



OFFICE OF THE INSPECTOR GENERAL  
MONTGOMERY COUNTY MARYLAND

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MEGAN DAVEY LIMARZI, ESQ.  
INSPECTOR GENERAL

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REPORT OF INVESTIGATION

Tree House Child Advocacy Center of Montgomery County, MD

OIG Publication # OIG-21-007

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NOVEMBER 20, 2020

## Why We Did This Investigation

We conducted this investigation in response to complaints received from staff of the Tree House Child Advocacy Center of Montgomery County (Tree House), a County contractor. The breadth and seriousness of the allegations were wide-ranging. Complainants alleged misconduct and mismanagement by Tree House leadership and a County employee; and asserted that Tree House management misstated information in order to obtain funding and continued Council support.

## What We Found

1. The Tree House fiscal year (FY) 2019 Annual Report presented incorrect data for Family Advocacy Services, Mental Health Services, and Medical Exams. However, we were not able to substantiate claims that inconsistencies between internal data and what was reported externally was done to influence prospective donors or the County's decision to extend contracts or grants.
2. We did not substantiate the allegation that Tree House provided incorrect supporting information on FY2020 County grant applications.
3. We did not substantiate the allegation that the Tree House Director lied or purposely made misleading statements to the County Council during a September 23, 2019 Council Health and Human Services Committee worksession.
4. In FY 2018 and 2019, Tree House did not adhere to contract terms when completing Maryland Child Protective Services (CPS) background clearances.
5. Tree House does not maintain, as required by contract, a tracking spreadsheet containing the status of employee background investigations and does not appear to have a mechanism in place to alert staff when reinvestigations are due.
6. We were not able to substantiate the allegation that the complainants were fired for providing information or cooperating with the OIG.

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## BACKGROUND

The Office of the Inspector General (OIG) received initial complaints on September 17, 2020, from staff members of the Tree House Child Advocacy Center of Montgomery County Maryland, Inc. (Tree House) alleging mismanagement, misconduct, and purposeful misrepresentations on the part of Tree House management. We subsequently received multiple other communications from the complainants' representative providing additional information. The original complaint was first sent to the Chair of Tree House's Board of Directors (Board) in June of 2020

Tree House is a 501(c)(3), non-profit entity that contracts with the County to provide "medical evaluations, forensic interviews, ongoing mental health therapy, victim support and advocacy services, integrated care coordination, and other related services to a minimum of 700 child victims of sexual/physical abuse and neglect."<sup>1</sup> Tree House is managed by a Director of Operations who is employed by the organization and a Director who is a Montgomery County Department of Health and Human Services (DHHS) employee. Tree House is overseen by a Board of Directors. The County provides Tree House with an additional two staff members, the facility that they operate from, and information technology systems and support. Tree House received approximately \$979,000 in County contracts in fiscal year (FY) 2019.

The Tree House Board Chairperson received the initial complaint in June of 2020 and subsequently sent it to DHHS management for them to determine the best course of action to address the allegations. DHHS management, in consultation with a representative of the County Attorney's Office, formed a four-person team to investigate the allegations. The team was comprised of two DHHS employees, the Chairperson of the Board, and an additional Board Member. DHHS also assigned the DHHS Privacy Officer to investigate allegations involving privacy issues. The DHHS investigative team conducted interviews of affected employees from July 27 to August 7, 2020. Believing that the investigation was closed, and suspecting that no action was taken, the complainants forwarded their allegations to a number of State, Federal, and County government entities, including the OIG.

After initiating this investigation, the OIG was notified on September 23, 2020, by the complainants' representative that three of the complainants were terminated from their employment with Tree House. The fired complainants were allegedly told only that their services were no longer needed. The representative alleged that the terminations left 40 children "abandoned and left alone" and with no psychologists on staff to take over the caseloads. The representative additionally alleged that the terminations were in violation of the Maryland Health Care Worker Whistleblower Protection Act. We added a review of these allegations to our on-going investigation.

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<sup>1</sup> Statement of work for contract #1100369, period of performance July 1, 2020 to June 30, 2021.

In summary, the complainants alleged the following:

### **Misrepresentations**

- A pattern of deliberate misrepresentations and filing of false information in annual reports.
- A pattern of presenting false information to accreditation agencies, funders, and the Montgomery County Council.
- Staff job descriptions provided in grant applications and other reports do not reflect the amount of time staff members spend on fundraising and grant development.
- Misrepresentations were brought to the attention of the Tree House Director and the Director of Operations but were not rectified.

### **Misconduct**

- The Tree House Director engaged in a variety of unprofessional behaviors, including harassing a LGBTQ+ employee, yelling at employees, and failing to ensure the security and safety of staff.
- The Tree House Director demonstrated a willingness to lie to regain accreditation.
- The former Mental Health Director was fired in retaliation for reporting allegations of wrongdoing to the Chair of the Tree House Board of Directors.
- Allegations that resulted in the former Mental Health Director being fired were fabricated.
- The current Mental Health Director may have falsely claimed to have been certified in Trauma Focused Cognitive Behavioral Therapy (TF-CBT), which the complainants described as Tree House CAC's main treatment modality.
- The Director of Operations altered staff timesheets for submission to funders and requested that staff sign timesheets inflating the amount of time spent on grant-funded projects.
- The Tree House Director unlawfully provided employees his log-on credentials to CHESSIE, a State of Maryland system containing sensitive information. In one case, he allowed a staff member to perform staff background checks using his log-in information.
- A conflict of interest occurred when the Tree House Board referred the allegations to the Tree House Director's supervisor.
- The Director of Operations used a personal credit card for Tree House purchases and then sought reimbursement in order to get airline miles/points.

### Mismanagement

- The current Mental Health Director exhibited poor judgment in a clinical setting. (patient assessments, staffing assignments, etc.).
- The current Mental Health Director lacks adequate training for the position and is not qualified to supervise clinicians, leading to increased workload for other staff.
- Newly hired Licensed Master Social Workers did not receive the supervision required under Maryland law.<sup>2</sup> The complainants noted the situation was rectified by reorganizing the supervisory structure.
- Administrative support is not sufficient or has historically been done so poorly as to need to be redone by clinicians.
- General mismanagement of sensitive and Protected Health Information (PHI).

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<sup>2</sup> Maryland Department of Health Occupations Title 19. Social Workers, Subtitle 3. Licensing

## INVESTIGATIVE FINDINGS

The uncertainty surrounding the County's authority over Tree House and its role in directly managing aspects of the organization affected the OIG's approach to this investigation. Tree House is a registered 501(c)(3) entity and as such is independent of the County. As a contracted entity, Tree House is required to comply with contract terms, some of which require deliverables to the County. However, the Tree House Director is a County employee and according to his job description "assists in managing the overall operation"<sup>3</sup> of the organization. As far as we could observe, the Director performs every leadership function except for directly hiring and firing Tree House's non-County employees. The Chair of the Tree House Board stated that the Director had unwritten authority and provided a lot of direction. The Chair acknowledged the potential for a conflict of interest with the Director serving both entities.

We anticipate that the County will evaluate this issue further and therefore, our investigation was limited to areas where the County had clear authority and where County resources were at risk. We examined whether Tree House or the Director made materially false statements or representations to the County to influence the awarding of grants. We investigated allegations related to background check requirements. We additionally examined whether the firing of three complainants was done in retaliation for their cooperation with the OIG.

Many of the remaining allegations were or are being explored as part of DHHS's two investigations. During our investigation, we interviewed the lead investigators for both DHHS investigations and responsible DHHS managers. We urged DHHS to ensure that they thoroughly examine all relevant allegations and take appropriate steps to address deficiencies. We continue to be particularly concerned about allegations dealing with the mismanagement of sensitive information and PHI.

In October of 2020, the OIG published the results of an investigation (OIG Publication #21-003, *County SharePoint Platform Exposes Sensitive Information of Vulnerable Populations*) into the exposure of Tree House client information on a County file sharing platform. The Director of Operations indicated that she was not apprised of the exposure until a week after the OIG notified County government leadership and DHHS. This incident speaks to issues managing sensitive data and perhaps the broader issue of lacking clearly defined roles between Tree House and the County.

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<sup>3</sup> Manager III - Tree House Child Advocacy Center job description

### Misrepresentations to Obtain County Grants

The complainants primarily alleged two types of misrepresentations. First, Tree House consistently inflated the numbers of clients and services presented on its annual reports and grant applications in order to secure funding; and second, the Tree House Director, a County employee, presented misleading information to the Montgomery County Council regarding therapist caseloads and the use of the County's language line for interpreters in order to obtain the Council's continued support.

#### Published Misrepresentations on Annual Reports

The complainants presented examples where published data was allegedly inconsistent with an internal tracking database used by Tree House. They specifically noted the following inconsistencies between the FY2019 Annual Report and an internal tracking database:

- Family Advocacy Services - Tree House asserted they saw 693 clients and provided 1,096 sessions. The complainants argue that the numbers should be 111 and 325, respectively.
- Medical Exams - Tree House notes that they provided medical exams to 444 clients and held 484 sessions. The complainants argue that the numbers should be 162 and 195, respectively.
- Mental Health Services - Tree House reported seeing 296 clients and providing 1,827 sessions. The complainants assert that the number of clients should have been 233 instead of 296.

The complainants also noted Tree House's FY2018 Annual Report exaggerated the number of medical exams provided. They contend that Tree House included other non-qualifying activities in their calculation of medical exams. They also alleged that the discrepancy was brought to Tree House management's attention but ignored.

Under the terms of the contract with the County, Tree House is required to provide weekly activity reports, monthly reports, quarterly reports, and annual reports with essentially the same type of data as reported in Tree House's Annual Reports. The Tree House Director of Operations stated that the reports provided to the County and information used to generate Tree House's Annual Report is taken directly from Tree House's internal tracking system.

We compared reports provided to the County to satisfy contract requirements, reports provided by Tree House during our investigation, and published Tree House Annual Reports. We also interviewed relevant County and Tree House employees regarding the production of reports and potential discrepancies.



In general, we confirmed that the FY2019 Annual Report presented incorrect data for Family Advocacy Services, Mental Health Services, and Medical Exams. We corroborated our observations with the Director of Operations who explained that she mistakenly used data from the wrong dataset for the three categories. However, we were not able to substantiate claims that inconsistencies between internal data and what was reported externally was done to influence prospective donors or the County’s decision to extend contracts or grants. We also were not able to assess whether the reported data influenced donor or funder decisions to donate to Tree House.

While conducting our investigation, we found internal tracking reports to be difficult to interpret and included mislabeled data. With respect to the complainants’ assertion that Tree House’s FY2019 Annual Report misrepresented the number of family advocacy services provided, we found conflicting data in Tree House’s internal reports. Table 1 displays a comparison of the three data sets purporting to represent the number of clients provided family advocacy services in FY 2019.

**Table 1: FY2019 Family Advocacy (VA<sup>4</sup>) Data Comparison**

Dataset Title	Category	Number of Clients
Count of Individuals Served - by Type of Service Provided	VA Session Type	104
Total Clients (Cases) Served, by Type of Service Provided: Includes... Victim Advocacy Grouped by Reason for Referral	VA Allegation of abuse VA Requesting Other Indirect Services	102 2
VA Sessions	Count of Alleged Victims/Clients	693

The Director of Operations told us that the family advocacy numbers reported on the FY 2019 Annual Report (693) came from the VA Session dataset which represents a count of specific services provided and not the number of clients receiving them. She conceded that she used the wrong data on the annual report.

We again found inconsistencies with internal tracking documents when investigating the complainants’ assertion that the number of clients receiving Mental Health Services was incorrect. As with the family advocacy numbers, we found three datasets within the same

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<sup>4</sup> Family Advocacy was previously called Victim Advocacy and is still abbreviated “VA” on internal reports.

## INVESTIGATIVE FINDINGS

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report all containing differing information. The Director of Operations again admitted to mistakenly using the incorrect dataset to complete the Annual Report.

With respect to the complainants' claim that Tree House reported inflated numbers of medical exams and related sessions on the FY2019 Annual Report, the Tree House Director of Operations informed us that Tree House had mislabeled the information on the Annual Report. The Director of Operations told us that the data should be labeled "Medical Services" and not "Medical Exams." It appears that the same error was made in FY2018's Annual Report.

In reviewing the FY2019 Annual Report, we also noted that the subtitle on page 7 misidentifies the information displayed on the page. The page is titled "Clients Served" with a subtitle "Age, Race, And Gender Data (New Clients)". It then provides that they served 655 new clients and 125 ongoing clients during the reporting period. The page includes three pie charts with supposed breakdowns of new clients by gender, age, and race. The figures in the pie chart however equal the number of total clients (780 new and ongoing), not just the new clients (655) as implied by the title.

### Misrepresentations on Applications for County Grants

We reviewed application submissions by Tree House for Montgomery County Community Grants for FY2020 to determine if they used similarly incorrect data or made unsupported claims. The applications and supporting material presented in FY2020 applications included FY2019 data. The data presented on the applications very closely matched the records we had from Tree House's internal tracking system, not the incorrect data on Annual Reports. We found support for the represented number of clients receiving mental health services, as well as the number of phone consultations, chart reviews, and medical exams conducted on the grant documents.

### Misleading statements by the Tree House Director to the County Council

Complainants alleged that the Tree House Director, a County employee, "is on record lying or presenting misleading information to the Montgomery County Council during [the] HHS Committee Worksession on September 23, 2019." As an example, complainants provided that:

The Tree House Director "states that the workload standard is 15 cases for a full-time therapist. He fails to mention that most staff members technically classified as therapists carry a lower caseload because they a) perform essential functions at the Tree House other than direct services, and/or b) are required to conduct significant amounts of non-clinical administrative work."

We reviewed footage of the Tree House Director's testimony. During discussion regarding Council staff's recommendation for an additional therapist, Councilmember Alborno

requested information regarding the typical caseload per therapist seen “within this population.” In response, the Tree House Director answered:

“I will start by saying this work is very impacting and you cannot discount the fact that serving these children and hearing their stories has an emotional toll on the person who hears it. That said you can create a workload standard, and we have. It is for a fulltime equivalent 15 cases. That gives you ample opportunity for supervision, time to write notes, do whatever relaxation or decompression is necessary, and still help us meet the mission. That might sound lower than what you would hear in other mental health programs, but I’m telling you the nature of our work is specific, and its specialized, and its impacting. So, we try to run that standard across all the mental health positions that we have.”

The Tree House Director does not provide Councilmember Albornoz with the typical caseload per therapist at Tree House but instead discusses the workload standard. He further explains that the standard allows time for therapists to do other tasks.

The Tree House Director informed us that the standard is actually “three hours of direct client contact for every eight hours worked.” Mathematically, the standard is equivalent to 15 client contact hours per week for a fulltime employee. The Tree House Director told us that the Tree House Mental Health Director implemented the standard prior to his employment at Tree House.

It is not apparent to us that the stated example represents a lie or an attempt to mislead the County Council.

The Complainants also cited the Tree House Director’s answer to Councilmember Glass’ request to walk through the process for providing services to children and families that speak neither English nor Spanish as another example of the Tree House Director lying or presenting misleading information to the Council. They contend:

The Tree House Director “indicated that we try to avoid using the County’s language line and make every attempt to use an in-person interpreter. In reality, we use the language line, as [the Director] has told us that in-person interpreters are not available to therapists. He also indicated that we will attempt to find a DHHS employee that speaks the language and use them as an interpreter. This is not only inaccurate but not best practice for mental health care, as they are not trained interpreters.”

The following is a retelling of the exchange:

Councilmember Glass: So, what happens? Walk me through the steps when someone contacts you and there is that language disconnect.

Tree House Director: So, let’s say that a child presents and speaks Tagalog. Nobody at the Tree House speaks Tagalog. The first resource would be to see if

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there is an employee of the County, mostly in Human Services who does, and we would ask that individual to step away from their job and come to the Tree House and help, because this child needs to know what's going on in the medical exam. We know the forensic interview will be difficult with an interpreter, but we do what we must. And any therapist who wants to address suicidality or trauma impact will need an interpreter as well. Failing finding a County employee, there is a language service. One version is the language line where you can call up and via a telephone have someone interpret. We try to stay away from that. We would prefer to have a person there, so we would seek that service, which is also available, but takes more time to set up. And that's kind of how we do it.

The Tree House Montgomery County Child Advocacy Center Policy and Procedures manual provides that the County provides a language bank of employees, contracts for use of an interpreter via telephone, and contracts for an in-person interpreter. The policy states that "staff is always encouraged to use ORR [sic] certified bilingual staff as his/her first choice prior to using the Language Line or paid interpreter."

The Tree House Director's answer to Councilmember Glass is similar to what is stated in policy and does not appear to be a lie or an attempt to mislead the County Council. The current Mental Health Director informed us that staff is expected to follow policy. The current Mental Health Director was not aware of any instruction prohibiting the use of in-person interpreters.

### **Issues with Background Checks**

Complainants alleged that the Tree House Director unlawfully provided an employee his log-in credentials to the Children's Electronic Social Services Information Exchange (CHESSIE) system. The CHESSIE system allows for searches of the state's centralized confidential database of child abuse and neglect investigations to establish whether applicants for employment at Tree House meet required eligibility criteria to work with children. We in fact found that the suspected employee had independent access to the system.

We learned however that Tree House had not complied with two contract requirements related to background clearances for staff. In FY 2018 and 2019, Tree House did not follow the delineated process for completing Maryland Child Protective Services (CPS) background clearances. They also did not comply with DHHS requirements related to background investigations.

### Compliance with contract requirements for CPS background clearances

The County's contract with Tree House specifically requires that all staff providing services under the contract obtain a CPS background clearance by completing the CPS online form<sup>5</sup> and providing the signed and notarized original document to DHHS Child Welfare Services (CWS) through the Tree House contract monitor.<sup>6</sup> The CPS background clearance is used to verify the absence of any history that would preclude a person from working with or caring for children, including any findings related to a child abuse or neglect investigation. The CPS background clearance process involves running a query through CHESSIE.

We discovered that at the direction of the Tree House Director, a County employee assigned to Tree House conducted the queries of the CHESSIE system instead of processing the forms through CWS. The contract monitor stated that she was aware Tree House was using an employee to conduct the queries instead of following the terms of the contract. The contract monitor explained that while the practice did not strictly comply with the contract requirements, her principal concern was to ensure that the CPS background clearances were completed and that the work was done by someone who could properly interpret the findings and results. The contract monitor believed that the Tree House employee conducting the queries could utilize the CHESSIE system to complete the CPS background clearances because of their past work for CWS.

While examining DHHS Program Monitoring Review Forms completed by the contract monitor following her annual site visits to Tree House, we found that the contract monitor noted related deficiencies in 2018 and 2019. During the February 2018 site visit, the contract monitor found that Tree House did not have evidence of having conducted CPS Background Clearance checks in any employee/consultant file. Following the visit, the contract monitor discussed with the Tree House Director and Director of Operations the need to "formalize the CPS clearance process", begin using the Maryland CPS Clearance Request Form, and maintain documentation in employee files.

During the contract monitor's April 2019 site visit, she again was unable to locate completed CPS background clearance forms in most of the employee files she reviewed. Following the visit, the contract monitor requested that new CPS clearances be completed for those employees. The contract monitor reported finding CPS clearance documentation for all but one employee during a March 2020 site visit. Tree House was able to produce the missing document when prompted.

While the contract monitor agreed that Tree House was technically not in compliance with the contract, she did not consider this instance to be a "showstopper" or something that she

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<sup>5</sup> Information regarding the Maryland Child Protective Services Background Clearance Request form can be found at <https://dhs.maryland.gov/child-protective-services/background-search/>.

<sup>6</sup> County contract 1100369, Part III Quality Assurance, Section D.

## INVESTIGATIVE FINDINGS

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needed to report as a violation. The contract monitor acknowledged that in hindsight, someone might question the appropriateness of a Tree House employee using CHESSE<sup>7</sup> to access confidential information regarding their coworkers, especially given that conducting these checks was not part of the employee's normal work duties.

### Compliance with contract requirements related to conducting DHHS Background Investigations

The County's contract with Tree House also requires that they comply with the DHHS Background Investigation policy.<sup>8</sup> Generally, the policy requires that contractors conduct a background investigation for everyone that holds a position within a Vulnerable Population Program funded by a DHHS contract. DHHS requires that investigations be repeated every five years.<sup>9</sup> Additionally, the policy requires that the contractor maintain a tracking spreadsheet that contains the status of each employee's background investigation.

The contract monitor noted on DHHS Program Monitoring Review Forms for 2018, 2019, and 2020, documentation in employee files showed that background investigations were conducted.

However, when the OIG requested a copy of the background investigation tracking spreadsheet, the Director of Operations stated that she did not have one and was unaware of this requirement. Based on our discussions with the Director of Operations and our review of the DHHS Program Monitoring Review Forms, it does not appear that Tree House has a mechanism in place to track the status of employee background investigations or alert staff when a reinvestigation is due.

### **Other Findings and Observations**

The OIG was notified on September 23, 2020, by the complainants' representative that three of the complainants were terminated from their employment with Tree House. The representative alleged that the terminations left 40 children "abandoned and left alone" and with no psychologists on staff to take over the caseloads. We discussed both issues with Tree House and DHHS management. We learned that approximately 27 clients were affected by the terminations. We were told that every family was called directly and told their therapist no longer worked for Tree House. Some clients were reassigned internally right way. Others were

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<sup>7</sup> CHESSE has been replaced by a new system called Child Juvenile & Adult Management System (CJAMS). The Tree House employee does not have access to CJAMS

<sup>8</sup> See County contract 1100369 Part III Quality Assurance, Section C.

<sup>9</sup> DHHS states that the investigations are required only once every 5 years for a workforce member unless there is a break in employment of greater than 120 days.

offered a choice to be referred to another provider free of charge or continue with Tree House and potentially have to wait for a therapist to become available.

With respect to the complainants' terminations, we learned that the Director of Operations made the decision in consultation with the Tree House Board Chair and Tree House counsel. The Director of Operations asserted that the terminations were precipitated by letters and emails sent to funders and a number of government officials outlining allegations against Tree House. The Director of Operations and Board Chair explained that they believed the complainants' outreach was intended to do damage to Tree House by reducing funding. They contended that the Board and DHHS were actively taking steps to investigate the allegations and therefore communications with funders was unnecessary and potentially damaging to their organization's reputation.

The Director of Operations surmised that the complainants sent letters and emails to all the organizations named by their representative in a letter to the Tree House counsel in early September. In that letter, the representative vowed to send complaints to several Federal, State, and County agencies if Tree House did not withdraw the former Mental Health Director's termination and instead allow the Director to resign. The OIG and County Council were included on the list.

Section 2-151 of the Montgomery County Code provides that an employee, contractor or subcontractor with the County must not be retaliated against, penalized, threatened with retaliation or penalty, for providing information to, cooperating with, or in any way assisting the Inspector General. The statute designates such retaliatory actions as Class A violations.

After examining the issue, we were not able to substantiate that the complainants were terminated for providing information or cooperating specifically with the OIG.

## RECOMMENDATIONS

The obscure nature of the County's relationship with Tree House at the very least created a perception that the County is operating the organization. The organization is helmed by a County employee who by design provides direction and oversight to key operational programs. The employee was directly named or implicated in a number of the allegations made by Tree House staff. This investigation did not address most of those allegations as they were related to management issues and were being investigated by DHHS.

We focused our investigation on issues where we believed we had clear authority and where County resources were at risk. In doing so, we recommend the following issues be addressed by County and DHHS leadership:

1. The County clearly define its role in managing Tree House and thereby assign clear responsibilities to County staff working at Tree House.
2. The DHHS contract monitor actively scrutinize Tree House's compliance with all contract terms, including ensuring Tree House conducts background investigations for all staff as appropriate.
3. DHHS thoroughly investigate all remaining allegations as appropriate, especially issues related to data security and privacy.



## OIG COMMENTS TO CAO RESPONSE

The County Chief Administrative Officer's response to our report is included in its entirety in Appendix A. The response notes concurrence with each of the OIG's recommendations. Nothing in the response caused us to alter our report.

Additionally, there are aspects of the response that we believe will require further monitoring. We expect specifics of stated actions and plans to be included in the Internal Auditor's fiscal year 2021 annual report in accordance with County Code §2-25A (Council Bill 11-19).

# APPENDIX A: CHIEF ADMINISTRATIVE OFFICER (CAO) RESPONSE



## OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

Richard S. Madaleno  
*Chief Administrative Officer*

### MEMORANDUM

**TO:** Megan Davey Limarzi, Esq.  
Inspector General

**FROM:** Richard S. Madaleno *RSM*  
Chief Administrative Officer

**DATE:** November 19, 2020

**SUBJECT:** Report of Investigation – Tree House Child Advocacy Center of Montgomery County, OIG Publication Number 21-007

I would first like to thank the Office of the Inspector General for its work investigating these serious complaints related to The Tree House Child Advocacy Center of Montgomery County (Tree House). It is crucial that these allegations are investigated thoroughly considering the sensitive and important nature of Tree House's work. Below, please find the initial responses to your recommendations that we developed in the very limited time we had to respond to this detailed report. Rest assured that our investigation and the implementation of corrective actions on these recommendations will continue beyond what we are able to report today.

**Recommendation 1:** The County clearly define its role in managing Tree House and thereby assign clear responsibilities to County staff working at Tree House.

**Response:** Concur.

The Department of Health and Human Services (DHHS), in conjunction with the Office of the County Attorney (OCA) is reviewing the roles and responsibilities of the Tree House management to align with existing state and local requirements, contracts, advocacy center requirements, ethics regulations and Tree House 501(c)(3) documents. DHHS will clarify the roles and responsibilities of DHHS staff in supporting the work of the organization and in managing the Tree House contract to align with the review of those documents.

The Tree House Board of Directors recently hired an Executive Director, and we have begun to transition any duties currently supported by the County appointed Program Director who has been helping the organization to get on its feet since it was started in October 2017. This County staff member will have limited, non-daily interactions with Tree House and only in the context of supporting

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101 Monroe Street • Rockville, Maryland 20850  
240-777-2500 • 240-777-2544 TTY • 240-777-2518 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

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the newly hired Executive Director to transition fully into her role. This transition of duties will continue until December 31, 2020.

Oversight duties related to the DHHS Child Protective Services (CPS) division referrals will be assigned to another Child Welfare Services (CWS) staff person (TBD) including the supervision of the remaining two CWS staff assigned to Tree House. In addition, the role of the contract monitor overseeing the Tree House contract will be strengthened to reinforce the arms-length relationship that exists between the County and Tree House and to implement monitoring activities as described in OIG Recommendation #2, as well as corrective actions related to OIG Recommendation #3.

The DHHS Director; the Chief of Children, Youth, and Family Services; and the Social Services Officer will monitor these changes.

**Recommendation 2:** The DHHS contract monitor actively scrutinize Tree House's compliance with all contract terms, including ensuring Tree House conducts background investigations for all staff as appropriate.

**Response:** Concur.

Child Welfare Services will review and revise the contract monitoring plan for the Tree House contract to ensure the plan covers the full scope of the contract. On November 5, the Office of Procurement notified Tree House of contract performance deficiencies and provided a detailed list of actions for Tree House to take with deadlines for Tree House to remedy those deficiencies. DHHS would like to clarify that the contract monitor did actively follow DHHS contract monitoring protocols. As evidenced in the OIG report, the contract monitor detected irregularities and brought them to the attention of Tree House. Irregularities do not, however, necessarily rise to the level of a performance deficiency that would constitute a material breach or performance deficiency necessitating reporting of a violation. The contract monitor in this case reported that, while the background clearances were not being held in a manner where she could easily access them, they had in fact been completed. DHHS contract monitors are permitted to make corrective inquiries of vendors when they determine some irregularity. If the vendor is able to demonstrate improved performance, the contract monitor will not deem it a deficiency. All required background checks were available for review during the 2020 review.

Monitoring visits will be held two times each fiscal year for the next two years to support the transition and ensure compliance. We will solicit the support of the DHHS Compliance Unit during the next two visits to provide feedback on the protocols used during the review. These monitoring visits will continue to explicitly include verification of background checks. It is important to note that CPS background clearances are processed internally by Child Welfare Services, so there will always be a close relationship between Tree House and DHHS on this matter.

Additionally, DHHS is undertaking a variety of internal actions. DHHS will review current contract monitor training. The department will add to its current contract monitor training: (1) the elements of a compliance program, (2) site visit protocols for escalation of issues, and (3) a review of the County's contract general terms and conditions. The escalation protocols will focus on issues that contract monitors

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may find irregular but do not rise to the level of contract performance deficiencies. The review of terms and conditions is to ensure contract monitors are equipped to monitor the full scope of County contracts. This will be developed in time for the FY21 contract renewal period.

The DHHS Director and Chief Operating Officer will monitor the expansion of the contract management training. The Chief of Children, Youth, and Families and the Social Services Officer will oversee the development of a workplan with the Tree House administration by December 15, 2020.

**Recommendation 3:** DHHS thoroughly investigate all remaining allegations as appropriate, especially issues related to data security and privacy.

**Response:** Concur.

While the OIG was not able to substantiate four of the six allegations made against Tree House, the County takes all the allegations seriously. We agree that DHHS should thoroughly investigate the remaining allegations. The department maintains a robust investigatory capacity. The Compliance Unit at DHHS is already engaged in examining the financially related allegations. Issues related to confusion around data are of concern even though the overall allegation that the use of incorrect numbers to mislead funders was not substantiated. DHHS will work with Tree House to clarify how data should be collected and reported.

The DHHS Privacy Officer has already performed an investigation of privacy issues identified. The DHHS IT Team has worked to correct security issues in partnership with the Department of Technology Services (DTS) and completed all of the recommendations made in the DTS Change Management audit.

A pre-existing Business Associate Agreement (BAA) establishes the obligations of Tree House with respect to compliance with the HIPAA privacy and security rule. DHHS will be asking Tree House to designate a specific staff member who will be responsible for compliance moving forward. The designated individual will work with the DHHS Privacy Officer to complete the U.S. Department of Health and Human Services Privacy and Security Audit Protocol to develop a corrective action plan that identifies the risks to the confidentiality, integrity, and availability of information. The DHHS Privacy Officer will monitor the process and support Tree House to implement appropriate physical, technical, and administrative safeguards to mitigate identified risks. Additionally, the DHHS Privacy Officer will ensure that Tree House complies with notification requirements related to any potentially compromised data. The Office of the County Attorney will advise the DHHS Privacy Officer and oversee their work related to compliance with the HIPAA privacy and security rules.

As to overall information security concerns, a contract amendment to incorporate County Administrative Procedure 6-7, "Information Resources Security," into the contract has already been executed. This administrative procedure codifies information security protocols required for any County contractor that has access to County information systems. We will support Tree House's efforts to provide additional training to their staff on HIPAA. It is expected that the audit protocol and corrective action plan

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for security will be complete by the first quarter of 2021 and the privacy portion by the second quarter of 2021.

The Tree House Board of Directors, especially the new Board Chair, has been very cooperative with the County in bringing in an Executive Director and helping to investigate and address some of these allegations.

cc: Fariba Kassiri, Deputy Chief Administrative Officer  
Raymond Crowel, Director, Department of Health and Human Services  
Gail Roper, Director, Department of Technology Services  
Marc Hansen, County Attorney, Office of the County Attorney  
Ash Shetty, Director, Office of Procurement