

# FLORIDA DEPARTMENT OF HEALTH

OFFICE OF INSPECTOR GENERAL (HIG)

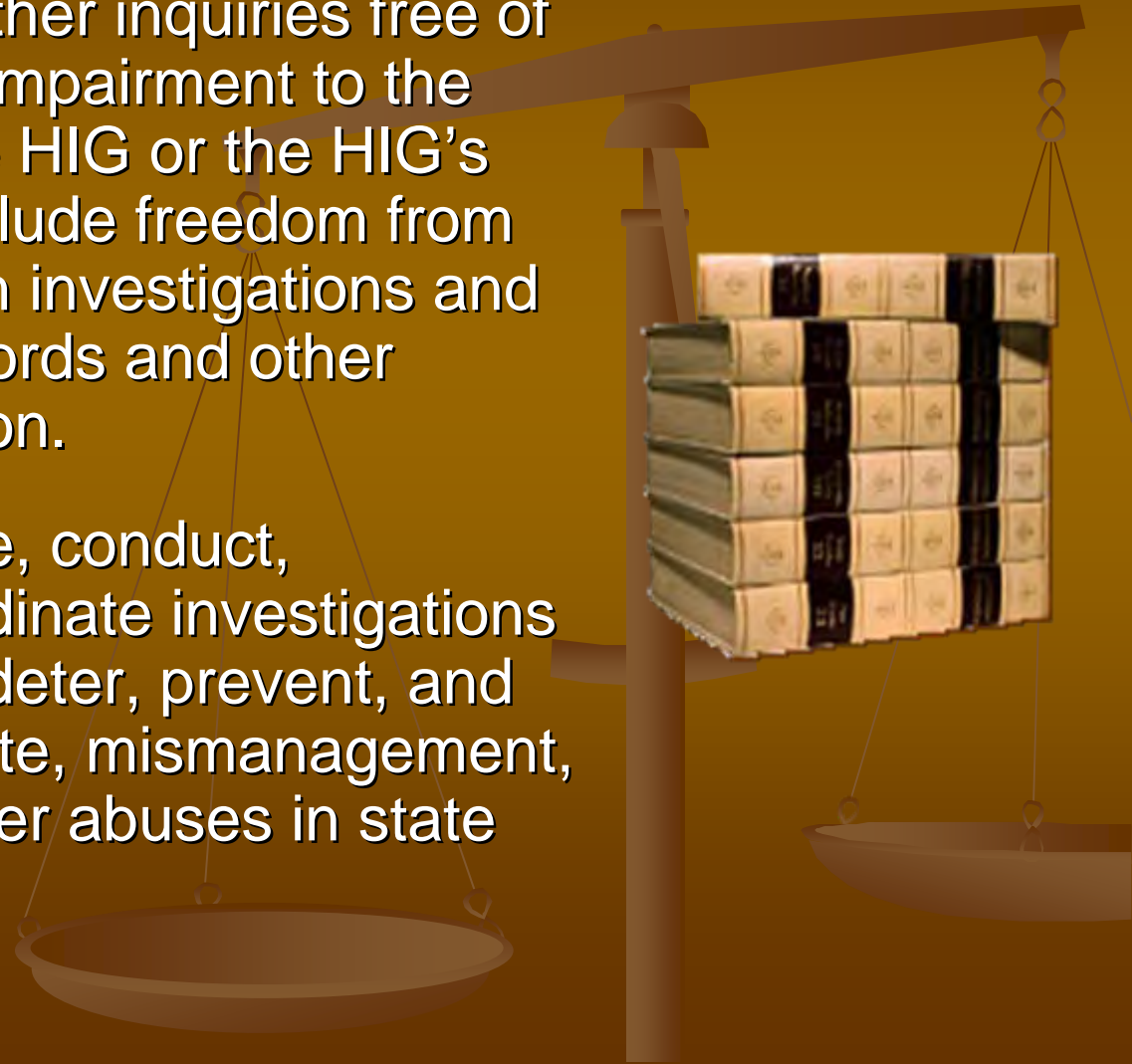
INVESTIGATIONS



# HIG INVESTIGATIONS

*Authorized in Section 20.055, Florida Statutes*

- ❖ The HIG is authorized to conduct investigations and other inquiries free of actual or perceived impairment to the independence of the HIG or the HIG's office. This shall include freedom from any interference with investigations and timely access to records and other sources of information.
- ❖ The HIG shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.



# HIG INVESTIGATIONS ORGANIZATION

**STATE SURGEON GENERAL**

**INSPECTOR GENERAL**  
James D. Boyd, C.P.A., M.B.A.

**DEPUTY DIRECTOR OF  
INVESTIGATIONS**  
Gilda Goodman, C.I.G.I.

**DIRECTOR OF INVESTIGATIONS**  
David M. Harlan, Jr., C.P.A.,  
C.I.G.

**ADMINISTRATIVE  
ASST.**

**INVESTIGATORS (7)**

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

# HIG 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 and findings and evidence are based on evidence collected and not at the direction of management.
- ❖ Conduct investigations and other inquiries free of actual or perceived impairment to the independence of the HIG. This shall include freedom from interference with investigations and timely access to records and other sources of information.

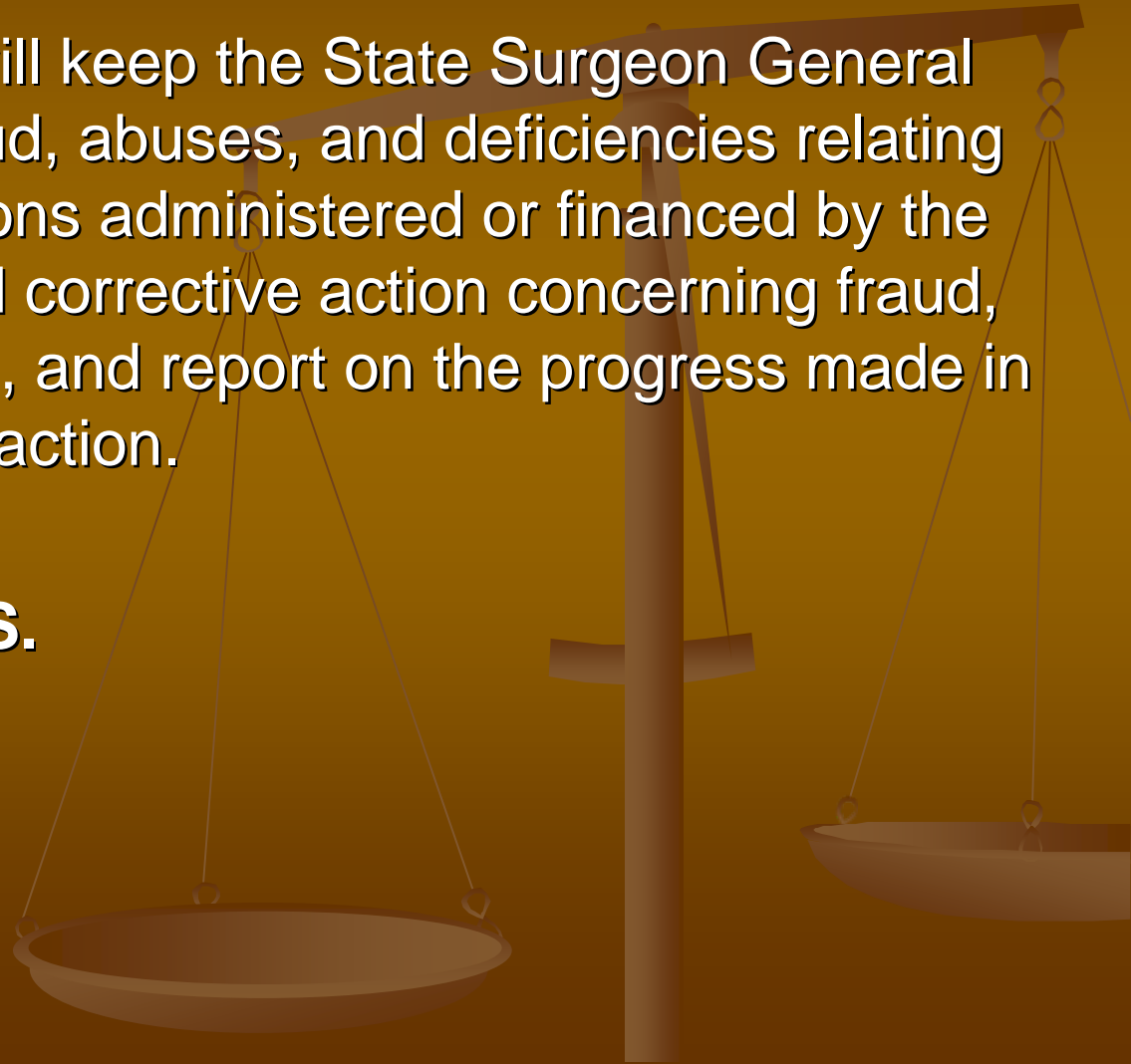
**Section 20.055(3) and (6), F.S.**

# **HIG 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.**



# HIG INVESTIGATIONS

## *POLICIES AND PROCEDURES*

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

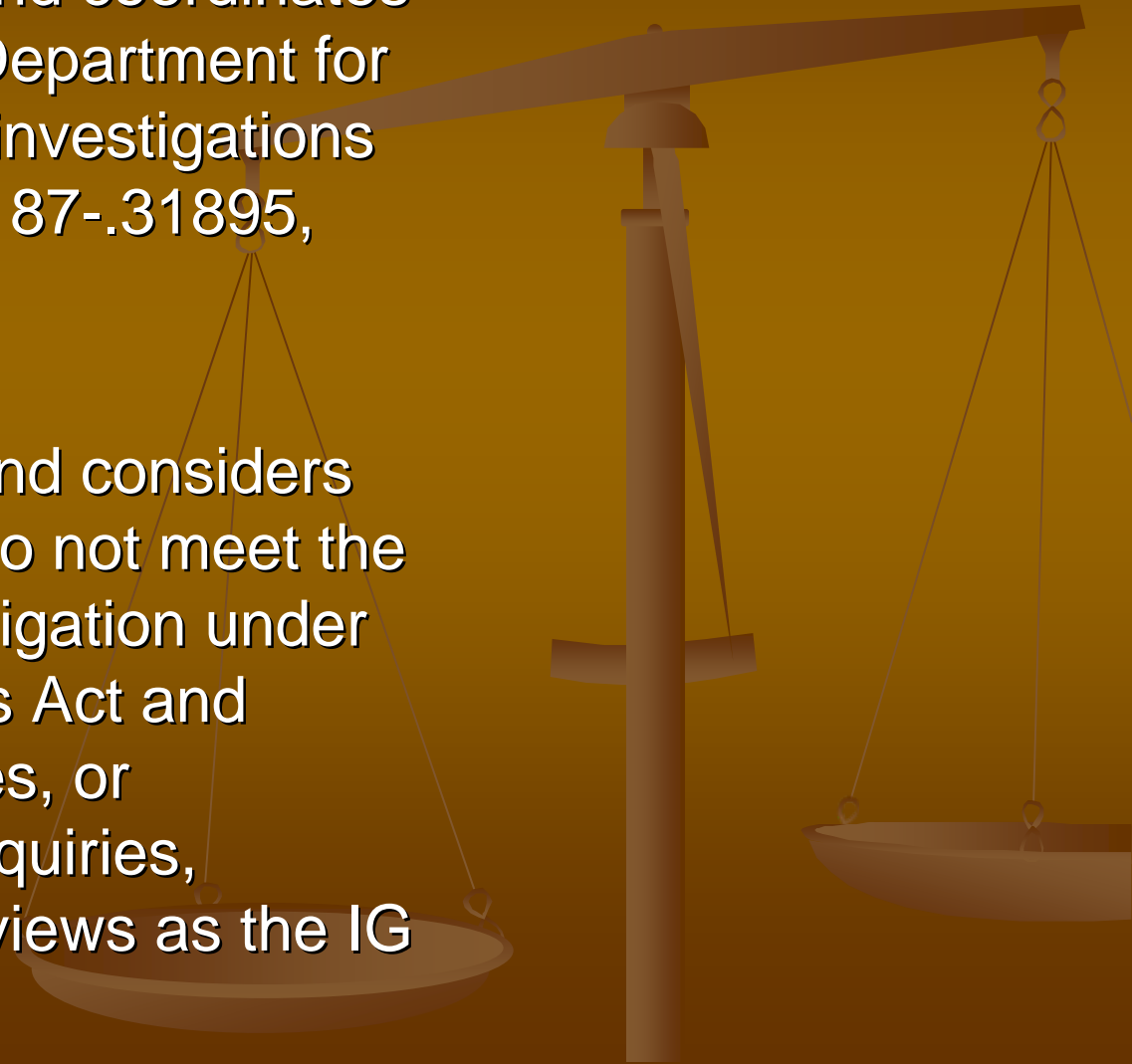
Section 20.055(2)(j), F.S.

\* *Principles and Standards for the Offices of Inspector General as published by the Association of Inspectors General<sup>SM</sup>.*



# HIG INVESTIGATIONS

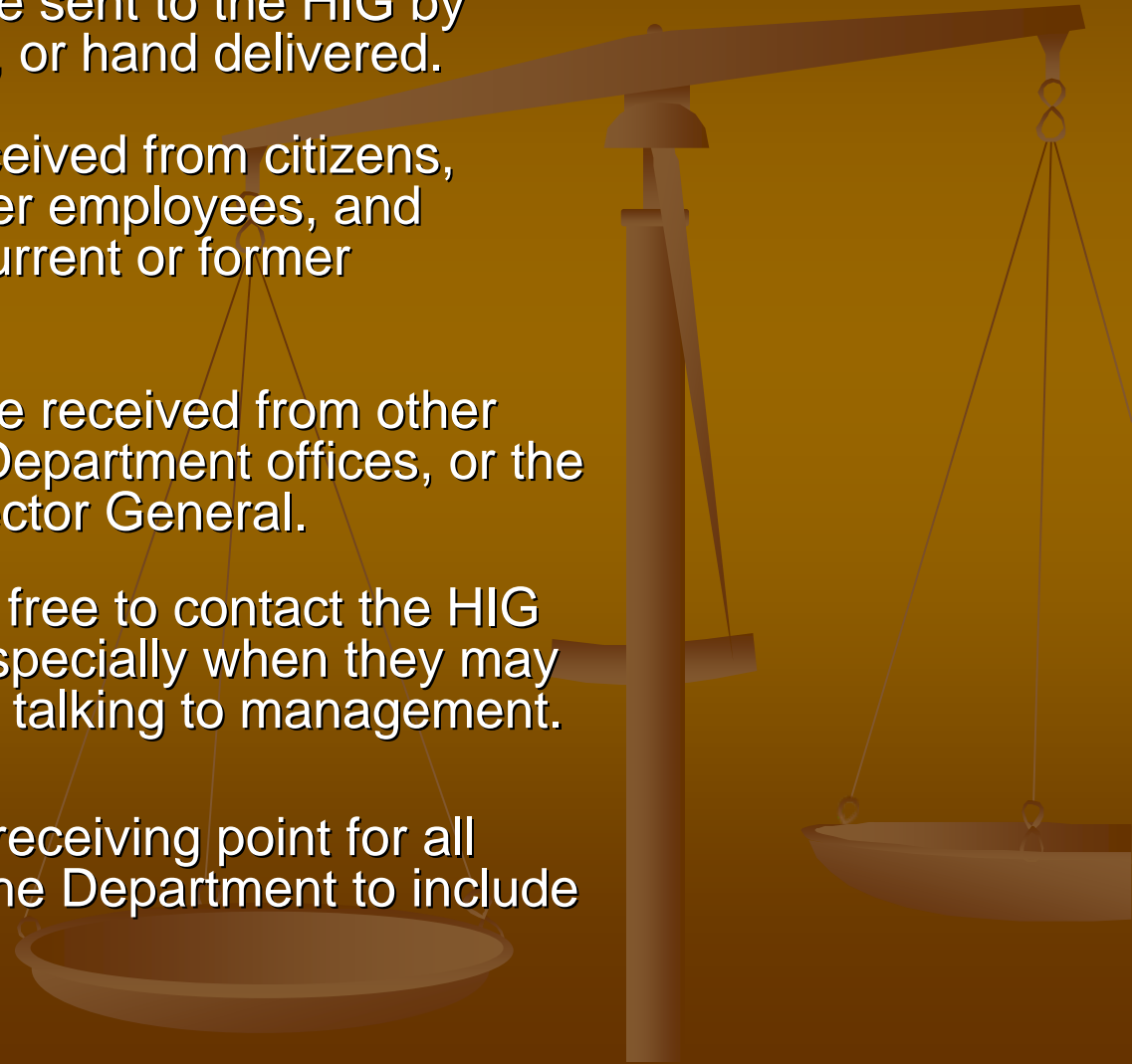
- ❖ The HIG receives and coordinates all activities of the Department for Whistle-blower Act investigations pursuant to §112.3187-.31895, Florida Statutes.
- ❖ The HIG receives and considers complaints which do not meet the criteria for an investigation under the Whistle-blower's Act and conducts, supervises,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



# HIG 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 HIG with their complaints especially when they may not be comfortable first talking to management.
- ❖ The HIG is the central receiving point for all internal complaints in the Department to include discrimination.



# HIG INVESTIGATIONS

## CONFIDENTIALITY

The following investigations conducted by the HIG are confidential:

- ❖ Whistle-blower (Section 112.3188(2)(a), F.S.)
- ❖ Internal discrimination (Section 119.0711(1) F.S.)
- ❖ Other investigations certified pursuant to Section 112.3901(1), F.S.
- ❖ Data and Information Technology Security (Section 282.318(2)(a)(5), F.S.)



# HIG INVESTIGATIONS

## *ACCESS TO RECORDS*

The HIG and the staff shall have access to any records, data, and other information of the Department deemed necessary to carry out their duties.

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



# HIG INVESTIGATIONS

The HIG conducts investigations related to:

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



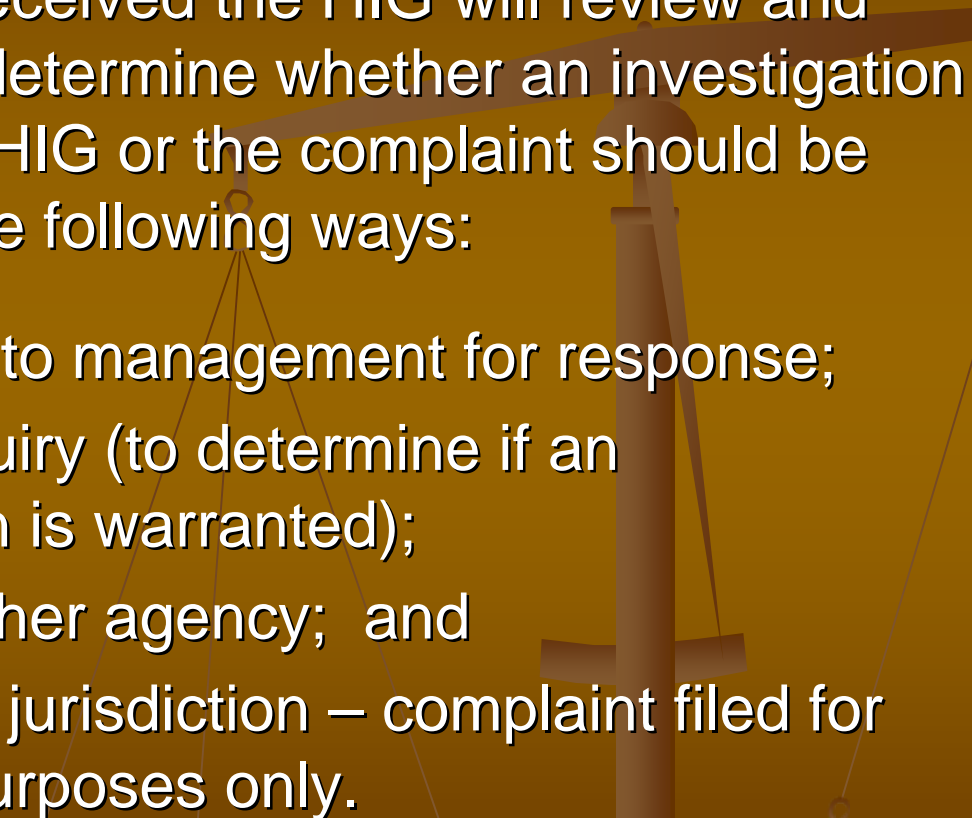
# HIG INVESTIGATIONS



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

# HIG INVESTIGATIONS

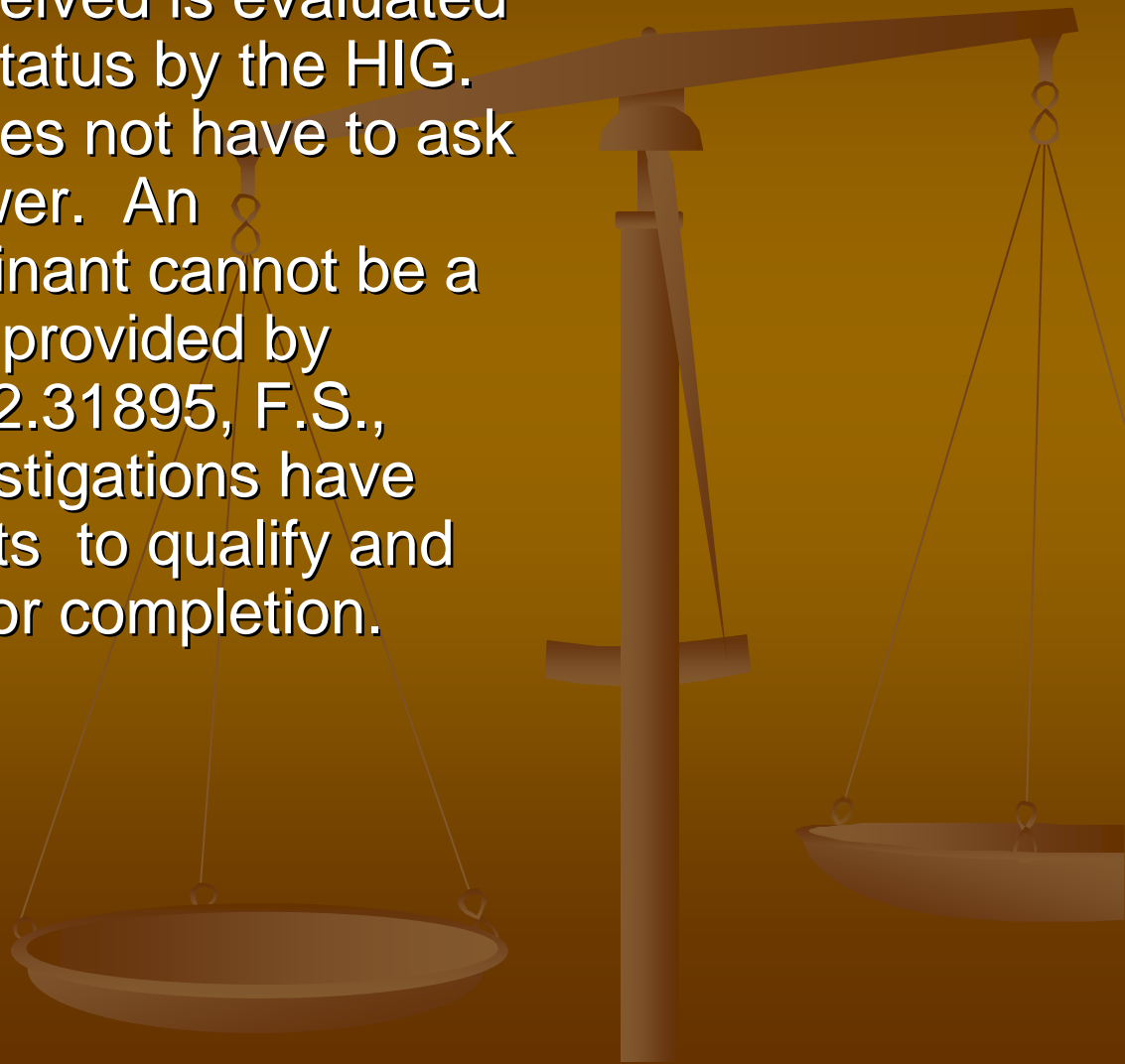
## COMPLAINT PROCESS

- ❖ As complaints are received the HIG will review and evaluate them and determine whether an investigation is warranted by the HIG or the complaint should be 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; and
    - d) No action or no jurisdiction – complaint filed for reference purposes only.
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# HIG INVESTIGATIONS

## *COMPLAINT PROCESS*

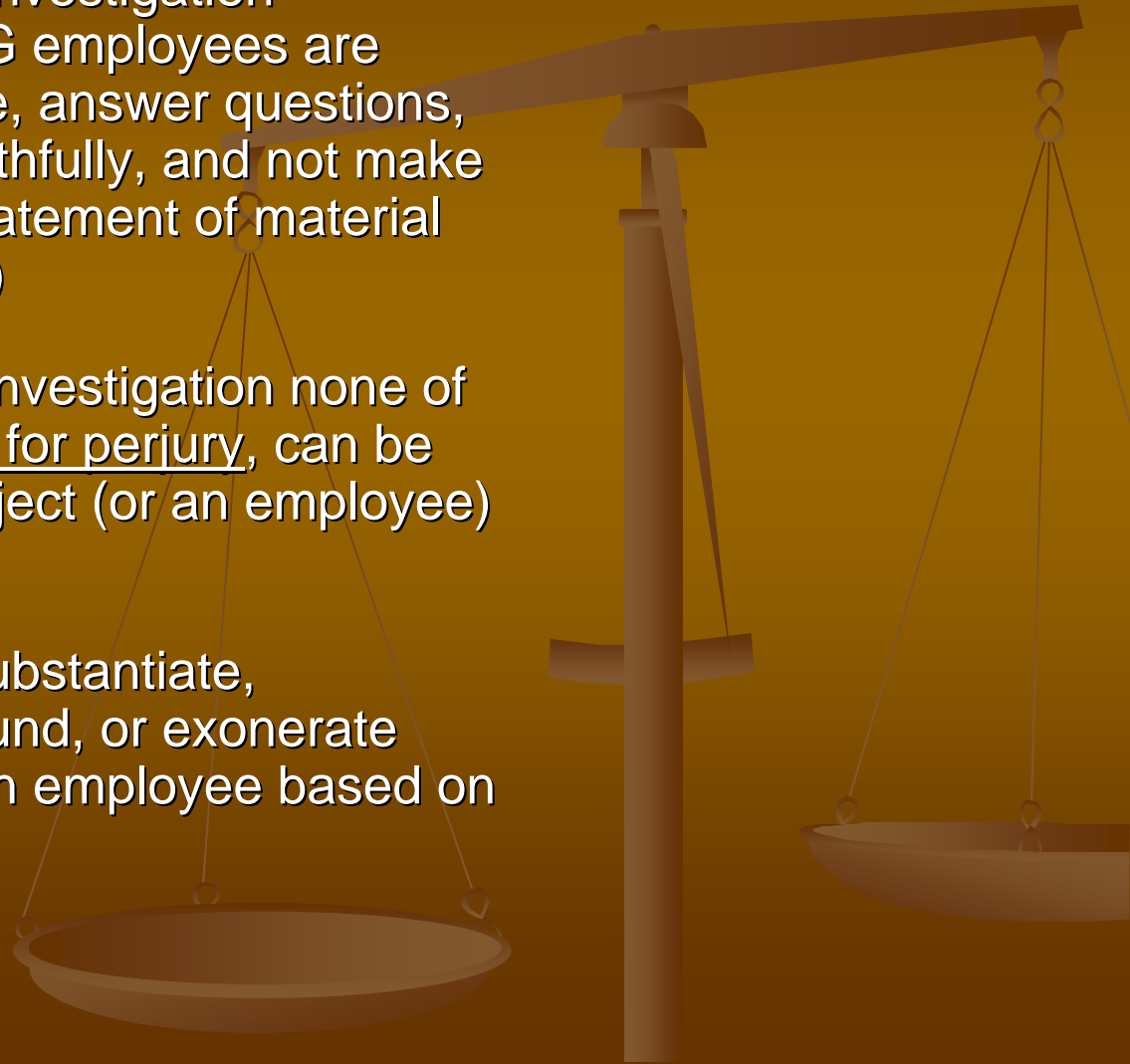
- ❖ Every complaint received is evaluated for Whistle-blower status by the HIG. The complainant does not have to ask to be a Whistle-blower. An anonymous complainant cannot be a Whistle-blower. As provided by Section 12.3187/112.31895, F.S., Whistle-blower investigations have specific requirements to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



# HIG INVESTIGATIONS

## *INVESTIGATIVE PROCESS*

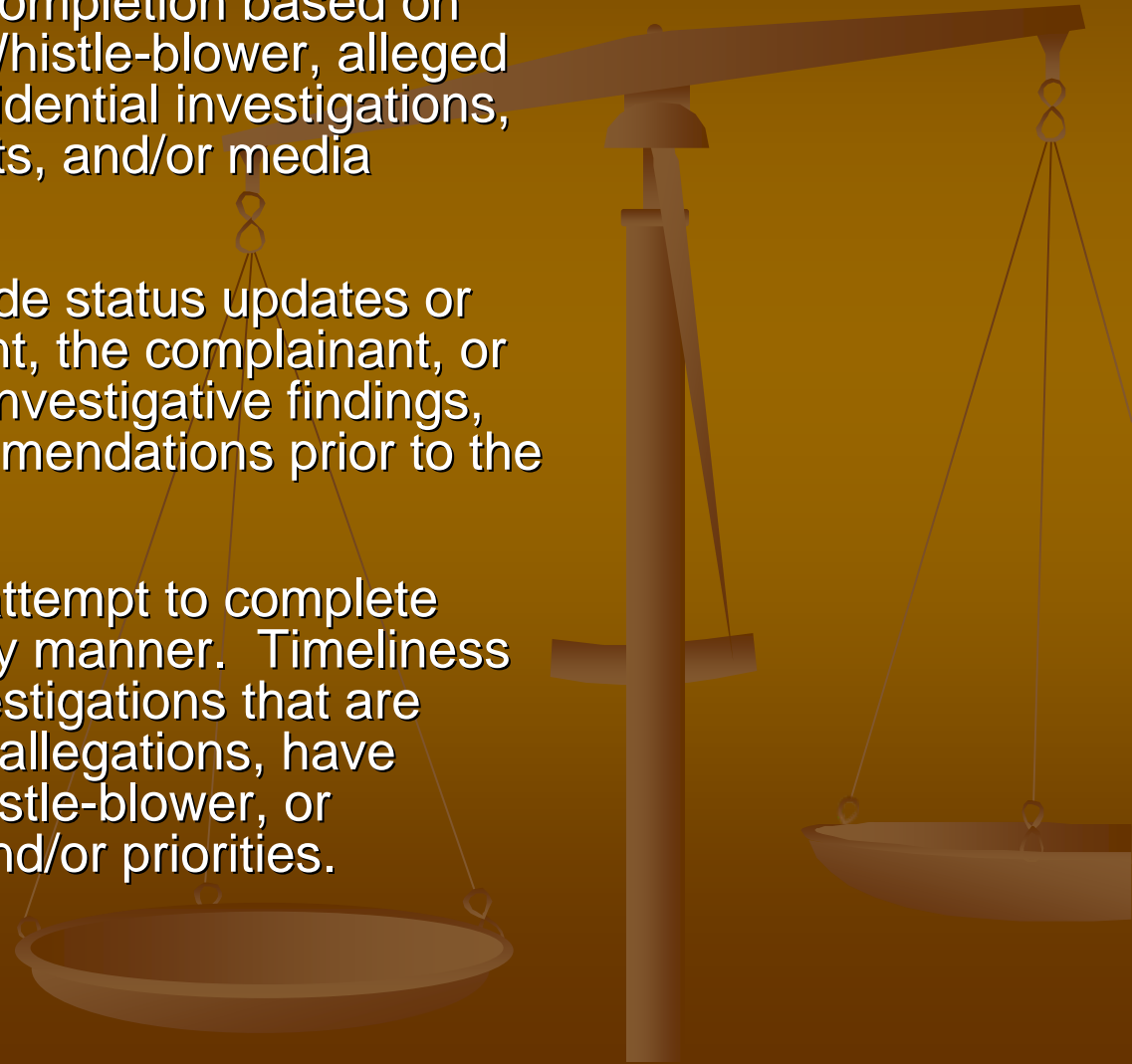
- ❖ In an administrative investigation conducted by the HIG employees are required to cooperate, answer questions, answer questions truthfully, and not make an omission or misstatement of material fact. (DOHP 60-8-09)
- ❖ In an administrative investigation none of the evidence, except for perjury, can be used against the subject (or an employee) in a criminal case.
- ❖ The HIG will either substantiate, unsubstantiate, unfound, or exonerate allegations against an employee based on evidence.



# HIG INVESTIGATIONS

## *INVESTIGATIVE PROCESS*

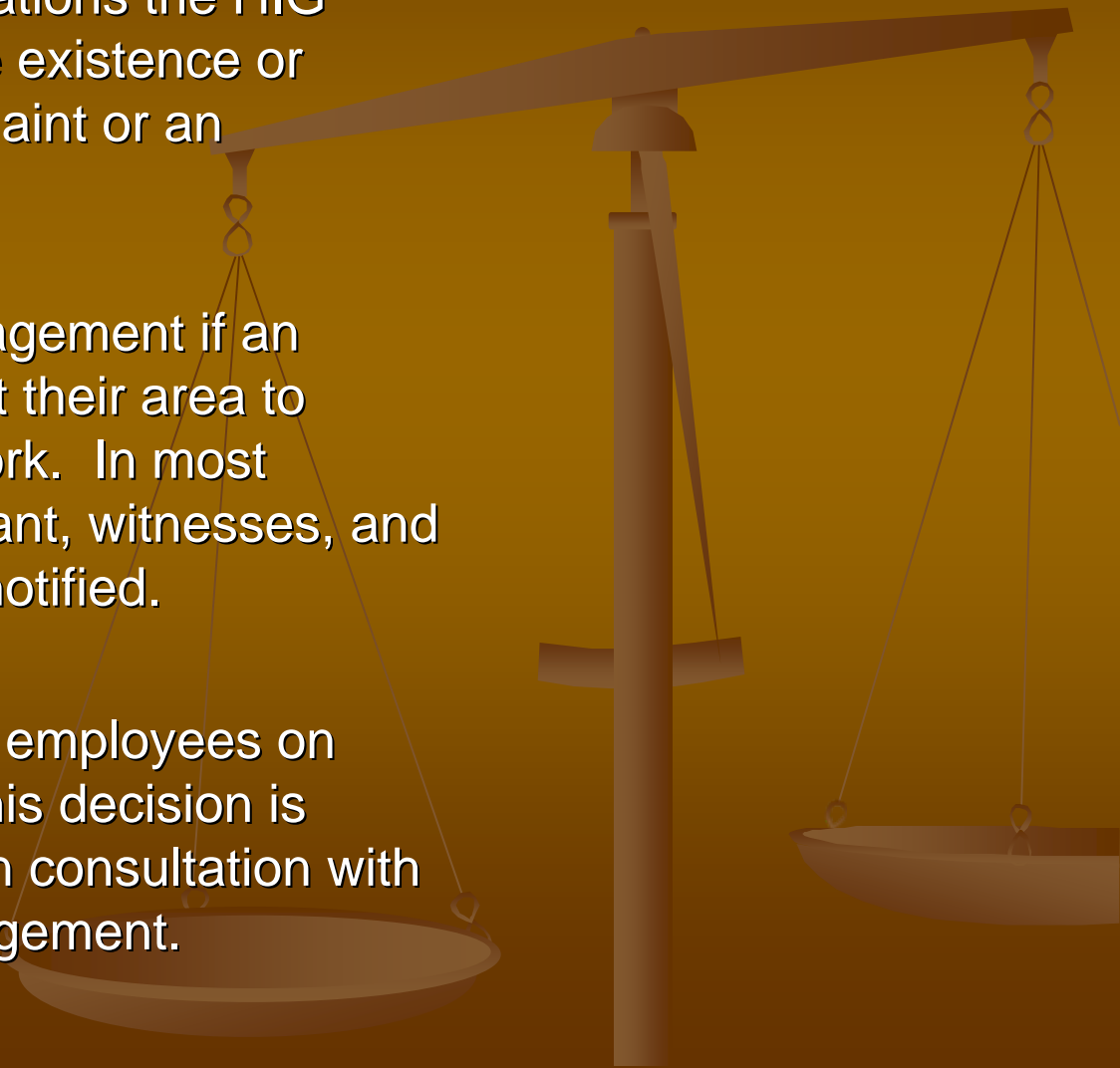
- ❖ HIG investigators are assigned many cases and they are prioritized for completion based on whether they include: Whistle-blower, alleged criminal violations, confidential investigations, management as subjects, and/or media sensitive.
- ❖ The HIG does not provide status updates or briefings to management, the complainant, or the subject to disclose investigative findings, conclusions, and recommendations prior to the release of the report.
- ❖ The HIG 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.



# HIG INVESTIGATIONS

## *INVESTIGATIVE PROCESS*

- ❖ For confidential investigations the HIG cannot acknowledge the existence or nonexistence of a complaint or an investigation.
- ❖ The HIG 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 HIG does not place employees on administrative leave. This decision is made by management in consultation with Human Resource Management.



# HIG INVESTIGATIONS

## INTERVIEWS

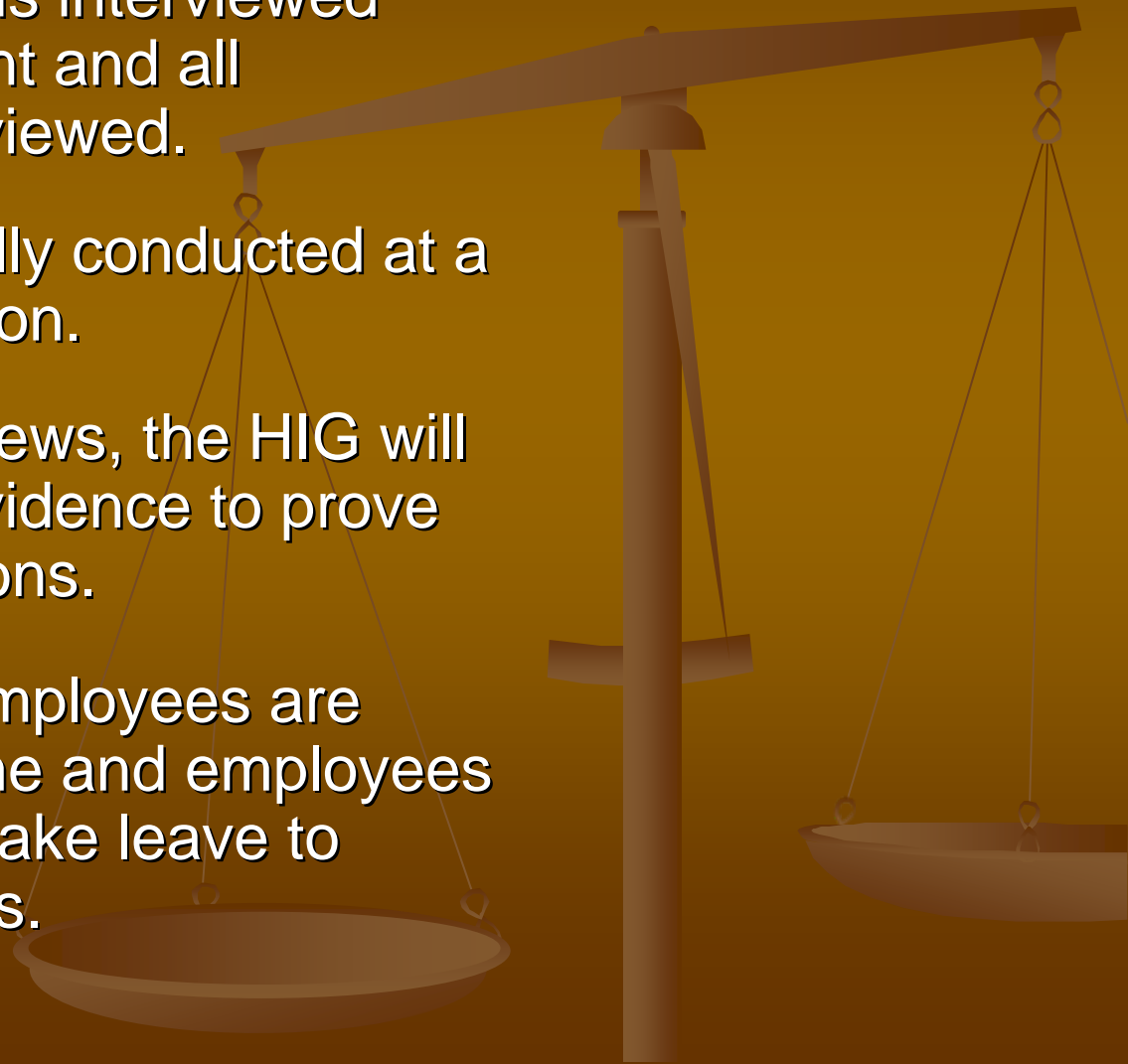
- ❖ In an HIG investigation the complainant(s), witnesses, and the subject(s) are interviewed. The HIG conducts sworn (under oath) recorded interviews. On an exception basis the HIG may use interrogatory affidavits.
- ❖ A complainant is someone that makes allegations of fraud, waste, mismanagement, misconduct, 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).



# HIG 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 HIG will also collect other evidence to prove or disprove allegations.
- ❖ HIG interviews of employees are considered work time and employees should not have to take leave to attend the interviews.



# HIG Investigations

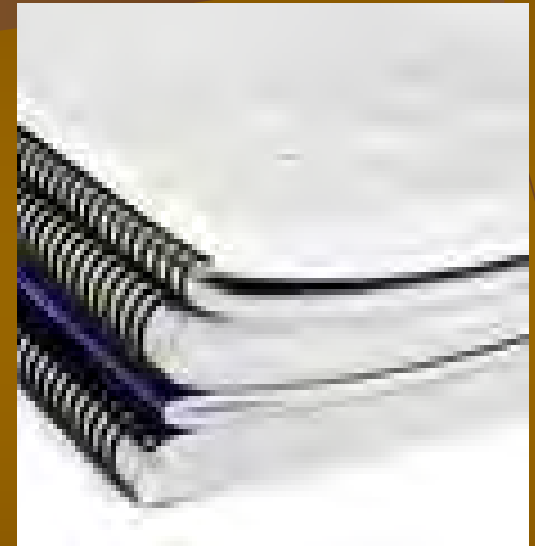
## *INTERVIEWS*

- ❖ 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 HIG or indicate to employees that they should not contact the HIG with their complaints.
- ❖ Employees do not have to clear communication with the HIG with management. In addition, when completing affidavits for the HIG employees do not have to share a copy with management or have management review the document before sending it to the HIG.



# HIG INVESTIGATIONS REPORTS

- ❖ The HIG 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 HIG.
- ❖ The HIG does not recommend discipline in investigative reports.



# HIG INVESTIGATIONS REPORTS

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



# HIG INVESTIGATIONS

## ANNUAL REPORT

Not later than September 30 of each year, the HIG 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 HIG.

**Section 20.055(7), F.S.**

OFFICE OF THE INSPECTOR GENERAL  
*Annual Report*  
*FY 2008-09*



# CONTACTING THE OFFICE OF INSPECTOR GENERAL

Office of Inspector General

4052 Bald Cypress Way, Bin #A03

Tallahassee, Florida 32399-1704

Call the HIG 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](http://dohiws/Divisions/Insp_General/ComplaintForm.htm) or to “InspectorGeneral@doh.state.fl.us”

