



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

March 29, 2022

The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401-1991

RE: SB 708 – Maryland Department of Health – Office of the Inspector General - Letter of Information with Amendments

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH)'s Office of Inspector General (OIG) submits this letter of information with amendments regarding Senate Bill (SB) 708 which expands the duties of the OIG. This bill as amended will require the OIG to designate a Compliance Officer to investigate behavior in MDH that threatens public safety or demonstrates negligence, incompetence, or malfeasance and respond to individuals filing a complaint within a specified amount of time. As amended this bill will also require the OIG to respond to all filed complaints within seven (7) business days with a determination on whether the complaint can be investigated.

On July 1, 2022, the Office of the Inspector General in the Maryland Department of Health will become the Maryland Office of the Inspector General for Health – an independent unit of the State. The OIG is charged with investigating fraud, waste, and abuse of departmental funds. Specifically, the OIG has a number of investigators and auditors who investigate allegations of fraud by Medicaid providers, recipients who fraudulently obtain benefits, and fraud involving the expenditures of departmental funds (human service vendors and local health departments).

The OIG typically does not advise the individual who files a complaint whether it is being investigated or the outcome of an investigation. Providing this information may negatively impact and jeopardize investigations being conducted by other governmental agencies and/or law enforcement. Investigations conducted by both the OIG and/or law enforcement should be confidential in nature to ensure the integrity of the process. Furthermore, the OIG may be unable to investigate because there is already an ongoing investigation and the OIG cannot and should not provide that information to an individual.

If it is the will of the Committee to keep this provision, the OIG respectfully requests the attached amendments to increase the allowable number of days to respond to a complainant from seven (7) to 30 and remove the requirement to provide an explanation for why the investigation is not being pursued. The OIG receives approximately 40-50 referrals a month which require review. When the OIG receives a referral/tip/complaint, an auditor or investigator reviews the allegations, gathers additional information needed and meets with a team within the OIG to determine whether a formal investigation is warranted. Gathering all of this information takes time and relies on the cooperation of other individuals and in some cases departments. Due to the number of referrals received, existing

caseloads, and limited resources, more than seven (7) business days is needed to respond to a complainant.

If you have any questions, please contact Heather Shek, MDH Director of Governmental Affairs, at heather.shek@maryland.gov or 410-767-5282.

Sincerely,

Jennifer S. Forsythe

Jennifer S. Forsythe
(Acting) Inspector General

AMENDMENT TO SENATE BILL 708
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 21, strike “7” and substitute “30”.

AMENDMENT NO. 2

On page 3, strike in its entirety line 30.