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OIG BULLETIN

Official Newsletter of the Office of the Inspector General

Greetings:

These have been an extraordinary few months. The COVID-19 public health emergency has created unprecedented challenges for everyone, including employees at all levels of state and local government. Public demand for services has increased, and the ways that the government must deliver those services have changed. Opportunities for fraud, waste and abuse of public funds and assets persist during this crisis, and the Office of the Inspector General (OIG or Office) remains on the job to meet our mandate to prevent and detect that fraud, waste and abuse.

In March, the spread of COVID-19 prevented the Massachusetts Certified Public Purchasing Official (MCPPO) program from hosting in-person classes. Rather than cancelling, OIG staff collaborated with our partners at the UMass Donahue Institute and other state agencies to move our classes online in the most cost-effective way possible. As a result, we conducted our *Public Contracting Overview, Design and Construction Contracting, Charter School Procurement, Recertification for School Project Designers and Owner's Project Managers* and *MCPPO Recertification* classes online. Soon we will offer our *Cybersecurity* and four-day *School Project Designers and Owner's Project Managers Certification* classes online as well. In addition, we released the self-paced online version of our *Supplies and Services Contracting* class as scheduled in early April. We are also working on additional shorter webinars and continue to post new videos to our [YouTube](#) channel.

I want to acknowledge the hard work and flexibility of our staff and our students that made these new online classes successful. We will continue to offer online MCPPO classes throughout the spring and the summer. We hope to expand our online offerings in the fall to include more webinars and self-paced courses.

Other divisions of the Office also continued their hard work during the COVID-19 pandemic. The Audit, Oversight and Investigations Division recently completed an investigation into an alleged public pension violation by a retired Boston Public Schools administrator. Based on these findings, the Office recommended that the Boston Retirement Board recover more than \$67,000 from the retired administrator. You can learn more about other OIG investigations in our recent [annual report](#) to the Massachusetts Legislature, including information from the Bureau of Program Integrity, the Civil Recovery Unit, the Division of State Police Oversight, the Internal Special Audit Unit at the Massachusetts Department of Transportation (MassDOT), the Policy and Government Division and the Regulatory and Compliance Division.

In March, we welcomed Karima Ortolano, the first recipient of our Justice Geraldine S. Hines Diversity Fellowship. She is working in our Legal Division and quickly becoming an integral part of the Office.

As always, thank you for your time and consideration in reviewing the *OIG Bulletin* and all of our publications. This edition of the *OIG Bulletin* includes content from the OIG's Policy and Government Division, the Division of State Police Oversight and the Internal Special Audit Unit at MassDOT, as well as COVID-19 procurement-related resources and guidance. We have embraced our mission to keep you informed as we manage this crisis together.

Please stay safe and stay connected.

Sincerely,

A handwritten signature in blue ink, reading "Glenn A. Cunha".

Glenn A. Cunha

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PROTECT YOUR COMMUNITY

If you suspect fraud, waste or abuse of public funds or property, you can confidentially report your concerns.



Call the 24-Hour Hotline at
(800) 322-1323



Send us an Email at
IGO-FightFraud@state.ma.us

HAVE A QUESTION ABOUT CHAPTER 30B?



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30BHotline@state.ma.us

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The OIG Reviews the Massachusetts State Police Travel Time Policy

Pursuant to [M.G.L. c. 22c, § 72 \(c\)](#), the OIG's Division of State Police Oversight (Division) is responsible for monitoring the quality, efficiency and integrity of the Massachusetts State Police (MSP) operations, organizational structure and management functions. During its first full year of operation, the Division conducted several reviews, including a comprehensive review of the MSP's paid police detail policy with particular focus on the "travel time" section of the policy.

The MSP's travel time requirement in the paid detail policy complements other MSP policies, which strictly prohibit "overlapping time." This means that troopers cannot receive compensation for regular shift hours that overlap with detail hours. To account for any overlap, troopers must use personal or vacation leave during their regular shift hours while working a detail. For example, if a trooper is scheduled to work a regular shift from 9:00 a.m. to 5:00 p.m. but leaves the shift to work a paid detail beginning at 3:00 p.m. that same day, the trooper must use two hours of personal or vacation leave to account for the overlapping two hours (from 3:00 p.m. to 5:00 p.m.).

The travel time section of the paid detail policy requires that troopers also use personal or vacation leave to account for any overlap resulting from the time traveled between a regular shift and the paid detail. If it takes the same trooper referenced



above thirty minutes to travel to the scheduled paid detail (which begins at 3:00 p.m.), and the trooper accordingly leaves their regular shift at 2:30 p.m., then the trooper must use an additional thirty minutes of personal or vacation leave to account for this travel time.

The Division reviewed time and attendance records of all troopers who worked a paid detail at Logan International Airport (Airport) between January 1, 2013 and June 30, 2018. This review found that the vast majority of troopers who worked paid details at the Airport did not use accrued vacation or personal leave time to account for their travel time to or from a paid detail at the Airport.

To promote integrity in the MSP's time and attendance procedures, the Division recommended that all troopers include the actual start and end times of all shifts and paid details in their individual time and attendance records. The Division also recommended that troopers' time and attendance records include the actual travel time necessary for any travel to or from an overlapping paid detail, as well as clear and uniform accounting of leave time used as travel time. These changes ensure that troopers are following policy and using vacation or personal leave time as needed to fully account for their travel time and any shift overlap. After the Division completed its review and shared these recommendations, the MSP implemented relevant changes to the travel time section of the paid detail policy.

Have questions about an
emergency procurement?

Call the Chapter 30B
Hotline
(617) 722-8838

We're here to help.



Protecting Individuals from Fraud, Waste and Abuse When They Receive Healthcare from Personal Care Attendants

Pursuant to [Section 78 of Chapter 41 of the Acts of 2019](#), the Office of the Inspector General reviewed several programs administered by the Office of Medicaid (MassHealth) to identify potential fraud, waste and abuse. In 2019, we focused primarily on the MassHealth personal care attendant (PCA) program. The PCA program helps MassHealth members with chronic disabilities maintain their independence, reside in the community and manage their own personal care. We requested and reviewed data from MassHealth and the three fiscal intermediaries that assist in the administration of the PCA program. (Fiscal intermediaries are MassHealth vendors that help MassHealth members with employer-related tasks for their personal care attendants.)

First, we alerted MassHealth to the importance of obtaining the names of the PCAs from the fiscal intermediaries and linking those names to the MassHealth member for whom the PCA provides services. Currently, MassHealth does not know the names of any of the PCAs and, as a result, it cannot conduct any kind of robust program integrity assessment for the PCA program. For example, without PCA names, MassHealth is unable to audit PCA claims to ensure that they are accurate, check PCA names against the federal excluded provider list or compare PCA names with other state human service agencies and their vendors to ensure that PCAs are not “double-dipping” by working as both agency or contracted staff and PCAs during the same shift.

Second, we conducted background checks on the people working as PCAs during the first quarter of calendar year 2018. The background checks included criminal offender record information (CORI) and sex offender registry information (SORI). The current PCA program does not con-

duct any background checks on PCAs. Rather, the program is “self-directed” by the MassHealth member, meaning the person receiving PCA services is responsible for training, hiring and firing the PCA. Our review found that approximately 24% of the PCAs working during the first quarter of 2018 had at least one CORI record from the past ten years. The SORI records for the same time period revealed 122 PCAs required to register as sex offenders, with 41 considered to be at highest risk to reoffend. We recommended that MassHealth revisit the program’s approach to background checks and consider whether MassHealth should require background checks for PCAs, who should perform these background checks and how MassHealth should educate MassHealth members who use PCAs about background checks.



Third, we reviewed the amount of money that MassHealth pays PCAs to travel from one member’s home to another member’s home. We discovered clerical errors that allowed PCAs to bill MassHealth for travel while caring for different MassHealth members at the same address. In response, the fiscal intermediaries – the vendors that process PCA activity sheets – will implement system edits to catch and fix these errors before submitting travel claims to MassHealth. The fiscal intermediaries will also calculate the correct amount of travel reimbursement and recoup payments made to PCAs who cared for two members at the same home address. In addition, we discovered PCA activity reports showing a PCA completing one shift at the same time that the PCA began the next shift in a different location. This is impossible as one PCA cannot be in two places at once, and it could lead to PCAs not being compensated for their travel time or overbilling for their work time. The fiscal

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Protecting Individuals (continued)

intermediaries will review the activity sheets to determine why this is taking place and ensure PCAs are properly compensated. We also identified PCAs with high levels of travel reimbursement and recommended that MassHealth review these members' claims and consider whether to place limits on allowable travel distances or reimbursement levels.

Finally, we discovered that no single entity has a complete set of information about PCA travel claims, leaving the PCA program at risk for undetected fraud. We recommended that MassHealth and the fiscal intermediaries discuss ways to increase their program integrity activities. Presently, MassHealth is working with the Medicaid Management Information System team to determine whether and how to include each PCA's name on claims for PCA services, which will significantly improve MassHealth's ability to conduct PCA program integrity activities.

Notice: Emergency Changes to Notary Requirements Due to COVID-19

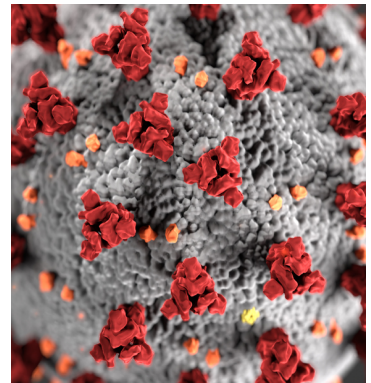
The Legislature recently made emergency changes to [Chapter 222 of the Massachusetts General Laws](#), the law that governs the appointment and activity of notaries public. See [Chapter 71 of the Acts of 2020](#). These changes, explained in detail below, are temporary and will remain in effect until three business days after the governor lifts the COVID-19 state of emergency.

Certain documents, including many related to public procurement, contracting and real property transactions, require notarization. Chapter 222 required that parties sign and witness these documents in the physical presence of a notary public.

The emergency legislation now permits notaries to use videoconferencing to witness the signing of these documents remotely. The new legislation requires that:

- The notary and any signatories must be present in Massachusetts for the videoconference;
- The signatories must provide evidence of their identity and show both sides of a government-issued identification credential to the notary during the videoconference;
- A signatory must disclose if any other person is present, and that person must be made visible to the notary;
- The notary must observe the signatory sign or execute the document to be notarized;
- Following the proceedings, the signatory must submit the physical copy with the "wet ink" signature to the notary;
- The notary's signature and stamp must specify that the notary witnessed the event remotely;
- The notary must create a video and audio file of the conference, and must maintain that file for ten years; and
- The notary must prepare an affidavit confirming the circumstances of the notarization, and must retain the affidavit for ten years.

Most transactions will require only one videoconference for notarization. However, certain real estate transactions, including deeds and mortgages, will require two separate videoconferences to complete the notarization process.



COVID-19 Resource Corner

Receive Technical Assistance and Stay Connected to the OIG While Working Remotely

During the COVID-19 public health emergency, the OIG is working to keep you informed about how to adjust procurement and governance practices to continue to prevent and detect fraud, waste and abuse of government resources. Click on the links below for information on a variety of topics related to conducting procurements, taking classes or reporting fraud, waste and abuse while working virtually.

Our [COVID-19 webpage](#) is dedicated to frequently asked questions about public procurements, including emergency procurements, electronic bid and proposal submissions, virtual bid and proposal openings, extending bid due dates, telemedicine services, prevailing wage and more.

All aspects of our Massachusetts Certified Public Procurement Official (MCPPO) classes have moved online, from registration to participation. [Join us in our online classes.](#)

We continue to provide guidance on procurement laws. You can call our Chapter 30B hotline or [email](#) us your technical questions about the application of Chapter 30B.

Internal Controls for Remote Work

- Stay in regular touch with your employees
- Request daily/weekly updates on ongoing tasks
- Ensure that employees have sufficient assignments that they are able to complete while working remotely
- Consider options such as teleconferencing to enhance collaborative efforts

Work From Home Best Practices

- 1 Communicate often with your coworkers
- 2 Separate your work and personal life
- 3 Establish a routine
- 4 Maintain a dedicated work space
- 5 Set daily goals and track progress



We also continue to conduct investigations and reviews. If you have a tip or complaint about public fraud, waste or abuse, you can contact our confidential fraud hotline by phone or by [email](#). This includes concerns about fraud regarding the use of public funds intended to provide economic assistance related to COVID-19, such as the CARES Act, the Paycheck Protection Program and state or federal grants.

New Consumer Protections Prohibiting Price Gouging

The Office of the Attorney General (AGO) recently filed emergency regulations to prohibit price gouging of essential products and services during the COVID-19 public health emergency. Price gouging occurs when prices for supplies are inflated to unreasonably high levels.

The amendment to [940 CMR 3.18](#), filed with the Secretary of State's Office on March 20, 2020 and effective immediately, prohibits price gouging of goods and services necessary for public health and safety during a declared statewide or national emergency. Before the amendment, the regulations only prohibited price gouging related to the sale of gasoline and other petroleum products.

The OIG interprets these price gouging protections to apply to state and local governments. If

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COVID-19 Resource Corner (continued)

you believe that your jurisdiction may be the victim of price gouging, please contact the OIG's confidential fraud hotline at IGO-FightFraud@state.ma.us or call (800) 322-1323. If you have information or concerns about consumer price gouging during this public health emergency, the AGO's Consumer Protection Division encourages you to call (617) 727-8400 or file a complaint online by clicking [here](#).

Statewide Contracts for Personal Protective Equipment

Because of the COVID-19 public health emergency and in response to Governor Baker's declaration of a state of emergency, the Operational Services Division (OSD) of the Commonwealth of Massachusetts waived certain procurement rules pursuant to [M.G.L. c. 7, § 22 \(16\)](#). OSD conducted outreach to Statewide Contract (SWC) Vendors (Tier 1 Vendors) about the Commonwealth's need for the following PPE products and services:

- Disinfecting hand soaps
- Disposable gloves
- Hand sanitizers
- Masks
- Paper towel products
- Portable hand washing stations
- Sanitizing cleaning services
- Sanitizing wipes

Due to significant supply shortages, OSD recommended that buyers take the following actions:

- Place orders now for items needed today and in the near future.

- Cancel orders if your needs change.
- Place orders using your normal ordering process: COMMBUYS for Executive Departments and COMMBUYS-enabled entities, or contacting SWC Vendors directly for eligible entities that are not COMMBUYS-enabled.
- Entities eligible to purchase and procure goods and services from OSD's Statewide Contracts (not Executive Departments) must remember to conduct procurements in accordance with all pertinent laws and regulations (for example, Chapter 30B for municipal organizations). Check with your local legal counsel for advice.
- Buyers are responsible for verifying that the cleaning products they purchase will kill the coronavirus that causes COVID-19. Buyers should consult the Environmental Protection Agency's "[Disinfectants for Use Against SARS-CoV-2](#)" for guidance.

Contact OSD at COVID19purchasing@mass.gov or call (617) 720-3300 with any questions.

New YouTube Videos

[Whistleblower Protections](#)

A whistleblower is a person who exposes suspected fraud, waste, abuse or other misconduct by an individual or organization. Whistleblowers in Massachusetts enjoy certain legal protections. This [video](#) from the OIG provides information about these protections.

[Fraud Hotline](#)

This [video](#) provides an overview of the OIG's Fraud, Waste and Abuse Hotline, including descriptions of the types of complaints the OIG may investigate.

Precautionary Procurement Measures During the COVID-19 Pandemic

Because of the unprecedented situation caused by the COVID-19 pandemic, many agencies, municipalities and departments are working hard to procure emergency supplies and services. Unfortunately, dishonest people often attempt to exploit customers during difficult times. The general anti-fraud information presented in this article is beneficial for all Commonwealth purchasing officials to safeguard taxpayer funds during this public health emergency.

The Operational Services Division (OSD) allows certain emergency procurement changes under its [latest guidance](#), issued March 12, 2020. Please remember that OSD still requires that buyers adhere to the protocols for emergency procurements set forth in the [“Conducting Best Value Procurements”](#) handbook. Even if your agency is exempt from OSD’s procurement rules, you should follow uniform procurement rules and procedures to ensure transparency and competition. Further, municipalities and local officials should be aware that M.G.L. c. 30B (Chapter 30B) is not suspended at this time and also contains emergency procurement guidelines.

Here are some additional suggestions to protect your jurisdiction from fraudulent vendors or practices.

1. Perform background research on vendors to ensure that you purchase from a legitimate company. Recommended steps include:
 - Confirm that Massachusetts-based companies are registered with the Secretary of State
 - Confirm that the company has a valid online presence
 - Review the professionalism of the vendor’s website
 - Call the company’s listed phone number
- Contact the local chamber of commerce associated with the company’s address to ensure that the vendor actually conducts business at that location
2. Ensure the vendor is not gouging prices for supplies and services due to a high demand created by the pandemic. Price gouging involves raising the prices of basic necessities to unreasonable levels in order to make a profit.
3. After delivery, carefully review your order to ensure that you received the correct type and amount of all products purchased, at the agreed-upon prices. During this time, unscrupulous vendors may send inferior or substitute products to meet demand. Others may charge more than the contracted rate or advertised price.
4. Remember that you do not need to have actually purchased supplies or services to be a target of fraud. Another common scheme involves vendors submitting false invoices for goods that the entity did not purchase at all, but is likely to need. Before paying any invoice, confirm that your organization ordered and received the goods or services.
5. Continue to enforce internal controls. As agencies work remotely, strong internal controls, such as segregation of duties, pre-authorization procedures and thorough recordkeeping, are necessary to protect public funds.

We understand the impact this current health emergency is having on the operations of the state and local governments, including on finance and procurement staff. Please do not hesitate to contact the Office of the Inspector General if you have any questions related to responsible procurements or potentially fraudulent activity.

Frequently Asked Questions



Q1: A private philanthropic foundation wants to purchase and donate furniture to our town's public library. Does that purchase need to comply with Chapter 30B?

No. Chapter 30B does not apply if the private foundation purchases supplies or services with its own funds, then donates those supplies or services for public use. Chapter 30B applies to governmental bodies, and a private foundation is not a governmental body.

However, if the private foundation donates funds to your local jurisdiction, you must follow Chapter 30B if you use those funds to purchase supplies or services. Chapter 30B applies to purchases made by governmental bodies, even when the funds for those purchases are raised or donated by private sources.

Q2: Does my town have to follow Chapter 30B to procure elevator maintenance services?

If the contract for elevator maintenance exceeds \$10,000, then it is not subject to Chapter 30B. Instead, the state's construction laws, [M.G.L. c. 149](#) and [M.G.L. c. 30, § 39M](#), govern the construction, reconstruction, installation, demolition, maintenance or repair of a building or its components (like an elevator) when the cost is \$10,000 or more.

However, [Chapter 149](#) states that contracts or procurements related to maintenance of a building estimated to cost less than \$10,000 must be obtained "through the exercise of sound business practices as defined in [section 2 of chapter 30B](#)." [M.G.L. c. 149, § 44A \(A\)](#). Therefore, if your elevator maintenance

contract is expected to cost less than \$10,000, then you must follow the applicable provision of Chapter 30B.

Please contact the Office of the Attorney General's Fair Labor Division at (617) 963 - 2371 with any questions.

Q3: Our regional school district, along with two other regional school districts, is conducting a cooperative purchase for office supplies. We would like to award a contract for five years. Do we need to get any additional approval for a contract of this length?

Yes. [Section 12\(b\) of Chapter 30B](#) requires a "majority vote" of a governmental body to authorize "any contract for a term exceeding three years." [Section 2 of Chapter 30B](#) defines "majority vote" for a regional school district as "an affirmative vote by two-thirds of the members of the regional district school committee." Therefore, to comply with Chapter 30B, each regional school district involved in the joint procurement must obtain the necessary approval from its regional district school committee before awarding the contract.

Q4: Every year, my town issues an IFB for \$75,000 worth of landscaping services. We receive only one bid from the same vendor each year. A procurement officer from another town who took the MCPPO program's Procurement Fraud class said that having only one bidder suggests procurement fraud. Is that true?

Having only one bidder does not necessarily indicate procurement fraud, but it may be cause for concern. A fraud consists of an intentional act involving deception that causes

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Frequently Asked Questions (continued)

someone to incur a loss because of that deception. A single bidder for a large contract is a red flag that indicates potential deficiencies in the procurement process, including the possibility of fraud. This should trigger an internal review of this procurement and your procurement practices in general. You should ask yourself the following:

- Are my specifications written in a way that excludes other bidders or that favors the incumbent? Is the value or volume of work too much for most vendors?
- How many vendors are in the local landscaping market? Have I contacted them to ask why they do not bid on my work? Do they know about my annual bid? Can I better advertise my bids?
- Can I replace my annual bid with a statewide or regional contract?

You must assure yourself that the one bid you receive is a reasonable bid and that you are not paying more than the local market average for these services. Additionally, you must ensure that you are not discouraging competition. By conducting this type of internal review and by introducing other vendors into your procurement pipeline, you can begin to eliminate the possibility of procurement fraud.

However, if you receive feedback from other vendors that suggests possible wrongdoing in the procurement process or by the incumbent vendor, or if you discover that the in-

cumbent's bid amounts or work quality is outside of market parameters, this could indicate a problem. If this happens, you should consult with legal counsel, local law enforcement or contact the Office of the Inspector General or another oversight agency.

Q5: My school district decided to hire a company to provide security guards at our school buildings. We have never hired a company like this before. Is there anything we should know?

You must have a basic understanding of the services that security firms provide, and you must determine your district's security goals. Then, consider specifications that will help your jurisdiction achieve these goals. For example, do you want your vendors to be licensed or accredited? Do you require the firm or its employees to have certain security experience or training? Have the security personnel undergone background checks? Do you want the vendor to supply vehicles and communications equipment? How will the school security guards interact with local law enforcement? What are the limits of their authority while on school property?

You should consult with your local police department for additional subject matter expertise. Also, you could ask to review invitations for bids or requests for proposals from other jurisdictions that have successfully hired security firms. Consider interviewing potential vendors (perhaps along with the local police chief), and perform the same background and reference review you would for any other vendor.



THANK YOU

To health care workers and those working to keep us safe every day, we are immeasurably grateful for your courage, dedication and perseverance.



Subscription Information

The Office of the Inspector General publishes the *OIG Bulletin* (formerly the *Procurement Bulletin*) on a periodic basis. There is no charge to subscribe. To receive the *OIG Bulletin* electronically, please send an email containing your first and last name to MA-IGO-Training@state.ma.us.

If you have any other questions, please contact us at (617) 727-9140.

Contact Information

Massachusetts Office of the Inspector General

One Ashburton Place, Room 1311, Boston, MA 02108

Phone

- Main Office (617) 727-9140
- Fraud, Waste and Abuse Hotline (800) 322-1323
- MassDOT Fraud Hotline (855) 963-2580
- MCPPO Training (617) 722-8884

- Chapter 30B Assistance Hotline (617) 722-8838
- Media Inquiries (617) 722-8822

Fax

- (617) 723-2334

Email

- Main Office
MA-IGO-General-Mail@state.ma.us
- Fraud, Waste and Abuse Hotline
IGO-FightFraud@state.ma.us
- MassDOT Fraud Hotline
MassDOTFraudHotline@state.ma.us
- Chapter 30B Assistance Hotline
30BHotline@state.ma.us
- Training/MCPPO Inquiries
MA-IGO-Training@state.ma.us
- Employment Inquiries
IGO-Employment@state.ma.us

Class Schedule

To view the current MCPPO class schedule or to register for a class electronically, click the links below:

- [Class schedule](#)
- [Class registration](#)

