

SENATE BILL 12

J1, P1
SB 963/20 – FIN

(PRE-FILED)

11r0683
CF HB 393

By: **Senator Hettleman**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 3, 2021

CHAPTER _____

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; requiring the Office to have access to certain services; requiring
7 the Office, in consultation with the Department, to develop certain policies and adopt
8 certain regulations; requiring the Office to maintain a certain physical location;
9 requiring the Office to develop certain policies and adopt certain regulations;
10 providing that there is an Inspector General in the Office; providing that an
11 individual is eligible to be the Inspector General only if the individual executes a
12 certain affidavit; requiring the Inspector General to renew the affidavit on a certain
13 basis; requiring that the failure to renew the affidavit subject the Inspector General
14 to removal from office; providing for the appointment, terms, removal from office,
15 and qualifications of the Inspector General; providing that the Inspector General is
16 entitled to a certain salary and that funding for the Office shall be as provided in the
17 State budget; requiring the Office, on or before a certain date each year, to submit a
18 certain report to the Governor and certain committees of the General Assembly;
19 defining a certain term; requiring the Governor to transfer to the Office one position
20 and certain funds from the Department; providing for a delayed effective date; and
21 generally relating to the Maryland Office of the Inspector General for Health.

22 BY adding to
23 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2–501(e–1), 2–502.1, and 2–506
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2020 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Health – General
6 Section 2–502
7 Annotated Code of Maryland
8 (2019 Replacement Volume and 2020 Supplement)

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

11 **Article – Health – General**

12 2–501.

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

15 2–502.

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

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

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

21 **(I) INFORMATION TECHNOLOGY;**

22 **(II) BUDGET AND FINANCE;**

23 **(III) HUMAN RESOURCES;**

24 **(IV) POLICE;**

25 **(V) PROCUREMENT; AND**

26 **(VI) SUPPORT SERVICES.**

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

1 **(D) THE OFFICE SHALL:**

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

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

6 **2-502.1.**

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

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

13 **(i) DURING THE PERIOD OF SERVICE AS THE INSPECTOR**
14 **GENERAL; AND**

15 **(ii) FOR AT LEAST 3 YEARS IMMEDIATELY AFTER THE**
16 **INDIVIDUAL LAST SERVES AS THE INSPECTOR GENERAL.**

17 **(2) THE INSPECTOR GENERAL SHALL RENEW THE AFFIDAVIT EVERY**
18 **2 YEARS DURING THE PERIOD OF SERVICE.**

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

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

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

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

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

1 THE UNEXPIRED TERM.

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

4 (1) MISCONDUCT IN OFFICE;

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

6 OR

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

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

12 (I) LAW;

13 (II) AUDITING;

14 (III) GOVERNMENT OPERATIONS;

15 (IV) FINANCIAL MANAGEMENT; OR

16 (V) HEALTH POLICY.

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

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

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

25 2-506.

26 ON OR BEFORE DECEMBER 1 EACH YEAR, THE OFFICE SHALL SUBMIT A
27 REPORT TO THE SECRETARY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257
28 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION
29 COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS

1 COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE,
2 AND THE JOINT AUDIT AND EVALUATION COMMITTEE ON:

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

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

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

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

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

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

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

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2022.