

Government Oversight Committee
(Joint Legislative Committee on Program Evaluation
and Government Accountability)

**Meeting Summary
February 28, 2005**

CALL TO ORDER

The Co-chair, Representative Dugay, called the meeting to order at approximately 3:10 p.m. in the Labor Committee Room.

ROLL CALL

Senators: Sen. Courtney, Sen. Dow, Sen. Mitchell, Sen. Perry
Absent: Sen. Gagnon, Sen. Raye (both joined meeting in progress)

Representatives: Rep. Dugay, Rep. Canavan, Rep. Collins, Rep. Crosthwaite,
Rep. Trahan
Absent: Rep. O'Brien

Legislative Officers: Beth Ashcroft, Director, Office of Program Evaluation and
Government Accountability

SUMMARY OF FEBRUARY 23rd MEETING

The Committee noted a couple of small changes to be made. The Director will revise the meeting summary.

REPORT FROM OPEGA DIRECTOR

Director Ashcroft briefed the Committee on the status of the Office start up activities. In regards to the open positions, she reported that interviews for the Administrative Secretary position would be held this week. She also reported that she had received approximately 20 more applications for the Principal Analyst position.

In regards to office space, Director Ashcroft told the Committee that the latest news from the contractor was that the office space would not be finished for possibly a month. She had spoken with the Executive Director about this. He was going to talk with the contractor to see if it could be done sooner. In the meantime, the Director said she had begun investigating the possibility of moving to some temporary space on the third floor of the Cross Building.

Director Ashcroft also reported to the Committee that she had informed the Legislative Information Office of the Committee meeting and the meeting had been listed on the

notice boards in the lobby of both buildings. She said she had also notified the press corps. Future meetings will also be on the Legislative Calendar.

OLD BUSINESS

Evaluation Selection Criteria

The Committee reviewed the Selection Criteria and weightings proposed by Director Ashcroft for the Standard Evaluation Selection process and for the Rapid Response process. The Director responded to questions from Sen. Dow and Sen. Mitchell regarding more specifics on certain criteria, how the criteria would be applied in certain situations and what flexibility the Committee would have in applying the criteria.

Director Ashcroft indicated that the Triple E criteria (the weighted criteria) and the Impact criteria (the add-on criteria) would be used in a more formal fashion by the OPEGA when performing an assessment of the Evaluation Universe for purposes of bringing suggested topics forward to the Committee. In terms of the Committee's decision making process, she envisioned that the criteria would be used more as an informal guideline with the Impact criteria likely being the first to be considered.

Rep. Canavan questioned whether the Rapid Response criteria should include a criteria that assured the topic being considered was within the jurisdiction of OPEGA to investigate. After some discussion, the Committee agreed that this would be an appropriate addition to the Rapid Response criteria.

Motion: To accept the Evaluation Criteria as presented and amended by adding the Rapid Response criteria related to jurisdiction. (Made by Rep. Trahan, seconded by Sen. Raye, unanimous)

OPEGA Budget

Director Ashcroft presented the revised OPEGA Budget. She reported that the inconsistencies in the Personal Services budget identified at the last meeting were due to the fact that the figures for Fiscal years 2006 and 2007 had not included an adder for Payroll overheads (i.e., Benefits, etc.)

Discussion ensued regarding several budgetary items including salaries and payroll overheads in Personal Services and the budget item for Printing and Binding Services. Questions raised by Committee members were responded to by other Committee members or Director Ashcroft. Some suggestions were made as to how certain expenses might be reduced.

Director Ashcroft noted that the budget was developed and submitted prior to her being hired. She felt there were items currently budgeted at a certain level where experience may ultimately show that a reduced budget would be appropriate. However, given that

true operations of OPEGA had not yet begun, she was reluctant to make any significant changes in areas where she was unsure of what would really be needed. She mentioned that she had already made reductions or increases in budget items that she was comfortable with. Director Ashcroft pointed out to the Committee the total budget for Personal Services and All Other categories as presented in her revision to the budget did not exceed the budgeted amounts that had already been presented to the Legislative Council and Appropriations Committee. There had merely been some shifting of budget dollars between the more detailed budget line items. Rep. Trahan indicated his support of not making any reductions to the OPEGA current proposed overall budget levels until there was actually operating experience on which to draw from.

Motion: That the OPEGA budget be approved as presented. (Made by Rep. Trahan, second by Rep. Collins, unanimous)

NEW BUSINESS

Informational Session

Director Ashcroft presented and discussed with the Committee several documents describing OPEGA's potential roles and the types of products and services the Committee could request from OPEGA. The Director also had prepared an informational document outlining the focus and potential results of the different "scope" areas, i.e. effectiveness, efficiency, economy, and compliance. Some discussion ensued and questions from the Committee were answered.

As part of the discussion, Rep. Canavan again questioned whether the Committee would be able to provide anonymity or keep confidential the identity of those who might bring forward a complaint or allegation. Sen. Raye expressed an interest in understanding Maine's whistleblower law and determining if any changes needed to be made to it. Rep. Trahan suggested that someone from the Office of Policy and Legal Analysis attend the next Committee meeting to brief the Committee on Maine's whistleblower statute. The Committee also decided to ask the Attorney General's office to attend and address the confidentiality questions.

Rep. Crosthwaite, Sen. Perry and Sen. Mitchell all had comments or questions regarding the degree to which non-profits were within OPEGA's jurisdiction and how OPEGA would define the boundaries of any particular evaluation. Rep. Crosthwaite gave an example of the current delays in the State making payments to Medicaid providers. If OPEGA was tasked with determining the reasons for those delays and if DHHS indicated that the non-profits themselves were the reason for the delays, would OPEGA accept the DHHS explanation or would OPEGA extend its evaluation to the non-profits. Director Ashcroft responded that OPEGA would seek to identify the root causes of the delays and would, therefore, need to verify the validity of any explanations given.

Committee Mission Statement

The Committee reviewed the last draft of a Committee Mission Statement being considered by the prior Committee. The members also reviewed a revised version proposed by the Director.

Rep. Trahan questioned whether the Committee might want to review the Mission Statements used by other states and perhaps establish a subcommittee to work on the Mission Statement. Sen. Gagnon expressed a preference for adopting a Mission Statement now and then revising it as necessary over the course of time rather than spending much effort at this point trying to get it exactly right. He pointed out that, according to the OPEGA statute, the Committee was already past the due date for adopting a Mission Statement.

Director Ashcroft indicated that she would be developing a separate Mission Statement for the OPEGA Office itself which would focus on the Office's role in assisting the Committee in fulfilling its mission.

Rep. Crosthwaite proposed changing the word "examinations" in the Director's proposed revision to "investigations" for clarification. Rep. Canavan also suggested that the first sentence in the Director's proposed revision be split to eliminate the run-on sentence.

Sen. Dow questioned whether the Committee actually had the ability to "ensure" that public funds are expended in the most efficient, effective and economical manner as the Committee is not the ultimate authority on how the money is spent. Sen. Mitchell made a case for sticking with the word "ensure" to express that the Committee was forward-looking.

Motion: That the Committee adopt the Mission Statement as proposed by the OPEGA Director with changes that replace the word "examinations" with "investigations" and that eliminate the run-on first sentence. (Made by Sen. Mitchell, seconded by Rep. Trahan, unanimous)

SCHEDULE NEXT COMMITTEE MEETING

The next Committee meeting is scheduled for Monday, March 7, 2005 at 4:00 p.m. in the Labor Committee Room. Representatives from the Attorney General's Office and the Office of Policy and Legal Analysis will be asked to attend to brief the Committee and answer questions.

ADJOURNMENT

The meeting was adjourned at 4:30 p.m.