



Via First Class Mail and  
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STAFF GENERAL COUNSEL

November 17, 2011

Mark T. Knight, Executive Vice President & CFO  
Jackson Health System  
1611 NW 12<sup>th</sup> Ave.  
Miami, FL 33136

Re: INQ 11-175, Post-Employment Prohibitions  
Miami-Dade County Code at Sec. 2-11.1 (q)

Dear Mr. Knight:

You asked about post-employment restrictions affecting Dr. Aman Sabharwal, the former Chief Utilization Officer at Jackson Health Systems.

You stated that earlier this year, Dr. Sabharwal left his position with Jackson to work for a hospital consulting company, Aspen Healthcare Metrics, which is part of MedAssets. Jackson Health Systems has a five-year contract with MedAssets at a fixed rate.

Dr. Sabharwal's new employer has assigned him to Jackson Health Systems and two other hospitals. As a clinical utilization specialist, he consults with Jackson clinicians and other staff on ways to improve patient care and reduce costs. His work includes analyzing and reporting on current hospital protocols and procedures, specifically those dealing with hip and knee surgery, gallstone surgery, trauma, and length-of-stay issues.

Sec. 2-11.1 (q) of the County Code prohibits Dr. Sabharwal from lobbying the Jackson Health System on behalf of his employer or another principal for two years following his employment with Jackson. The Code does not prohibit Dr. Sabharwal from being employed by Aspen Healthcare Metrics and MedAssets, however, as long as he does not engage in lobbying.

Under the facts you presented, it does not appear that Dr. Sabharwal's responsibilities for Aspen Healthcare Metrics and MedAssets involve lobbying because he is not seeking any benefit on behalf of his employer.

Dr. Sabharwal is advised, however, that the definition of "lobbying" is very expansive.<sup>1</sup> In ethics opinions directed to individuals as diverse as sales representatives of pharmaceutical companies<sup>2</sup> to building plan expeditors,<sup>3</sup> the Ethics Commission has consistently held that any attempt to influence an official PHT or JHS decision on behalf of a principal is likely to be considered lobbying.<sup>4</sup>

This opinion construes the Miami-Dade County Ethics Code at Sec. 2-11.1 only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws.

If any of the facts you have presented change or if you have further questions, please feel free to contact our Executive Director, Joe Centorino, or me at 305 350-0601.

Sincerely,

  
VICTORI FRIGO  
Staff Attorney

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<sup>1</sup> "Lobbyist" means any person, firm or corporation employed or retained by a principal who seeks to encourage the passage, defeat or modification of any action or decision of the PHT or the JHS or any PHT or JHS board, committee or personnel during the time period of the entire decision-making process. Miami-Dade Co. Code at Sec. 2-11.1 (s)(1)(b).

<sup>2</sup> See RQO 06-04, RQO 06-63 and RQO 06-65.

<sup>3</sup> See RQO 04-33 and RQO 08-28.

<sup>4</sup> If, for example, Dr. Sabharwal were to participate in negotiating a new contract between Jackson Health Systems and Aspen Healthcare Metrics and MedAssets, he would be considered lobbying on behalf of Aspen Healthcare Metrics and MedAssets.