

SENATE BILL 708

J1, P1, P2

2lr2968

By: **Senators Lam and Hettleman**

Introduced and read first time: February 4, 2022

Assigned to: Finance

A BILL ENTITLED

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 Board of Public Works to submit a certain audit to the Secretary of
9 Health after the Department awards an emergency procurement contract; and
10 generally relating to the Maryland Department of Health.

11 BY adding to
12 Article – Health – General
13 Section 2–502.2
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 2–503
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – State Finance and Procurement
23 Section 11–101(a) and (d)
24 Annotated Code of Maryland
25 (2021 Replacement Volume)

26 BY adding to
27 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 13–228
2 Annotated Code of Maryland
3 (2021 Replacement Volume)

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

6 **Article – Health – General**

7 **2–502.2.**

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

10 **(B) (1) THE COMPLIANCE OFFICER SHALL BE APPOINTED BY THE**
11 **INSPECTOR GENERAL.**

12 **(2) THE COMPLIANCE OFFICER SHALL BE PROFESSIONALLY**
13 **QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE**
14 **FOLLOWING AREAS:**

15 **(I) ADMINISTRATIVE MANAGEMENT;**

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

17 **(III) PUBLIC HEALTH.**

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

20 **(1) BEST PRACTICES IN HEALTH CARE, PUBLIC HEALTH, AND**
21 **GOVERNMENT ADMINISTRATION; AND**

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

23 **2–503.**

24 **(a) The Inspector General AND THE COMPLIANCE OFFICER:**

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

28 **(2) Shall cooperate with and coordinate investigative efforts with the**
29 **Medicaid Fraud Control Unit and where a preliminary investigation establishes a sufficient**

1 basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit; and

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

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

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

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

15 (ii) Testimony or the production of evidence.

16 **Article – State Finance and Procurement**

17 11–101.

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

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

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

21 (d) “Board” means the Board of Public Works.

22 **13–228.**

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

28 **(B) A COPY OF THE COMPLETED AUDIT SUBMITTED UNDER SUBSECTION (A)**
29 **OF THIS SECTION SHALL BE KEPT PUBLICLY AVAILABLE BY THE BOARD AND THE**
30 **MARYLAND DEPARTMENT OF HEALTH.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2022.