

Meyers, Robert (COE)

INQ 09-104

From: Meyers, Robert (COE)
Sent: Wednesday, June 24, 2009 1:48 PM
To: Bruyntjens, Joan Marie (GSA)
Subject: RE: question

Dear Ms. Bruyntjens:

Thank you for your questions. I've reviewed the facts as presented and would answer you as follows:

- 1) There is nothing in the County Conflict of Interest and Code of Ethics Ordinance that prevents service providers from sponsoring CEU seminars.
- 2) The fact that lunch is provided at the seminars does not change my opinion.
- 3) Gifts must be disclosed when the value of a gift exceeds \$100. In order to respond to this question, I would need to know the charges generally associated with these seminars. I understand that there is no charge to the County, but if employees had to pay for these seminars on the open market, what would they have to pay? In calculating the cost of the seminar, you should include the value of the lunch as well. As long as the combined benefit (seminar and lunch) to each employee does not exceed \$100, then it would not be a reportable gift. If, however, the same vendor conducted two or more seminars within the same quarter and the cumulative value was greater than \$100, then gift forms should be submitted.

Feel free to contact me should you have any additional questions.

Thank you,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Bruyntjens, Joan Marie (GSA)
Sent: Monday, June 22, 2009 5:13 PM
To: Meyers, Robert (COE)
Subject: question

I am requesting an opinion regarding services provided by some of our claim vendors.

Adjusters are required to get 24 continuing education credits within each 24 month period. It is customary in the claims business to obtain a lot of the CEUs through presentations done in our offices. These presentations are typically sponsored by different business vendors. They either provide the speakers themselves or sponsor a speaker through the CEU Institute. This ensures that the courses have been approved by the State of Florida so that we get the CEU credit for the courses completed.

It has also been the custom that many of these are presented as "lunch and learns". That means that the vendor also provides some sort of lunch in addition to providing the speaker. Typically, these events are only one hour in length. The sponsoring vendor will get a few minutes at the beginning of the session to talk about their business. Since we have stopped allowing the many, many vendors to come in and speak to adjusters unless there is an appointment scheduled, this is about the only time they do get to present any information directly to the adjusters.

We have vendors for physical therapy, diagnostic testing, physicians, durable medical equipment, nursing

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services, home health services, translation and transportation, and others. Providing these lunch and learns is something that is done at virtually every claim operation in the state that I'm familiar with. In the industry, this is viewed as a service that is provided to clients. We don't solicit these events but they are offered to us by virtually all of the vendors we do business with. In the past, because so many credits are needed, we have tried to schedule one per month. The opportunity to sponsor the monthly training sessions is rotated among all of the vendors offering the services so there is no one vendor gets more face time than any other.

The cash value is the value of the average box lunch and the speakers time spread out over the work comp and liability adjusting staff. If we cannot get these CEUs in-house, we will have to pay more or individuals to attend other seminars and conferences and spend time away from the office to maintain their licenses in good standing.

This is a very efficient and economical way for our work comp and liability adjusters to obtain these required credits. But, since the receipt of food is technically a gift by definition, Marsha Pascual, Director, Risk Management, suggested that we get an official opinion on this practice. So here are our questions:

- 1) Does it appear to be a violation of the Conflict of Interest and Code of Ethics ordinance to allow various service providers to sponsor CEU seminars?
- 2) Does it appear to be a violation if the sponsor also provides lunch?
- 3) If the practice can continue, should we do a quarterly reporting of these meetings as a receipt of gifts?

Thank you very much for your assistance. Please do give me a call if you have any questions or need more information.

Joan M. Bruyntjens, Manager, Workers Compensation
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