

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4622

**FISCAL
NOTE**

By Delegate Burkhammer

[Introduced January 21, 2026; referred to the
Committee on Health and Human Resources then
Finance]

1 A BILL amend and reenact §5F-2-1, §16B-2-1 and §16B-2-4 of the code of West Virginia, 1931, as
2 amended; and to repeal §5F-2-1a, relating to the Office of the Inspector General; removing
3 the Inspector General from inclusion in the Department of Health; removing the
4 requirement that the Department of Health provide administrative support; clarifying that
5 the Inspector General has the power to conduct performance audits, financial audits,
6 evaluations, and attestations engagements of the Department of Human Services, the
7 Department of Health, and the Department of Health Facilities and their independent
8 contractors; requiring reporting; and requiring notification to the prosecuting attorney and
9 law-enforcement in the event that the Inspector General believes a criminal law has been
10 violated.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF
STATE GOVERNMENT.**

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-1. Transfer and incorporation of agencies and boards; funds.

1 (a) The following agencies and boards, including all of the allied, advisory, affiliated, or
2 related entities and funds associated with any agency or board, are incorporated in and
3 administered as a part of the Department of Administration:
4 (1) Public Employees Insurance Agency provided in §5-16-1 *et seq.* of this code;
5 (2) Governor's Mansion Advisory Committee provided in §5A-5-1 *et seq.* of this code;
6 (3) Commission on Uniform State Laws provided in §29-1A-1 *et seq.* of this code;
7 (4) West Virginia Public Employees Grievance Board provided in §6C-3-1 *et seq.* of this
8 code;
9 (5) Board of Risk and Insurance Management provided in §29-12-1 *et seq.* of this code;
10 (6) Boundary Commission provided in §29-23-1 *et seq.* of this code;

- (7) Public Defender Services provided in §29-21-1 *et seq.* of this code;
- (8) Division of Personnel provided in §29-6-1 *et seq.* of this code;
- (9) West Virginia Ethics Commission provided in §6B-2-1 *et seq.* of this code;
- (10) Consolidated Public Retirement Board provided in §5-10D-1 *et seq.* of this code; and
- (11) Real Estate Division provided in §5A-10-1 *et seq.* of this code.

16 (b) The following agencies and boards, including all of the allied, advisory, affiliated, or
17 related entities and funds associated with any agency or board, are incorporated in and
18 administered as a part of the Department of Commerce:

19 (1) Division of Labor provided in §21-1-1 *et seq.* of this code, which includes the Board of
20 Manufactured Housing Construction and Safety provided in §21-9-1 *et seq.* of this code.

21 (2) Office of Miners' Health, Safety, and Training provided in §22A-1-1 *et seq.* of this code.
22 The Board of Coal Mine Health and Safety and the Coal Mine Safety and Technical Review
23 Committee provided in §22A-6-1 *et seq.* of this code are transferred to the Office of Miners' Health,
24 Safety, and Training for purposes of administrative support and liaison with the Office of the
25 Governor.

26 (3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1
27 *et seq.* of this code:

28 (4) Division of Forestry provided in §19-1A-1 *et seq.* of this code;

29 (5) Geological and Economic Survey provided in §29-2-1 *et seq.* of this code;

30 (6) Workforce West Virginia provided in chapter 21A of this code, which includes:

31 (A) Division of Unemployment Compensation;

32 (B) Division of Employment Service;

33 (C) Division of Workforce Development;

34 (D) Division of Research, Information and Analysis;

35 (7) Division of Rehabilitation Services provided in §18-10A-1 et seq. of this code; and

36 (8) Division of Economic Development provided in §5B-2-1 *et seq.* of this code, which

37 includes:

38 (A) Office of Broadband provided for in 31G-1A-1 *et seq.*;

39 (B) Small Business Development Center provided for in §12-1A-1 *et seq.*; and

40 (C) The Office of Energy provided for in §5B-2F-2 of this code.

41 (c) The Economic Development Authority provided in §31-15-1 *et seq.* of this code is

42 continued as an independent agency within the executive branch.

43 (d) The Water Development Authority and the Water Development Authority Board

44 provided in §22C-1-1 *et seq.* of this code is continued as an independent agency within the

45 executive branch.

46 (e) The West Virginia Educational Broadcasting Commission provided in §10-5-1 *et seq.* of

47 this code is continued as a separate agency within the Department of Tourism, which shall provide

48 administrative support for the authority.

49 (f) The following agencies and boards, including all of the allied, advisory, and affiliated

50 entities, are transferred to the Department of Environmental Protection for purposes of

51 administrative support and liaison with the Office of the Governor:

52 (1) Air Quality Board provided in §22B-2-1 *et seq.* of this code;

53 (2) Solid Waste Management Board provided in §22C-3-1 *et seq.* of this code;

54 (3) Environmental Quality Board, or its successor board, provided in §22B-3-1 *et seq.* of

55 this code;

56 (4) Surface Mine Board provided in §22B-4-1 *et seq.* of this code;

57 (5) Shallow Gas Well Review Board provided in §22C-8-1 *et seq.* of this code; and

58 (6) Oil and Gas Conservation Commission provided in §22C-9-1 *et seq.* of this code.

59 (g) ~~Subject to the provisions of §5F-2-1a of this code, the following agencies and boards,~~

60 ~~including all of the allied, advisory, affiliated, or related entities and funds associated with any~~

61 ~~agency or board, are incorporated in and administered as a part of the Department of Health:~~

62 (1) ~~Human Rights Commission provided in §5-11-1 *et seq.* of this code;~~

63 (2) Bureau for Public Health provided in §16-1-1 *et seq.* of this code;

64 (3) Office of Emergency Medical Services and the Emergency Medical Service Advisory

65 Council provided in §16-4C-1 *et seq.* of this code;

66 (4) Health Care Authority provided in §16-29B-1 *et seq.* of this code;

67 (5) The Developmental Disabilities Council established by Executive Order No. 6-88 and

68 continued by Executive Order No. 15-99.

69 (h) Subject to the provisions of §5F-2-1a of this code, the following agencies and boards,
70 including all of the allied, advisory, affiliated, or related entities and funds associated with any
71 agency or board, are incorporated in, and administered as a part of, the Department of Human
72 Services:

73 (1) Women's Commission provided in §29-20-1 *et seq.* of this code; and

74 (2) Bureau for Child Support Enforcement provided in §48-1-1 et seq. of this code

75 The following agencies and boards, including all of the allied, advisory, affiliated, or related
76 entities and funds associated with any agency or board, are transferred to, incorporated in and
77 administered as a part of the Department of Human Services:

78 (1) Bureau for Social Services;

79 (2) Bureau for Medical Services;

80 (3) Bureau for Child Support Enforcement;

81 (4) Bureau for Family Assistance;

82 (5) Bureau for Behavioral Health;

83 (6) Office of Shared Administrati

84 (7) Any other agency or entity hereinafter

85 Services by an act of the Legislature.

86 (h) The following agencies and boards, including all of the allied, advisory, affiliated, or
87 related entities and funds associated with any agency or board, are transferred to, incorporated in
88 and administered as a part of the Department of Health:

89 (1) Bureau for Public Health;
90 (2) Office of Emergency Medical Services;
91 (3) Office of the Chief Medical Examiner;
92 (4) Center for Threat Preparedness;
93 (5) Health Care Authority;
94 (6) Office of Shared Administration; and
95 (7) Any other agency or entity hereinafter established within the Department of Health by
96 an act of the Legislature.

97 (i) The following state facilities, including all of the allied, advisory, affiliated, or related
98 entities and funds associated with any state facility, are transferred to, incorporated in and
99 administered as a part of the Department of Health Facilities:

100 (1) Mildred Mitchell-Bateman Hospital;
101 (2) Welch Community Hospital;
102 (3) William R. Sharpe Jr. Hospital;
103 (4) Office of Shared Administration; and
104 (5) Any other agency or entity hereinafter established within the Department of Health
105 Facilities by an act of the Legislature.

106 (j) The following agencies and boards, including all of the allied, advisory, affiliated, or
107 related entities and funds associated with any agency or board, are transferred to, incorporated in
108 and administered as a part of the Office of the Inspector General. The Office of the Inspector
109 General, shall include:

110 (1) Board of Review;
111 (2) Office of Health Facility Licensure and Certification;
112 (3) Foster Care Ombudsman;
113 (4) Olmstead Office;
114 (5) Investigations and Fraud Management;

115 (6) Quality Control;

116 (7) Mental Health Ombudsman;

117 (8) WV Clearance for Access: Registry and Employment Screening; and

118 (9) Human Rights Commission.

119 (i) (k) The following agencies and boards, including all of the allied, advisory, affiliated, or
120 related entities and funds associated with any agency or board, are incorporated in and
121 administered as a part of the Department of Homeland Security:

122 (1) West Virginia State Police;

123 (2) Division of Emergency Management provided in §15-5-1 *et seq.* of this code and
124 Emergency Response Commission provided in §15-5A-1 *et seq.* of this code: *Provided*, That
125 notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule
126 promulgated thereunder, a reference is made to the Division of Homeland Security and
127 Emergency Management, it shall be construed to mean the Division of Emergency Management;

128 (3) Division of Administrative Services;

129 (4) Division of Corrections and Rehabilitation;

130 (5) Fire Commission;

131 (6) State Fire Marshal;

132 (7) Board of Probation and Parole;

133 (8) The West Virginia Fusion Center;

134 (9) Division of Protective Services; and

135 (10) Any other agency or entity hereinafter established within the Department of Homeland
136 Security by an act of the Legislature.

137 (j) (l) The following agencies and boards, including all of the allied, advisory, affiliated, or
138 related entities and funds associated with any agency or board, are incorporated in and
139 administered as a part of the Department of Revenue:

140 (1) Tax Division provided in §11-1-1 *et seq.* of this code;

141 (2) Racing Commission provided in §19-23-1 *et seq.* of this code;

142 (3) Lottery Commission and position of Lottery Director provided in §29-22-1 *et seq.* of this

143 code;

144 (4) Insurance Commissioner provided in §33-2-1 *et seq.* of this code;

145 (5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 *et seq.* of

146 this code and §60-2-1 *et seq.* of this code;

147 (6) Board of Banking and Financial Institutions provided in §31A-3-1 *et seq.* of this code;

148 (7) Lending and Credit Rate Board provided in §47A-1-1 *et seq.* of this code;

149 (8) Division of Financial Institutions provided in §31A-2-1 *et seq.* of this code;

150 (9) The State Budget Office provided in §11B-2-1 *et seq.* of this code;

151 (10) The Municipal Bond Commission provided in §13-3-1 *et seq.* of this code;

152 (11) The Office of Tax Appeals provided in §11-10A-1 *et seq.* of this code; and

153 (12) The State Athletic Commission provided in §29-5A-1 *et seq.* of this code.

154 (k) (m) The following agencies and boards, including all of the allied, advisory, affiliated, or
155 related entities and funds associated with any agency or board, are incorporated in and
156 administered as a part of the Department of Transportation:

157 (1) Division of Highways provided in §17-2A-1 *et seq.* of this code;

158 (2) Parkways Authority provided in §17-16A-1 *et seq.* of this code;

159 (3) Division of Motor Vehicles provided in §17A-2-1 *et seq.* of this code;

160 (4) Driver's Licensing Advisory Board provided in §17B-2-1 *et seq.* of this code; and

161 (5) Division of Multimodal Transportation Facilities provided in §17-16F-1 *et seq.* of this

162 code.

163 ~~(n)~~ Effective July 1, 2011, the Veterans' Council provided in §9A-1-1 *et seq.* of this code,
164 including all of the allied, advisory, affiliated, or related entities and funds associated with it, is
165 incorporated in and administered as a part of the Department of Veterans' Assistance.

166 (m) (o) Except for powers, authority, and duties that have been delegated to the secretaries

167 of the departments by §5F-2-2 of this code, the position of administrator and the powers, authority,
168 and duties of each administrator and agency are not affected by the enactment of this chapter.

169 (n) (p) Except for powers, authority, and duties that have been delegated to the secretaries
170 of the departments by §5F-2-2 of this code, the existence, powers, authority, and duties of boards
171 and the membership, terms, and qualifications of members of the boards are not affected by the
172 enactment of this chapter. All boards that are appellate bodies or are independent decision makers
173 may not have their appellate or independent decision-making status affected by the enactment of
174 this chapter.

175 (o) (q) Any department previously transferred to and incorporated in a department by prior
176 enactment of this section means a division of the appropriate department. Wherever reference is
177 made to any department transferred to and incorporated in a department created in §5F-1-2 of this
178 code, the reference means a division of the appropriate department and any reference to a
179 division of a department so transferred and incorporated means a section of the appropriate
180 division of the department.

181 (p) (r) When an agency, board, or commission is transferred under a bureau or agency
182 other than a department headed by a secretary pursuant to this section, that transfer is solely for
183 purposes of administrative support and liaison with the Office of the Governor, a department
184 secretary, or a bureau. Nothing in this section extends the powers of department secretaries under
185 §5F-2-2 of this code to any person other than a department secretary and nothing limits or
186 abridges the statutory powers and duties of statutory commissioners or officers pursuant to this
187 code.

188 (q) (s) The Department of Economic Development as established in §5B-2-1 *et seq.* of this
189 code is continued as a division of the Department of Commerce.

190 (r) (t) The Department of Tourism as established in §5B-2I-1 *et seq.* of this code is
191 continued as a separate independent agency within the Executive Branch, which includes the
192 following sections and commissions listed under §29-1-1 of this code:

- 193 (1) The Arts Section;
- 194 (2) The Archives and History Section;
- 195 (3) The Museums Section;
- 196 (4) The Historic Preservation Section;
- 197 (5) The State Library Section;
- 198 (6) The National Coal Heritage Area Commission;
- 199 (7) The Administrative Section;
- 200 (8) The Educational Broadcasting Commission;
- 201 (9) A Commission on the Arts;
- 202 (10) A Commission on Archives and History;
- 203 (11) A Library Commission; and
- 204 (12) An Educational Broadcasting Council.

§5F-2-1a. Termination of the department of health and human resources; transfer and incorporation of agencies and boards legislative intent; creation of new departments.

[Repealed.]

CHAPTER 16B. INSPECTOR GENERAL.

ARTICLE 2. OFFICE OF THE INSPECTOR GENERAL, DUTIES, AND POWERS.

**§16B-2-1. Office of the Inspector General continued; appointment and qualifications of
Director of Office of Health Facility Licensure and Certification and the Director of
Investigations and Fraud Management Units.**

5 within the Office of the Inspector General. The Office of Inspector General shall be headed by the
6 Inspector General and is comprised of the offices as provided in §5F-2-1a of this code. Any
7 administrative supports or shared services provided or received by the Office of the Inspector
8 General are not subject to review by the Department of Health, the Department of Human
9 Services, or the Department of Health Facilities.

10 (b) (1) The Inspector General shall be appointed by the Governor, within 90 days of a
11 vacancy, subject to the advice and consent of the Senate.

12 (A) The term of the Inspector General is five years.

13 (B) At the end of a term, the Inspector General is eligible to be reappointed for one
14 additional term. The Inspector General shall continue to serve until a successor is appointed.

15 (C) If a vacancy occurs in the office, an interim Inspector General may be appointed as
16 successor to serve for the remainder of the unexpired term.

17 (2) The Inspector General may be removed by the Governor only for:

18 (A) Misconduct in office;

19 (B) Persistent failure to perform the duties of the Office; or

20 (C) Conduct prejudicial to the proper administration of justice.

21 (c) The Inspector General shall be professionally qualified through experience or
22 education in at least two of the following areas:

23 (1) Law;

24 (2) Auditing;

25 (3) Government operations;

26 (4) Financial management; or

27 (5) Health policy.

28 (d) The Inspector General shall be paid an annual salary as provided in the budget.

29 (e) Funding for the office shall be as provided in the state budget.

30 (f) The Inspector General shall:

31 (1) Conduct and supervise investigations, perform inspections, evaluations, and review,
32 and provide quality control for the programs of the Department of Human Services, the
33 Department of Health, and the Department of Health Facilities to promote legal, regulatory,
34 programmatic, and fiscal compliance.

35 (2) Investigate fraud, waste, and abuse of the Department of Human Services, the
36 Department of Health, and the Department of Health Facilities' funds, and conduct, whether by
37 acts or omissions in the Department of Human Services, the Department of Health, and the
38 Department of Health Facilities, that threatens or has the reasonable likelihood to threaten public
39 safety or demonstrates negligence, incompetence, or malfeasance, including but not limited to
40 performance of the following:

41 (A) Conducting performance audits, financial audits, evaluations, and attestations
42 engagements of the Department of Human Services, the Department of Health, and the
43 Department of Health Facilities and their independent contractors to:

44 (i) Determine whether acts of fraud, waste, abuse, or corruption have been committed or
45 are being committed by the Department of Human Services, the Department of Health, and the
46 Department of Health Facilities state officers, employees, or their independent contractors
47 including any allegations of criminal acts affecting the operations of state agencies. However, no
48 investigation of an elected official of the state of West Virginia shall occur, be initiated, undertaken,
49 or continued except upon the request of the Governor or a grand jury;

50 (ii) Determine whether the Department of Human Services, the Department of Health, and
51 the Department of Health Facilities' programs are efficient, effective, offered in compliance with
52 the laws and regulations, and obtain success in achieving program objectives; and

53 (iii) Determine whether the Department of Human Services, the Department of Health, and
54 the Department of Health Facilities' has presented their financial statements fairly in accordance
55 with generally accepted accounting principles, has an internal control structure that provides
56 reasonable assurance of achieving the control objectives; and has complied with laws and

57 regulations that could have a direct impact and material effect on its financial statements, the
58 Federal Financial Management Improvement Act and other such laws and regulations.

59 (B) Preparing a detailed report of each investigation shall be prepared and submitted
60 beginning on July 1, 2027, and each year thereafter to the Legislative Oversight Commission on
61 Health and Human Resources Accountability.

62 (C) The Department of Human Services, the Department of Health, and the Department of
63 Health Facilities shall respond to each finding contained in the audit within 30 days of receipt of the
64 audit.

65 (D) Providing timely notification to the appropriate prosecuting attorney and law-
66 enforcement agencies whenever the Inspector General has reasonable grounds to believe there
67 has been a violation of state criminal law;

68 (3) Cooperate with and coordinate investigative efforts with the Medicaid Fraud Control
69 Unit within the Office of the Attorney General, and where a preliminary investigation establishes a
70 sufficient basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit;

71 (4) Cooperate with and coordinate investigative efforts with departmental programs and
72 other state and federal agencies to ensure a provider is not subject to duplicative audits; and

73 (5) Be empowered to consult with the Legislature for policy development;

74 (6) (A) Organize a board of review, consisting of a chairman appointed by the Inspector
75 General and as many assistants or employees as may be determined by the Inspector General
76 and as may be required by federal laws and rules respecting assistance; the board of review to
77 have such powers of a review nature and such additional powers as may be granted to it by the
78 Inspector General and as may be required by federal laws and rules respecting assistance;

79 (B) Provide by rules, review, and appeal procedures within the office as may be required by
80 applicable federal laws and rules respecting assistance, and as will provide applicants for, and
81 recipients of, all classes of assistance, an opportunity to be heard by the board of review, a
82 member thereof, or individuals designated by the board, upon claims involving denial, reduction,

83 closure, delay, or other action or inaction pertaining to public assistance;

84 (7) (A) May subpoena any person or evidence, administer oaths, take and certify affidavits,

85 and take depositions and other testimony for the purpose of investigating fraud, waste, and abuse

86 of Department of Health, Department of Human Services, or Department of Health Facilities'

87 funds, or behavior in the same departments that threaten public safety or demonstrate negligence,

88 incompetence, or malfeasance;

89 (B) If a person fails to comply with a lawful order or subpoena issued under this subsection,

90 on petition of the Inspector General or a designated Assistant Inspector General, a court of

91 competent jurisdiction may compel:

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

93 (ii) Testimony or the production of evidence;

94 (C) Within 30 business days after receiving a complaint or allegation, the Inspector

95 General shall respond to the individual who filed the complaint or allegation with:

96 (i) A preliminary indication of whether the Office of the Inspector General is able to

97 investigate the complaint or allegation; and

98 (ii) If the Office of the Inspector General is unable to investigate the complaint or allegation

99 because of a conflict of interest, the Office of the Inspector General shall refer the complaint or

100 allegation to another unit of government or law enforcement.

101 (g) Neither the secretary nor any employee of the Department of Human Services,

102 Department of Health, or the Department of Health Facilities may prevent, inhibit, or prohibit or

103 cause to be prevented, inhibited, or prohibited, the Inspector General or his or her employees from

104 initiating, carrying out, or completing any investigation, inspection, evaluation, review, or other

105 activity oversight of public integrity by the Office of the Inspector General. The Inspector General

106 shall be provided office space at county offices free of charge.

107 (h) The Inspector General formulates, approves, and submits his or her budget to the

108 Governor for consideration by the Governor.

109 (i) The Inspector General shall supervise all personnel of the Office of the Inspector
110 General. Qualification, compensation, and personnel practice relating to the employees of the
111 Office of the Inspector General, shall be governed by the classified service.

112 (j) Employ and discharge within the Office of the Inspector General employees, including
113 professional employees such as investigators and other professional personnel as may be
114 necessary to carry out the functions of the Inspector General, which employees shall continue to
115 be within the classified service provisions of §29-6-1 *et seq.* of this code and rules promulgated
116 thereunder, except for the Inspector General.

117 (k) Cause the various sections of the Office of the Inspector General to be operated
118 effectively, efficiently, and economically, and to develop goals, policies, and plans that are
119 necessary or desirable for the effective, efficient, and economical operation of the Office of the
120 Inspector General.

121 (I) Eliminate or consolidate positions and name a person to fill more than one position.

122 (m) Reorganize internal functions or operations.

123 (n) Enter into contracts or agreements requiring the expenditure of public funds and
124 authorize the expenditure or obligation of public funds as authorized by law: *Provided*, That the
125 powers granted to the Inspector General to enter into agreements and to make expenditures or
126 obligations of public funds under this provision shall not exceed or be interpreted as authority to
127 exceed the powers granted by the Legislature.

128 (o) Promulgate rules, as defined in §29A-1-2 of this code, to implement and make effective
129 the powers, authority, and duties granted and imposed by the provisions of this chapter in
130 accordance with the provisions of chapter 29A of this code. The Inspector General may
131 promulgate emergency rules pursuant to §29A-3-15 of this code to effectuate the purposes of this
132 section.

133 (p) Delegate to administrators the duties the Inspector General may deem appropriate,
134 from time to time, to facilitate execution of the powers, authority, and duties delegated to the

135 Inspector General.

136 (q) Transfer permanent state employees between units of the Inspector General.

137 (r) Enter into memorandums of understanding;

138 (s) Take any other action involving or relating to internal management not otherwise

139 prohibited by law;

140 (t) All legislative rules currently in effect impact the Office of the Inspector General or its

141 programs will continue to remain in full force and effect.

142 (u) (1) The Director of Office of Health Facility Licensure and Certification shall be

143 appointed by the Governor, within 90 days of a vacancy, subject to the advice and consent of the

144 Senate;

145 (2) The Director of the Office of Health Facility Licensure and Certification shall have at

146 least eight years' experience in the field of licensure and regulatory matters; and

147 (v)(1) The Director of Investigations and Fraud Management shall be appointed by the

148 Governor, subject to advice and consent of the Senate.

149 (2) The Director of Investigations and Fraud Management shall have at least eight years'

150 experience in the field of investigations and fraud matters.

151 (w) The Inspector General, the Director of The Office of Health Facility Licensure and

152 Certification and the Director of the Investigations and Fraud Management may not be the same

153 person.

§16B-2-4. Authority of Investigations and Fraud Management Division to subpoena

witnesses and documents.

1 (a) When the Investigations and Fraud Management Unit of the Office of the Inspector

2 General, which is charged with investigating welfare fraud, and intra-agency employee

3 misconduct, conducting performance audits, financial audits, evaluations, and attestations

4 engagements of the Department of Human Services, the Department of Health, and the

5 Department of Health Facilities and their independent contractors has credible information that

6 indicates a person has engaged in an act or activity related to the Department of Human Services,
7 the Department of Health, or the Department of Health Facilities programs, benefits, or intra-
8 agency employee misconduct which is subject to prosecution, it may conduct an investigation to
9 determine if the act has been committed. To the extent necessary to the investigation, the
10 Inspector General or an employee of the Office of the Inspector General may administer oaths or
11 affirmations and issue subpoenas for witnesses and documents relevant to the investigation,
12 including information concerning the existence, description, nature, custody, condition, and
13 location of any book, record, documents or other tangible thing, and the identity and location of
14 persons having knowledge of relevant facts or any matter reasonably calculated to lead to the
15 discovery of admissible evidence.

16 When the Investigations and Fraud Management Unit has probable cause to believe that a
17 person has engaged in an act or activity which is subject to prosecution relating to the Department
18 of Human Services, the Department of Health, or the Department of Health Facilities programs,
19 benefits, or intra-agency employee misconduct, the Inspector General or an employee of the
20 Office of the Inspector General may request search warrants and present and swear or affirm
21 criminal complaints.

22 (b) If documents necessary to an investigation of the Investigations and Fraud
23 Management Unit appear to be located outside the state, the documents shall be made available
24 by the person or entity within the jurisdiction of the state having control over such documents either
25 at a convenient location within the state or, upon payment of necessary expenses to the division
26 for transportation and inspection, at the place outside the state where these documents are
27 maintained.

28 (c) Upon failure of a person to comply with a subpoena or a subpoena for the production of
29 evidence or failure of a person to give testimony without lawful excuse and upon reasonable notice
30 to all persons affected thereby, the Investigations and Fraud Management Division may apply to
31 the circuit court of the county in which compliance is sought for appropriate orders to compel

32 obedience with the provisions of this section.

33 (d) The Investigations and Fraud Management Unit may not make public the name or
34 identity of a person whose acts or conduct is investigated pursuant to this section or the facts
35 disclosed in an investigation except as the same may be used in any legal action or enforcement
36 proceeding brought pursuant to this code or federal law.

NOTE: The purpose of this bill is to remove the Office of the Inspector General from the Department of Health, where is it for administrative purposes, and to clarify that the Office of the Inspector General has the ability to conduct performance audits, financial audits, evaluations, and attestations engagements of the Department of Human Services, the Department of Health, and the Department of Health Facilities and their independent contractors.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.