



January 10, 2002

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Jack Hartog  
Assistant County Attorney  
Public Health Trust  
1611 N.W. 12<sup>th</sup> Avenue  
West Wing #109  
Miami, Florida 33136

**RE: REQUEST FOR ADVISORY OPINION 02-01**

Dear Mr. Hartog:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 9, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a possible Cone of Silence violation at the Public Health Trust.

In your request, you advised the Commission that in September, 2001, the Public Health Trust issued a Request for Proposal for Third Party Eligibility, Verification and Claims Status. The proposal seeks firms to provide software that will permit the staff to verify Medicare, Medicaid and private insurance coverage and track the processing of claims. HealthNet Data Link, Siemens and Medifax submitted responses to the Request for Proposals.

In the spring of 2001, prior to release of the RFP, Blue Cross/ Blue Shield (BCBS) representatives met with Public Health Trust officials to demonstrate a product that would accomplish the goals of the RFP. However, the product only worked for BCBS patients. BCBS

allowed the PHT to use the product on a test basis.


Subsequent to the issuance of the RFP, finance officials at the Trust sought a meeting with BCBS to discuss the demonstration product. A member of the selection committee attended the meeting as well as several other PHT officials. Several HealthNet officials, appeared on BCBS' behalf to discuss the demonstration product. During the meeting, HealthNet officials answered questions about technical matters within the scope of the RFP.

After deliberation, the Commission declined to issue an opinion in this matter because the request concerned past conduct and such a determination might prejudice possible future Commission action regarding the factual situation described in the request. Therefore, an opinion was not issued in this matter.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS  
Executive Director