FLORIDA DEPARTMENT OF HEALTH

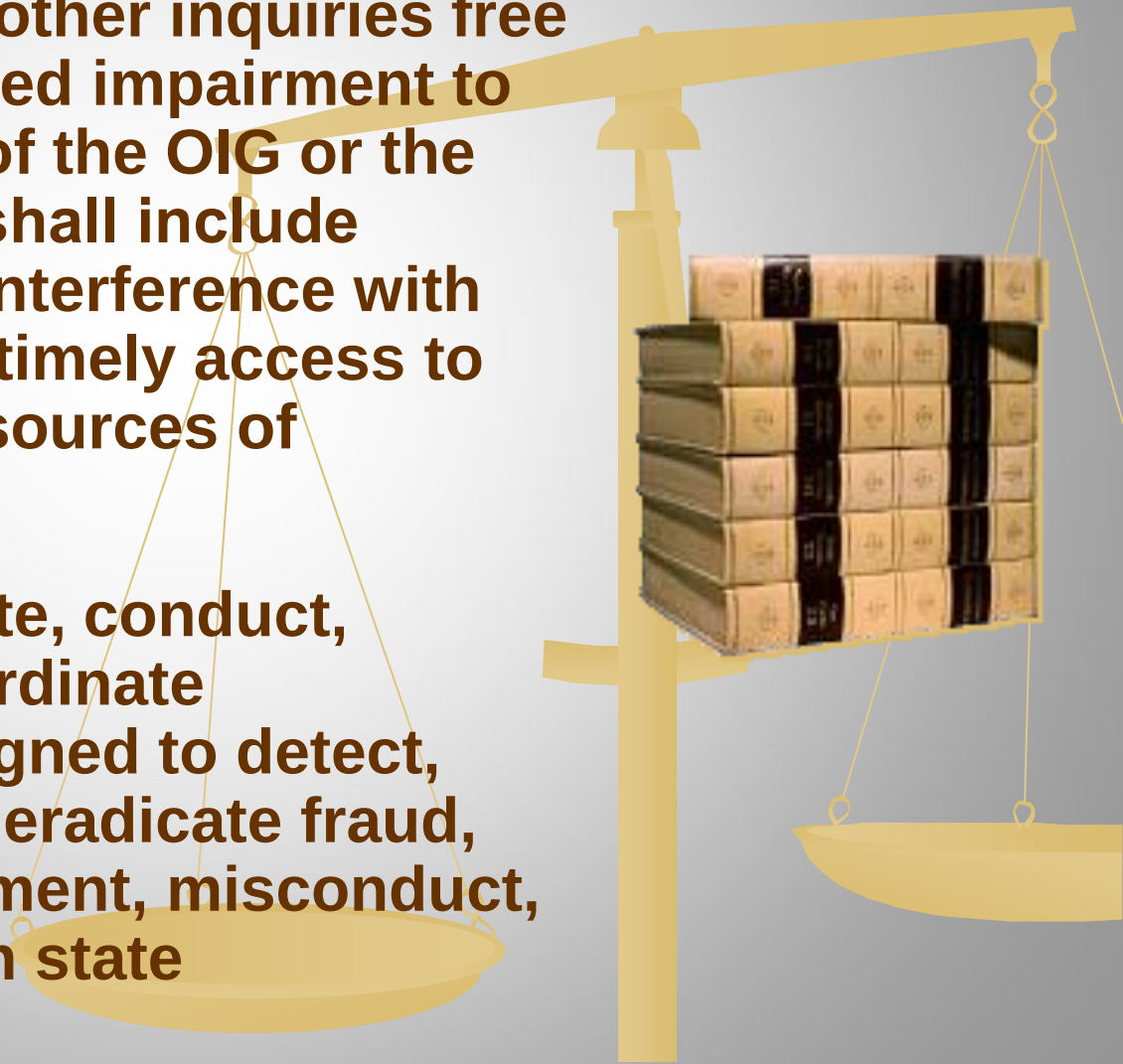
OFFICE OF INSPECTOR GENERAL (OIG) INVESTIGATIONS

OIG INVESTIGATIONS

Authorized in Section 20.055, Florida Statutes

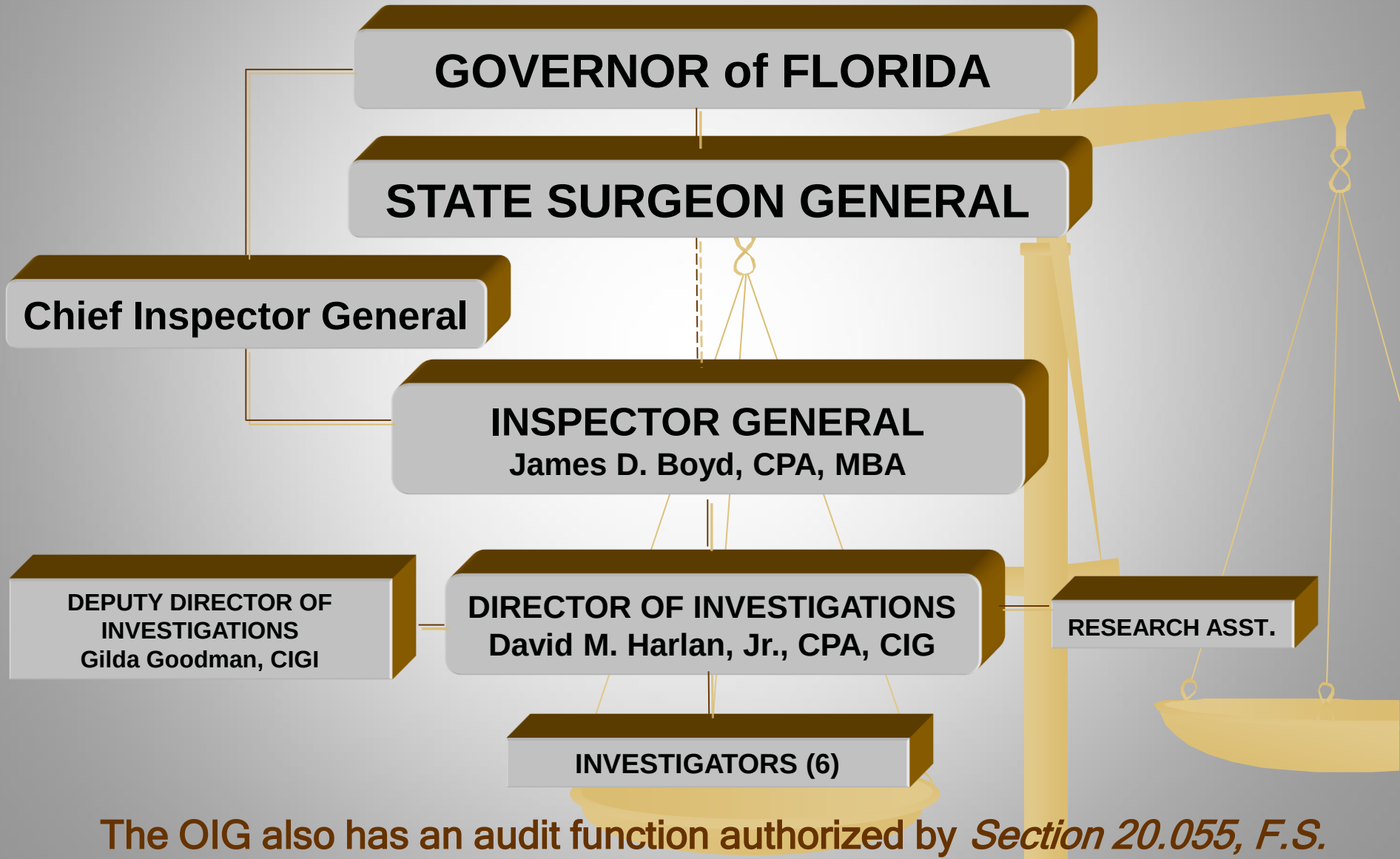
- **The OIG is authorized to conduct investigations and other inquiries free of actual or perceived impairment to the independence of the OIG or the OIG's office. This shall include freedom from any interference with investigations and timely access to records and other sources of information.**

- **The OIG shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.**



OIG INVESTIGATIONS

ORGANIZATION



The OIG also has an audit function authorized by *Section 20.055, F.S.*

OIG INVESTIGATIONS

INDEPENDENCE

- The Inspector General (IG) reports to and is under the general supervision of the State Surgeon General and is not subject to supervision by any other employee of the Department.
- Neither the agency head nor agency staff shall prevent or prohibit the IG or staff from initiating, carrying out, or completing an investigation.
- Conduct investigations in a fair and impartial manner.
- Conduct investigations and other inquiries free of actual or perceived impairment to the independence of the OIG.

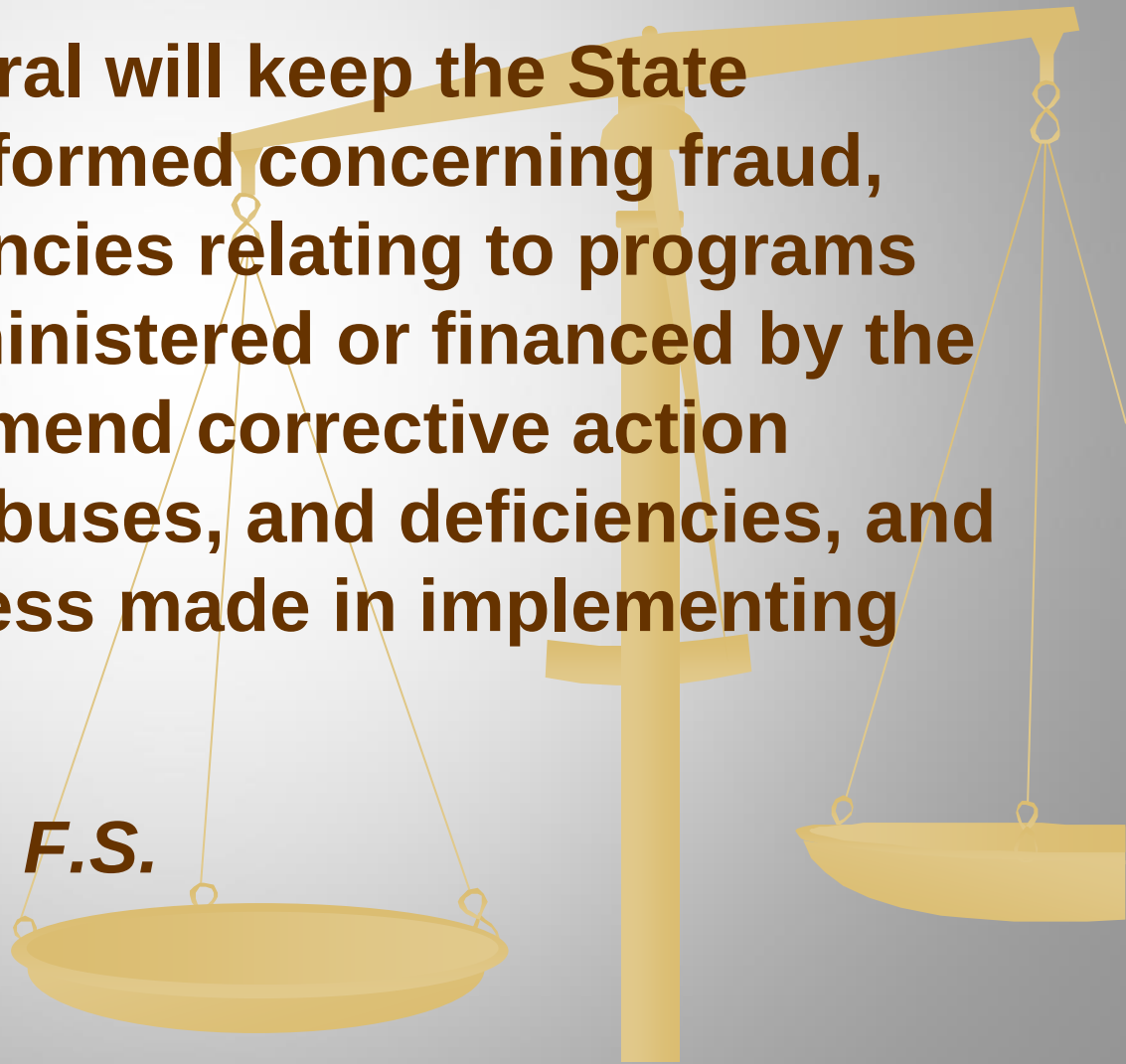
Section 20.055(3) and (6), F.S.

OIG INVESTIGATIONS

RESPONSIBILITIES

The Inspector General will keep the State Surgeon General informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the Department, recommend corrective action concerning fraud, abuses, and deficiencies, and report on the progress made in implementing corrective action.

Section 20.055(2)(f), F.S.

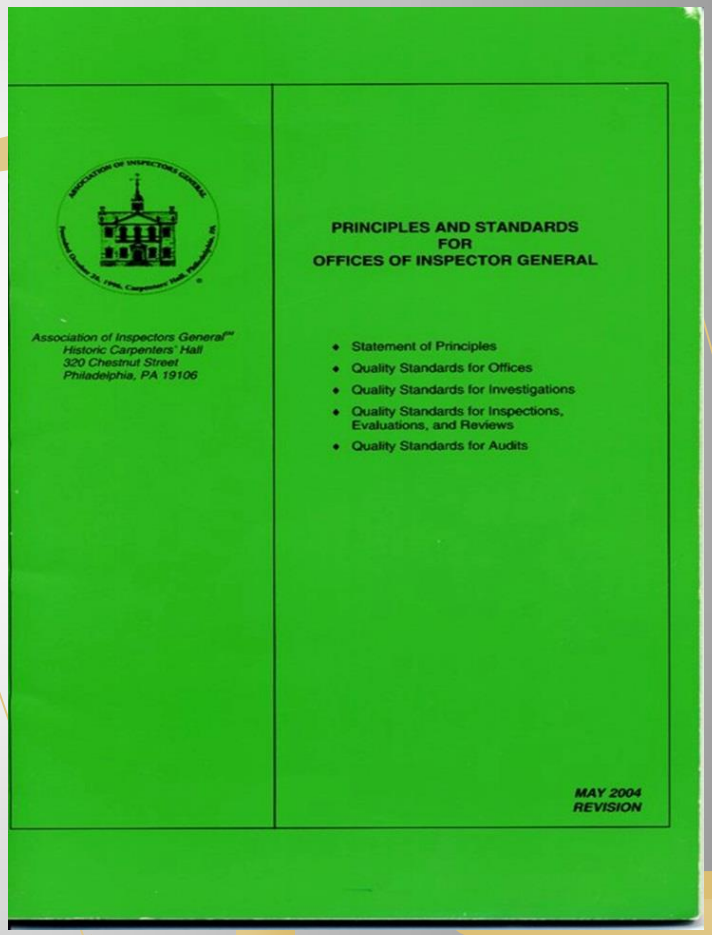


OIG INVESTIGATIONS

POLICIES AND PROCEDURES

The OIG is required to conduct investigations in accordance with professional investigative standards*.

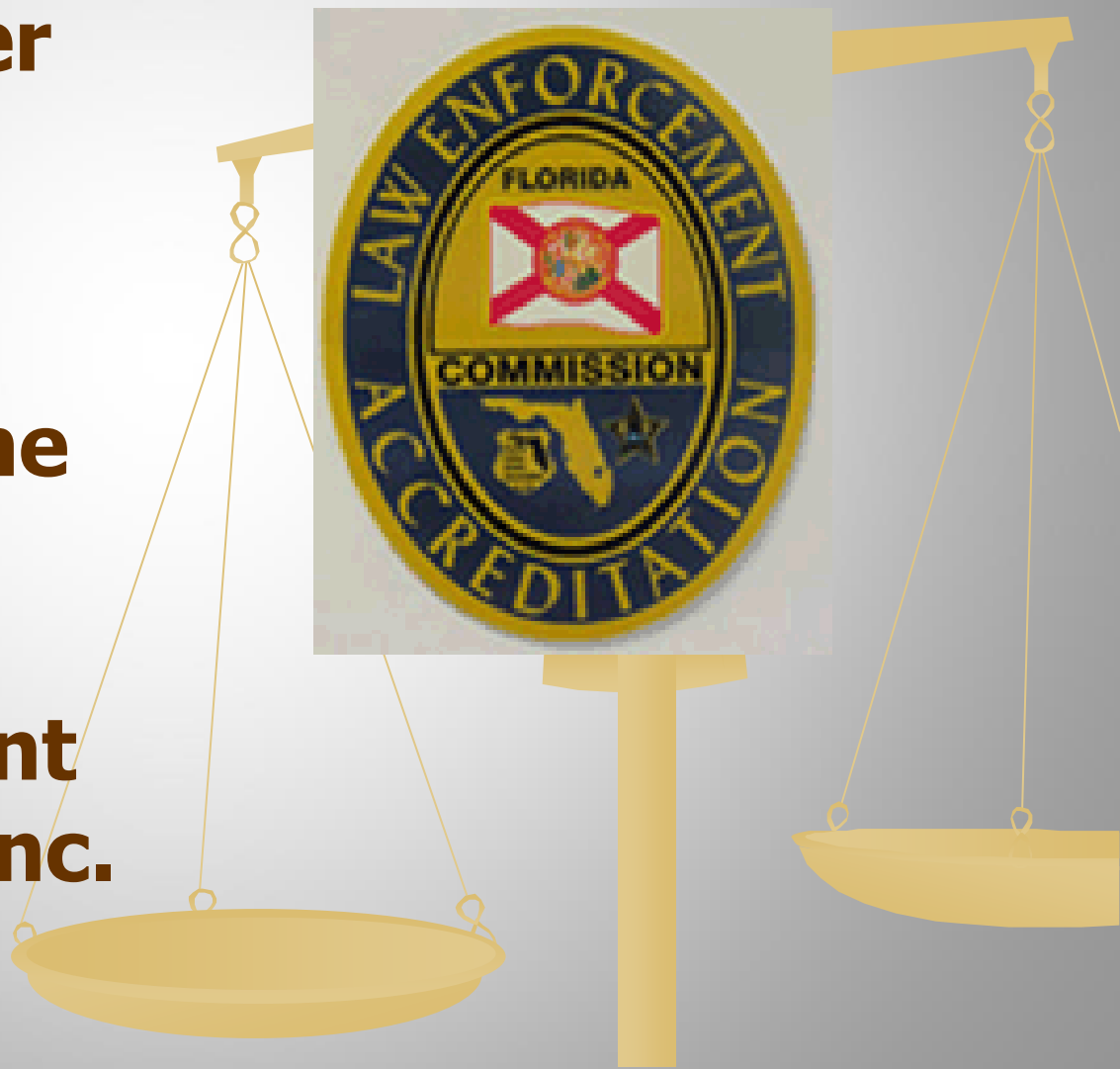
Section 20.055(2)(j), F.S.



**** Principles and Standards for the Offices of Inspector General as published by the Association of Inspectors General℠.***

OIG INVESTIGATIONS

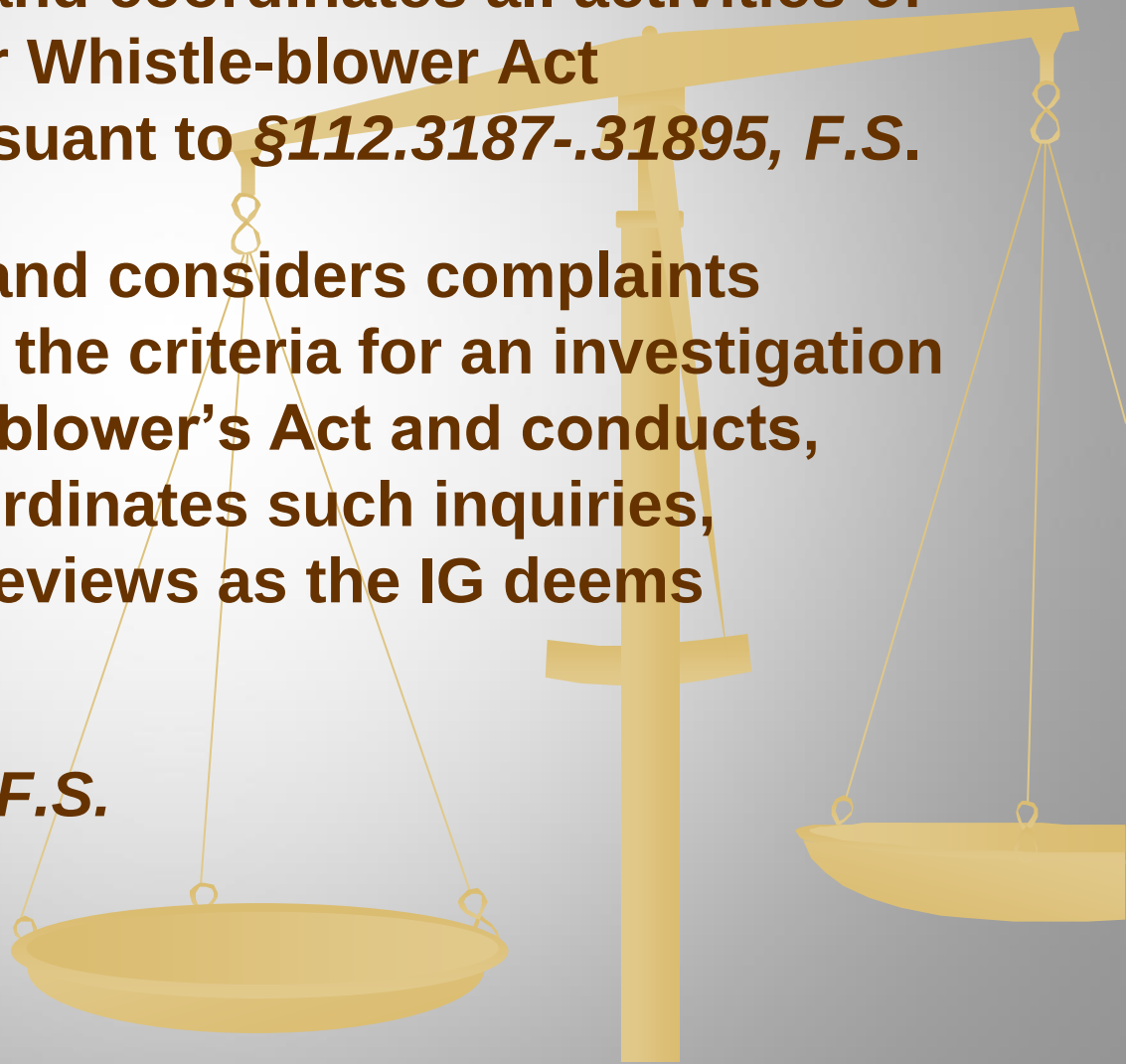
Since September 2011 the OIG's investigative function is accredited by the Florida Commission for Law Enforcement Accreditation, Inc.



OIG INVESTIGATIONS

- **The OIG receives and coordinates all activities of the Department for Whistle-blower Act investigations pursuant to *§112.3187-.31895, F.S.***
- **The OIG receives and considers complaints which do not meet the criteria for an investigation under the Whistle-blower's Act and conducts, supervises, or coordinates such inquiries, investigations or reviews as the IG deems appropriate.**

Section 20.055(6), F.S.



OIG INVESTIGATIONS

COMPLAINTS

- Complaints may be written, verbal and/or anonymous and may be sent to the HIG by phone, mail, fax, email, or hand delivered.
- Complaints may be received from citizens, clients, current or former employees, and contractors and their current or former employees.
- Complaints may also be received from other State agencies, other Department offices, or the Governor's Chief Inspector General.
- Employees should feel free to contact the OIG with their complaints especially when they may not be comfortable first talking to management.
- The OIG is the central receiving point for all internal complaints in the Department , except discrimination, client access, and accommodations.

OIG INVESTIGATIONS

CONFIDENTIALITY

Misconduct investigations conducted by the OIG are <u>confidential and exempt</u>:

A complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation by the agency of misconduct is confidential and exempt from s. 119.071(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint, either personally or by mail, that the agency has either: concluded the investigation with a finding to not proceed with disciplinary action or file charges; or concluded the investigation with a finding to proceed with disciplinary action or file charges.

OIG INVESTIGATIONS

ACCESS TO RECORDS

The OIG and the staff shall have access to <u>any</u> records, data, and other information of the Department deemed necessary to carry our their duties.

Section 20.055(5)(c), F.S.

OIG INVESTIGATIONS

The OIG conducts investigations related to:

- **Employee and/or contractor fraud, waste, mismanagement, misconduct and other abuses in state government;**
- **Incident Reports; and**
- **Referrals from other agencies**

OIG INVESTIGATIONS

The OIG conducts administrative investigations. As required by *Section 20.055(6)(c), F.S.* the OIG will report criminal violations expeditiously to the Department of Law Enforcement or other law enforcement agencies whenever the OIG has reasonable grounds to believe there has been a violation of criminal law.

OIG INVESTIGATIONS

COMPLAINT PROCESS

As complaints are received the OIG reviews and evaluates them and determines whether an investigation is warranted by the OIG or the complaint is handled in one of the following ways:

a) **Complaint sent to management for response;**

b) **Preliminary Inquiry (to determine if an investigation is warranted);**

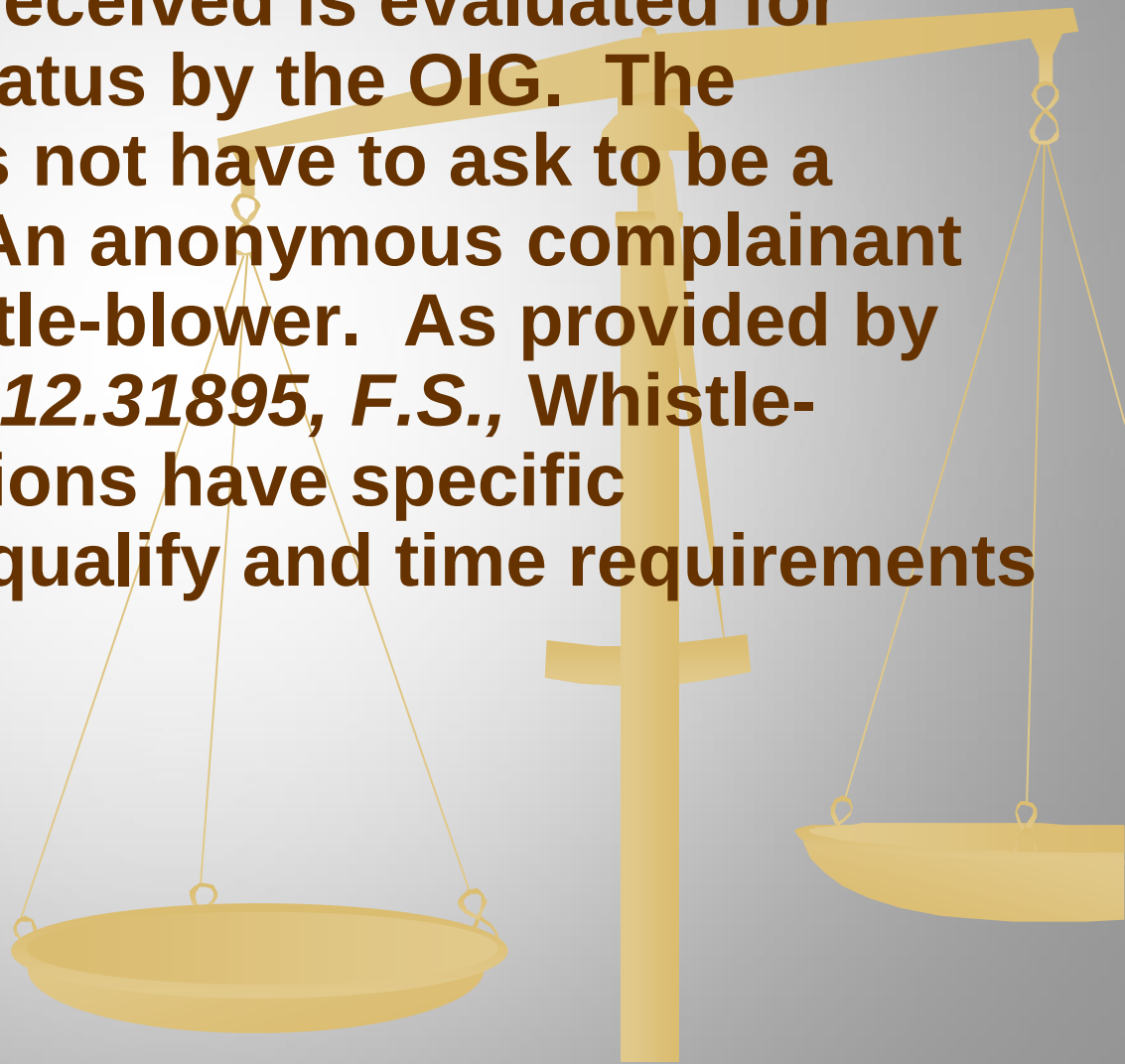
c) **Referral to another agency; or**

d) **No action or no jurisdiction – complaint filed for reference purposes only.**

OIG INVESTIGATIONS

COMPLAINT PROCESS

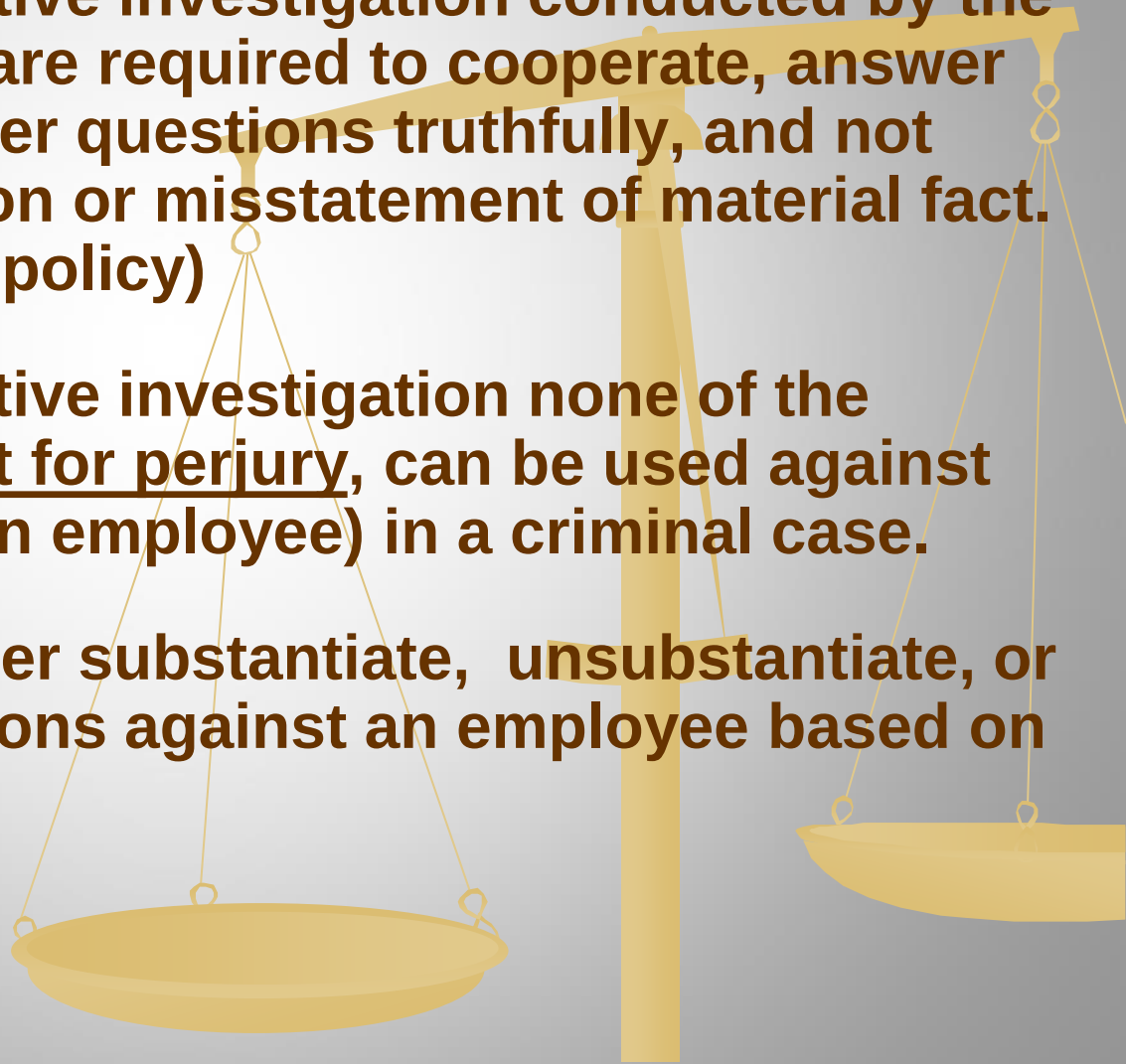
Every complaint received is evaluated for Whistle-blower status by the OIG. The complainant does not have to ask to be a Whistle-blower. An anonymous complainant cannot be a Whistle-blower. As provided by *Section 12.3187/112.31895, F.S.*, Whistle-blower investigations have specific requirements to qualify and time requirements for completion.



OIG INVESTIGATIONS

INVESTIGATIVE PROCESS

- **In an administrative investigation conducted by the OIG employees are required to cooperate, answer questions, answer questions truthfully, and not make an omission or misstatement of material fact. (DOH Discipline policy)**
- **In an administrative investigation none of the evidence, except for perjury, can be used against the subject (or an employee) in a criminal case.**
- **The OIG will either substantiate, unsubstantiate, or unfound allegations against an employee based on evidence.**



OIG INVESTIGATIONS

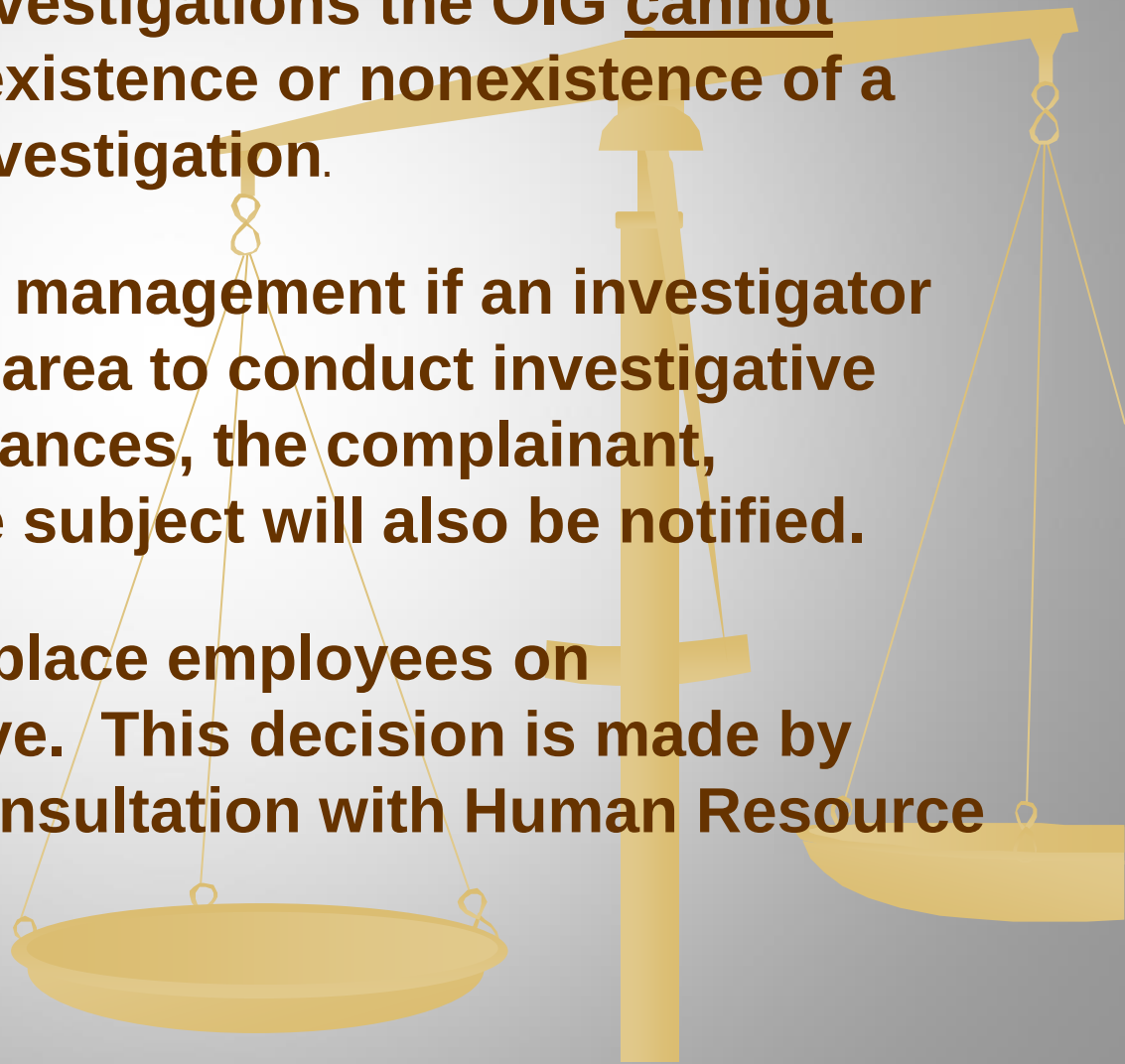
INVESTIGATIVE PROCESS

- OIG investigators are assigned many cases and they are prioritized for completion based on whether they include: Whistle-blower, alleged criminal violations, confidential investigations, management as subjects, and/or media sensitive.
- The OIG <u>does not</u> provide status updates or briefings to management, the complainant, or the subject to disclose investigative findings, conclusions, and recommendations prior to the release of the report.
- The OIG makes every attempt to complete investigations in a timely manner. Timeliness may be affected by investigations that are complex, include many allegations, have criminal violations, Whistle-blower, or investigator caseload and/or priorities.

OIG INVESTIGATIONS

INVESTIGATIVE PROCESS

- **For confidential investigations the OIG cannot acknowledge the existence or nonexistence of a complaint or an investigation.**
- **The OIG will notify management if an investigator plans to visit their area to conduct investigative work. In most instances, the complainant, witnesses, and the subject will also be notified.**
- **The OIG does not place employees on administrative leave. This decision is made by management in consultation with Human Resource Management.**



OIG INVESTIGATIONS

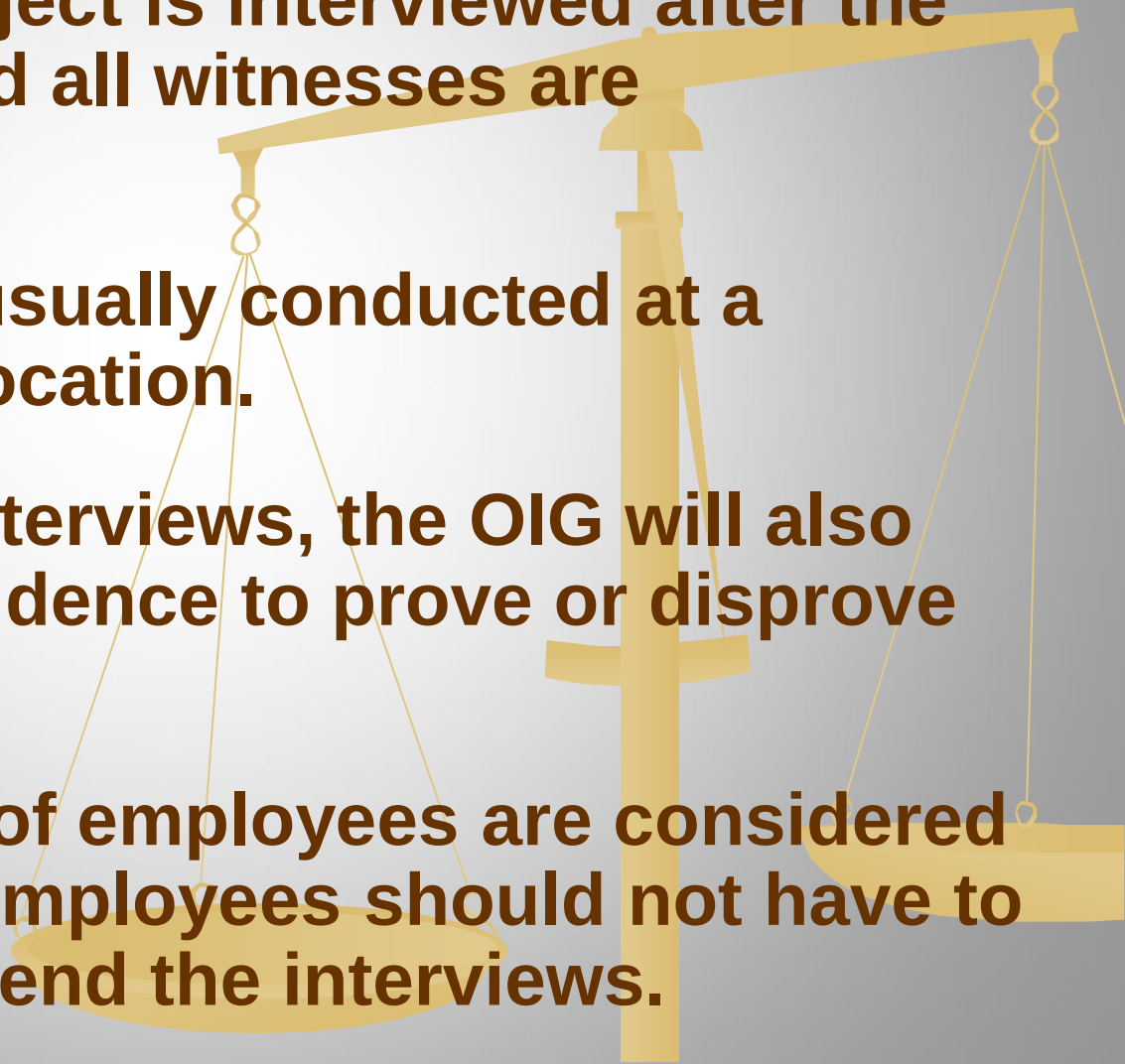
INTERVIEWS

- In an OIG investigation the complainant(s), witnesses, and the subject(s) are interviewed. The OIG conducts sworn (under oath) recorded interviews. On an exception basis the OIG may use interrogatory affidavits.
- A complainant is someone that makes allegations of fraud, waste, mismanagement, misconduct, and other abuses in state government.
- A witness is someone who may either support or not support allegations.
- A subject is someone that is alleged to have committed a wrongdoing(s).

OIG INVESTIGATIONS

INTERVIEWS

- Usually the subject is interviewed after the complainant and all witnesses are interviewed.
- Interviews are usually conducted at a neutral site or location.
- In addition to interviews, the OIG will also collect other evidence to prove or disprove allegations.
- OIG interviews of employees are considered work time and employees should not have to take leave to attend the interviews.



OIG Investigations

INTERVIEWS

- **Employees should not discuss their interviews with other employees or management especially in a confidential investigation.**
- **Management should not restrict the access of employees to contact the OIG or indicate to employees that they should not contact the OIG with their complaints.**
- **Employees do not have to clear communication with the OIG with management. In addition, when completing affidavits for the OIG employees do not have to share a copy with management or have management review the document before sending it to the OIG.**

OIG INVESTIGATIONS

REPORTS

- **The OIG sends final investigative reports to the State Surgeon General, except for Whistle-blower investigations, which are reported pursuant to *Section 112.3189, F. S.***
- **Additional copies of reports are distributed as determined by the OIG.**
- **The OIG <u>does not</u> recommend discipline in investigative reports.**

OIG INVESTIGATIONS

REPORTS

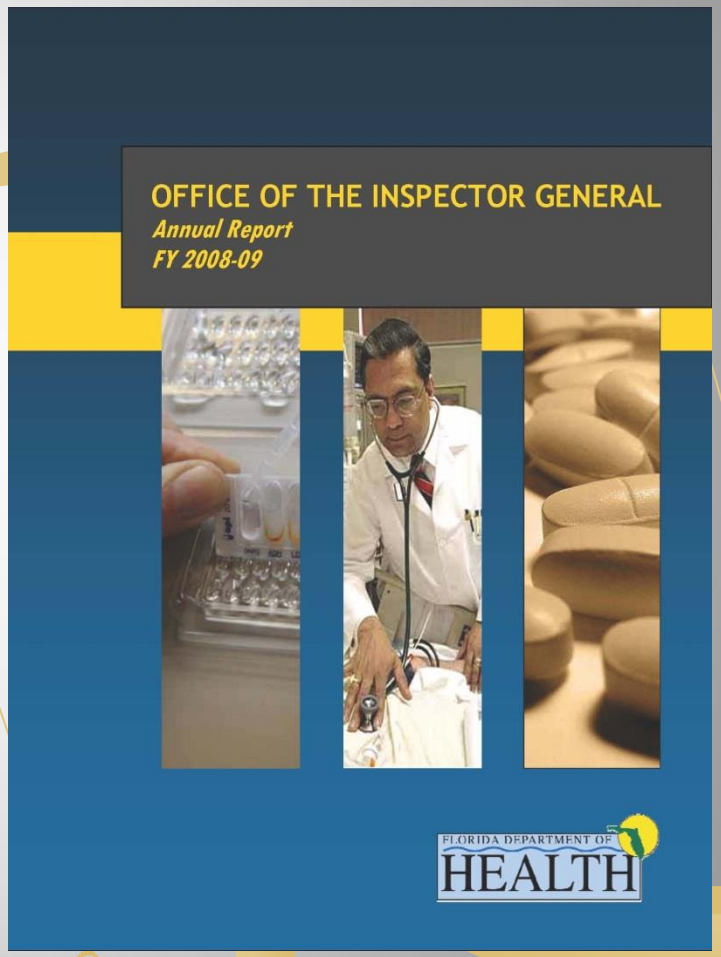
- **The OIG will follow-up with management to determine actions, if any, taken on report recommendations.**
- **The complainant(s) and the subject(s) will be notified of the completion of the investigative report and, upon request, will receive a courtesy copy of the report.**

OIG INVESTIGATIONS

ANNUAL REPORT

Not later than September 30 of each year, the OIG submits an annual report to the State Surgeon General summarizing the activities of the office during the preceding fiscal year. Included in this report is a summarization of the investigative activities of the OIG.

Section 20.055(7), F.S.



CONTACTING THE OFFICE OF INSPECTOR GENERAL

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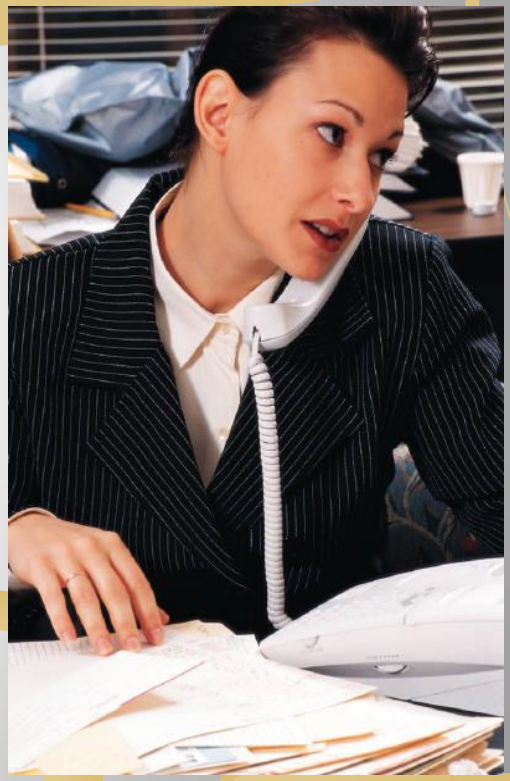
4052 Bald Cypress Way, Bin #A03
Tallahassee, Florida 32399-1704
Call the OIG at (850) 245-4141
FAX (850) 413-8985

- **Send Incident Reports to "Incident _IG" (Outlook Email) or by FAX**
- **Complaints may be sent by email to http://dohiws/Divisions/Insp_General/ComplaintForm.htm or to** "InspectorGeneral@flhealth.gov"