

SENATE BILL 963

J1, P1

0lr3632
CF HB 609

By: **Senator Hettleman**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Office of the Inspector General for Health**

3 FOR the purpose of renaming the Office of the Inspector General in the Maryland
4 Department of Health to be the Maryland Office of the Inspector General for Health
5 and providing that the Office is an independent unit of the State, rather than a unit
6 in the Department; providing that there is an Inspector General in the Office;
7 providing that an individual is eligible to be the Inspector General only if the
8 individual executes a certain affidavit; requiring the Inspector General to renew the
9 affidavit on a certain basis; requiring that the failure to renew the affidavit subjects
10 the Inspector General to removal from office; providing for the appointment, terms,
11 removal from office, and qualifications of the Inspector General; providing that the
12 Inspector General is entitled to a certain salary and that funding for the Office shall
13 be as provided in the State budget; requiring the Office, on or before a certain date
14 each year, to submit a certain report to the Governor and certain committees of the
15 General Assembly; defining a certain term; and generally relating to the Maryland
16 Office of the Inspector General for Health.

17 BY adding to
18 Article – Health – General
19 Section 2–501(e–1), 2–502.1, and 2–506
20 Annotated Code of Maryland
21 (2019 Replacement Volume)

22 BY repealing and reenacting, with amendments
23 Article – Health – General
24 Section 2–502
25 Annotated Code of Maryland
26 (2019 Replacement Volume)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

1
2 2–501.

3 (E–1) “OFFICE” MEANS THE MARYLAND OFFICE OF THE INSPECTOR
4 GENERAL FOR HEALTH ESTABLISHED UNDER § 2–502 OF THIS SUBTITLE.

5 2–502.

6 (A) There is [an] A MARYLAND Office of the Inspector General [in the
7 Department] FOR HEALTH.

8 (B) THE OFFICE IS AN INDEPENDENT UNIT OF THE STATE.

9 2–502.1.

10 (A) THERE IS AN INSPECTOR GENERAL IN THE MARYLAND OFFICE OF THE
11 INSPECTOR GENERAL FOR HEALTH.

12 (B) (1) AN INDIVIDUAL IS ELIGIBLE TO BE THE INSPECTOR GENERAL
13 ONLY IF THE INDIVIDUAL EXECUTES AN AFFIDAVIT STATING THAT THE INDIVIDUAL
14 WILL NOT ACCEPT APPOINTMENT TO, OR BE A CANDIDATE FOR, A STATE OR LOCAL
15 OFFICE:

16 (I) DURING THE PERIOD OF SERVICE AS THE INSPECTOR
17 GENERAL; AND

18 (II) FOR AT LEAST 3 YEARS IMMEDIATELY AFTER THE
19 INDIVIDUAL LAST SERVES AS THE INSPECTOR GENERAL.

20 (2) THE INSPECTOR GENERAL SHALL RENEW THE AFFIDAVIT EVERY
21 2 YEARS DURING THE PERIOD OF SERVICE.

22 (3) A FAILURE TO RENEW THE AFFIDAVIT UNDER THIS SUBSECTION
23 SHALL SUBJECT THE INSPECTOR GENERAL TO REMOVAL FROM OFFICE UNDER THIS
24 SECTION.

25 (C) (1) THE INSPECTOR GENERAL SHALL BE APPOINTED UNANIMOUSLY
26 BY THE GOVERNOR, THE ATTORNEY GENERAL, AND THE STATE TREASURER,
27 SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

28 (2) THE TERM OF THE INSPECTOR GENERAL IS 5 YEARS, BEGINNING
29 JULY 1 AFTER THE APPOINTMENT OF THE INSPECTOR GENERAL.

1 **(3) AT THE END OF A TERM, THE INSPECTOR GENERAL SHALL**
2 **CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED.**

3 **(4) IF A VACANCY OCCURS IN THE OFFICE, AN INTERIM INSPECTOR**
4 **GENERAL SHALL BE APPOINTED AS SUCCESSOR TO SERVE FOR THE REMAINDER OF**
5 **THE UNEXPIRED TERM.**

6 **(D) THE INSPECTOR GENERAL MAY BE REMOVED UNANIMOUSLY BY THE**
7 **GOVERNOR, THE ATTORNEY GENERAL, AND THE STATE TREASURER FOR:**

8 **(1) MISCONDUCT IN OFFICE;**

9 **(2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE;**

10 **OR**

11 **(3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF**
12 **JUSTICE.**

13 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
14 **INSPECTOR GENERAL MUST BE PROFESSIONALLY QUALIFIED THROUGH**
15 **EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE FOLLOWING AREAS:**

16 **(I) LAW;**

17 **(II) AUDITING;**

18 **(III) GOVERNMENT OPERATIONS;**

19 **(IV) FINANCIAL MANAGEMENT; OR**

20 **(V) HEALTH POLICY.**

21 **(2) IF THE INSPECTOR GENERAL IS PROFESSIONALLY QUALIFIED IN**
22 **THE AREA OF HEALTH POLICY, THE INSPECTOR GENERAL ALSO MUST BE**
23 **PROFESSIONALLY QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST**
24 **ONE OF THE OTHER AREAS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.**

25 **(F) (1) THE INSPECTOR GENERAL IS ENTITLED TO THE SALARY**
26 **PROVIDED IN THE STATE BUDGET.**

27 **(2) FUNDING FOR THE OFFICE SHALL BE AS PROVIDED IN THE STATE**
28 **BUDGET.**

1 **2-506.**

2 **ON OR BEFORE DECEMBER 1 EACH YEAR, THE OFFICE SHALL SUBMIT A**
3 **REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
4 **GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE**
5 **SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE**
6 **HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE JOINT**
7 **AUDIT AND EVALUATION COMMITTEE ON:**

8 **(1) THE OFFICE'S ACTIVITIES DURING THE IMMEDIATELY**
9 **PRECEDING FISCAL YEAR, INCLUDING:**

10 **(I) INVESTIGATIONS OF FRAUD, WASTE, AND ABUSE OF**
11 **DEPARTMENTAL FUNDS UNDERTAKEN BY THE OFFICE, INCLUDING SPECIFIC**
12 **FINDINGS AND RECOMMENDATIONS RELATED TO THE INVESTIGATIONS;**

13 **(II) A SUMMARY OF MATTERS REFERRED TO THE MEDICAID**
14 **FRAUD CONTROL UNIT BY THE OFFICE;**

15 **(III) RECOVERIES BY THE OFFICE OF MISTAKEN CLAIMS PAID OR**
16 **PAYMENTS OBTAINED IN ERROR OR FRAUDULENT CLAIMS PAID TO OR OBTAINED BY**
17 **A PROVIDER;**

18 **(IV) RECOVERIES BY THE OFFICE OF THE COST OF BENEFITS**
19 **MISTAKENLY PAID OR OBTAINED IN ERROR, OR FRAUDULENTLY PAID TO OR**
20 **OBTAINED BY A RECIPIENT; AND**

21 **(2) ANY REGULATORY OR STATUTORY CHANGES NECESSARY TO**
22 **ENSURE COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **October 1, 2020.**