## Summary of Reports Issued and Recommended Committee Action

December 1, 2019 to September 30, 2020

Presentation to Joint Audit and Evaluation Committee

Gregory A. Hook, CPA Legislative Auditor

October 20, 2020

### Reports Issued December 1, 2019 to September 30, 2020

### **Summary**

Total Reports Issued	55
Reports Recommended for Action	5

	Agency	Recommended Action
1.	Department of Information Technology	JAEC Letter of Concern
2.	Maryland Public Broadcasting Commission	JAEC Letter of Concern
3.	Board of Liquor License Commissioners for Baltimore City (Performance)	JAEC Letter of Concern
4.	Maryland Department of Health (MDH) – Efforts to Identify and Analyze Improper Medicaid Payments (Performance)	JAEC Hearing
5.	MDH – Pharmacy Services	JAEC Hearing

Summary of Recommended Action	
Joint Audit and Evaluation Committee (JAEC) Hearing	2
JAEC Letter of Concern	3
Total	5

### REPORTS ISSUED DECEMBER 1, 2019 TO SEPTEMBER 30, 2020

AgencyReport Date 12/03/19of Pages 34Maryland 52912/03/1934Maryland Economic Development Corporation12/03/196Frederick Country Public Schools (Financial Management Practices Audit)12/05/1922Department of General Services - Office of Procurement and Logistics12/05/1917Montgomery County - Office of the Clerk of Circuit Court12/11/1915State Board of Elections12/12/1914Maryland Department of Transportation - Maryland Aviation Administration17/12/1911Montgomery County - Office of the Register of Wills1/02/205Maryland Department of Health - Medical Care Programs Administration - Administrative Service Organization for Behavioral Health Services1/13/2015Statewide Review of Budget Closeout Transactions for Fiscal Year 2019 (Special)1/16/2015University System of Maryland - University of Maryland, Baltimore County1/17/2011Maryland Environmental Service1/31/206Caroline County - Office of the Register of Wills2/03/205Opioid Operational Command Center - Allegations Related to a Questionable Grant Awarded to a Nonprofit Organization (Special)2/07/2022St. Mary's County - Office of the Clerk of Circuit Court2/10/205St. Mary's County - Office of the Register of Wills2/21/205Wiccomico County - Office of the Clerk of Circuit Court2/24/205Wiccomico County - Office of the Clerk of Circuit Court3/09/206University of Maryland Medic			Number
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#### **Reports Recommended for Committee Action**

December 1, 2019 to September 30, 2020

### 1) Department of Information Technology (DoIT) (5/1/20 – 29 pages – 10 findings, including 2 repeats)

- OLA's audit disclosed certain deficiencies with DolT's processes for overseeing the State's
  major information technology development projects (MITDPs). DolT lacked sufficient
  documentation that it effectively monitored MITDPs through its review of annual status
  reports and other monthly monitoring activities. For example, our test of fiscal year 2019
  annual status reports for four projects estimated to cost \$645.7 million disclosed that DolT
  did not document its review and approval of any of these reports, and critical information
  had not been updated in the annual status reports from the preceding year for three of the
  projects estimated to cost \$471.1 million.
- DoIT had not established a process to independently evaluate the performance of oversight project managers supplied by its third-party vendor to oversee MITDPs. For one of these projects, the Shared Human Services Platform (MD THINK), we noted certain issues regarding project costs and timeliness.
- DoIT contracted with a vendor to design and implement the Maryland First Responders Interoperable Radio System Team (Maryland FiRST), but did not ensure that the vendor met certain contractual requirements prior to paying vendor invoices.
- Certain security control deficiencies relating to the networks and computer resources under DoIT's responsibility were identified. For example, intrusion detection and prevention system coverage did not exist for a substantial amount of untrusted network traffic flowing into the DoIT internal network. In addition, DoIT, in conjunction with the Comptroller of Maryland and the Department of Budget and Management, did not ensure that personally identifiable information (PII) for State vendors stored in the State's Financial Management Information System (FMIS) was adequately restricted. The PII was accessible to thousands of State employees.
- Deficiencies in a number of other areas of DoIT responsibilities were identified. For
  example, DoIT did not sufficiently control equipment and the monitoring of its contractor for
  the State's high-speed data network. DoIT also lacked formal written agreements with the
  29 State agencies to clarify responsibilities for services it provides to them through the
  Enterprise Technology Support Services Initiative.

Recommended Committee Action – Letter of Concern

#### **Reports Recommended for Committee Action**

December 1, 2019 to September 30, 2020

### 2) Maryland Public Broadcasting Commission (MPBC) (6/25/20 – 16 pages – 4 findings, including 1 repeat)

MPBC did not establish formal policies and procedures to address revenue generating activities of its affiliated foundation. MPBC also did not effectively monitor the affiliated foundation and could not document that it received and reviewed conflict of interest disclosures for foundation board members and officers. The audit report included a number of recommendations regarding the comprehensiveness of the agreement between MPBC's affiliated foundation and MPBC, and regarding the adequacy of the procedures to ensure and document that potential or actual conflicts of interest existing for foundation board members and officers were identified and properly resolved. MPBC initially disagreed with the analysis and recommendations of this finding based primarily on the premise that the foundation is an independent legal entity. Notwithstanding the aforementioned disagreement, MPBC subsequently indicated that it would (1) review the policies of the foundation to determine if any new ones need to be created, (2) continually monitor the foundation's revenue generating activities, and (3) document the receipt and review of the annual conflict of interest disclosures by foundation board members and officers.

Considering the significant revenue provided to MPBC by the foundation from corporate underwriters and sponsors, MPBC needs to ensure comprehensive and appropriate documented oversight of the foundation's activities is in place. Our report highlighted areas where MPBC's policies and procedures could be enhanced for that purpose.

- MPBC's procurement policies and procedures were not sufficiently comprehensive and certain critical provisions were not approved by MPBC's governing Commission. In addition, MPBC did not obtain approval for certain exempt procurements and did not publish certain non-exempt contract awards on eMaryland Marketplace, as required.
- MPBC did not obtain and review the required independent control review of its fundraising services vendor and, as a result, certain security concerns over fundraising data were not identified by MPBC and addressed with the vendor timely.
- MPBC had either not performed or did not adequately perform monthly reconciliations of its donor collections to its donor database for the period from August 2018 to August 2019.

Recommended Committee Action – Letter of Concern

#### **Reports Recommended for Committee Action**

December 1, 2019 to September 30, 2020

3) Board of Liquor License Commissioners for Baltimore City (BLLC) (Performance) (5/11/20 – 35 pages – 8 findings, including 1 repeat)

This audit report contained a number of recommendations related to the eight report findings. Although BLLC agreed to implement the majority of the recommendations, BLLC continues to disagree with two recommendations. Since we believe all report recommendations are appropriate and necessary, we attempted to obtain BLLC concurrence on these two issues through the OLA's routine audit follow-up process. Unfortunately, OLA was unable to persuade BLLC to implement the recommended necessary controls.

State Government Article, Section 2-1224(g)(1)(v) of the Annotated Code of Maryland requires the OLA to advise the Joint Audit and Evaluation Committee (JAEC) when the response by the agency is not considered appropriate to carry out an audit recommendation. For that reason, OLA recommends, as a first step, that the JAEC issue a letter of concern to the BLLC requesting implementation of the recommended corrective action for the following items.

- BLLC's Standard Operating Procedures (SOPs) did not include certain critical aspects of the
  inspection process, including if and when follow-up inspections should be conducted after
  issues or violations are noted. The audit report recommended that BLLC enhance its SOPs
  to address the critical aspects of the inspection process enumerated in the report finding. In
  a recent follow-up letter response, BLLC indicated it had made policy enhancements
  regarding follow-up inspections and included references to specific sections of the SOPs.
  However, the referenced sections did not relate to follow-up inspections related to
  violations. We continue to believe that the standard operating procedures should specify
  when follow-up inspections are performed on licensees with violations.
- BLLC inspectors did not always follow up on inspections violations and did not always document conclusions when conducting inspections. The audit report recommended that BLLC conduct follow-up inspections or take other appropriate actions to ensure violations noted during inspections are resolved. In a recent follow-up letter response BLLC stated that it continues to disagree with this recommendation because it lacks the capacity to conduct these follow-up investigations independently. BLLC's response also stated that the Baltimore Police Department (BPD) determines when and where these follow-up inspections can be conducted. Based on the nature of the violations, we continue to believe it is both reasonable and appropriate to conduct follow-up inspections to determine if noted violations or issues have been resolved. However, we acknowledged that there may be reasons why a follow-up inspection is not practical or cannot be performed, and in those instances, we countered that BLLC document the reason(s) why follow-up inspections cannot be performed, such as the unavailability of BPD resources. BLLC disagreed with OLA suggested accommodation.

Recommended Committee Action – Letter of Concern

# Reports Recommended for Committee Action December 1, 2019 to September 30, 2020

4) Maryland Department of Health (MDH) – Efforts to Identify and Analyze Improper Medicaid Payments (Performance) (6/23/20 – 29 pages – 9 findings)
5) MDH – Pharmacy Services (8/31/20 – 28 pages – 7 findings, including 1 repeat)
Recommended Committee Action – JAEC Hearing