

Chapter 325

(House Bill 393)

AN ACT concerning

Maryland Office of the Inspector General for Health

FOR the purpose of renaming the Office of the Inspector General in the Maryland Department of Health to be the Maryland Office of the Inspector General for Health and providing that the Office is an independent unit of the State, rather than a unit in the Department; requiring the Office to have access to certain services; requiring the Office, in consultation with the Department, to develop certain policies and adopt certain regulations; requiring the Office to maintain a certain physical location; requiring the Office to develop certain policies and adopt certain regulations; providing that there is an Inspector General in the Office; providing that an individual is eligible to be the Inspector General only if the individual executes a certain affidavit; requiring the Inspector General to renew the affidavit on a certain basis; requiring that the failure to renew the affidavit subject the Inspector General to removal from office; providing for the appointment, terms, removal from office, and qualifications of the Inspector General; providing that the Inspector General is entitled to a certain salary and that funding for the Office shall be as provided in the State budget; requiring the Office, on or before a certain date each year, to submit a certain report to the Governor and certain committees of the General Assembly; defining a certain term; requiring the Governor to transfer to the Office one position and certain funds from the Department; providing for a delayed effective date; and generally relating to the Maryland Office of the Inspector General for Health.

BY adding to

Article – Health – General
 Section 2–501(e–1), 2–502.1, and 2–506
 Annotated Code of Maryland
 (2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 2–502
 Annotated Code of Maryland
 (2019 Replacement Volume and 2020 Supplement)

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

Article – Health – General

2–501.

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

2-502.

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

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

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OFFICE SHALL HAVE ACCESS TO THE FOLLOWING SERVICES OF THE DEPARTMENT:

(I) INFORMATION TECHNOLOGY;

(II) BUDGET AND FINANCE;

(III) HUMAN RESOURCES;

(IV) POLICE;

(V) PROCUREMENT; AND

(VI) SUPPORT SERVICES.

(2) THE OFFICE SHALL, IN CONSULTATION WITH THE DEPARTMENT, DEVELOP POLICIES AND ADOPT REGULATIONS REGARDING THE USE AND CONFIDENTIALITY OF THE SERVICES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE OFFICE SHALL:

**(1) MAINTAIN A PHYSICAL LOCATION WITHIN THE DEPARTMENT;
AND**

(2) DEVELOP POLICIES AND ADOPT REGULATIONS REGARDING THE USE AND CONFIDENTIALITY OF THE LOCATION OF THE OFFICE.

2-502.1.

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

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

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

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

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

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

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

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

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

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

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

(1) MISCONDUCT IN OFFICE;

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

OR

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

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

- (I) LAW;**
- (II) AUDITING;**
- (III) GOVERNMENT OPERATIONS;**
- (IV) FINANCIAL MANAGEMENT; OR**
- (V) HEALTH POLICY.**

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

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

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

2-506.

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

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

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

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

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

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

(V) A SUMMARY OF MATTERS REFERRED TO PROSECUTIVE AUTHORITIES AND THE RESULTING PROSECUTIONS AND CONVICTIONS; AND

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

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall transfer one position and \$100,000 in general funds and any related positions and funding for the Office of the Inspector General as of July 1, 2022, from M00A01.01 Executive Direction – Office of the Secretary for the Department of Health to the Maryland Office of the Inspector General for Health established under Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved by the Governor, May 18, 2021.