

Chapter 43

(Senate Bill 708)

AN ACT concerning

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

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

BY adding to

Article – Health – General  
Section 2–502.2  
Annotated Code of Maryland  
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 2–503  
Annotated Code of Maryland  
(2019 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Finance and Procurement  
Section 11–101(a) and (d)  
Annotated Code of Maryland  
(2021 Replacement Volume)~~

~~BY adding to~~

~~Article – State Finance and Procurement  
Section 13–228  
Annotated Code of Maryland  
(2021 Replacement Volume)~~

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

**Article – Health – General**

**2-502.2.**

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

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

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

- (I) ADMINISTRATIVE MANAGEMENT;**
- (II) HEALTH CARE COMPLIANCE STANDARDS; OR**
- (III) PUBLIC HEALTH.**

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

- (1) BEST PRACTICES IN HEALTH CARE, PUBLIC HEALTH, AND GOVERNMENT ADMINISTRATION; AND**
- (2) LAWS, REGULATIONS, AND DEPARTMENT POLICIES.**

**2-503.**

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

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

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

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

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

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

- (i) Compliance with the order or subpoena; or
- (ii) Testimony or the production of evidence.

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

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

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

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

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

~~Article State Finance and Procurement~~

~~11-101.~~

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

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

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

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

~~13-228.~~

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

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

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

Enacted under Article II, § 17(b) of the Maryland Constitution, April 9, 2022.