

ELIZABETH F. HARRIS

Chief Deputy Attorney General

THIRUVENDRAN VIGNARAJAH
Deputy Attorney General

STATE OF MARYLAND OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO. 410-576-7036

WRITER'S DIRECT DIAL No. 410-576-6311

October 27, 2015

The Honorable Thomas V. Mike Miller, Jr. President of the Senate State House, H-107 100 State Circle Annapolis, MD 21401

The Honorable Guy Guzzone 121 James Senate Office Building 11 Bladen Street Annapolis, MD 21401 The Honorable Michael E. Busch Speaker of the House State House, H-101 100 State Circle Annapolis, MD 21401

The Honorable Craig T. Zucker 224 House Office Building 6 Bladen Street Annapolis, MD 21401

Re: OLA Performance Audit of MHBE

Dear Gentlemen:

I am writing to summarize one of the Office of the Attorney General's concerns about the Office of Legislative Auditors (OLA)'s performance audit for the Maryland Health Benefit Exchange (MHBE). It is our understanding that a principal purpose of the audit is "to identify and analyze factors that caused and contributed to the troubled launch of the Maryland Health Connection." It is our further understanding, however, that OLA has not yet considered or examined whether the troubled launch was caused by the poor performance of the contractors selected to build the Maryland Health Connection or by misrepresentations made by the contractors concerning the system they proposed to build.

It is our understanding that MHBE is committed to helping OLA obtain complete information about the cause of the failure of the HIX system, including the misrepresentations of certain of the vendors who were hired to build the system and the deficient performance of the vendors under their contract with MHBE. We anticipate that significant information not presently available to OLA will be uncovered and produced in connection with anticipated future litigation and related investigation, and propose that, unless it is prohibited from doing so by court order, MHBE provide such information to OLA as it is exchanged in the litigation. While this process will take some additional time, we believe it is vital in order to reach accurate and comprehensive conclusions.

We appreciate the opportunity to bring these matters to your attention.

Sincerely,

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