

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #:10-033

Date Opened:

Date Closed:

Name of investigator: Kennedy Rosario

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Allegations:

Michael Casanova (Casanova), former Executive Vice-President / Jackson Health System (JHS) violated the Miami-Dade County Conflict of Interest Ordinance to wit:

- (1) Exploitation of official position prohibited, Sec. 2-11.1(g)
- (2) Prohibition on use of confidential information, Sec. 2-11.1(h)

Background:

The COE received an anonymously authored letter dated February 25, 2010 and addressed to John H. Copeland, Chairman of the Board Public Health Trust (PHT) with CC to, among others; Diana Salinas, Esq., JHS Chief Compliance Officer, and Tom Arnold, Secretary of the Florida Healthcare Administration citing many allegations stemming from Casanova's stewardship of the JHS Health Plan.

Essentially, it is alleged, that Casanova allowed a group of non JHS personnel to view, documents/records deemed confidential in nature.

The letter makes mention of a meeting, conducted by Casanova, at the JHS Health Plan office where the "group" met on February 11, 2010.

The letter identified, as the leader of the group, a Marcelino Regalado and his son Ricardo Regalado, both of whom, the letter associates with a Medical Services Organization, Miami-Dade Health, Inc. "with whom the Health Plan has a longstanding and contentious relationship for its Medicaid product".

During the course of the investigation another anonymously authored letter addressed to Miami Herald reporter John Dorschner dated September 23, 2010 surfaced.

This letter chronicled an alleged conspiracy between Casanova, JHS CEO Dr. Eneida Roldan, her spouse Ophthalmologist Dr. Carlos Valdes-Lora, and the Swerdlow Group. This letter, according to the unknown author, was written in response to an August 28, 2010 Dorschner article.

Both letters are incorporated in this report as attachments 1 and 2.

Investigation:

The COE first made contact with Investigator Lori J. Van Riper, Office of the Inspector General Agency for Healthcare Administration (AHCA).

Riper advised that the complaint would be forwarded to the AHCA Managed Care Unit for review; any findings of fraud would then be forwarded to the Office of the Attorney General Medicaid Fraud Control Unit.

Contact was made with Ms. Diana Salinas to advise of the COE interest and investigation. Contact was also made with the Miami-Dade County Office of the Inspector General.

The COE, noting multiple agencies investigating Casanova and other individuals named in the above mentioned anonymous letters, opted to monitor their investigations.

To that end the following is taken notice of:

Miami-Dade County Office of the Inspector General

The OIG issued a Final Report re: their review of the JHS Business Plan for Civica Tower, a project to be developed by the Swerdlow Group. In their findings the OIG took issue with the authorship/preparation of the Civica Tower Business Plan, principally

citing Casanova for the distribution of the plan as a product ostensibly emanating from JHS and admonishing Chairman Copeland for inappropriately collaborating with the Swerdlow Group in the plan's development.

The COE is in receipt of and reviewed the OIG August 26, 2010 memorandum, including Casanova's and the Swerdlow Group's responses, Reports of Interviews of Casanova and an April 12, 2010 deposition of Michael Casanova.

All the above noted reports and/or documents have been made a permanent part of the investigative file.

JHS Corporate Compliance Department

The COE had been in communication with Ms. Salinas during the course of this investigation obtaining Casanova's JHS personnel file and Casanova's "outlook" calendar during his brief tenure.

In addition the COE met with James C. Rowan, JHS Corporate Compliance Program Manager, in charge of the Casanova investigation.

Rowan supplied the COE with his investigative notes of interviews he conducted of JHS personnel that participated at the above mentioned February 11, 2010 meeting.

The COE received a memorandum dated 9/4/2010 from Luis F. Martinez, Chief Privacy Officer to Salinas delineating the Findings/Conclusions of the investigation.

Subsequently the COE requested and received a memorandum dated October 8, 2010, authored by Rowan, re: a 'Summary of interviews conducted concerning possible disclosure of inappropriate information to outside individuals/entities' pertaining to the investigative notes previously obtained.

All the above noted reports and/or documents were reviewed and made a permanent part of the investigative file.

AHCA Office of the Inspector General

The COE received from Investigator Van Riper an electronic communication quoting Mr. Warring of the AHCA regarding their investigative conclusion on the Casanova complaint.

Casanova was initially contacted via telephone and was reluctant to speak, referring the COE to the investigations conducted by JHS and the Miami-Dade County OIG.

On September 22, 2010 COE Investigators served Casanova an Ad Testificandum / Mandatory Subpoena.

On October 4, 2010 Casanova, accompanied by his attorney Phil Goss, met with COE Investigators. Casanova and his attorney were given a copy of both the anonymous letters prior to the meeting.

Casanova, with the consent of his attorney, agreed to author a written response to the allegations, as well as topics discussed during the meeting....said response was received on October 11, 2010 and has been incorporated as attachment 3 of this report.

Note: This meeting was not recorded, however Casanova's written response materially reflect his oral explanations during the meeting.

CONCLUSION:

This COE inquiry concerned itself with the above stated Casanova allegations; mainly that he used his official position allowing non JHS personnel access to confidential info/documents.

In its review of the many investigations centered on Casanova, as well as its own investigative analysis, it is clear that;

A meeting of non JHS and JHS personnel in the offices of the JHS Health Plan did occur.

That said meeting (s) could only have occurred because of Casanova's official position. That non JHS personnel were allowed to view JHS material not normally available to the general public.

However, based on the findings of the above noted jurisdictional agencies to wit; "Our review (AHCA) of the allegations....found that none appear to be violations of the Medicaid plan contract, or chapter 641 Florida Statutes.....the AHCA further concluded that any violations of policy or procedures of the PHT are the responsibility of the...PHT.

The JHS compliance report states that it is their "determination" that the "situation was unlikely to reach the level of a breach..."

It is to be noted that Casanova was "separated" from JHS, the reason(s) for the separation is not a topic of this investigation.

It is therefore recommended that this investigation be closed with a finding that no clear violation of the Conflict of Interest Ordinance can be substantiated.