoke to my supervisor and the County Attorney's Office regarding  
> this matter, the consensus was that there is not a conflict of  
> interest, however, it was recommended that I also consult with the  
> County Ethics Commission.  
>  
> Please advice and thank you in advance for your attention to this matter.  
>  
> Sincerely,  
>  
> Diana Salinas, Esq.  
> Baker Act Compliance Officer  
> Jackson Memorial Hospital  
> Mental Health Hospital Center  
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> Miami, Fl. 33136  
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