

HOUSE BILL 1002

J1, P1

4lr2176

By: **Chair, Health and Government Operations Committee (By Request – Office of the Attorney General) and Delegates Boyce, Harris, Lehman, and Taveras**

Introduced and read first time: February 5, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Office of the Attorney General – Investigative**
3 **Authority**

4 FOR the purpose of authorizing the Office of the Attorney General to subpoena persons or
5 evidence, administer oaths, and take depositions and other testimony to investigate
6 fraud, waste, abuse of Maryland Department of Health funds, or certain behavior in
7 the Department; authorizing the Office to petition a court to compel compliance with
8 a certain order or subpoena or testimony or the production of evidence under certain
9 circumstances; and generally relating to the investigative authority of the Office of
10 the Attorney General.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 2–503
14 Annotated Code of Maryland
15 (2023 Replacement Volume)

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

18 **Article – Health – General**

19 2–503.

20 (a) The Inspector General:

21 (1) May investigate fraud, waste, abuse of departmental funds, and
22 behavior in the Department that threatens public safety or demonstrates negligence,
23 incompetence, or malfeasance;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) Shall cooperate with and coordinate investigative efforts with the Medicaid Fraud [Control] AND VULNERABLE VICTIMS Unit and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the Medicaid Fraud [Control] AND VULNERABLE VICTIMS 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 [or], a designated Assistant Inspector General, OR THE OFFICE OF THE ATTORNEY GENERAL may subpoena any person or evidence, administer oaths, and take depositions and other testimony for the purpose of investigating fraud, waste, 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 [or], a designated Assistant Inspector General, OR THE OFFICE OF THE ATTORNEY 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 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.