



January 22, 2004

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STAFF GENERAL COUNSEL

Asif Jamal
Jackson Health System
1801 N.W. 9th Avenue
Suite 700
Miami, FL 33136

RE: REQUEST FOR ADVISORY OPINION 04-05

Dear Mr. Jamal:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 21, 2004, and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between his service on the Board of Directors for Catholic Health Services and Catholic Health Services contract with the JMH Health Plan.

In your letter, you advised the Commission that you serve as the Chief Operating Officer of the JMH Health Plan. The JMH Health Plan is a Health Maintenance Organization (HMO) that uses the services of doctors at the Public Health Trust as well as other facilities. Catholic Health Services is seeking to become a provider for the JMH Health Plan. Catholic Health Services operates nursing homes, rehabilitation services and home health services. As Chief Operating Officer, you oversee the Provider Services Department which negotiates contracts with providers. A committee comprised of, among others, medical management division employees and provider employees, reviews the provider contract

between Catholic Health Services and the JMH Health Plan. You review the final contract to ensure that the contract is financially sound.

You also serve as a member of the Board of Directors of Catholic Health Services. As a member of the Board, you are involved in setting policy but are not involved in any aspect of contract negotiation or administration.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit Catholic Health Services from contracting with JMH Health Plan while you serve as a member of the Board of Directors of Catholic Health Services. However, in order to avoid any conflict between your professional responsibilities to JMH Health Plan and your fiduciary duties to Catholic Health Services, you should not be involved in any aspect of the contract between Catholic Health Services and JMH Health Plan. Furthermore, you may not disclose any confidential information or use your official position to secure preferential treatment for Catholic Health Services.

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 Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director