

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, April 12, 2012 10:50 AM
To: 'ABurrafato@jhsmiami.org'
Cc: Centorino, Joseph (COE)
Subject: Aetna medical director (INQ 12-69)

Dr. Burrafato

You have asked about post-employment restrictions if you leave Jackson Memorial Hospital (JMC) to serve as Medical Director in the Southeast Region for Aetna.

The County Ethics Code at Sec. 2-11.1 (q) prohibits you from lobbying JMH, the Public Health Trust (PHT) and the County for two years following your employment at JMH. The term "lobbying" has been defined very broadly by the Ethics Commission to include many actions taken with the intent to influence an official decision.

Based on the job description you provided, lobbying is not likely to include activities involving clinical guidance and analyses of quality of care issues related to Aetna members being served at JMH. However, the Ethics Commission has found that making presentations before committees in an attempt to influence sales or retention decisions is a form of lobbying. See RQO 01-38 and RQO 00-145.

Since we cannot anticipate the full extent of other dealings you may have at JMH on behalf of Aetna, we advise you to seek advisory opinions throughout the next two years if you are unclear about how these lobbying restrictions may apply to your particular situation.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Burrafato, Angela [<mailto:ABurrafato@jhsmiami.org>]
Sent: Tuesday, April 10, 2012 6:59 PM
To: Centorino, Joseph (COE)
Subject: Re: Aetna medical director applicant offer language

Dear Mr. Centorino,

This is the last step before Aetna will make an official offer, so I am anxious to resolve this. What is the expected timeline for your office to render an opinion?

Thank you,

Angela

Angela Burrafato, MD, MHA
Jackson Health System
Office 305-585-6524
Cell 786-261-6539

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Monday, April 09, 2012 02:46 PM
To: Burrafato, Angela
Subject: RE: Aetna medical director applicant offer language

Dr. Burrafato,
This matter has been referred to our Staff Attorney, Victoria Frigo. Ms. Frigo will be in touch with you after we have reviewed your issue.

From: Burrafato, Angela [<mailto:ABurrafato@jhsiami.org>]
Sent: Monday, April 09, 2012 1:50 PM
To: Centorino, Joseph (COE)
Subject: Aetna medical director applicant offer language
Importance: High

Good Afternoon, Mr. Centorino,

Thank you for speaking with me and Valda Christian earlier. Attached is the job description and below is the e-mail chain from Aetna.

After our discussion with you, Valda and I do not believe this position is a violation of Section 2-11.1 Conflict of Interest and Code of Ethics Ordinance. However, I am requesting a written opinion from your office regarding this matter. I appreciate your time.

Regards,

Angela

Angela Burrafato, MD, MHA
Chief Utilization Officer
Jackson Health System
office 305-585-6524
cell 786-261-6539

From: Fried, William [<mailto:FriedW@aetna.com>]
Sent: Monday, April 09, 2012 1:28 PM
To: Burrafato, Angela
Subject: FW: Aetna medical director applicant offer language
Importance: High

Angela,

Please see attachment for the Aetna medical director job description.

Bill

From: ANGELA BURRAFATO [\[mailto:docarbs@bellsouth.net\]](mailto:docarbs@bellsouth.net)

Sent: Monday, April 09, 2012 11:36 AM

To: Fried, William

Cc: Lawrence, David R

Subject: Re: Aetna medical director applicant offer language

Importance: High

Bill,

Thank you for bringing this to my attention. I am meeting with the county attorney shortly to discuss this matter. I will keep you both posted.

Angela

On Apr 9, 2012, at 8:47 AM, Fried, William wrote:

Angela,

In the verification process prior to initiating a background check, our Compliance department has identified an issue which will require you to contact Jackson Health System's Legal and Ethics Departments to determine any limitations that may exist with your potential employment with Aetna.

Since Jackson Health system is under the jurisdiction of the Miami Dade Board of Commissioners, it would fall under the jurisdiction of the Florida statute exemption. You should be aware of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance ("Ordinance") which may prohibit staff previously employed at a government organization from working on behalf of Aetna on any work relating to their former employer for two years. I have cited the relevant section of the Ordinance in **red font**:

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

(q) Continuing application for two (2) years after County service.

(1) No person who has served as an elected County official, i.e., Mayor, County Commissioner or a member of the staff of an elected County official, or as County Manager, senior assistant to the County Manager, department director, **departmental personnel or employee shall, for a period of two (2) years after his or her County service or employment has ceased, lobby any** County officer, departmental personnel or **employee in connection with any** judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest **or other particular subject matter in which Miami-Dade County or one (1) of its agencies or**

instrumentalities is a party or has any interest whatever, whether direct or indirect. http://www.miamidadeethics.com/Publications/code_of_ethics2010.pdf

Any offer letter by Aetna will need to include the following statement:

You warrant in performing your duties for Aetna (i) you are violating no obligation you owe to your former employer; (ii) consistent with any statutory or other legal obligation, you cannot be involved in any matter for Aetna regarding your former employer for two years; and (iii) you will not engage in any work for Aetna regarding any matter directly concerned with work you personally participated in while with your former employer for two years after leaving your prior employer. Aetna further expects you to notify your supervisor immediately if you believe you may be at risk of violating these three warranties.

You will need to clarify the provisions in the Ordinance as it pertains to these warranties. At Aetna, you would be responsible for reviewing inpatient and outpatient utilization of Aetna members receiving services at Jackson Health System. You would be involved in Network matters related to the facility and its medical staff. It is difficult for Aetna's legal staff to comment specifically on restrictions that you may or may not be subject to because they do not know the full extent of your responsibilities at Jackson Health. Further, our legal staff does not know specifically how your responsibilities at Jackson Health will relate to the full scope of your responsibilities at Aetna as a Medical Director. Therefore, since you are in the best position to discuss your current job responsibilities and duties with your legal and ethics offices and receive relevant direction, our legal staff recommends that you do so. We will need to obtain a written opinion from your employer before proceeding with the review of your job application.

Please feel free to call me to discuss this.

Bill Fried, M.D.

Senior Medical Director

Southeast Region

703-356-0416

This e-mail may contain confidential or privileged information. If you think you have received this e-mail in error, please advise the sender by reply e-mail and then delete this e-mail immediately. Thank you. Aetna