LEGISLATIVE GENERAL COUNSEL
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S.B. 1002

MEDICAID INSPECTOR GENERAL AMENDMENTS

2015 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Mike K. McKell

LONG TITLE

General Description:

This bill amends the requirements for the qualifications of a Medicaid inspector general.

Highlighted Provisions:

This bill:

- amends the qualifications necessary to be appointed the Medicaid inspector general.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63A-13-201, as last amended by Laws of Utah 2013, Chapter 310 and renumbered and amended by Laws of Utah 2013, Chapter 12

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-13-201** is amended to read:

63A-13-201. Creation of office -- Inspector general -- Appointment -- Term.

(1) There is created an independent entity within the Department of Administrative Services known as the " Office of Inspector General of Medicaid Services."

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(2) The governor shall:

(a) appoint the inspector general of Medicaid services [~~in accordance with Subsection (5)(b), and~~] with the advice and consent of the Senate; and

(b) establish the salary for the inspector general of Medicaid services based upon a recommendation from the Department of Human Resource Management which shall be based on a market salary survey conducted by the Department of Human Resource Management.

(3) A person appointed as the inspector general shall[~~: (a) be a certified public accountant or a certified internal auditor; and (b)~~] have the following qualifications:

[~~(i)~~] (a) a general knowledge of the type of methodology and controls necessary to audit, investigate, and identify fraud, waste, and abuse;

[~~(ii)~~] (b) strong management skills;

[~~(iii)~~] (c) extensive knowledge of[~~, and at least seven years experience with,~~] performance audit methodology;

[~~(iv)~~] (d) the ability to oversee and execute an audit; and

[~~(v)~~] (e) strong interpersonal skills.

(4) The inspector general of Medicaid services:

(a) shall[~~, except as provided in Subsection (5),~~] serve a term of four years; and

(b) may be removed by the governor, for cause.

(5) [~~(a)~~] If the inspector general is removed for cause, a new inspector general shall be appointed, with the advice and consent of the Senate, to serve the remainder of the term of the inspector general of Medicaid services who was removed for cause.

[~~(b) The term of office for the inspector general of Medicaid services in office on January 1, 2013, shall end on December 31, 2014. The governor may appoint an inspector general for a four-year term on January 1, 2015.~~]

(6) The Office of Inspector General of Medicaid Services:

(a) is not under the supervision of, and does not take direction from, the executive director, except for administrative purposes;

(b) shall use the legal services of the state attorney general's office;

(c) shall submit a budget for the office directly to the governor;

(d) except as prohibited by federal law, is subject to:

(i) Title 51, Chapter 5, Funds Consolidation Act;

(ii) Title 51, Chapter 7, State Money Management Act;

(iii) Title 63A, Utah Administrative Services Code;

(iv) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(v) Title 63G, Chapter 4, Administrative Procedures Act;

(vi) Title 63G, Chapter 6a, Utah Procurement Code;

(vii) Title 63J, Chapter 1, Budgetary Procedures Act;

(viii) Title 63J, Chapter 2, Revenue Procedures and Control Act;

(ix) Title 67, Chapter 19, Utah State Personnel Management Act;

(x) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

(xi) Title 52, Chapter 4, Open and Public Meetings Act;

(xii) Title 63G, Chapter 2, Government Records Access and Management Act; and

(xiii) coverage under the Risk Management Fund created under Section 63A-4-201;

(e) when requested, shall provide reports to the governor, the president of the Senate, or the speaker of the House; and

(f) shall adopt administrative rules to establish policies for employees that are substantially similar to the administrative rules adopted by the Department of Human Resource Management.

Section 2. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Legislative Review Note
as of 8-14-15 2:29 PM

Office of Legislative Research and General Counsel