

# Internal Audit Annual Report for FY 2020



## TEXAS CIVIL COMMITMENT OFFICE

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EXECUTIVE DIRECTOR

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**I. Compliance with Texas Government Code, Section 2102.015**

Texas Government Code, Section 2102.015 requires state agencies, as defined in the statute, to post certain information on Internet Web sites. The Texas Civil Commitment Office's Internal Audit will follow the following procedures to ensure compliance with posting requirements.

**Texas Government Code, Section 2102.015(b) (1)** requires posting of the agency's approved internal audit plan within 30-days of approval. In accordance with Texas Government Code, Section 2102.008, the annual audit plan developed by the internal auditor must be approved by the state agency's governing board.

The Fiscal Year 2021 Internal Audit Plan was presented to the Board of the Texas Civil Commitment Office at the August 23, 2019 meeting for Board approval. The plan submitted on August 23, 2019, was a two year plan (FY 2020 & FY 2021). Any initiatives approved for FY 2020 but not completed in FY 2020, are now scheduled for Fiscal 2021. The plan was posted to the agency's web site thereafter as required.

**Texas Government Code, Section 2102.015(b) (2)** requires posting of the agency's Internal Audit Annual Report. Texas Government Code, Section 2102.009 requires the internal auditor to prepare an annual report and submit the report before November 1 of each year to the governor, the Legislative Budget Board, the Sunset Advisory Commission, the state auditor, the state agency's governing board, and the administrator. The state auditor prescribes the form and content of the report, subject to the approval of the legislative audit committee.

This annual report was submitted to the agency's executive administration and will be submitted to the Board of the Texas Civil Commitment Office. The report will be posted to the agency's website.

**Texas Government Code, Sections 2102.015(d) and (e)** requires agencies to update the posting with:

- A detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns raised by the audit plan or annual report; and,
- A summary of the action taken by the agency to address concerns, if any, that are raised by the audit plan or annual report.

Any weaknesses, deficiencies, wrongdoings, or others concerns, if noted, will be posted as required.

## **II. Internal Audit Plan for Fiscal Year 2020**

Fiscal Year 2020 Audit of Compliance with Health & Safety Code Section 841.007 Supervision Requirements.

Status: The planned FY 2020 audit was not performed due to issues related to the COVID-19 virus and a transition in audit staffing that lead the Auditor position being unfilled until September 2020. No audit testing was performed in 2020.

## **III. Consulting Services and Non-Audit Services Completed**

No consulting services or non-audit services were performed in Fiscal Year 2020.

## **IV. External Quality Assurance Review**

The TCCO Internal Audit function was established in Fiscal Year 2016, and an external quality assurance review was completed in Fiscal Year 2019. The next Peer Review will be due in FY 2023 for the period from September 2019 to August 2022.

## **V. Internal Audit Plan for Fiscal Year 2021**

The Texas Civil Commitment Office Internal Audit Plan for Fiscal Year 2021 was approved by the TCCO Board on August 23, 2019.

As no audit testing was performed in 2020 (see II. Internal Audit Plan for Fiscal Year 2020) the 2021 scheduled audits will include audits originally scheduled on the 2019 Internal Audit Annual Report for 2020 and 2021. The audit scheduled, but not performed, in 2020 will be completed in 2021.

### **Assurance Projects**

#### **Audit of Compliance with Health & Safety Code § 841.007 – Supervision Requirements**

- Budget – 200 Hours
- Preliminary Objective – Determine whether client records include sufficient evidence supporting appropriate and necessary client supervision required by Texas Health & Safety Code.

#### **Audit of Compliance with Health & Safety Code § 841.007 – Treatment Requirements**

- Budget – 165 Hours
- Preliminary Objective – Assess whether the developed and implemented sex offender treatment requirement meets minimum requirements as established in Texas Health & Safety Code.

### **Follow Up and Required Projects**

- Follow Up on Prior Audit Recommendations
- Fiscal Year 2021 Self-Assessment
- Fiscal Year 2021 Annual Report to State Leadership
- Fiscal Year 2021 Annual Risk Assessment

- Audit Plan for fiscal year 2022
- General Administration

No projects in the audit plan address benefits proportionality, expenditure transfers, capital budget controls, or any other limitation or restriction in the General Appropriations Act. The approved audit projects may address contract management since the supervision and treatment services are primarily outsourced to one major vendor.

### **Identified High Risks Not Included in FY 2021 Internal Audit Plan**

Projects related to the review of user access controls for the case management system were not included in the FY 2021 Internal Audit Plan. Because case management system notes support decisions about client movement between tiers within the civil commitment program and also support billing for professional services, management should consider including IT audits in future audit plans. Based on discussion in the August 23, 2019 TCCO Audit Committee Meeting, TCCO management believes that implemented procedures to address audit findings from a prior State Auditor's Office report related to user access controls are working as intended, and compliance with Health & Safety Code was deemed a higher priority for coverage over the next fiscal year.

### **Risk Assessment**

The agency is small, with 35 full-time equivalents (FTE's). The FY 2020 annual budget was \$17,985,957. Significant changes in agency operations are not anticipated from year to year.

Because over eight-five percent (85%) of the agency's budget is encumbered for one contract, contract monitoring is a high impact activity that is performed consistently by program staff to ensure that the agency meets statutory requirements to provide supervision and treatment to their clients.

The Risk Assessment involved prioritizing high risk auditable activities, with input from agency leadership and an evaluation of management's overall risk appetite. Management and staff were interviewed to identify strategic and tactical goals for each function within the agency and to assess the likelihood and impact for identified risks that could impede the agency's ability to meet its statutory requirements for the supervision and treatment of civilly committed individuals. The risk assessment methodology included the following:

- Reviewing the organizational structure, roles and responsibilities, internal policies and procedures for agency functions, including contract management and monitoring activities.
- Reviewing the major contract documents for the vendor providing supervision and treatment services at the Texas Civil Commitment Center to gain an understanding about service level agreements, key deliverables, and other contract terms and conditions.

- Assigning likelihood and impact ratings to each identified risk and discussing risk ratings with executive leadership.
- Prioritizing risks to obtain agreement from agency leadership about the use of internal audit resources to address high risk auditable activities.

Internal Audit considered (1) technology risks related to Title 1, Texas Administrative Code, Chapter 202, Information Security Standards and (2) benefits proportionality. TCCO agency

management has communicated with the Texas Department of Information Resources for assistance with the review and assessment of compliance with TAC 202 requirements. Benefits proportionality was not included as a high risk, because administrative activities associated with human resources are performed by the Texas Health and Human Services Commission under an inter-agency administrative agreement.

## **VI. External Audit Services Procured in Fiscal Year 2020**

No external audit services were procured in Fiscal Year 2020.

## **VII. Reporting Suspected Fraud and Abuse**

Fraud Reporting: Article IX, Section 7.09 (a), the General Appropriations Act (84th Legislature)

This section of the Appropriations Act states:

**Sec. 7.09. Fraud Reporting.** A state agency or institution of higher education appropriated funds by this Act, shall use appropriated funds to assist with the detection and reporting of fraud involving state funds as follows:

- (a) By providing information on the home page of the entity's website on how to report suspected fraud, waste, and abuse involving state resources directly to the State Auditor's Office. This shall include, at a minimum, the State Auditor's Office fraud hotline information and a link to the State Auditor's Office website for fraud reporting; and

\*To implement (a) of Section 7.09, the Texas Civil Commitment Office has included a link on the Texas Civil Commitment Office website to the State Auditor's Fraud Reporting hotline.

- (b) By including in the agency or institution's policies information on how to report suspected fraud involving state funds to the State Auditor's Office.

\* To implement (b) of Section 7.09, the Texas Civil Commitment Office has included in Policy 1.10, Texas Civil Commitment Office Ethics Policy, section II.B, which provides instructions for employees to report any conduct he or she believes to be in violation of the ethics policy to the Executive Director or Executive Director's designee, and to report suspected fraud, waste,

or abuse involving state funds to the State Auditor's Office via phone to the State Auditor's Office Fraud Hotline 1-800-TX-AUDIT or online at <https://sao.fraud.texas.gov/ReportFraud/>.

### **Texas Government Code, Section 321.022**

This section of the Texas Government Code states:

#### COORDINATION OF INVESTIGATIONS.

(a) If the administrative head of a department or entity that is subject to audit by the state auditor has reasonable cause to believe that money received from the state by the department or entity or by a client or contractor of the department or entity may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, the administrative head shall report the reason and basis for the belief to the state auditor. The state auditor may investigate the report or may monitor any investigation conducted by the department or entity.

(b) The state auditor, in consultation with state agencies and institutions, shall prescribe the form, content, and timing of a report required by this section.

(c) All records of a communication by or to the state auditor relating to a report to the state auditor under Subsection (a) are audit working papers of the state auditor.

\* To implement this statute, Policy 1.10, Texas Civil Commitment Office Ethics Policy, section II.C requires the Executive Director to report the reason and basis for any suspected misuse of state monies to the state auditor. As of the date of this report, the TCCO has not received any reports of loss, fraud, misuse, or other fraudulent or unlawful activities.