

REPORT OF THE STATE AUDITOR
on
CORRECTIVE ACTION PLANS and DISPUTED FINDINGS
from the
MAINE SINGLE AUDIT REPORT

Pursuant to Chapter 42 of the 2021 Resolves of Maine (H.P. 890, L.D. 1215, *Resolve, to Require the State Auditor to Report on Corrective Actions Regarding the Administration of Federal Grants*), I am pleased to present this executive summary and full report to the policy committees of the 131st Legislature having jurisdiction and oversight responsibilities over the policies and substantive matters of Executive Department agencies charged with implementing state programs with funding from Federal grant and award programs.

This report is comprised of the following elements: this executive summary and narrative, tables derived from the 2020-21 Single Audit Report, and explanatory slides and graphs from those audit reports, as well as the Single Audit Report for the fiscal year ending on June 30th, 2022.

I present this report with a view towards submitting this information from an unorthodox vantage point; that of a first-term legislator. I possess an outsized advantage not only as State Auditor, but I also have more than two decades of experience in government to inform how I am able to aggregate and synthesize information. Legislators, in the era of term limits in the Information Age, try to navigate public policy through towering, mountainous waves of data, competing priorities, and policy initiatives moving at breakneck speed. Even assuming a given lawmaker is an expert in the area of public policy that their committee work engages in, there's still the work of the many other policy committees, the Other Body, and the full Legislature to try to keep up with. Especially for new legislators, it's hard to process more information than you are given—in other words, you only really can fully understand what you're able to process out of all the information you receive. I remember only too well my first term and trying to sort out what was important now and what I could put aside for later. This report is meant to be a bit of a shortcut to that end.

The explicit expectation articulated in Resolves, Chapter 42 is to report to this Legislature on corrective action plans implemented by Executive Department agencies that originate from the findings derived from the work of our auditors during the course of the Single Audit. That is easy enough. In fact, that information is available in the Single Audit. I think the meat of the intent of L.D. 1215, however, was to bring to the attention of policymakers those areas of disagreement between our auditors and the custodians of the programs we review. In the oversight role of the Legislature, information such as this can highlight areas of risk that you may want to get a better understanding of.

This report, it is hoped, will help you have a stronger understanding of the power of your oversight role.

Let's begin with some context. In 2013, the Federal Centers for Medicare and Medicaid Services (CMS) decertified the Riverview Psychiatric Center (under the Maine Department of Health and Human Services (DHHS)) as a Medicare provider of psychiatric hospital services. Nonetheless,

the state continued to draw down Federal funds to provide those services. In the State Auditor's finding that year (2016-027), the Auditor noted that the state had drawn \$14 million in FY 2016, \$16 million in FY 2015, and \$10.5 million in 2014 after Riverview had been decertified. The state drew these funds after receiving legal advice that it was appropriate to continue to claim costs from the Federal government regardless of the certification status of Riverview. The Auditor warned that the effect could include "possible disallowed costs" and recommended that "DHHS should work with CMS to resolve this matter."

Management's response to the finding? "The Department disagrees with this finding. As stated in response to prior findings, the Department of Health and Human Services does not believe that this matter constitutes a finding nor that it is a "significant deficiency" in Department operations.

"The fact that CMS has refused to recertify Riverview—and has given no clear guidance on how the State would achieve that—is not new to the State. Indeed, the Department *has routinely communicated to the Legislature* the continued risk associated with using DSH funding for Riverview (emphasis mine).

"Notably, the Departments believes the decertification of Riverview was unjustified, and that nothing in Federal law or rule prohibits the State from continuing to use DSH funds to support Riverview. Furthermore, whereas the Effect of "Possible Disallowances" is a potential outcome, "Possible Noncompliance with Federal Regulations" is not. Any noncompliance that could occur already has occurred, resulting in the disputed decertification."

The Auditor's Concluding Remarks, issued in response:

"The office of the State Auditor is not making a determination as to whether or not Riverview should have been decertified as a Medicare provider of psychiatric hospital services. However, we are reporting on the fact that the State continued using Federal funds after Riverview was decertified."

The above sentence regarding communications to the Legislature caught my attention. In discussions with a number of current and former members who served on the Joint Standing Committee on Health and Human Services during the years covered by the Riverview audits, members allowed that yes, they did receive updates on Riverview. One member recalled that it was communicated that negative Federal action was "highly unlikely"; another remembered an emphasis on separating out the forensic unit as a possible solution to Federally-articulated concerns. Still another felt that with legal advice to proceed in hand, that there wasn't a feeling that there was lot of need to dig further into the matter. No one I spoke to recalled seeing the findings issued by the Office of the State Auditor.

It would be an unfair projection to assume it would have made a critical difference. It may not have; as discussed above, more information when one is already inundated isn't necessarily a cure. I can recall plenty of times when the pressure was on, and as an administrator or legislator I had to *make a decision*. You hope fervently that you're making the right one. As has been shown, we don't always get that right.

This point of doing our best with the best information available *at the moment* is an important one. The object lesson we are relying on is told by the series of events and decisions that led to a Federal clawback of \$77,610,691, including \$2,063,246 in *interest* payments; but in my experience, regardless of partisan affiliation, management philosophy, or policy priorities, those who are charged with governance really and truly try their best. The work that we do in the Office of the State Auditor isn't geared towards pinning back anyone's ears or playing 'gotcha'. In fact, it is a paramount charge to a certified auditor that the purpose of an audit is *to add value to an organization*. That value is manifested in orienting information so that it helps an organization—and those who rely on the work of the organization—to understand where it is and where it's going. That is our intent here.

The operative question raised by passage of L.D. 1215 asks, then, is exactly how does the Office of the State Auditor add value with its findings, and what does that mean to policy makers and the general public?

As a legislator, it wasn't something I thought about very much. Much of my time was consumed by committee and constituent work, communicating with other legislators and leadership, being available to people in town, and just generally trying to be a resource to people. This last activity is where I learned the most about how government functions, and why. For me, a shortcut to understanding the underpinnings of an institution or policy is to try to understand what would work differently if we didn't have those institutions and policies.

We can provide plenty of examples of those types of situations. For now, as you review this report and the information condensed for your review, you will find you have plenty to consider in your oversight role; where programs operate efficiently and well, and where others struggle and need additional support. From there, you can wield the information to craft better policy on behalf of your constituents. Respectfully, from our view, that is entirely the point.

Matthew Dunlap, CIA
State Auditor

on behalf of the Office of the State Auditor

B. Melissa Perkins, CPA, Deputy State Auditor
Desirée Willigar, CPA, State Audit Director
Kristin Guerette, CPA, Audit Director of HR and
Administration
Chad Flannery, CISA, IT Audit Manager
Nancy V. Bodine, Fiscal Administrator of the
Unorganized Territory
Tracy Brackett, Business Operations and
HR Coordinator
Eva Campbell, Staff Auditor
Jacob Caron, CIA, Principal Auditor
Sonia Fan, Staff Auditor
Kirklynn Gates, Senior Auditor
Jennifer Griffin, Staff Auditor
Monique Lemieux, Principal Auditor
Jacob Norton, CIA, Principal Auditor

Emily Patterson, Administrative Assistant
Jennifer Pelletier, CIA, Principal Auditor
James Riordan, CIA, Principal Auditor
Shelby Schreiber, CFE, Senior Auditor
Chris Smith, CPA, Staff Auditor
Madeline Snow, CPA, Senior Auditor
Andrew Stevick, IT Senior Auditor
Amy Taitano, Senior Auditor
Jesus Taitano, Senior Auditor
Natalie Tyrol, CIA, Principal Auditor
Jeremy Vincent, Staff Auditor
Katie Wimbish, Senior Auditor
Darrolyn Worcester, CIA, Principal Auditor
Robert Worden, III, Senior Auditor
Morgan Ziemer, CPA, Principal Auditor



STATE OF MAINE
OFFICE OF THE STATE AUDITOR

66 STATE HOUSE STATION
AUGUSTA, ME 04333-0066

TEL: (207) 624-6250

Matthew Dunlap, CIA
State Auditor

B. Melissa Perkins, CPA
Deputy State Auditor

LETTER OF TRANSMITTAL

The Honorable Tim Nangle, Chair
Committee on State and Local Government

The Honorable Holly Stover, Chair
Committee on State and Local Government

Dear Mr. Chairman and Madam Chairwoman,

Enclosed you will find a report summarizing Single Audit findings issued by the Office of the State Auditor for the fiscal year ended June 30, 2021, where responses indicated a disagreement from management of the receiving department.

We are submitting this report in accordance with L.D. 1215, *Resolve, To Require the State Auditor To Report on Corrective Actions Regarding the Administration of Federal Grants*. The contents of this report are organized by Legislative Oversight Committee. A table of contents is presented on the following page.

Several findings noted within the report are redacted because they relate to confidential and sensitive information. Redacting this information is consistent with *Government Auditing Standards* promulgated by the U.S. Government Accountability Office. The confidential findings are presented at the conclusion of each committee section in order to provide full context for the number of agency disagreements. A complete listing of findings issued by the Office of the State Auditor can be found in the Annual Single Audit Report, presented on our website at: <https://www.maine.gov/audit/osa-reports/annual-single-audit.html>.

Respectfully submitted,

Matthew Dunlap, CIA
State Auditor

May 19, 2023

**Summary of Finding Disagreements
Fiscal Year Ending June 30, 2021**

Table of Contents

	<u>Page</u>
State and Local Government Committee	1-2
2021-003 Internal control over financial reporting of OFI overpayments needs improvement	
2021-008 Internal control over the valuation of the allowance for uncollectible fines and fees for Judicial Branch receivables needs improvement	
2021-024 Internal control over payroll transfers to the Coronavirus Relief Fund (CRF) needs improvement	
Education and Cultural Affairs Committee	3
2021-023 Internal control over education expenditures charged to the Coronavirus Relief Fund needs improvement	
2021-005 <i>Confidential Finding*</i>	
Health and Human Services Committee.....	4-8
2021-003 Internal control over financial reporting of OFI overpayments needs improvement	
2021-025 Internal control over subrecipient risk evaluation procedures needs improvement	
2021-042 Internal control over subrecipient cash management needs improvement	
2021-043 Internal control over Income Eligibility and Verification System (IEVS) procedures needs improvement	
2021-045 Internal control over cash benefits paid to TANF clients needs improvement	
2021-050 Internal control over Hospital and Long Term Care Facility audits needs improvement	
2021-052 Internal control over compliance with eligibility determination requirements needs improvement	
2021-054 Internal control over the eligibility determination process needs improvement	
2021-056 Internal control over deceased client cases and claims analysis needs improvement	
2021-012, 2021-017, 2021-058 <i>Confidential Findings*</i>	

Judiciary Committee9

2021-008 Internal control over the valuation of the allowance for uncollectible fines and fees for Judicial Branch receivables needs improvement

2021-007 Confidential Finding*

Labor and Housing Committee10

2021-021 Internal control over Unemployment Insurance claim payments needs improvement

2021-011 Confidential Finding*

**This finding has been redacted consistent with Government Auditing Standards, also known as the Yellow Book (Chapter 6, Standards for Financial Audits, Reporting Confidential or Sensitive Information, Requirements: Reporting Confidential or Sensitive Information, paragraphs 6.63 through 6.65)*

The summary table below presents fiscal year 2021 Financial Statement and Federal findings by joint standing committee. This summary provides additional context for how many findings apply to each joint standing committee, and known/likely Federal questioned costs.

Joint Standing Committee	# of findings	# of Repeat findings	Federal QC		Management's Response	
			Known \$	Likely \$	# of Agree responses	# of Disagree responses
Health and Human Services	34	26	\$8,601	\$779,731	22	12
State & Local Government	16	9	\$4,867	Undeterminable	13	3
Labor and Housing	4	3	\$2,032,324	\$29,100,000	2	2
Transportation	1	1	\$ -	\$ -	1	0
Education & Cultural Affairs	8	2	\$27,169	Undeterminable	6	2
Judiciary	2	2	\$ -	\$ -	0	2
Criminal Justice & Public Safety	5	0	\$ -	\$ -	5	0
Innovation, Development, Economic Advancement and Business	2	0	\$ -	\$ -	2	0
TOTALS	72	43	\$ 2,072,961	\$ 29,879,731	51	21

Commonly used acronyms in the following pages:

- OSA – Office of the State Auditor
- OSC – Office of the State Controller
- OFI – Office for Family Independence
- ACES – Automated Client Eligibility System

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: State and Local Government		
Finding 2021-003	Internal control over financial reporting of OFI overpayments needs improvement	
<p>Finding Summary: OSC records overpayments made by the State to the OFI's clients as a receivable owed by the client to whom the service was provided. The related expense should have been recorded in the General Fund since Federal funds cannot be used to pay for unallowable costs such as improper payments made by the State.</p>		
<p>Management Disagreement Summary: For TANF overpayments, the Department cites U.S. DHHS program guidance and asserts that recording the expense related to overpayments in the General Fund would be erroneous. For SNAP overpayments, the Department cites a different section of Federal program guidance. They conclude by stating that they received guidance from the relevant Federal offices for these programs justifying their accounting methods.</p>		
<p>Auditor's Response: This finding is over financial reporting of bad debts. Management's Disagreement does not address financial reporting, rather, it erroneously focuses on improper payment recovery.</p>		
SAR page: E-14	Repeat Finding: Yes, 2 years	Questioned Costs: None
Finding 2021-008	Internal control over the valuation of the allowance for uncollectible fines and fees for Judicial Branch receivables needs improvement	
<p>Finding Summary: The valuation of the allowance for uncollectible fines and fees for Judicial Branch receivables is not supported by documented, current and historical collections data, and other factors that support professional judgment. Receivables outstanding for more than 180 days are automatically deemed uncollectible.</p>		
<p>Management Disagreement Summary: Management's opinion is that the valuation using an aging methodology is based on subjective, as well as objective, factors including professional judgement. They believe the method is conservative, not overly sensitive to variations, is consistent with historical patterns and is not overly subjective or susceptible to bias. Applying this methodology, OSC accumulates relevant, sufficient, and reliable data on which to base the estimate, believes that the estimate is presented in conformity with the applicable accounting principles, and that disclosure is adequate. OSC plans to continue to reserve 100% of all fines over 180 days old, which has been the acceptable method for many years.</p>		
<p>Auditor's Response: OSC did not provide documented considerations for the valuation assumptions and methodology used to estimate the allowance for uncollectible fines and fees. Furthermore, the Judicial Branch chose not to provide collection data upon request, citing lack of resources.</p>		
SAR page: E-22	Repeat Finding: Yes, 2 years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: State and Local Government, continued		
Finding 2021-024	Internal control over payroll transfers to the Coronavirus Relief Fund (CRF) needs improvement	
Finding Summary: The Corrections Service Center and the Security and Employment Service Center prepared and processed journal transfers of payroll expenditures, which included vacation and compensatory time earned and accrued by employees prior to March 1, 2020, from the General Fund to CRF, upon employee termination. CRF allowability criteria states that costs charged to the program must be incurred subsequent to March 1, 2020.		
Management Disagreement Summary: Management asserts that payroll costs are incurred when the service is provided; however, the cost of leave benefits (including vacation, sick and compensatory time) is not incurred until claimed by the employee. The cost of benefits in question were claimed by substantially dedicated public safety employees during the period of performance in accordance with CRF guidance.		
Auditor's Response: The State is liable for and obligated to pay the cost of leave benefits as leave is earned by employees, not when utilized by employees. The leave benefit payouts noted as exceptions and reported as questioned costs were earned throughout employment prior to March 1, 2020; therefore, the obligations existed prior to the start of the CRF period of performance and do not meet allowability requirements.		
SAR page: E-72	Repeat Finding: No	Questioned Costs: \$4,867

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Education and Cultural Affairs		
Finding 2021-023	Internal control over education expenditures charged to the Coronavirus Relief Fund needs improvement	
Finding Summary: Supporting documentation for the reimbursement of education expenditures did not provide adequate evidence to support that the expenditures were incurred due to the public health emergency as required by Federal guidance.		
Management Disagreement Summary: The Department partially agrees with the finding. They assert that the Office of Federal Emergency Relief Programs has written justification of the projects and expenses that were proposed by the school administrative units to respond to the COVID-19 pandemic. They add that each justification was reviewed and discussed to determine if it was in fact an appropriate cost. They also consulted with their US. Department of Education program officer throughout the process. They concede that they failed to document their decisions separately from the application approvals and acknowledge that they did not fully document their discussions and determinations to justify the necessity and reasonableness of the costs. They assert that this was due to the urgency and time-sensitivity of the funding. Overall, the Department asserts that they spent the funding in accordance with all regulations and that all costs were appropriate.		
Auditor's Response: Supporting documentation provided by the Department for the reimbursement of \$27,169 for a campus athletics vehicle did not provide adequate evidence that this was a necessary, reasonable, and allowable expenditure incurred due to the public health emergency. Without documentation and evidence to substantiate that the reimbursement was for critical and time sensitive needs directly arising from the public health emergency, OSA asserts that the reimbursement was not to prepare for, prevent, or respond to COVID-19; therefore, the amount is reported as a known questioned cost.		
SAR Page: E-69	Repeat Finding: No	Questioned Costs: \$27,169
Confidential Findings:		
Finding 2021-005	_____ over the _____ system needs improvement	
SAR Page: E-19	Repeat Finding: Yes, 4 years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Health and Human Services		
Finding 2021-003	Internal control over financial reporting of OFI overpayments needs improvement	
Finding Summary: OSC records overpayments made by the State to the OFI's clients as a receivable owed by the client to whom the service was provided. The related expense should have been recorded in the General Fund since Federal funds cannot be used to pay for unallowable costs such as improper payments made by the State.		
Management Disagreement Summary: For TANF overpayments, the Department cites U.S. DHHS program guidance and asserts that recording the expense related to overpayments in the General Fund would be erroneous. For SNAP overpayments, the Department cites a different section of Federal program guidance. They conclude by stating that they received guidance from the relevant Federal offices for these programs justifying their accounting methods.		
Auditor's Response: This finding is over financial reporting of bad debts. Management's Disagreement does not address financial reporting, rather, it erroneously focuses on improper payment recovery.		
SAR page: E-14	Repeat Finding: Yes, 2 years	Questioned Costs: None
Finding 2021-025	Internal control over subrecipient risk evaluation procedures needs improvement	
Finding Summary: The Department could not provide evidence for three subrecipients to demonstrate that monitoring procedures were established in response to an evaluation of the subrecipient's risk of noncompliance with Coronavirus Relief Funds subrecipient awards.		
Management Disagreement Summary: The Department contracted with many new providers through limited period contracts in order to prevent the spread of COVID-19 infections by creating local prevention plans and providing education to businesses and towns. Guidance from the Federal government was to promote flexibility in the disbursement of these funds. The Department, knowing that the timing of contracting and disbursing these funds was critical and that many of these providers were new to contracting with the State, recognized these providers as "high risk". Recognizing these providers as "high risk", the Department utilized 2 of the 3 suggested monitoring tools in the Uniform Guidance based on the assessment of risk posed by the subrecipients. The third monitoring tool identified in the Uniform Guidance related to high risk subrecipients, performing on-site visits of subrecipient's program operations, was not practical in the middle of the pandemic.		
Auditor's Response: The Department failed to address or dispute the conditions relating to the three subrecipients identified in the finding. Even with the unprecedented impacts of the pandemic, Federal regulations still require the Department to evaluate each subrecipient's risk of noncompliance. In response to the Department's assertion that high risk subrecipients were recognized and monitored, no evidence, including risk evaluations, was provided to support this statement.		
SAR Page: E-75	Repeat Finding: No	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Health and Human Services, continued		
Finding 2021-042	Internal control over subrecipient cash management needs improvement	
<p>Finding Summary: The Department did not monitor subrecipients with "cost-settled" or "cost-settled by invoice" subawards to ensure they were drawing Federal funds in accordance with cash management requirements. The Department's current procedures include making advance monthly payments for the same amount and reconciling those amounts to the quarterly financial reports submitted by the subrecipient. This procedure does not take into consideration the time elapsing between the payment of Federal funds to the subrecipient and the subrecipient's actual disbursement for program purposes.</p>		
<p>Management Disagreement Summary: The Department asserts that they review budgeted expenses to determine their timing and nature; review quarterly expense reports to alter payments to meet immediate cash needs; and properly monitor subrecipients by looking at independent audit reports on the subrecipient for any issues. Overall, they assert that their approach is administratively reasonable and in fact does minimize the time elapsing between payment of Federal funds and disbursement by subrecipients.</p>		
<p>Auditor's Response: Reviewing budgeted expenses does not constitute sufficient monitoring because this review does not take into consideration the actual timing of when the funds are disbursed by the subrecipient. In addition, the Department does not obtain documentation to support the timing of the subrecipient's expenses as reported on quarterly expense reports. Reviewing audit reports of subrecipients can be beneficial; however, most of those reports aren't completed until after the Federal funds have already been spent, and do not necessarily include an audit of cash management activities. Therefore, review of subrecipient audits is not a substitute for sufficient monitoring.</p>		
SAR Page: E-105	Repeat Finding: Yes, 5 years	Questioned Costs: None
Finding 2021-043	Internal control over Income Eligibility and Verification System (IEVS) procedures needs improvement	
<p>Finding Summary: IEVS generates various discrepancy reports on a weekly, monthly and quarterly basis. The Department is required to resolve all discrepancies identified through IEVS reports within 45 days of receipt. Of the 194 IEVS discrepancies tested: 61 discrepancies were not addressed in ACES; 11 discrepancies were addressed between 4 and 40 days late; 2 discrepancies were not correctly addressed in ACES; and the auditor was unable to confirm if one discrepancy was updated correctly in ACES.</p>		
<p>Management Disagreement Summary: The Department disagrees with three discrepancies cited in the finding, and states that four standard operating procedures governing IEVS reporting were modified in FY2021. They noted that due to the pandemic, combined with manual processing, an uptick in errors was noted. They have created a Technology Roadmap workgroup and stated that IEVS automation is a component of this project.</p>		
<p>Auditor's Response: Of the 75 discrepancies identified, the Department disagrees with three of them. Furthermore, the Department did not provide adequate documentation to support their disagreement with these three discrepancies.</p>		
SAR Page: E-108	Repeat Finding: Yes, 3 years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Health and Human Services, continued		
Finding 2021-045	Internal control over cash benefits paid to TANF clients needs improvement	
<p>Finding Summary: The Department issues monthly direct cash benefit payments to TANF clients to provide temporary assistance to families as they work towards becoming self-sufficient. An overpayment was identified during audit testing. Though the case was referred to another division for overpayment in September 2020, the Department has not recouped any of the identified overpayment as of audit testing in March 2022.</p>		
<p>Management Disagreement Summary: OSA correctly identified an error; however, the Department has controls in place and identified the error timely. The case was referred for overpayment during the fiscal year.</p>		
<p>Auditor’s Response: Although the case was referred as an overpayment in September 2020, which was documented in the TANF client’s electronic case record, the Department subsequently issued another payment to the client (the erroneous overpayment identified by OSA), indicating a lack of adequate controls. As of audit testing in March 2022, the overpayment remains listed as pending in the TANF client’s electronic case record, 18 months after the initial overpayment was referred to another division, and the Department has not recouped any of the identified overpayment.</p>		
SAR Page: E-111	Repeat Finding: No	Questioned Costs: None
Finding 2021-050	Internal control over Hospital and Long Term Care Facility audits needs improvement	
<p>Finding Summary: The Division of Audit did not issue Hospital and Long Term Care Facility audits in accordance with Federal regulations.</p>		
<p>Management Disagreement Summary: The Department states that audits of Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) do not have a specific time requirement for completion, and that Federal regulations only require that periodic audits of financial records occur. All ICF/IID cost reports submitted to the Department are tracked in a database for audit purposes, and are audited as resources are available. The Department states that they have worked with Federal partners who have agreed with their interpretation of the regulation and the timing of audits for the ICF/IIDs.</p>		
<p>Auditor’s Response: Federal guidance states that the agency “must provide for the filing of uniform cost reports by each participating provider [and] periodic audits of the financial and statistical records of participating providers.” The Department is correct in its assertion that the regulation does not define a timeframe for either of these things. However, the Department requires that providers submit cost reports annually. The periodic audit of a facility’s financial and statistical records should follow the same pattern as the periodic submission of those financial and statistical records. Failure to do so leads to delays in identifying funds due to or due from the provider. Also, the Department’s interpretation that there is no deadline for performing audits of the financial and statistical records of ICF/IIDs leads to an open-ended timeframe where audits are never required to be completed.</p>		
SAR Page: E-121	Repeat Finding: Yes, 8+ years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Health and Human Services, continued		
Finding 2021-052	Internal control over compliance with eligibility determination requirements needs improvement	
Finding Summary: The Department does not have procedures in place for eligibility determinations to: ensure household income is complete and household size is verified; retain supporting documentation in client case files; verify applicant identity; and ensure that redeterminations are timely.		
Management Disagreement Summary: The Department believes that OSA is misinterpreting the regulation regarding electronic case files. The Department states that the eligibility system, ACES, is part of the electronic case record, and therefore by storing citizenship and identity verification within the ACES system, they are acting in accordance with State and Federal regulations.		
Auditor's Response: Federal requirements for evidence of citizenship and identity provide States with the options of relying on, without further documentation of citizenship or identity, a verification of citizenship made by a Federal agency or another State agency, or requiring further documentary evidence of citizenship and/or identity. The MaineCare Eligibility Manual details the Department's decision to require applicants to submit documentary evidence of identity beyond verification of citizenship made by a Federal agency or another State agency. In addition, the MaineCare Eligibility Manual states that "copies of citizenship and identification documents shall be maintained in the case record or electronic database." OSA agrees that ACES is part of the electronic case record, and where appropriate documentation was recorded in ACES, no exception was taken; however, the exceptions noted in the finding relate to instances where copies of documentation were required to be maintained in the electronic case record and were not. To ensure compliance with the requirements of the Federal awards, the Department must adhere to the procedures established for obtaining, using, verifying, and maintaining information relevant for eligibility determinations and the amount of assistance.		
SAR Page: E-127	Repeat Finding: Yes, 5 years	Questioned Costs: None
Finding 2021-054	Internal control over the eligibility determination process needs improvement	
Finding Summary: The Department does not have a documented review process in place to ensure information entered into ACES is accurate and complete, or to ensure that eligibility determinations are accurate. There is no comprehensive secondary review by a supervisor or peer to ensure the accuracy of data that is manually entered prior to eligibility determination.		
Management Disagreement Summary: The Department believes the systems in place are sufficient in meeting programmatic requirements to ensure accurate eligibility determinations are being made.		
Auditor's Response: The results of testing client eligibility determination requirements, as documented in finding 2021-052, identified material noncompliance with Federal regulations. The existing control environment as described by the Department did not prevent, or detect and correct, this noncompliance. In addition, the auditor requested evidence to support the Department's tracking of deficiencies identified through existing procedures, including the frequency and cause of deficiencies, and the implementation of broad-based corrective action taken in response to those findings. The Department did not provide evidence that this occurred.		
SAR Page: E-132	Repeat Finding: Yes, 3 years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Health and Human Services, continued		
Finding 2021-056	Internal control over deceased client cases and claims analysis needs improvement	
Finding Summary: There is a lack of procedures to ensure date of death (DOD) information is entered accurately and updated appropriately in ACES. There is also a lack of adequate procedures to ensure all claims paid after a client's DOD are identified, researched, and corrected. This can result in claims being paid on behalf of deceased clients going undetected and resulting in questioned costs and disallowances. Audit procedures identified 13 clients with a DOD that was inconsistent with the actual DOD as provided by Maine Vital Records. Audit procedures further identified an additional 65 claims that had service dates after death but were not identified by Department procedures.		
Management Disagreement Summary: While the Department acknowledges that exceptions were found during the audit period ending June 30, 2021, they noted that all of these occurred prior to their updated standard operating procedure governing DOD processing, which was implemented on April 26, 2021. The Department has procedures in place among multiple units to identify and recover claims paid with dates of service after the DOD.		
Auditor's Response: The Office of the State Auditor identified 65 claims that had service dates after death during audit testing in early 2022, which were not identified by the updated procedures implemented in April 2021. Therefore, procedures are not adequate to ensure claims are identified and reviewed.		
SAR Page: E-138	Repeat Finding: Yes, 2 years	Questioned Costs: None
Confidential Findings:		
Finding 2021-012	_____ over the _____ system needs improvement	
SAR Page: E-29	Repeat Finding: Yes, 3 years	Questioned Costs: None
Finding 2021-017	_____ over the _____ system needs improvement	
SAR Page: E-51	Repeat Finding: Yes, 3 years	Questioned Costs: None
Finding 2021-058	_____ over the _____ system needs improvement	
SAR Page: E-143	Repeat Finding: Yes, 2 years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

Legislative Committee: Judiciary		
Finding 2021-008	Internal control over the valuation of the allowance for uncollectible fines and fees for Judicial Branch receivables needs improvement	
Finding Summary: The valuation of the allowance for uncollectible fines and fees for Judicial Branch receivables is not supported by documented, current and historical collections data, and other factors that support professional judgment. Receivables outstanding for more than 180 days are automatically deemed uncollectible.		
Management Disagreement Summary: Management's opinion is that the valuation using an aging methodology is based on subjective, as well as objective, factors including professional judgement. They believe the method is conservative, not overly sensitive to variations, is consistent with historical patterns and is not overly subjective or susceptible to bias. Applying this methodology, OSC accumulates relevant, sufficient, and reliable data on which to base the estimate, believes that the estimate is presented in conformity with the applicable accounting principles, and that disclosure is adequate. OSC plans to continue to reserve 100% of all fines over 180 days old, which has been the acceptable method for many years.		
Auditor's Response: OSC did not provide documented considerations for the valuation assumptions and methodology used to estimate the allowance for uncollectible fines and fees. Furthermore, the Judicial Branch chose not to provide collection data upon request, citing lack of resources.		
SAR page: E-22	Repeat Finding: Yes, 2 years	Questioned Costs: None
Confidential Findings:		
Finding 2021-007	_____ over the _____ and _____ system needs improvement	
SAR Page: E-21	Repeat Finding: Yes, 2 years	Questioned Costs: None

**Summary of Audit Findings with Management Disagreements
Fiscal Year Ending June 30, 2021**

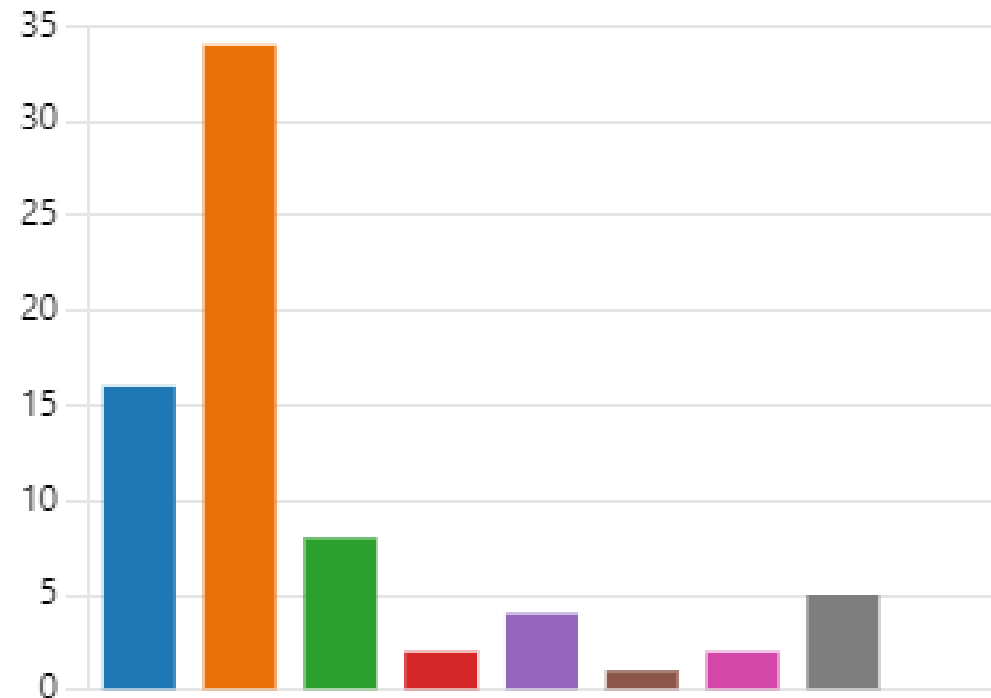
Legislative Committee: Labor and Housing		
Finding 2021-021	Internal control over Unemployment Insurance claim payments needs improvement	
Finding Summary: Maine Department of Labor (MDOL) did not follow standard operating procedures such as issuing warnings for failures to meet eligibility requirements, establishing overpayments when warranted, applying temporary holds on benefit payments when additional information is required, and conducting follow-up procedures such as fact-finding interviews when appropriate.		
Management Disagreement Summary: MDOL partially agreed with the finding. They acknowledge some of the issues specifically identified by the Office of the State Auditor (OSA), but overall assert that the majority of benefits were administered in accordance with Federal and State regulations, laws, and guidance. They acknowledge some of the issues surrounding initial eligibility and will explore additional procedures, but overall assert that they collect the necessary information to make the proper determinations. They disagree with the exceptions surrounding Pandemic Unemployment Assistance, citing Federal guidance. They also disagree with the work search issues identified, citing a different interpretation of State laws and regulations. MDOL agrees that additional data analytic controls should be implemented and enhanced over date of death and the verification of the age of claimants.		
Auditor's Response: OSA reasserts that the issues uncovered surrounding initial eligibility demonstrate that controls were not always effective, and that the necessary information needed to make an eligibility determination was not always obtained. OSA reasserts that the work search issues identified did not meet eligibility requirements under Maine State Law. OSA acknowledges that MDOL received Federal guidance on administering PUA benefits; however, policies and procedures were not in place at the time of payment to properly determine eligibility, and payments were made to claimants who should not have received those benefits.		
SAR Page: E-59	Repeat Finding: Yes, 8+ years	Questioned Costs: \$2,032,324
Confidential Finding:		
Finding 2021-011	over the _____ system needs improvement	
SAR Page: E-28	Repeat Finding: Yes, 3 years	Questioned Costs: None

Audit Summary Findings

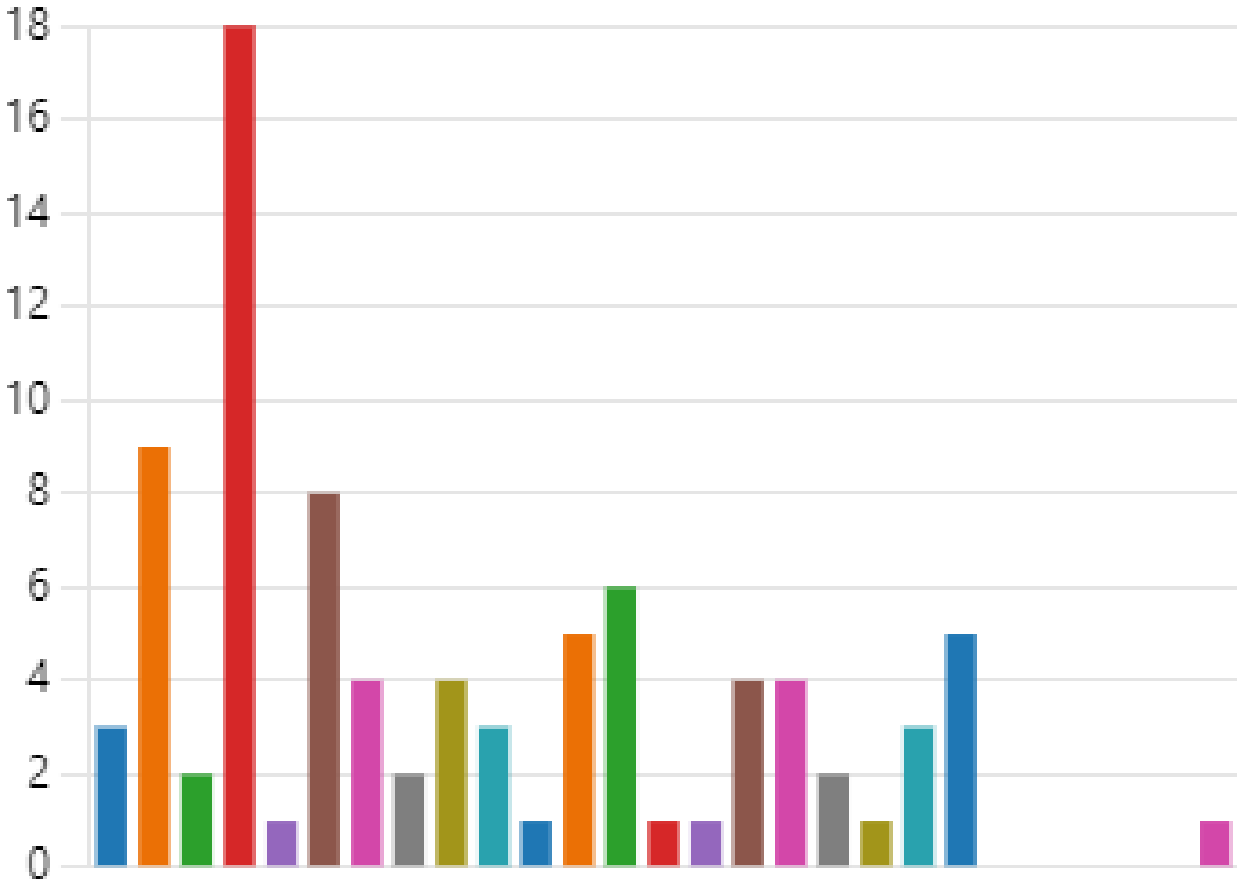
2021

By State Department

● Administrative and Financial Ser...	16
● Health and Human Services (DH...	34
● Education (DOE)	8
● Judicial Branch	2
● Labor (DOL)	4
● Transportation (DOT)	1
● Economic and Community Deve...	2
● Defense, Veterans and Emergen...	5
● Corrections	0



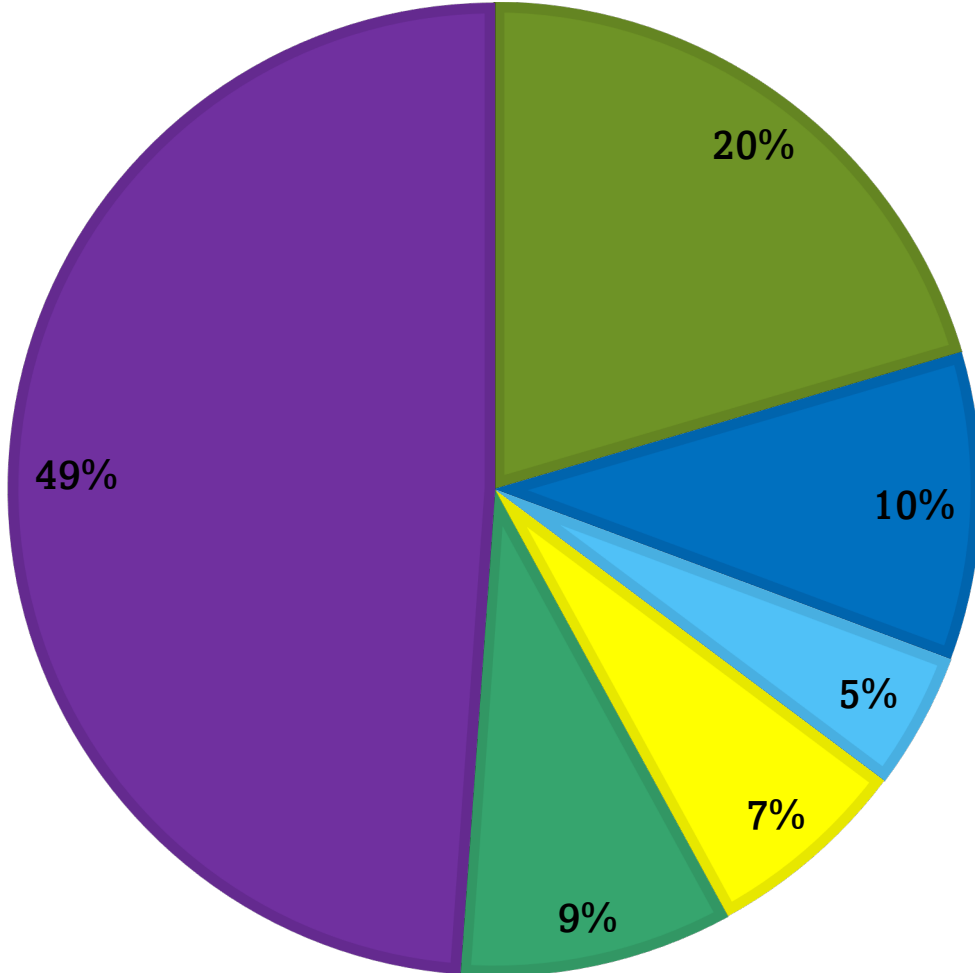
State Bureau



- General Government Service Ce... 3
- Office of the State Controller (O... 9
- Health and Human Services Ser... 2
- Office for Family Independence ... 18
- Bureau of General Services 1
- Maine Center for Disease Contr... 8
- School Finance and Operations 4
- Administrative Office of the Cou... 2
- Unemployment Compensation 4
- Security and Employment Servic... 3
- Finance and Administration (DOT) 1
- Office of Information Technolog... 5
- Division of Contract Management 6
- Office of Federal Emergency Reli... 1
- Corrections Service Center 1
- Division of Audit (DHHS) 4
- Commissioner's Office 4
- Learning Systems (DOE) 2
- Office of Child and Family Servic... 1
- Office of MaineCare Services 3
- Maine Emergency Management... 5
- Bureau of Alcoholic Beverages a... 0
- Office of Employee Health and ... 0
- Natural Resources Service Center 0
- Human Resources 0
- Child Nutrition Services 0
- Office of Federal Emergency Reli... 1

State Bureaus

BUREAUS
■ OFI ■ OSC ■ Commisioner ■ DCM ■ MeCDC ■ All other

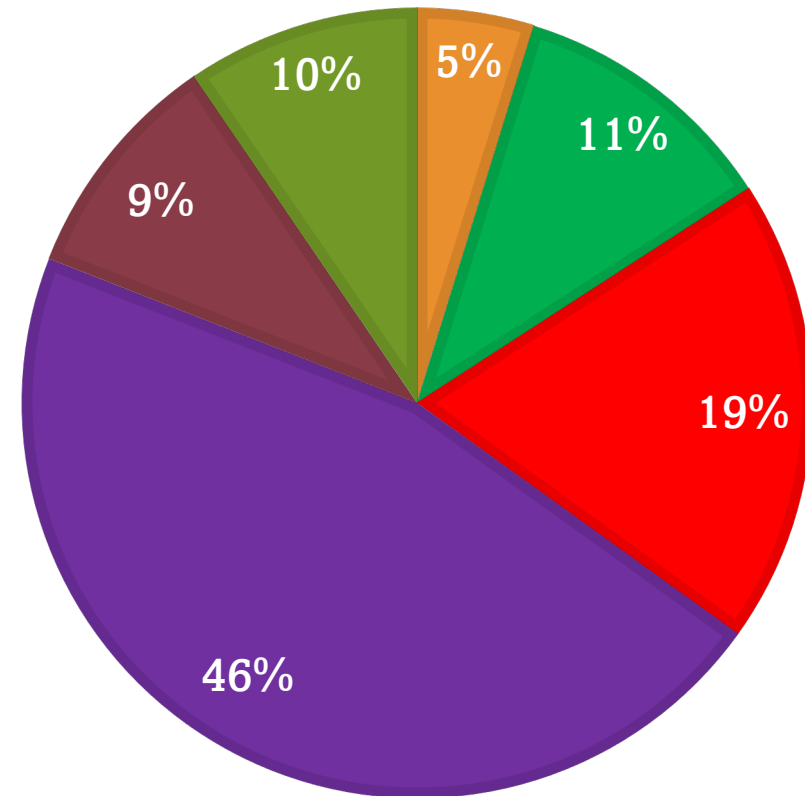
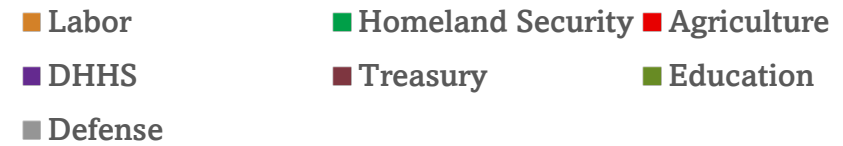


Total 88 bureaus named in 63 findings

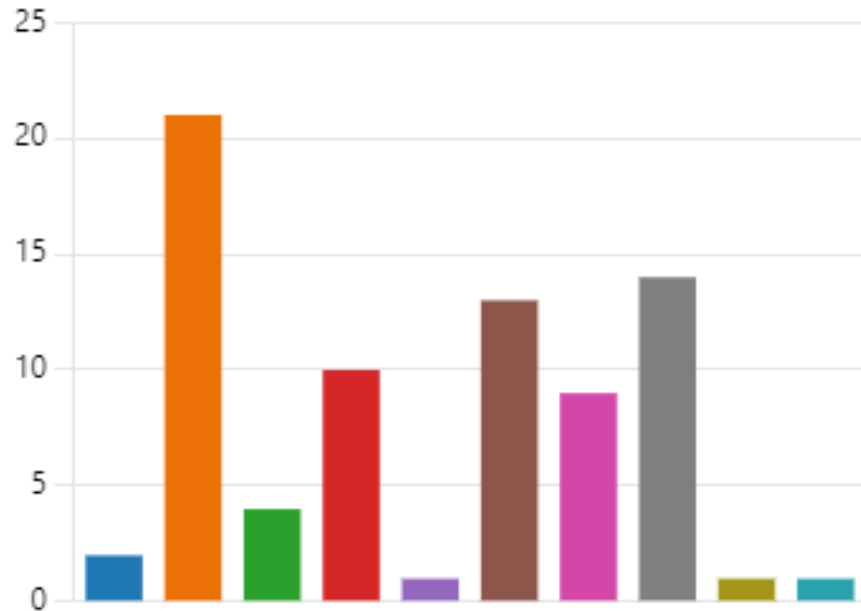
Federal Agency

● U.S. Dept. of Labor	5
● U.S. Dept. of Homeland Security	4
● U.S. Dept. of Agriculture	29
● U.S. Dept. of Health and Human...	42
● U.S. Dept. of Treasury	4
● U.S. Dept. of Education	6
● U.S. Dept. of Defense	2

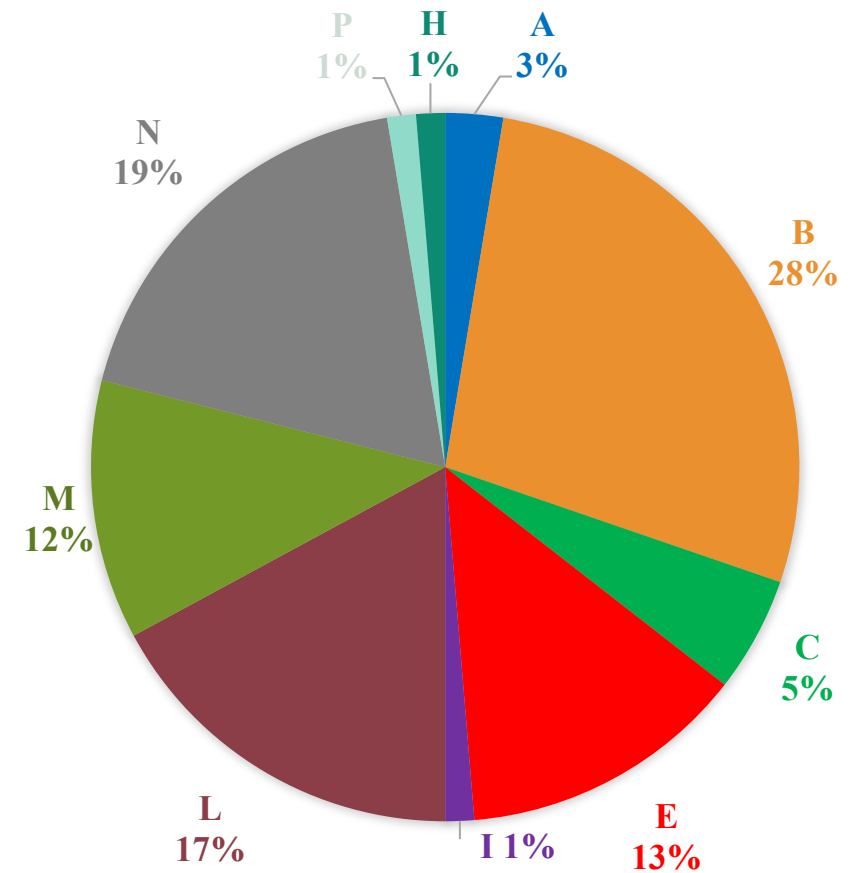
FEDERAL AGENCY



Compliance Area



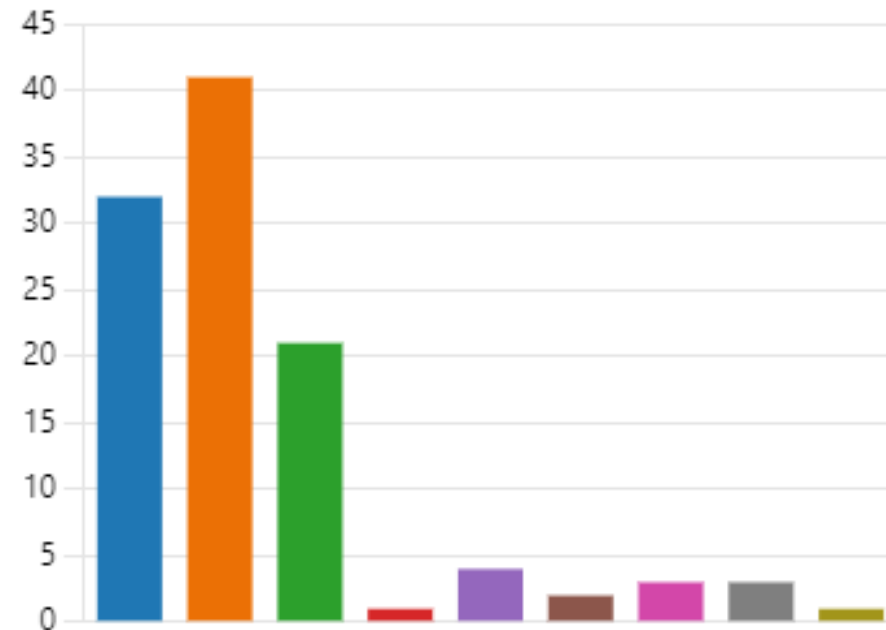
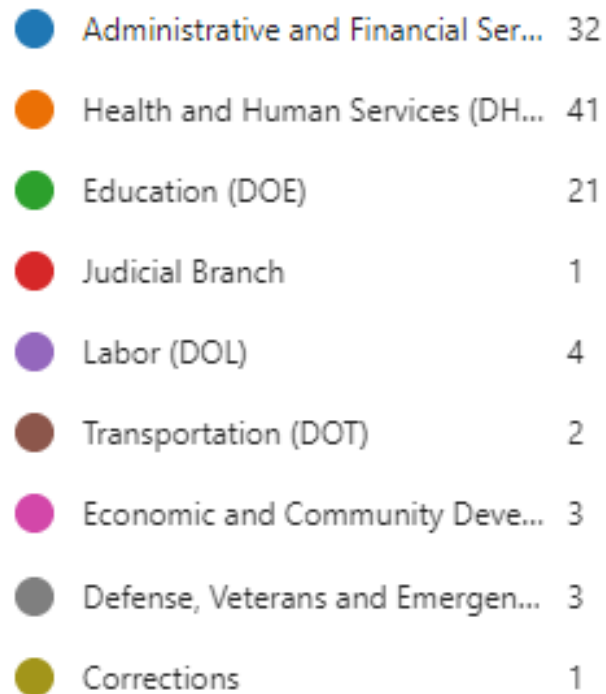
Allowable Activities	2
Allowable Costs/ Cost Principles	21
Cash Management	4
Eligibility	10
Matching, level of effort, earmar...	1
Reporting	13
Subrecipient Monitoring	9
Special Tests and Provisions	14
Period of Performance	1
Procurement, Suspension and D...	1



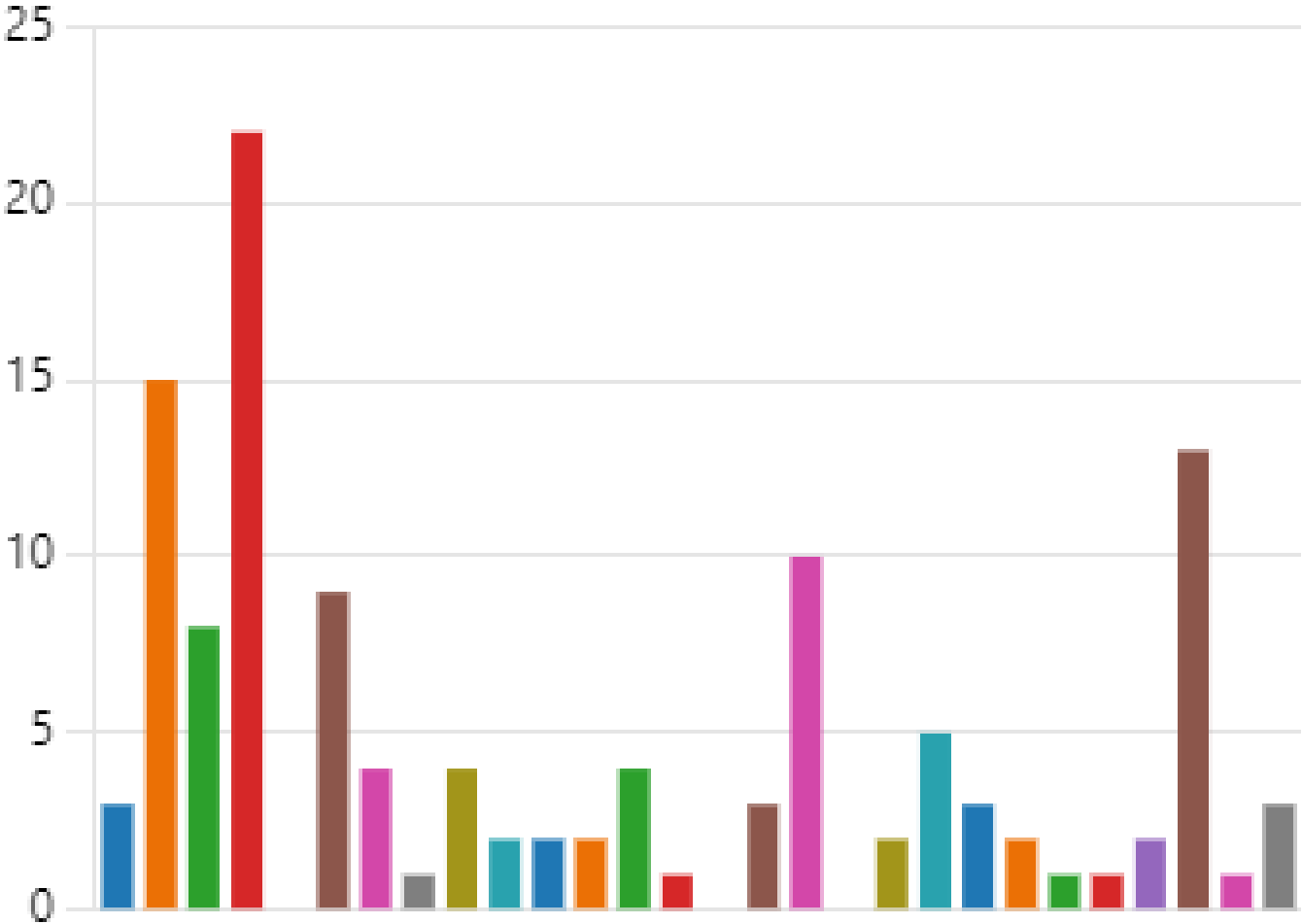
Audit Summary Findings

2022

By State Department



State Bureau

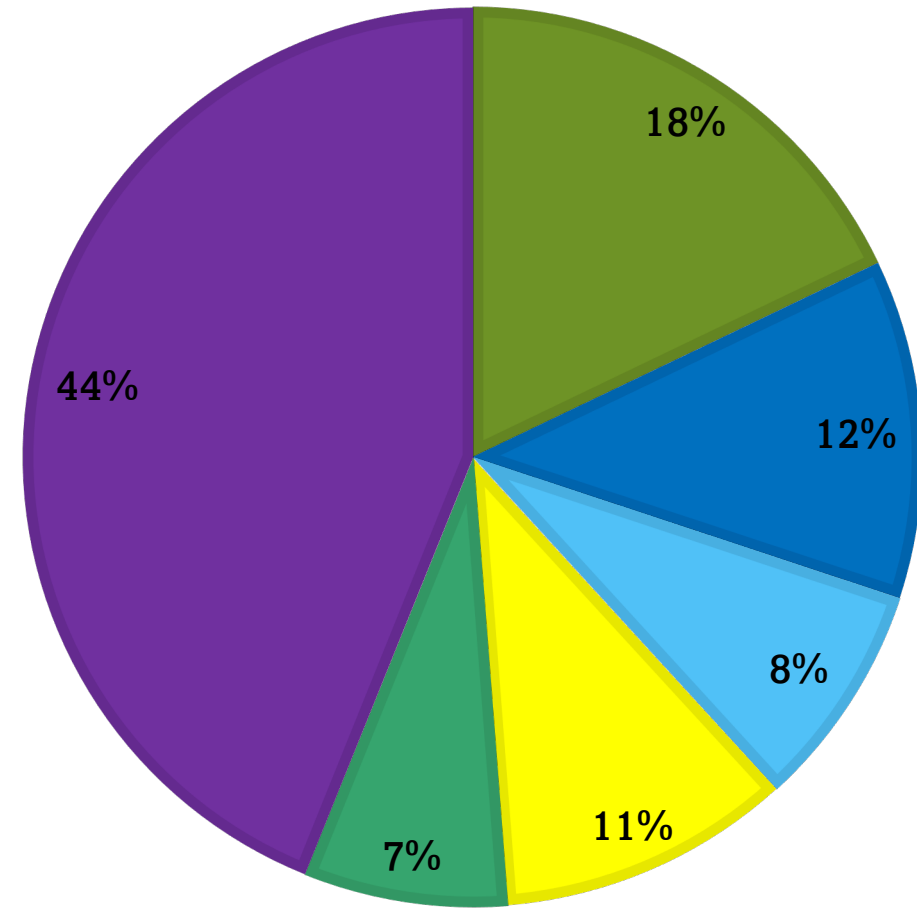


- General Government Service Ce... 3
- Office of the State Controller (O... 15
- Health and Human Services Ser... 8
- Office for Family Independence ... 22
- Bureau of General Services 0
- Maine Center for Disease Contr... 9
- School Finance and Operations 4
- Administrative Office of the Cou... 1
- Unemployment Compensation 4
- Security and Employment Servic... 2
- Finance and Administration (DOT) 2
- Office of Information Technolog... 2
- Division of Contract Management 4
- Office of Federal Emergency Reli... 1
- Corrections Service Center 0
- Division of Audit (DHHS) 3
- Commissioner's Office 10
- Learning Systems (DOE) 0
- Office of Child and Family Servic... 2
- Office of MaineCare Services 5
- Maine Emergency Management... 3
- Bureau of Alcoholic Beverages a... 2
- Office of Employee Health and ... 1
- Natural Resources Service Center 1
- Human Resources 2
- Child Nutrition Services 13
- Office of Federal Emergency Reli... 1
- Other 3

The "other" are actually OIT, but there was a spelling error during data entry.

State Bureaus

BUREAUS
■ OFI ■ OSC ■ Commisioner ■ Child Nutrition ■ MeCDC ■ All other

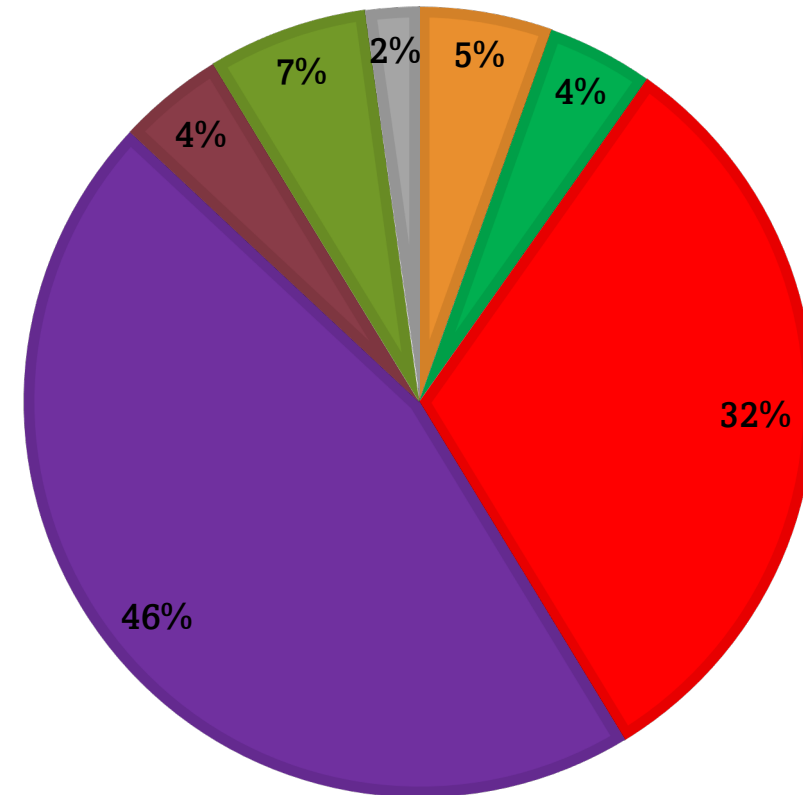
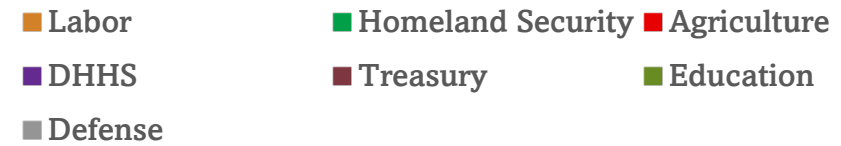


Total 123 bureaus named in 93 findings

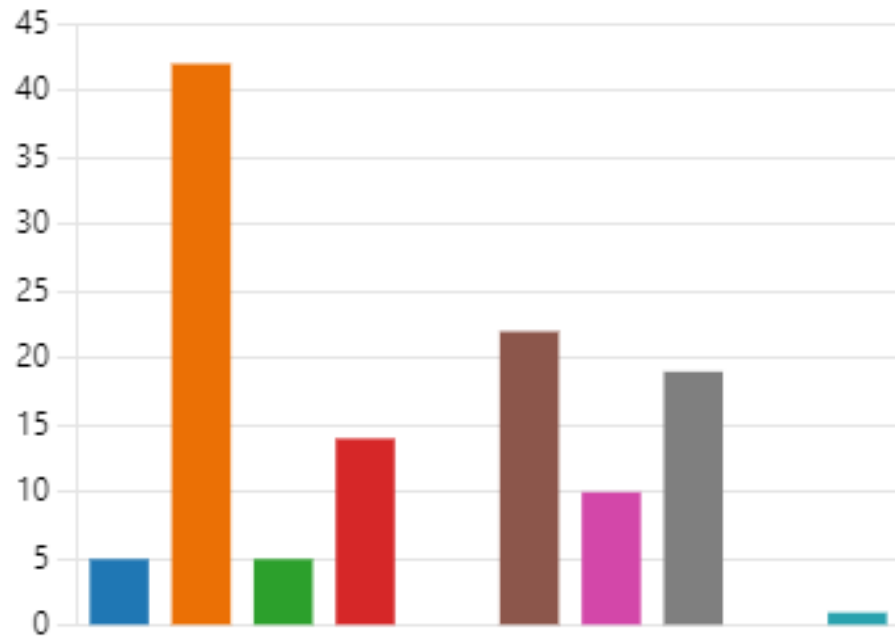
Federal Agency

U.S. Dept. of Labor	5
U.S. Dept. of Homeland Security	4
U.S. Dept. of Agriculture	29
U.S. Dept. of Health and Human...	42
U.S. Dept. of Treasury	4
U.S. Dept. of Education	6
U.S. Dept. of Defense	2

FEDERAL AGENCY



Compliance Area



Allowable Activities	5
Allowable Costs/ Cost Principles	42
Cash Management	5
Eligibility	14
Matching, level of effort, earmar...	0
Reporting	22
Subrecipient Monitoring	10
Special Tests and Provisions	19
Period of Performance	0
Procurement, Suspension and D...	1

