

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, August 28, 2017 10:12 AM
To: Sanchez, Rodzandra (COE)
Subject: Samuel Quintero, board member, HIV/AIDS Partnership (Voting Conflict) INQ 17-208

INQ 17-208 Quintero

From: Turay, Radia (COE)
Sent: Tuesday, August 22, 2017 3:17 PM
To: 'squintero@careresource.org' <squintero@careresource.org>
Cc: Smith, Terrence (CAO) <Terrence.Smith@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-208, Samuel Quintero, board member, HIV/AIDS Partnership (v)

Dear Mr. Quintero,

You submitted an inquiry regarding whether you, as a member of the Miami-Dade HIV/AIDS Partnership (Partnership), should recuse yourself from voting on an item in which your employer, Care Resource, is seeking funding for Food Bank and other services for persons living with HIV/AIDS.

Background

The Partnership was established pursuant to the Ryan White Act to provide comprehensive planning for treatment and services to persons with HIV and AIDS. The Partnership has a thirty-eight member Partnership board that includes service providers and consumers from the affected and infected HIV/AIDS community. The board serves in an advisory capacity to the Mayor, the Board of County Commissioners, and to other state and local governmental entities.

You previously served as chair-elect of the Partnership. Since your inquiry, it was brought to our attention that you no longer serve as chair-elect of the Partnership, but you remain a member of same.

You were recently employed as the Managed Care Service Manager for Care Resource, a 501(c)(3) non-profit organization. As the Managed Care Service Manager your responsibilities include day to day management of all managed medical assistance (MMA) program health center initiatives; providing care coordination assistance to other Medicaid, Medicare and commercial patients; and making sure all patients' Healthcare Effectiveness Data and Information Set measures comply with all MMA program recommendations.

Your employer Care Resource, is the sole provider of Food Bank services, which is funded by the County through the HIV/AIDS Partnership. You have indicated that you have no involvement or affiliation with, nor do you provide any services related to the Food Bank program.

Analysis

Section 2.11.1(v) provides that no advisory board member "shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, or counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bond holder, debtor or creditor."

On June 24, 2005, the Ethics Commission in RQO 05-50 opined that “under the language of this section [Section (v) of the Ethics Code], Partnership members may vote on funding recommendations regarding a service category as long as the member is not the sole provider in the category and the funding recommendation does not designate amounts or percentages among the various providers in a particular service category.”

Based on the interpretation of Section (v) provided in RQO 05-50, you may not vote on any funding recommendation regarding the Food Bank services, because your employer, Care Resource, is the sole provider in that service category.

Additionally, you should be made aware that, Section 2-11.1(m)(2) of the Ethics Code prohibits a board member, either directly or through an associate from appearing before the board on which he or she serves to make a presentation or seek a benefit (ie. grant or other source of funding) on behalf of a third party. This means that the board member must not “lobby” or try to influence or persuade his/her board for the benefit of a third party. Therefore, in the event that a matter should come before the Partnership in which Care Resource has an interest or is itself appearing before the board, you should not be involved in making any presentation on behalf of Care Resource.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

RADIA TURAY

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From: Samuel Quintero [<mailto:squintero@careresource.org>]
Sent: Monday, July 31, 2017 4:14 PM
To: Ethics (COE) <ethics@miamidade.gov>
Cc: Smith, Terrence (CAO) <Terrence.Smith@miamidade.gov>
Subject: Ethics Opinion Request

Dear/ Sir/Madam:

I am writing to seek an ethics opinion from the Commission on Ethics and Public Trust (Commission). I am currently a member and Vice-Chair of the Miami-Dade HIV/AIDS Partnership. I was appointed by the Mayor to fill the vacant “non-elected community leader who does not provide HIV related health care services subject to funding under the Partnership programs.” See Section 2-1102(b)(17) of the Code of Miami-Dade County. When I was first appointed, I was employed by Clear Health Alliance, d/b/a, Simply Healthcare Plans. However, as of July 17, 2017, I switched jobs and now work as the Managed Care Service Manager with Care Resource, which is a recipient of Ryan White funding from the County. As the Managed Care Service Manager I am responsible for the day to day management of all Managed Medical Assistance (MMA) Program health center initiatives. I am also responsible for providing care coordination assistance to other Medicaid, Medicare and commercial patients. In addition, I play a major role in making sure that all

patients' Healthcare Effectiveness Data and Information Set measures comply with all MMA Program recommendations. Notwithstanding Care Resource's receipt of funding from the County, my current position is not funded nor do I provide any HIV related health care services that are under the Partnership's programs. I have consulted with the Assistant County Attorney, Terrence Smith, who advised me that based on these facts I am still eligible to continue to serve on the Partnership.

However, I have been instructed by Mr. Smith to seek an opinion from the Commission as it pertains to matters that I can vote on. Currently, Care Resource is the sole provider of a Food Bank, which is funded by the County. I have no affiliation with or provide any services related to this program. Mr. Smith made me aware of a June 24, 2005 Commission opinion, which states that "Partnership members may vote on funding recommendations regarding a service category as long as the member is not the sole provider in the category and the funding recommendation does not designate amounts or percentages among the various providers in a particular service category." As a result of this opinion, the Executive Director of Care Resource, who is also a member of the Partnership, would recuse himself from voting on the Food Bank funding recommendation. My question is whether should I also recuse myself from voting.

I am including the Assistant County Attorney, Mr. Terrence Smith, for I would like him to be included in any response/reply to this ethics opinion request.

In advance, I do thank you for your time and prompt consideration/response to this matter.

Respectfully,

Sam Quintero

Managed Care Services, Manager



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Samuel Quintero,

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