

SECOND REGULAR SESSION

HOUSE BILL NO. 1840

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

3896H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 660, RSMo, by adding thereto one new section relating to the department of social services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 660, RSMo, is amended by adding thereto one new section, to be
2 known as section 660.820, to read as follows:

3 **660.820. 1. There is hereby created the "Office of Inspector General" for the**
4 **department of social services.**

5 **2. The inspector general shall be appointed by the governor with the advice and**
6 **consent of the senate. The inspector general shall be selected without regard to political**
7 **affiliation and on the basis of integrity, capability for strong leadership, and**
8 **demonstrated ability in accounting, auditing, financial analysis, law, management**
9 **analysis, public administration, investigation, criminal justice administration, or other**
10 **closely related fields. No former or current executive or manager of the department of**
11 **social services or any division within the department of social services shall be appointed**
12 **within five years of that individual's period of service with the department. The**
13 **inspector general shall hold at the time of appointment, or be required to obtain within**

14 **3. The inspector general shall be appointed for a term of seven years, which may**
15 **be renewed.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

16 **4. The inspector general may be removed from office for cause at any time**
17 **through legislative action, following a public hearing and a vote by the general assembly.**
18 **Upon removal, the governor shall appoint a successor within thirty days.**

19 **5. The office of inspector general shall be funded from the general fund of the**
20 **department of social services and shall receive no less than one-fifth of one percent of**
21 **the general fund's annual appropriation. The inspector general shall establish the**
22 **organizational structure of the office to carry out the responsibilities and functions of**
23 **the office, including a division responsible for each of the main functions of the**
24 **department of social services.**

25 **6. The inspector general shall report to the governor and the general assembly.**
26 **The office shall be operationally independent from the governor's office, the general**
27 **assembly, and the department of social services or any division within the department of**
28 **social services. Neither the governor's office, the general assembly, nor the director of**
29 **the department of social services shall prevent, impair, or prohibit the inspector general**
30 **from initiating, carrying out, or completing any audit, investigation, or review.**

31 **7. Final audits and investigation reports by the inspector general shall be public**
32 **records under chapter 610 to the extent that they do not include confidential**
33 **information that exempt the records from disclosure. During the course of audit and**
34 **investigation activities, all records will be considered work product and not available for**
35 **outside review. Names and identities of individuals making complaints and information**
36 **that is otherwise protected by law shall not be disclosed without the written consent of**
37 **the individual unless required by law or judicial processes. The inspector general shall**
38 **be considered the custodian of records for the office and subject to all responsibilities**
39 **and penalties imposed on custodians of public records under chapter 610.**

40 **8. The inspector general shall report the findings of the office's work to the**
41 **director of the department of social services, the director of the division that was**
42 **investigated or audited, the governor, the general assembly, and to the public. The**
43 **inspector general shall also refer criminal matters to the appropriate law enforcement**
44 **agencies.**

45 **9. The inspector general shall immediately notify the director of the department**
46 **of social services and the directors of the division involved whenever the inspector**
47 **general becomes aware of particularly serious or flagrant problems, abuses, or**
48 **deficiencies relating to the administration of programs and operations of the division or**
49 **interference with inspector general operations. The director shall transmit the notice**
50 **made by the inspector general to the governor and the general assembly within seven**
51 **calendar days, together with a report by the director of the division containing any**
52 **comments deemed appropriate.**

53 **10. Within sixty days of the end of each fiscal year, the inspector general shall**
54 **issue a report that details all of the office's activities during the fiscal year. Copies of the**
55 **report shall be provided to the director of the department of social services, the**
56 **governor, and the general assembly.**

57 **11. The office of inspector general is authorized to engage in the following**
58 **specific functions:**

59 **(1) Audit, inspect, evaluate, investigate and inspect the activities, records, and**
60 **individuals with contracts, procurements, grants, agreements, and other financial**
61 **arrangements undertaken by the department of social services or any divisions within**
62 **the department of social services, and any other function, activity, process, or operation**
63 **conducted by the department of social services or any divisions within the department of**
64 **social services;**

65 **(2) Conduct criminal, civil, and administrative investigations;**

66 **(3) Audit the economy, efficiency, and effectiveness of the department of social**
67 **services, or any divisions within the department of social services, operations and**
68 **functions and conduct reviews of the department of social services' performance**
69 **measurement system;**

70 **(4) Review of the reliability and validity of the information provided by the**
71 **department of social services, or by any divisions within the department of social**
72 **services' performance measures and standard;**

73 **(5) Provide information and evidence that relates to criminal acts to appropriate**
74 **law enforcement officials;**

75 **(6) Initiate such reviews or audits operations of the department of social services,**
76 **or of any divisions within the department of social services, as deemed appropriate;**

77 **(7) Receive and investigate complaints from any source, or upon its own**
78 **initiative, concerning alleged abuses, frauds, and service deficiencies including**
79 **deficiencies in the operation and maintenance of facilities;**

80 **(8) Engage in prevention activities including, but not limited to, review of**
81 **legislation; review of rules, regulations, policies, procedures, and transactions; and**
82 **training and education;**

83 **(9) Refer matters for further civil, criminal, and administrative action to**
84 **appropriate administrative and prosecutorial agencies;**

85 **(10) Conduct joint investigations and projects with other oversight or law**
86 **enforcement agencies;**

87 **(11) Recommend remedial actions to be taken by the department of social**
88 **services, or by any divisions within the department of social services, to overcome or**

89 correct operating or maintenance deficiencies and inefficiencies that were identified by
90 the office;

91 (12) Issue public reports as set forth in subsection 8 of this section;

92 (13) Monitor implementation of recommendations made by the office and other
93 audit agencies;

94 (14) Establish policies and procedures to guide functions and processes
95 conducted by the office;

96 (15) Attend any meetings held by the department of social services or any
97 divisions within the department of social services;

98 (16) Maintain information regarding the cost of investigations and cooperated
99 with appropriate administrative and prosecutorial agencies in recouping such costs
100 from nongovernmental entities involved in willful misconduct; and

101 (17) Take all reasonable action necessary to carry out the functions set forth in
102 this section.

103 12. The office of the inspector general shall have the following powers:

104 (1) The right to obtain full and unrestricted access to all records, information
105 data, reports, plans, projections, matters, contracts, memoranda, correspondence, and
106 any other materials, including electronic data of the department of social services, any
107 divisions within the department of social services, or any other organization that may be
108 involved with the department of social services. This power supersedes any claim of
109 privilege;

110 (2) The authority to subpoena witnesses, administer oaths or affirmations, take
111 testimony and compel the production of such books, papers, records and documents,
112 including electronic data as is deemed to be relevant to any inquiry or investigation
113 undertaken under this section. This power may be delegated to a duly authorized
114 deputy inspector general by the inspector general;

115 (3) The right to access the head of any public entity, when necessary for
116 purposes related to the work of the office; and

117 (4) The authority to require public employees to report to the office of inspector
118 general information regarding fraud, waste, corruption, illegal acts, and abuse.

119 13. Audits, investigations, inspections, and reviews conducted by the office of
120 inspector general shall conform to professional standards promulgated by the
121 Association of Inspectors General, its successor, or a comparable association.

122 14. Audits, investigations, inspections, and reviews shall be subject to quality
123 assurance reviews by an appropriate, professional, nonpartisan, and objective group

124 every three to five years. A copy of the written report resulting from this review shall be
125 furnished to governor and the general assembly and made available to the public.

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