



STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL
EMPIRE STATE PLAZA
AGENCY BLDG. 2, 16TH FLOOR
ALBANY, NEW YORK 12223
(518) 474-1010

61 BROADWAY, SUITE 2100
NEW YORK, NEW YORK 10006
(212) 635-3150

CATHERINE LEAHY SCOTT
INSPECTOR GENERAL

65 COURT STREET, 5TH FLOOR
BUFFALO, NEW YORK 14202
(716) 847-7118

October 7, 2013

James C. Cox
Medicaid Inspector General
NYS Office of the Medicaid Inspector General
800 North Pearl Street
Albany, New York 12204

RE: NYS IG 0351-165-2011

Dear Medicaid Inspector General Cox,

On May 12, 2009, my office received an allegation that Deputy Medicaid Inspector General [REDACTED] and other Office of Medicaid Inspector General (OMIG) employees in the Buffalo office were utilizing state computers for personal use. The investigation found that [REDACTED] was using her state computer to further her personal tax preparation and accounting business.

Specifically, the investigation found that [REDACTED] used her state issued e-mail account to contact clients and co-workers of her personal tax preparation and accounting business on a number of occasions from 2009 through mid-2011. The investigation further identified e-mails regarding payments owed to her for tax preparation and plans for meetings with co-workers to discuss tax preparation. Documents were found stored on [REDACTED] state computer, including documents related to taxes and tax preparation, personal events, parties, and personal pictures.

With respect to OMIG's computer usage policy, your office recently advised that OMIG has revised its policies relative to computer usage and will distribute said policies to all OMIG employees on an annual basis.¹ OMIG has also advised of the implementation of mandatory annual computer usage and security training, including an acknowledgment of completion by all OMIG employees.

¹ Please refer to OMIG's response dated July 24, 2013 which was received by our office in response to our letter dated June 17, 2013 regarding allegations against former employee [REDACTED] wherein specific recommendations were provided regarding OMIG's computer usage policy.

With regard to outside employment, at the time of this complaint, OMIG followed the outside employment policy of the Department of Health. The investigation revealed that [REDACTED] submitted the appropriate outside employment approval forms to OMIG consistent with DOH policy. Effective June 4, 2013, OMIG implemented its own outside employment policy consistent with the uniform guidelines relating to outside employment that my office recently disseminated to all agencies under my jurisdiction.

I recommend that, on an annual basis, OMIG train all employees on OMIG's outside employment policies. Additionally, all OMIG staff must be provided copies of OMIG policies on outside employment, and annually sign acknowledgements of their receipt, review and understanding of these policies.

Additionally, our office was advised by OMIG that [REDACTED] was counseled in 2009 with respect to her computer usage. Notwithstanding, during her interview, [REDACTED] denied that she had been formally counseled, claiming instead to only having been spoken to about it. A review of [REDACTED]'s personnel file revealed neither any counseling memo nor any other documentation regarding discipline.

Accordingly, the Inspector General recommends that OMIG review its employee discipline procedures and implement a policy wherein documentation of any and all employee counseling and/or discipline is maintained in the employee's personnel file.

Within 45 days of the date of this letter, please provide information concerning the Medicaid Inspector General's actions, including copies of any revised policies. If you have any questions, you can contact me at (518) 474-1010.

Sincerely,

[REDACTED]
Catherine Leahy Scott
Inspector General