

WEST VIRGINIA CODE: §16-1-22

§16-1-22. Office of the Inspector General.

(a) Beginning January 1, 2024, the Office of the Inspector General is continued within the Department of Health. The Office of Inspector General shall be headed by the Inspector General and is comprised of the offices as provided in §5F-2-1a of this code.

(b) (1) The Inspector General shall be appointed by the Governor, subject to the advice and consent of the Senate.

(A) The term of the Inspector General is 5 years.

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

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

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

(A) Misconduct in office;

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

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

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

(1) Law;

(2) Auditing;

(3) Government operations;

(4) Financial management; or

(5) Health policy.

(d) The Inspector General shall be paid an annual salary not to exceed \$175,000.

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

(f) The Inspector General:

(1) Shall conduct and supervise investigations, perform inspections, evaluations, and review, and provide quality control for the programs of the Department of Human Services, the Department of Health and the Department of Health Facilities.

(2) Shall investigate fraud, waste, abuse of departmental funds, and behavior in the Department of Human Services, the Department of Health and the Department of Health Facilities that threatens public safety or demonstrates negligence, incompetence, or malfeasance;

(3) Shall cooperate with and coordinate investigative efforts with the Medicaid Fraud Control Unit, and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit;

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

(5) Shall be empowered to consult with the Legislature for policy development;

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

(B) Provide by rules, review and appeal procedures within the office as may be required by applicable federal laws and rules respecting assistance, and as will provide applicants for, and recipients of, all classes of assistance an opportunity to be heard by the board of review, a member thereof, or individuals designated by the board, upon claims involving denial, reduction, closure, delay, or other action or inaction pertaining to public assistance.

(7) (A) May subpoena any person or evidence, administer oaths, take and certify affidavits, and take depositions and other testimony for the purpose of investigating fraud, waste, abuse of departmental funds, or behavior in the departments that threatens public safety or demonstrates negligence, incompetence, or malfeasance.

(B) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Inspector General or a designated Assistant Inspector General, a court of competent jurisdiction may compel:

(i) Compliance with the order or subpoena; or

(ii) Testimony or the production of evidence.

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

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

- (i) A preliminary indication of whether the Office of the Inspector General is able to investigate the complaint or allegation; and
- (ii) If the Office of the Inspector General is unable to investigate the complaint or allegation because of a conflict of interest, the Office of the Inspector General shall refer the complaint or allegation to another unit of government or law enforcement.
- (g) Neither the secretary nor any employee of the Department of Human Services, Department of Health or the Department of Health Facilities may prevent, inhibit, or prohibit the Inspector General or his or her employees from initiating, carrying out, or completing any investigation, inspection, evaluation, review, or other activity oversight of public integrity by the Office of the Inspector General.
- (h) The Inspector General approves and submits his or her budget.
- (i) The Inspector General shall supervise all personnel of the Office of the Inspector General. Qualification, compensation, and personnel practice relating to the employees of the Office of the Inspector General, shall be governed by the classified service.