

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF MEDICAID
FILE ID NO.: 2018-CA00001
DATE OF REPORT: JULY 24, 2018

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2018-CA00001

SUBJECT NAME: Kimberly Williams

POSITION: Medicaid Health Systems Administrator 1

AGENCY: Ohio Department of Medicaid

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Operating a Business or Private Interest on State Time

INITIATED: January 19, 2018

DATE OF REPORT: July 24, 2018

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On January 19, 2018, the Office of the Ohio Inspector General received a notification from the Ohio Department of Medicaid (ODM) that one of its employees, Medicaid Health Systems Administrator 1 Kimberly Williams, was also operating a personal counseling business named Cornerstone Care Counseling Center LLC. ODM officials believed a conflict of interest existed because Williams advertised on literature that she was accepting Medicaid payments for services she was providing through her personal business. A search by the Office of the Ohio Inspector General and the Ohio Department of Medicaid of Williams' computer and print documents confirmed she was using her state-issued computer and printer for her personal business during times she was being paid to work for the Ohio Department of Medicaid.

BACKGROUND

Ohio Department of Medicaid

The federal government requires states to name a “single state agency” to administer its Medicaid Program. The Ohio Department of Medicaid (ODM) is the sole state agency for Ohio to administer Ohio's Medicaid program. The agency retains oversight and administrative control of the Ohio Medicaid program and assures federally set standards are maintained. ODM provides health care coverage to those with limited income; including pregnant women, families and children, adults, senior citizens, and individuals with disabilities. Many of those served by Medicaid obtain medical care at no cost; however, some recipients must pay copayments for certain services. Once enrolled, Medicaid participants gain coverage for such services as doctor visits, hospital care, well-child visits, home health, and long-term care. The Ohio Department of Medicaid is funded with federal, state, and local revenues.¹

ODM Outside Employment Policy, ODM-IPP 5003 states, in part;

- An employee seeking or involved in outside employment shall immediately notify ODM in writing of such outside employment by completing and submitting a ODM 01793 Notification of Outside Employment form (See Appendix B)

¹ Source: Biennial budget documents.

- The ODM 01793 is then submitted to the employee's supervisor or manager for review and signature. It will then be submitted for final review and acknowledgement by the office's deputy director. In either case, if there are any ethical concerns or questions about the employment, the manager/ supervisor and/or the deputy director should contact the Office of Legal Counsel.
- Employees may not accept or maintain any outside employment that would present a conflict of interest, interfere with regularly assigned Agency duties, or require the utilization of or derive benefit from state resources.
- An employee may not use state resources for purposes other than state business as defined in various ODM policies. These include but are not limited to: ODM-IPP 2101 Payment Card Program; ODM-IPP 4100 Telephone Usage; and ODM-IPP I0002 Computer and Information Systems Usage.

ODM Standards of Employee Conduct Policy, ODM-IPP 0003 states, in part;

- Outside Employment - Employees shall not have a direct or indirect financial interest or other interest that conflicts or appears to conflict with one's government duties and responsibilities. For more information regarding conflicts of interest or outside employment see Chapters 102 (the Ohio Ethics Law) and 2921 of the Ohio Revised Code. Employees must report outside employment in accordance with IPP 5003.

ODM Computer and Information Systems Usage Policy, ODM-IPP 10002 states, in part;

Prohibited uses of computers and information systems.

- Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related.
- Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
- Using the Internet to sell goods or services not job related or specifically authorized in writing by an approving authority.

INVESTIGATIVE SUMMARY

Issue 1: Conflict of Interest by Receiving Medicaid Payments while Employed by ODM.

On January 5, 2018, several Ohio Department of Medicaid employees received an invitation to the grand opening of the Cornerstone Care Counseling Center LLC (CCCC) office, to be held on February 3, 2018. The brochure distributed for the opening stated that ODM Medicaid Health Systems Administrator 1 Kimberly Williams, owner of the CCCC, was accepting Medicaid payment for services provided through the center.

On January 19, 2018, the Office of the Ohio Inspector General received a complaint from the Ohio Department of Medicaid involving employee Williams, who was suspected of illegal and improper activity. ODM reported that on June 16, 2016, Williams completed an ODM Notification of Outside Employment form. On this form Williams reported that she was the owner and provider of Cornerstone Care Counseling Center LLC (CCCC). Williams claimed she provided mental health and substance abuse counseling for individuals, families, and groups and had been a Medicare and Medicaid provider since March 10, 2015. However, Williams indicated on the Notification of Outside Employment form that she did not have a Medicaid provider number. Williams noted that once she obtained a Medicaid provider number, she would be billing for Medicaid services provided at the CCCC. [\(Exhibit 1\)](#)

On June 29, 2016, ODM Legal Counsel Heather Sullivan provided Williams with the following response to her request for outside employment.

I have reviewed the possibility of a conflict of interest with your position at ODM and your status as a Medicaid provider. In the performance of your public duties with ODM, you are prohibited from engaging in outside employment with a party seeking to do business, or currently doing business, with your own agency **unless** it is determined by ODM that you are able to withdraw, as a public official or employee, from consideration of matters that affect the interests of the party with which you desire to engage in private outside employment or business activity.

Given your job duties, ODM has determined that you are unable to sufficiently withdraw from consideration of matters that would impact your private outside employment.

Conclusion: It is the opinion of the Ohio Department of Medicaid's Office of Legal Counsel that based on your current position at ODOM and the facts presented and that are identified in this memorandum, you may not continue to act as Medicaid provider while employed as a Medicaid Health Systems Administrator at ODM because it would present a conflict of interest.

If you would like further guidance, you may consult the Ohio Ethics Commission for an analysis of this situation. If the Ethics Commission renders an advisory opinion concluding that there is no violation of the statutes under its jurisdiction, the person to whom the opinion is addressed, as well as those similarly situated, may rely on that opinion, and be immune from criminal prosecutions, civil suits, and removal actions for violating any such statute. R.C. 102.08 ([Exhibit 2](#))

On April 28, 2017, ODM Legal Counsel Sullivan provided Williams with a second notice of a conflict of interest regarding her outside employment. This Interoffice Memorandum stated that ODM received an allegation that Williams was receiving Medicaid payments for services ...

... provided by your company through a subcontract relationship. When Labor Relations asked you about these allegations, you denied them, indicating that your new business is not currently a Medicaid provider and that you have no plans to become one when the business opens in May. You indicated that you had been a provider in the past but that business is now just associated with private insurance companies. You denied having plans to hire someone to process claims through Medicaid. You also indicated that you know to reach out to the Office of Legal Counsel or the Ohio Ethics Commission before you would do anything associated with Medicaid.

Based on your interview with Labor Relations, there does not appear to be a conflict of interest. However, I would like to provide you a copy of the original analysis provided to you on June 28, 2016. While this analysis did not address the use of subcontractors or partners to bill Medicaid, I would like to make it clear that this type of relationship would be improper and would result in a conflict of interest that would subject you to discipline, up to and including termination. Please feel free to contact me, or the Ohio Ethics

Commission, with any questions if there are changes to your outside employment situation. [\(Exhibit 3\)](#)

Issue 2: Using State-Issued Equipment and State Time to Conduct Private Business.

After several ODM employees received an invitation to the grand opening of the Cornerstone Care Counseling Center LLC's office location on February 3, 2018, ODM conducted a review of Williams' state-issued email and computer, as well as print log files. ODM discovered several documents that indicated Williams was using her state-issued computer to support a craft business, volunteer work with the Champaign County Opiate Task Force, and to solicit money for her CCCC business through a mural project. ODM also discovered personal health information of Williams' patients from her counseling service in Williams' state email records. Additionally, Williams advertised accepting Medicaid payments for her counseling business on CCCC service brochures she distributed to her ODM co-workers. Further, Williams sold raffle tickets at her desk to support her personal business, describing the items that would be distributed at the grand opening of CCCC on February 3, 2018. From a review of Williams' log data from a printing device she used at work, ODM determined Williams frequently printed documents that were personal in nature.

On January 30, 2018, a forensic image of Williams' state-issued computer hard drive was completed and analyzed. The analysis revealed 394 emails between Williams' personal Gmail account and her State of Ohio Medicaid email account. These emails included various attachments related to CCCC; specifically, assessment file forms to evaluate clients, case management forms, psychiatric progress forms, consent forms, transfer forms, intake forms, treatment plan forms, alcohol/drug treatment forms, release of information forms, and Internal Revenue Service documents. On January 31, 2018, ODM confirmed to investigators that Williams had a Medicaid provider number, but had not submitted billing under that provider number as of that date.

On March 29, 2018, The Office of the Ohio Inspector General conducted an interview with Kimberly Williams regarding her involvement with Cornerstone Care Counseling Center LLC during the period of time she was employed by the Ohio Department of Medicaid. Williams told

investigators she had been a state employee for 15 years and has been employed at ODM for 2 ½ years. She said that as a Medicaid Health Services Administrator 1, she supervises the Long-Term Care Payment Unit. Williams confirmed that she had submitted a secondary employment form in 2016 listing herself as the owner of CCCC and noted at the time, that upon issuance of her Medicaid provider number, she would be billing Medicaid for services provided to her Medicaid clients. She acknowledged that ODM informed her that she could not continue to act as a Medicaid provider while employed as a Medicaid Health Systems Administrator at ODM because it would be a conflict of interest.

Williams also agreed she received a second notice in 2017, due to an allegation that she was billing Medicaid for services she provided through a subcontractor or partner. Williams acknowledged she was again informed by ODM that doing so would constitute a conflict of interest. Williams denied billing Medicaid for services provided through anyone else and said she did not have any employees or partners. Williams stated she does advertise that CCCC accepts Medicaid recipients for treatment; however, she told investigators that she does not bill Medicaid and provides those services for free. She said she does this so that Medicaid recipients will not avoid coming to her for treatment because she is not a Medicaid provider.

Williams admitted emailing items involving CCCC documents between her private Gmail account and her state-issued Ohio Department of Medicaid email account. She agreed that some of the items she emailed were fliers promoting her CCCC business and CCCC forms that included client intake forms. Williams noted that she sent emails from her private email account to her state-issued ODM email account because she did not have time to read them at home, so she forwarded them to her state account. Williams also admitted that she emailed co-workers to sell raffle tickets for items to be distributed at the grand opening of CCCC. Williams also admitted she had sent emails to the Champaign County Drug Abuse Coalition, but stated that those emails were not related to ODM or her CCCC business.

Williams told investigators that she knew she was not permitted to conduct private business while on state time, was not permitted to use state equipment to conduct private business, nor was she permitted to solicit funds for her private business using state equipment and while on

state time. She acknowledged she was not permitted to accept Medicaid payments while employed by the Ohio Department of Medicaid.

CONCLUSION

On January 19, 2018, the Office of the Ohio Inspector General received a notification from the Ohio Department of Medicaid (ODM) that one of its employees, Medicaid Health Systems Administrator 1 Kimberly Williams, was operating a personal counseling business named Cornerstone Care Counseling Center LLC. ODM officials believed a conflict of interest existed as Williams provided literature announcing the opening of CCCC to co-workers indicating the center accepted Medicaid payments for services she was providing. ODM confirmed that Williams' Cornerstone Care Counseling Center LLC had been issued a Medicaid provider number, but she had not submitted any claims for Medicaid payments.

Accordingly, the Office of the Inspector General finds no reasonable cause to believe a wrongful act or omission occurred in this instance.

However, as part of the investigation of this complaint, a search of Williams state-issued computer and print log records confirmed that she was using her state-issued computer and printer for her personal business while on state time, an act prohibited by ODM Computer and Information Systems Usage Policy, ODM-IPP 10002. Additionally, she used the state equipment to solicit co-workers to purchase raffle tickets to support her private business, also prohibited by ODM Computer and Information Systems Usage Policy, ODM-IPP 10002.

Accordingly, the Office of the Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Medicaid to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Department of Medicaid should:

1. Review the actions of Medicaid Health Systems Administrator 1 Kimberly Williams to determine if administrative action is needed.
2. Consider cancelling the Medicaid provider number associated to Williams or Cornerstone Care Counseling Center LLC while Williams is employed by ODM.

REFERRALS

The Office of the Ohio Inspector General has referred this matter to the Columbus City Attorney's Office and the Ohio Ethics Commission for further consideration.



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NAME OF REPORT: Ohio Department of Medicaid

FILE ID #: 2018-CA00001

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
July 24, 2018

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