

OFFICE OF THE INSPECTOR GENERAL
CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative
Report Synopsis

OIG Case # 21-0032-I

Issued: September 29, 2021



OFFICE OF THE INSPECTOR GENERAL
Isabel Mercedes Cumming, Inspector General
City Hall, Suite 635
100 N. Holliday Street
Baltimore, MD 21202



September 29, 2021

Dear Citizens of Baltimore City,

The Mission of the Office of the Inspector General (OIG) is to promote accountability, efficiency, and integrity in City government, as well as to investigate complaints of fraud, financial waste, and abuse. The OIG was informed during a prior investigation¹ that the work conditions at the Baltimore City Health Department's (BCHD) Druid Sexual Health Clinic (Druid SHC),² located at 1515 North Avenue in Baltimore, were unsanitary, substandard, and resulted in the waste of medical supplies.

The OIG conducted a site visit to the Druid SHC in December 2020. While onsite, the OIG observed rodents, insects, malfunctioning doors, temperature control issues, and other maintenance concerns. Additionally, the OIG was informed by multiple Druid SHC employees that the inability to regulate the temperature throughout the complex had caused interruptions to the rapid testing of patients for sexually transmitted infections (STIs).

Methodology

The OIG interviewed BCHD employees and Johns Hopkins University (JHU) contractors working at the Druid SHC.³ Additionally, the OIG interviewed the Health Facilities Coordinator as the subject matter expert on BCHD building maintenance at the administrative level. Lastly, the OIG interviewed a member of the BCHD executive management team regarding potential renovations, upgrades, and maintenance issues at the Druid SHC.

Furthermore, the OIG reviewed documents related to the Druid SHC facility including the following:

- BCHD budget information
- Memorandums of Understanding (MOUs) between the City and local labor unions
- Occupational Safety and Health Administration (OSHA) regulations
- Code of Maryland Regulations (COMAR) for laboratories
- Package insert information for OraQuick rapid tests

OIG Inspection of Druid SHC

The OIG conducted a site visit of the Druid SHC facility in December 2020.⁴ As detailed below, the OIG identified health and safety concerns in the patient waiting room, staff offices, laboratory facilities, basement, medical supply room, and rear stairwell.⁵

¹ The separate investigation was previously detailed in the Report of Investigation (ROI) for case 20-0021-I.

² Druid SHC provides testing, diagnosis, and treatment for sexually transmitted infections, including Human Immunodeficiency Virus.

³ BCHD employees and JHU contractors work at the Druid SHC and will be collectively referred to as SHC personnel.

⁴ Although the Druid SHC was not seeing patients at that time, the OIG did observe BCHD employees working in the facility.

⁵ These conditions were at the time of the site visit and may have been addressed since December 2020.

REPORT FRAUD, WASTE AND ABUSE

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This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

Deceased rodents in the basement supply room and stairwell (Figure 1), accompanied by a foul odor, were notable observations.⁶ Additionally, deceased insects were observed in the supply room and basement areas (Figure 2). The OIG was able to confirm that in April 2021, BCDH employees communicated amongst each other about the dead rodent, seemingly in the same area of the basement the OIG observed in December 2020.

Figure 1: Rodents in basement and stairwell



Figure 2: Insects in supply room and basement



In addition to rodents and insects, the OIG observed damaged or missing ceiling tiles (Figure 3) throughout the Druid SHC facility. Multiple witnesses told the OIG the Druid SHC’s roof leaks, likely causing the observable water stains. The OIG also observed the door to the staff office area was unsecured and damaged (Figure 4).

⁶ The breakroom for Druid SHC employees is in the basement area.

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Figure 3: Damaged ceiling tiles in (from left to right) SHC hallway, Room 201, near the lab area, and room with computer server equipment/wires



Figure 4: Unsecured and damaged access door



The OIG also observed a water leak in the basement and a running water pipe in the men's restroom closet (Figure 5). According to the BCHD employee who was on site, no one was aware of the basement leak until the site visit, and although the running water in the men's restroom is a nuisance, it did not impact operations.

Figure 5: Water Leak in Basement (left) and running water pipe in the men's restroom closet (right).



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Obstacles for Druid SHC Maintenance

When asked about general maintenance and sanitation challenges at the Druid SHC, the BCHD manager stated that rodents have been an ongoing problem due to multiple factors, including the age of the building. According to a BCHD manager, a pest control vendor services the Druid SHC every two weeks, removing old traps and installing new traps. However, the separate BCHD janitorial services vendor refuses to remove the deceased rodents.

Additionally, the BCHD manager stated the Druid SHC's dumpster is frequently overfilled, creating a rat infestation outside the building. Despite prohibitions, residents and businesses from the surrounding area discard their trash in the dumpster, causing it to overflow. An OIG photo of the Druid SHC dumpster in April 2021 shows it filled to capacity (Figure 6). According to the BCHD manager, there have been discussions about the dumpster problems with the Department of General Services (DGS), who has agreed to assist with installing a fence to limit the public's access to the dumpster, and with the Department of Public Works (DPW), who agreed to pick up the trash twice a week.

Figure 6: Druid SHC Dumpster



Potential OSHA and MOU Issues

The OIG's observations in the above areas confirmed the allegations about the lack of regular maintenance and sanitation at the Druid SHC. These concerns were exacerbated by the rapid spread of COVID-19.

These health and safety concerns potentially violate Occupational Health and Safety Administration (OSHA) regulations and the Memorandums of Understanding (MOUs) the City has with its labor unions. OSHA provides regulations for general environment control, including vermin control. The Druid SHC is staffed by City employees who are members of American Federation of State, County, and Municipal Employees Local 44 (AFSCME 44) and the City Union of Baltimore (CUB). The City's MOU with AFSCME 44 states the employer shall provide employees with a safe and healthy workplace. According to the City's MOU with CUB, unsafe or unhealthy work situations that are not handled satisfactorily by the City could become the subject of a grievance.

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Extreme Temperatures and Testing Interruptions

During the investigation, several SHC personnel alleged that the heating, ventilation, and air conditioning (HVAC) system does not properly regulate the temperature throughout the Druid SHC.⁷ These SHC personnel stated the temperature inside the Druid SHC can become extremely hot. One BCHD employee reported the indoor temperature to be 90°F on a workday in March 2021. During the OIG site visit to the Druid SHC, the office temperature was higher than the thermostat setting in the staff office area (Figure 7).

Figure 7: Room temperature higher than thermostat setting (left) and SHC staff office area where thermostat is located (right)



Multiple Druid SHC personnel reported instances when rapid testing for Human Immunodeficiency Virus (HIV) and Hepatitis C Virus (HCV) were halted due to the high building temperatures. Relevant correspondence obtained by the OIG suggested extreme temperatures could cause inaccurate test results or otherwise impact proper storage of the test kits. According to the manufacturer's test guidelines, the recommended storage temperature for the Rapid HIV tests is between 35°F and 80°F; the recommended storage temperature for the Rapid HCV tests is between 36°F and 86°F. If the tests are stored outside of these ranges, the kit controls must be run to ensure the tests are working sufficiently.⁸

During the site visit, the OIG observed boxes of OraQuick Advance Rapid HIV and OraQuick Rapid HCV tests that were marked "expired". The OIG was unable to determine if the expiration resulted from temperature irregularities, though such irregularities outside of the manufacturer's guidelines could lead to wasted tests. The Code of Maryland Regulations (COMAR) Chapter 10.10.12.09 states that public health testing personnel must follow the manufacturer's test specifications and instructions, including being aware of precautions and warnings for the tests.

According to the BCHD manager, the Druid SHC's laboratory needs a separate HVAC system from the rest of the building in order to maintain a consistent temperature for testing operations. The BCHD

⁷ None of the personnel were skilled HVAC professionals and the OIG did not solicit the expertise of DGS's HVAC unit.

⁸ Package inserts for the OraQuick Rapid HIV and OraQuick Rapid HCV tests can be found on the Federal Drug Administration's (FDA) website. (<https://www.fda.gov/media/73607/download>) (https://www.accessdata.fda.gov/cdrh_docs/pdf8/p080027s001c.pdf)

manager said that they have requested HVAC upgrades as part of the City's Capital Improvement Program (CIP).⁹ This request is reflected in correspondence between BCHD and DGS.

Future Plans for Druid SHC

The BCHD Deputy Commissioner told the OIG that they are aware of concerns with the Druid SHC building, including the ongoing rodent issues. The BCHD Deputy Commissioner also stated Druid SHC is the next BCHD building to receive CIP funding for renovations. According to the BCHD Deputy Commissioner, the BCHD is reviewing the possibility of purchasing a different building, completing renovations, and moving the Druid SHC into the renovated building. Additionally, the BCHD Deputy Commissioner stated the BCHD could apply to use funding from the American Rescue Plan Act to assist with improvements and upgrades.

Conclusion

The OIG's observations during its site visit to Druid SHC raised concerns about BCHD's compliance both with OSHA environmental regulations and with employee health and safety requirements in the City's MOUs with labor unions. Additionally, SHC personnel told the OIG that high temperatures in the Druid SHC have caused interruptions to rapid testing services for patients. These irregular temperatures could lead to the potential waste of test kits and may violate provisions of COMAR regarding proper public health testing. Lastly, the OIG learned from BCDC management that BCHD is planning to complete improvements to—or possibly relocate—the Druid SHC because of the ongoing facility concerns.

Sincerely,



Isabel Mercedes Cumming, Inspector General
Office of the Inspector General

Cc: Hon. Brandon M. Scott, Mayor of Baltimore City
Hon. Nick Mosby, President, City Council
Hon. Bill Henry, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Jim Shea, City Solicitor

⁹ According to the City's Department of Planning website, "A capital improvement is a long-term investment, typically in physical infrastructure, such as roads, monuments, public buildings, parks, or art."
(<https://planning.baltimorecity.gov/planning-capital-improvement>)

Baltimore City Health Department Response

Case # 21-0032-I



Baltimore City Health Department
1001 E. Fayette Street • Baltimore, Maryland 21202
Brandon M. Scott, Mayor
Letitia Dzirasa, M.D., Commissioner of Health

TO: Isabel Mercedes Cumming, Inspector General
FROM: Letitia Dzirasa, M.D., Commissioner of Health
CC:
SUBJECT: OIG Case #21-0032-I
DATE: September 21st, 2021

This memo is written in response to the Office of the Inspector General (OIG) Case #21-0032-I Management Alert that examined unsanitary conditions and maintenance issues at the BCHD Druid Health Center. We appreciate the time and effort that the OIG invested speaking with staff and visiting our Druid Health Center (DHC) at 1515 W. North Ave. to investigate complaints regarding unsanitary work conditions.

BCHD has been aware of the infrastructure and operational challenges and concerns raised by staff for some time. Accordingly, we work regularly with the Department of General Services (DGS) to address them, when necessary, which is often.

BCHD has been operating a health clinic at 1515 W. North Avenue for over approximately 60 years. The building is old, deteriorating, and not up to code. The temperature issue is longstanding due to the age of the HVAC system. In December 2020, there was no heat for several days as the boiler finally gave out. A temporary boiler was installed, and we continue to operate with the temporary boiler in place while a custom boiler is built, which ultimately may not be a long-term solution. Temperature fluctuations within the building have continued and impact our staff, clients and community partners. A right of entry was provided to DGS on January 20, 2021, so a permit could be issued to start the work. Due to the validity of a vendor's business license in the City, the Permit Office will not release the work permit until the matter is resolved. As a result, the boiler installation is pending resolution of the vendor's business license. DGS is working through one of its vendors to fulfill the request for air conditioning units. The building needs a full HVAC system replacement and in our FY22 Capital Improvement Program (CIP) request we allocated \$150,000 to cover design fees for a partial HVAC system upgrade.

Regarding the observation of expired Oraquick HIV and HCV test kits, the kits depicted in Exhibit 7 did expire due to temperature fluctuations in the building and are no longer able to be used for testing patients. Long-term matters of this kind could have possible fiscal implications. We, however, are using the expired test kits for the purposes of staff training. COMAR regulations

governing public health testing have been adhered to by BCHD and test kits affected due to the temperature fluctuations are pulled aside and clearly marked (as shown in Exhibit 7). BCHD has an open work order with DGS to have air conditioning units installed in our stat lab to ensure appropriate temperatures are maintained to house test kits and reagents.

Pest control continues to be an issue at the DHC and the agency has worked with DGS to establish pest control services at the building with vendor services scheduled every 2 weeks, removing old traps and installing new ones, as an alternative to treatments such as dusting and spraying. Regrettably, due to delays in payments to the contracted pest control vendor, lapses in pest control services at the site continue. The contracted janitorial vendor has communicated to BCHD that removal of dead rodents is outside of their scope of services with the City. BCHD has communicated these issues to DGS with hopes of expeditious resolution. In hopes of a temporary resolution to the pest issues, BCHD clinical staff cleaned out storage areas in the basement of the building in April/May 2021. To date, this effort has had minimal impact on the rodent issue. Over the next 2 weeks, DGS will perform on onsite inspection to also identify and eliminate potential rodent points of entry.

As noted in the management alert, rodent issues have persisted in part due to the outside dumpster which was previously accessible to the public in the BCHD staff parking lot. BCHD worked with DGS to increase the frequency of trash pickup at the site last year. DGS responded to our requests and specific dumpster situation by fencing off the parking lot and installing a gate that is locked each evening when the building closes. The fence was installed a few weeks ago after being delayed for some time due to worldwide supply chain issues because of the COVID-19 pandemic. The fence, installed in July 2021, has prevented illegal dumping in our dumpster in the parking lot. We are now experiencing challenges with the public dumping trash outside the fence on the sidewalk alongside the building. DGS will be discussing this matter with the Baltimore Police Department. One possible, and unfortunately expensive, solution is to add a mobile security patrol after-hours route to reduce the prevalence of illegal dumping. DGS will also discuss with Baltimore City Department of Housing and Community Development the potential for illegal dumping surveillance cameras at that location.

BCHD has an open and active work order with DGS to address leaks associated with the roof, which is in desperate need of replacement. When it rains, water pools in the basement due to the floor drain clogging. The more permanent solution is a roof replacement and DGS currently has \$700,000 for replacement from previous CIP allocations. The roof replacement project is on hold until after the HVAC project is completed as there is potential for the installation of the roof top HVAC units to cause damage to the new roof. It is also on hold pending final decisions related to potential ARPA funding to support DHC renovation versus new build (see concluding paragraph). This building is on a list of facilities with damaged and missing ceiling tiles, that will be replaced once DGS receives an order of tiles that is pending receipt. As with other supplies and materials,

we have found that ceiling tiles have been difficult to procure because of pandemic supply chain issues.

Appropriately, BCHD enters work orders to have the drain snaked after each heavy rain. Our clinical programs have several storage areas located in the basement and when water pools our files and other supplies are sometimes endangered, which long-term could have fiscal implications, due to possibly rendering supplies unusable. We have taken steps over the past few years to purchase and install shelving units in the basement to help with this issue; however, pooled water in the basement continues to be a hazard to staff who may need to access files or supplies at times, while we wait for the drain to be snaked to remove clogs. While most maintenance efforts at this facility have tended to be reactionary in nature, due to resource allocations, over the next two weeks, DGS indicated they will perform an assessment of the location to identify systems that are not working at “optimal or satisfactory” levels.

BCHD advocates to ensure it can provide high quality care in an environment that is safe, comfortable, and respectful of our employees and the residents we serve. Based on the current condition of the DHC building, this is challenging. As noted in your management alert, BCHD has allocated Capital Improvement Program (CIP) funds to address ongoing temperature issues and for interior renovations in FY22. An additional \$700,000 for construction was planned to be requested in FY23. This approach of requesting design and construction CIP funds in separate years is by design. Design activities will be initiated following final determination around ARPA funding for a complete facility renovation versus a new build. DGS is collaborating with BCHD on the drafting of an ARPA proposal and has provided cost estimates and justification language generated for an ARPA-funded HVAC replacement at the site. As previously noted, the agency is also including two options, in its ARPA request to the City, that would address the many challenges that come along with operating in a facility that has served its useful life; specifically, an option for full renovation to address the matters cited in your report in the existing building or purchase of a different building that can be built-out to house a newly relocated DHC.