

SENATE BILL 708

J1, P1, P2

(2lr2968)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Lam and Hettleman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Department of Health – Office of the Inspector General and**
3 **~~Emergency Procurement Audits~~**

4 FOR the purpose of providing that there is a Compliance Officer within the Office of the
5 Inspector General in the Maryland Department of Health; authorizing the Inspector
6 General ~~and the Compliance Officer~~ to investigate behavior in the Department that
7 threatens public safety or demonstrates negligence, incompetence, or malfeasance;
8 requiring the Inspector General, the Compliance Officer, or a designated Assistant
9 Inspector General to respond in a certain manner to an individual who has filed a
10 complaint or allegation; ~~requiring the Board of Public Works to submit a certain~~
11 audit to the Secretary of Health after the Department awards an emergency
12 procurement contract; and generally relating to the Maryland Department of Health.

13 BY adding to
14 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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 2-502.2
 2 Annotated Code of Maryland
 3 (2019 Replacement Volume and 2021 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – Health – General
 6 Section 2-503
 7 Annotated Code of Maryland
 8 (2019 Replacement Volume and 2021 Supplement)

9 ~~BY repealing and reenacting, without amendments,~~
 10 ~~Article – State Finance and Procurement~~
 11 ~~Section 11-101(a) and (d)~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2021 Replacement Volume)~~

14 ~~BY adding to~~
 15 ~~Article – State Finance and Procurement~~
 16 ~~Section 13-228~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2021 Replacement Volume)~~

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

21 **Article – Health – General**

22 **2-502.2.**

23 **(A) THERE IS A COMPLIANCE OFFICER WITHIN THE MARYLAND OFFICE OF**
 24 **THE INSPECTOR GENERAL FOR HEALTH.**

25 **(B) (1) THE COMPLIANCE OFFICER SHALL BE ~~APPOINTED~~ DESIGNATED**
 26 **BY THE INSPECTOR GENERAL.**

27 **(2) THE COMPLIANCE OFFICER SHALL BE PROFESSIONALLY**
 28 **QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE**
 29 **FOLLOWING AREAS:**

30 **(I) ADMINISTRATIVE MANAGEMENT;**

31 **(II) HEALTH CARE COMPLIANCE STANDARDS; OR**

32 **(III) PUBLIC HEALTH.**

1 **(C) THE COMPLIANCE OFFICER SHALL ENSURE THAT UNITS AND**
2 **EMPLOYEES OF THE DEPARTMENT COMPLY WITH:**

3 **(1) BEST PRACTICES IN HEALTH CARE, PUBLIC HEALTH, AND**
4 **GOVERNMENT ADMINISTRATION; AND**

5 **(2) LAWS, REGULATIONS, AND DEPARTMENT POLICIES.**

6 2-503.

7 (a) The Inspector General ~~AND THE COMPLIANCE OFFICER:~~

8 (1) May investigate fraud, waste, [and] abuse of departmental funds, **AND**
9 **BEHAVIOR IN THE DEPARTMENT THAT THREATENS PUBLIC SAFETY OR**
10 **DEMONSTRATES NEGLIGENCE, INCOMPETENCE, OR MALFEASANCE;**

11 (2) Shall cooperate with and coordinate investigative efforts with the
12 Medicaid Fraud Control Unit and where a preliminary investigation establishes a sufficient
13 basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit; and

14 (3) Shall cooperate with and coordinate investigative efforts with
15 departmental programs and other State and federal agencies to ensure a provider is not
16 subject to duplicative audits.

17 (b) (1) The Inspector General, ~~THE COMPLIANCE OFFICER,~~ or a designated
18 Assistant Inspector General may subpoena any person or evidence, administer oaths, and
19 take depositions and other testimony for the purpose of investigating fraud, waste, [or]
20 abuse of departmental funds, **OR BEHAVIOR IN THE DEPARTMENT THAT THREATENS**
21 **PUBLIC SAFETY OR DEMONSTRATES NEGLIGENCE, INCOMPETENCE, OR**
22 **MALFEASANCE.**

23 (2) If a person fails to comply with a lawful order or subpoena issued under
24 this subsection, on petition of the Inspector General, ~~THE COMPLIANCE OFFICER,~~ or a
25 designated Assistant Inspector General, a court of competent jurisdiction may compel:

26 (i) Compliance with the order or subpoena; or

27 (ii) Testimony or the production of evidence.

28 **(C) WITHIN 7 30 BUSINESS DAYS AFTER RECEIVING A COMPLAINT OR**
29 **ALLEGATION, THE INSPECTOR GENERAL, THE COMPLIANCE OFFICER, OR A**
30 **DESIGNATED ASSISTANT INSPECTOR GENERAL SHALL RESPOND TO THE**
31 **INDIVIDUAL WHO FILED THE COMPLAINT OR ALLEGATION WITH:**

1 (1) A PRELIMINARY INDICATION OF WHETHER THE OFFICE OF THE
 2 INSPECTOR GENERAL IS ABLE TO INVESTIGATE THE COMPLAINT OR ALLEGATION;
 3 AND

4 (2) IF THE OFFICE OF THE INSPECTOR GENERAL IS UNABLE TO
 5 INVESTIGATE THE COMPLAINT OR ALLEGATION:

6 (I) THE REASON FOR NOT BEING ABLE TO INVESTIGATE,
 7 UNLESS PROVIDING THE REASON WOULD HAVE A NEGATIVE IMPACT ON OR
 8 JEOPARDIZE AN INVESTIGATION BEING CONDUCTED BY THE OFFICE OF THE
 9 INSPECTOR GENERAL, A MANAGED CARE ORGANIZATION, ANOTHER UNIT OF
 10 GOVERNMENT, OR LAW ENFORCEMENT; AND

11 (II) THE CONTACT INFORMATION FOR THE OFFICE OF
 12 LEGISLATIVE AUDITS FRAUD HOTLINE.

13 ~~Article State Finance and Procurement~~

14 ~~11-101.~~

15 ~~(a) In this Division II the following words have the meanings indicated unless:~~

16 ~~(1) the context clearly requires a different meaning; or~~

17 ~~(2) a different definition is provided for a particular title or provision.~~

18 ~~(d) "Board" means the Board of Public Works.~~

19 ~~13-228.~~

20 ~~(A) WITHIN 90 DAYS AFTER THE MARYLAND DEPARTMENT OF HEALTH~~
 21 ~~AWARDS AN EMERGENCY PROCUREMENT CONTRACT, THE BOARD SHALL SUBMIT TO~~
 22 ~~THE SECRETARY OF HEALTH AN AUDIT OF THE PROCUREMENT CONTRACT THAT IS~~
 23 ~~COMPLETED BY AN AUDITOR THAT IS NOT A UNIT OR AN EMPLOYEE OF THE STATE~~
 24 ~~OR A LOCAL GOVERNMENT.~~

25 ~~(B) A COPY OF THE COMPLETED AUDIT SUBMITTED UNDER SUBSECTION (A)~~
 26 ~~OF THIS SECTION SHALL BE KEPT PUBLICLY AVAILABLE BY THE BOARD AND THE~~
 27 ~~MARYLAND DEPARTMENT OF HEALTH.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 29 October 1, 2022.