



# Richmond Office of the City Auditor

Office of the Inspector General

*Fighting government waste, fraud and abuse*

**Umesh Dalal, CPA, CIA, CIG**

Richmond City Auditor/Inspector General

**March 25, 2013**

**Ms. Doris Moseley, Director, Department of Social Services**

The Office of the Inspector General (OIG) has completed an investigation in the Department of Social Services (DSS). This letter informs you of the results of the investigation.

## **Complaint**

The Office of the Inspector General received a complaint alleging a DSS employee assigned to Child Protective Services (CPS) entered a hospital to visit a client and proceeded to take pictures of the client's medical records in violation of HIPPA laws. In addition The Office of the Inspector General received a second complaint that the same employee used a City of Richmond vehicle to visit a Chesterfield County School where the DSS employee's child was attending.

## **Legal Requirements**

In accordance with the Code of Virginia, §15.2-2511.2, the City Auditor is required to investigate all allegations of fraud, waste and abuse. Also, the City Code section 2-231 requires the Office of the Inspector General to conduct investigations of alleged wrongdoing.

## **Findings**

### **HIPPA Violation:**

The investigator was able to identify the subject employee as a DSS Social Worker, assigned to Child Protective Services (CPS). The investigator interviewed the employee who accompanied the subject employee and confirmed that the subject employee attempted to take a picture of a patient's record during a visit at a hospital. Hospital personnel confronted the subject employee and questioned the subject employee's actions and notified Risk Management.

The Investigator contacted the hospital's Risk Management Department and was advised that the subject employee was trying to take a picture of the patient's medical records. Risk management personnel thought that the action by the Social worker was unusual, however, the employee had the authority to access the file and did not violate HIPPA laws.

**Personal Use of City Vehicle:**

The investigator was able to ascertain the school where the subject employee's child attended in Chesterfield County and requested the visitors log-in information. The investigator received confirmation that the subject employee visited the school during work hours on two occasions during the month of November 2012. On November 20, 2012 the subject employee signed the visitors log at 2:50 p.m. for a class party. On November 30, 2012 the subject employee signed the visitors log to celebrate grandparents and special guest day. This visit took place during the subject employee's child lunch period. During the November 30, 2012 visit the subject employee was working with another DSS employee who was being mentored by the subject employee. The subject employee was the operator of the City vehicle on November 30, 2012.

**According to Administrative Regulation 6.2**, City vehicles shall only be used for normal City business within the corporate limits of the City of Richmond. In addition, the Administrative Regulation does not allow personal use of City vehicles. The investigator also reviewed the subject employee's time records and leave requests and determined that leave request were not submitted for the times the subject employee visited the child's School in Chesterfield County.

The Investigator interviewed the employee who accompanied the Social Worker to the hospital and to the school. During the interview the employee affirmed that the subject employee stated that they needed to go to the child's school. At the time, the employee was not aware that the school was located in Chesterfield County. The employee felt uncomfortable with the situation and notified the supervisor on or about December 13, 2012.

The investigator interviewed the subject employee who stated the following:

- On November 30, 2012 the DSS employee did take a City of Richmond vehicle to Chesterfield County to visit the child at School.
- The DSS employee initially denied any additional visits to Chesterfield County to visit their child, but later admitted to visiting the child in Chesterfield County four to seven times during work hours.
- The DSS employee admitted to misleading management in believing only one visit was made to Chesterfield County to visit the child at School.
- The DSS employee justified the visits to the child's school by saying they came in early or worked late.

The CPS Supervisor was notified and advised management of what had occurred with the subject employee. As of January 24, 2013 there was no evidence that a written reprimand/disciplinary action had been taken.

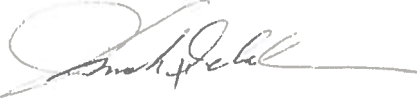
**Conclusion**

The OIG finds that the subject employee:

- did not violate HIPPA laws
- Violated Administrative Regulation 6.2 related to using City vehicles for personal use outside the City limits.

The OIG recommends appropriate disciplinary action be taken. If you have any questions, please contact me at extension 5640.

Sincerely,

A handwritten signature in black ink, appearing to read "Umesh Dalal", written over a horizontal line.

Umesh Dalal, CPA, CIA, CIG  
City Auditor/Inspector General

Cc: Byron C. Marshall, Chief Administrative Officer  
Stephen Harms, Interim DCAO, Human Services