

# SENATE BILL 12

J1, P1  
SB 963/20 – FIN

(PRE-FILED)

11r0683  
CF HB 393

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By: **Senator Hettleman**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

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## A BILL ENTITLED

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  
24 Section 2–501(e–1), 2–502.1, and 2–506  
25 Annotated Code of Maryland  
26 (2019 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–502  
2 Annotated Code of Maryland  
3 (2019 Replacement Volume and 2020 Supplement)

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 2–501.

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

10 2–502.

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

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

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

16 **(I) INFORMATION TECHNOLOGY;**

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

18 **(III) HUMAN RESOURCES;**

19 **(IV) POLICE;**

20 **(V) PROCUREMENT; AND**

21 **(VI) SUPPORT SERVICES.**

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

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

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

28 **AND**

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

3 **2-502.1.**

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

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

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

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

14           **(2) THE INSPECTOR GENERAL SHALL RENEW THE AFFIDAVIT EVERY**  
15 **2 YEARS DURING THE PERIOD OF SERVICE.**

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

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

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

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

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

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

- 1           **(1) MISCONDUCT IN OFFICE;**  
 2           **(2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE;**  
 3 **OR**  
 4           **(3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF**  
 5 **JUSTICE.**

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

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

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

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

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

22 **2-506.**

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

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

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

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

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

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

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

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

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

21                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2022.