

Audit Report

Sherry Matthews Group

A Texas Health and Human Services Commission Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Contractor



March 31, 2023 OIG Report No. AUD-23-006



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Results in Brief

Why OIG Conducted This Audit

The Texas Health and Human
Services (HHS) Office of Inspector
General (OIG) Audit and
Inspections Division (OIG Audit)
conducted an audit of Sherry
Matthews Group (SMG), a national
marketing communications agency
based in Austin, Texas. OIG
initiated this audit to provide audit
coverage of non-Medicaid
contracts. As of October 2022,
SMG had seven active contracts
with HHS agencies.

During the audit scope, the Special Supplemental Nutrition Program for Woman, Infants and Children (WIC), which is administered by the Texas Health and Human Services Commission (HHSC), provided a \$5.2 million budget to SMG, and for work performed during the audit scope, SMG billed \$5.1 million to HHSC for expenses associated with the WIC contract.

Summary of Review

The audit objective was to determine whether SMG delivered and billed for selected services in compliance with applicable contract requirements.

The audit scope covered the period from July 1, 2021, through August 31, 2022.

Management Response

SMG agreed with the audit recommendations and indicated corrective actions would be implemented by May 2023.

For more information, contact: OIGAuditReports@hhs.texas.gov

Conclusion

Sherry Matthews Group (SMG) substantially complied with selected contract requirements related to education, marketing, and outreach materials (materials) and selected reports for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) administered by the Texas Health and Human Services Commission (HHSC). However, when billing HHSC for reimbursement of payroll expenses, SMG did not always submit accurate or supported invoices. Additionally, it did not comply with Historically Underutilized Business (HUB) subcontracting requirements for its subcontractors.

Key Results

SMG did not always ensure that it billed accurate and supported payroll expenses to HHSC for reimbursement. Specifically, for 113 payroll expenses tested, SMG billed HHSC for 17 payroll expenses that were inaccurate or unsupported. As a result, SMG was overpaid \$1,625.00, which it should repay to the state of Texas.

Additionally, for 11 of 113 payroll expenses tested, SMG billed HHSC for subcontractors, which should have been billed as third-party expenses and were also not in compliance with HUB subcontracting requirements because these subcontractors were not on the list of preapproved subcontractors in the HUB subcontracting plan SMG submitted to HHSC. As a result, testing was expanded to identify additional payroll expenses related to subcontractors for the complete audit period. The additional testing identified 36 payroll expenses for subcontractors that should have been billed as third-party expenses and were also not in compliance with HUB subcontracting requirements. SMG billed and HHSC paid \$185,560.00 for a total of 47 payroll expenses related to 11 subcontractors. The subcontractors did provide required creative services, and HHSC accepted the materials; however, SMG was not in compliance with HUB subcontracting requirements.

Further, two inaccurate payroll expenses were identified in the expanded testing. The two additional payroll expense errors identified in the expanded testing were corrected by SMG once identified by the auditors.

Recommendations

SMG should:

- Strengthen its processes and controls to ensure the payroll expenses it bills to HHSC are accurate and supported.
- Repay the state of Texas \$1,625.00 for the inaccurate or unsupported payroll expenses.
- Ensure it bills HHSC for subcontractors as third-party expenses.
- Develop a process to ensure it complies with HUB subcontracting requirements when using subcontractors.

Table of Contents

Audit Overview	1
Overall Conclusion	1
Objective and Scope	1
Key Audit Results	2
Key Program Data	3
Detailed Audit Results	5
Chapter 1: SMG Billed HHSC for Payroll Expenses That Were Inaccurate or Unsupported	6
Chapter 2: SMG Did Not Follow Requirements for Using Subcontractors	9
Appendices	13
A: Objective, Scope, and Criteria	13
B: Detailed Methodology	14
C: Related Reports	16
D: Resources for Additional Information	17
E: Report Team and Distribution	18
F: OIG Mission, Leadership, and Contact Information	20

Audit Overview

Overall Conclusion

Sherry Matthews Group¹ (SMG) substantially complied with selected contract requirements related to education, marketing, and outreach materials (materials)² and selected reports³ for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) administered by the Texas Health and Human Services Commission (HHSC).

However, when billing HHSC for reimbursement of payroll expenses,⁴ SMG did not always submit accurate or supported invoices. Additionally, it did not comply with Historically Underutilized Business

Objective

The audit objective was to determine whether SMG delivered and billed for selected services in compliance with applicable contract requirements.

Scope

The audit scope covered the period from July 1, 2021, through August 31, 2022.

(HUB) subcontracting requirements for its subcontractors. As a result, SMG should (a) strengthen its processes and controls to ensure the payroll expenses it bills to HHSC are accurate and supported, (b) repay \$1,625.00 in overpaid or unsupported billings to the state of Texas, (c) ensure it bills HHSC for subcontractors as third-party expenses, and (d) develop a process to ensure it complies with HUB subcontracting requirements when using subcontractors.

¹ Texas HHS contract #HHS000728300025, "Response to Statement of Work Requirements" (July 1, 2021) states the entity name as Sherry Matthews, Inc. d.b.a. Sherry Matthews Group.

² Materials are nutrition education, marketing, and outreach items provided to WIC members or potential members physically or through digital media. Examples of WIC materials include compartment dinner plates, lunch boxes, woven grocery bags, banner ads, and Healthy Texas Kids YouTube videos.

³ The reports selected for this audit were monthly digital campaign reports formally titled *Texas WIC Digital Campaign Results Analysis* reports.

⁴ The tested payroll expenses SMG billed to HHSC covered both SMG employees and subcontractors. Throughout most of the audit scope, SMG billed HHSC for subcontractor expenses as part of its payroll expenses; however, for three expenses billed in August 2022, SMG billed HHSC for subcontractor expenses on third-party invoices. For the purposes of this report, the term "payroll expenses" includes the three expenses SMG billed on third-party invoices.

Key Audit Results

SMG substantially complied with contract requirements related to materials and selected reports. Specifically, SMG (a) ordered and provided materials timely, (b) verified receipt of materials, (c) supported expenses for materials billed on third-party invoices, 5 and (d) submitted substantially accurate and supported reports to HHSC.

What Prompted This Audit

OIG initiated this audit to provide audit coverage of non-Medicaid contracts. As of October 2022, SMG had seven active contracts with HHS agencies.

SMG did not always ensure that it billed accurate and supported payroll expenses to HHSC for reimbursement. Specifically, for 113 payroll expenses tested, SMG billed HHSC for 17 payroll expenses that were inaccurate or unsupported. As a result, SMG was overpaid \$1,625.00, which it should repay to the state of Texas.

Additionally, for 11 of 113 payroll expenses tested, SMG billed HHSC for subcontractors, which should have been billed as third-party expenses and were also not in compliance with HUB subcontracting requirements because these subcontractors were not on the list of preapproved subcontractors in the HUB subcontracting plan SMG submitted to HHSC. As a result, testing was expanded to identify additional payroll expenses related to subcontractors for the complete audit period. The additional testing identified 36 payroll expenses for subcontractors that should have been billed as third-party expenses and were also not in compliance with HUB subcontracting requirements. SMG billed and HHSC paid \$185,560.00 for a total of 47 payroll expenses related to 11 subcontractors. The subcontractors did provide required creative services, and HHSC accepted the materials; however, SMG was not in compliance with HUB subcontracting requirements.

Further, two inaccurate payroll expenses were identified in the expanded testing. The two additional payroll expense errors identified in the expanded testing were corrected by SMG once identified by the auditors.

The "Detailed Audit Results" section of this report presents additional information about the audit results. In addition, other audit issues identified in this report may

⁵ Third-party invoices document transactions that involve a person or entity other than SMG. The third-party invoices OIG Audit reviewed as part of this audit were for expenses SMG incurred for materials related to the contract.

be subject to liquidated damages or OIG administrative enforcement measures, 6 including administrative penalties. 7

The Texas Health and Human Services (HHS) Office of Inspector General (OIG) Audit and Inspections Division (OIG Audit) offered recommendations to SMG, which, if implemented, will help ensure compliance with all applicable requirements. OIG Audit communicated other, less significant issues to SMG in a separate written communication.

OIG Audit presented preliminary audit results, issues, and recommendations to SMG in a draft report dated March 16, 2023. SMG agreed with the audit recommendations and indicated corrective actions would be implemented by May 2023. SMG's management responses are included in the report following each recommendation.

OIG Audit thanks management and staff at SMG for their cooperation and assistance during this audit.

Key Program Data

WIC awarded a \$19 million contract to SMG in July 2021 for advertising and marketing campaign services focused on increasing participation and improving retention rates in WIC. Additionally, the campaign aims to (a) position WIC as the expert in nutrition and breastfeeding and (b) increase awareness of WIC.

Selected Contract Goals

Services in the selected contract with SMG include but are not limited to:

- Digital advertisements
- Email newsletter support
- Statewide digital media placement
- Public and media relations
- Outreach training
- Marketing plan development
- Outreach support material development⁸

⁶ 1 Tex. Admin. Code § 371.1603 (May 20, 2020).

⁷ Tex. Hum. Res. Code § 32.039 (Apr. 2, 2015).

⁸ Texas HHS contract #HHS000728300025, "Work Order Request Release," § 6(E) (July 1, 2021). This contract is subject to the terms and duration of Texas HHS contract #HHS000728300010 (Nov. 3, 2020), which acts as a master contract. This master contract establishes SMG as a preapproved vendor for future services that will be specifically and individually ordered through a work order process by HHS agencies using a project-specific work order. HHSC selected SMG to perform services for the work order referencing Texas HHS contract #HHS000728300025 (July 1, 2021).

During the audit scope, WIC provided a \$5,199,993 budget to SMG, and for work performed during the audit scope, SMG billed \$5,115,518 to HHSC for expenses associated with the WIC contract.

Auditing Standards

Generally Accepted Government Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Detailed Audit Results

OIG Audit performed testing to determine SMG's compliance with selected contract requirements. Specifically, auditors tested:

- Creative materials
- Selected reports
- Expenses SMG billed to HHSC for reimbursement

For all materials tested, SMG placed the associated orders timely. Additionally, SMG (a) delivered all tested materials to WIC by the required delivery dates and (b) verified that WIC received the materials prior to making the associated vendor payments. Further, SMG provided documentation to HHSC to support expenses for creative materials billed on third-party invoices. These materials were nutrition education, marketing, and outreach items provided to WIC members or potential members physically or through digital media and included items such as compartment dinner plates, lunch boxes, woven grocery bags, banner ads, and Healthy Texas Kids YouTube videos.

SMG also substantially supported all reports tested, which provided HHSC with significant information and data related to the performance of marketing and campaign services. Some components of these reports included click rates, total spending amounts, and YouTube video performance metrics.

However, SMG did not always ensure that it billed accurate and supported payroll expenses to HHSC for reimbursement, including billing for subcontractors that should have been billed as third-party expenses and were also not in compliance with HUB subcontracting requirements. The following sections of this report provide additional detail about the findings identified by OIG Audit.

Chapter 1: SMG Billed HHSC for Payroll Expenses That Were Inaccurate or Unsupported

SMG billed HHSC for 17 of 113 (15.0 percent) tested payroll expenses, which were for SMG employees, that were either inaccurate or unsupported.⁹ As a result, SMG was overpaid \$1,625.00.

For 11 of the 17 payroll expenses, SMG did not bill HHSC for the correct (a) number of hours, based on the time sheets SMG submitted, (b) contracted rate, based on each employee's function, or (c) both number of hours and contracted rate. During the expanded testing, auditors identified two additional inaccurate payroll expenses. SMG asserted that, for these two payroll expenses, it erroneously billed HHSC for a subcontractor who had a higher contracted rate when it should have billed HHSC for the SMG employee who completed the work. When OIG Audit identified these two errors, SMG submitted a corrected invoice to HHSC that reduced the expenses to the appropriate amount.

For the remaining 6 of 17 payroll expenses, the time sheets SMG provided did not support the expenses billed. For four of those six payroll expenses, SMG asserted that it billed HHSC using the name of an employee with a lower approved contracted rate than the employee who completed the work being billed. SMG asserted that it used a different employee's name and approved contracted rate to bill HHSC to reflect the level of work completed. For the remaining two payroll expenses, SMG did not support the hours billed to HHSC.

Table 1 on the following page provides additional details about the amount SMG billed to HHSC in error for the 17 inaccurate or unsupported payroll expenses and the 2 additional errors auditors identified as part of expanded testing. The errors occurred because SMG did not have an adequate process in place to review and approve the payroll expenses it billed to HHSC.

⁹ Texas HHS contract #HHS000728300010, "Uniform Terms and Conditions – Vendor," § 8.1 (Nov. 3, 2020).

Table 1: Amount SMG Improperly Billed to HHSC for Inaccurate or Unsupported Payroll Expenses

Type of Error	Number of Payroll Expenses	Amount Overpaid
Inaccurate Payroll Expenses		
Inaccurate hours	6	\$ 349
Inaccurate contracted rate	3	186
Additional inaccurate contracted rate identified as part of expanded testing	2	750
Both inaccurate (a) number of hours and (b) contracted rate	2	473
Unsupported Payroll Expenses		
Time sheets for wrong employee	4	\$ 488
Lack of support	2	130
Total	19	\$2,375 ¹⁰
Amount that SMG corrected during the audit		(750)
Total SMG should repay the state of Texas		\$ 1,625

Source: OIG Audit

Recommendation 1

SMG should:

- Strengthen its processes and controls to ensure the payroll expenses it bills to HHSC are accurate and supported.
- Repay the state of Texas \$1,625.00 for the inaccurate or unsupported payroll expenses.

Management Response

Action Plan

Sherry Matthews Group uses an advertising accounting system called Silent Partner, which was last updated in November 2022. The updated system has new tools that allow greater accuracy, more efficiencies, and more timely billing

¹⁰ Discrepancy between the individual amounts and the total is due to rounding.

and reporting. We now employ an important prebilling process using Silent Partner to provide stronger upfront internal controls before billing goes to HHSC.

Enhanced levels of review and oversight have been put in place following the audit. We have a new Deputy Controller that is dedicated to billing and administrative functions oversight to ensure that payroll expenses we bill to HHSC are supported.

We are also conducting training for our accounting, administrative, and account service staff to ensure a complete understanding and careful implementation of Sherry Matthews Group's new and improved process regarding billing and invoicing.

Sherry Matthews Group will promptly repay the \$1,625 once we receive instructions from HHSC.

Responsible Managers

Chief Financial Officer Deputy Controller

Target Implementation Date

May 1, 2023

Chapter 2: SMG Did Not Follow Requirements for Using Subcontractors

SMG must select subcontractors from the list of preapproved subcontractors in the HUB subcontracting plan it submitted to HHSC. If it is necessary for SMG to update the HUB subcontracting plan, SMG must follow the good faith effort methods required by the Texas Administrative Code¹¹ and submit a change request form to HHSC. If an entity uses a subcontractor without prior approval, it may be considered a breach of contract.¹²

Specifically, for 11 subcontractors associated with 113 payroll expenses tested, SMG was not in compliance with HUB subcontracting requirements because these subcontractors were not on the list of preapproved subcontractors in the HUB subcontracting plan SMG submitted to HHSC. Additionally, SMG should bill HHSC for subcontractors as third-party expenses.

SMG bills HHSC monthly for expense reimbursement using an invoice packet, which includes (a) payroll expenses for SMG employees and (b) expenses from third-party invoices, which include subcontractors, received by SMG. Throughout most of the audit scope, SMG billed HHSC for subcontractor expenses as part of its payroll expenses; however, for three expenses billed in August 2022, SMG billed HHSC for subcontractor expenses on third-party invoices. Except as discussed in this report, the payroll expenses are supported by time sheets with hours that represent work performed on the WIC contract.

Figure 1 on the following page illustrates the reimbursement submission process between SMG and HHSC.

¹¹ 34 Tex. Admin. Code § 20.285(d) (Jan. 24, 2017).

¹² Texas HHS contract #HHS000728300025, "Response to Statement of Work Requirements," § IV (July 1, 2021).

Sherry Matthews Group

Invoice packet with third-party expenses and SMG payroll expenses

Texas Health and Human Services Commission

Figure 1: Reimbursement Submission Process Between SMG and HHSC

Source: OIG Audit

For 11 of 113 (9.7 percent) payroll expenses tested, SMG billed HHSC for five subcontractors, totaling \$51,696.25. SMG was not in compliance with HUB subcontracting requirements for these five subcontractors.

As a result of those issues, auditors performed additional testing of the complete population of payroll expenses¹³ to determine if SMG incorrectly billed HHSC for other subcontractors not specified in its HUB subcontracting plan during the audit scope. Auditors identified an additional 36 expenses, totaling \$133,863.75,

¹³ The complete population consisted of all payroll expenses in the invoice packets SMG submitted to HHSC during the period from July 1, 2021, through August 31, 2022.

that SMG billed to HHSC during the audit scope. These expenses included six subcontractors not identified in the original testing. SMG was not in compliance with HUB subcontracting requirements for these six subcontractors.

Table 2 provides additional details about the amounts SMG billed to HHSC for subcontractors that were not in compliance with HUB subcontracting requirements.

Table 2: Amount SMG Billed to HHSC for Subcontractors That Were Not in Compliance with HUB Subcontracting Requirements

Category	No. of Subcontractor Expenses	Amount
Expenses in the sample from subcontractors that were not in compliance with HUB subcontracting requirements	11	\$ 51,696 ¹⁴
Additional expenses in the complete population identified as subcontractors that were not in compliance with HUB subcontracting requirements	36	133,864 ¹⁵
Total subcontractor expenses that did not meet HUB requirements	47	\$185,560

Source: OIG Audit

The subcontractors did provide required creative services, and HHSC accepted the materials; however, SMG was not in compliance with HUB subcontracting requirements.

Recommendation 2

SMG should:

- Ensure it bills HHSC for subcontractors as third-party expenses.
- Develop a process to ensure it complies with HUB subcontracting requirements when using subcontractors.

¹⁴ This amount consists of expenses for five subcontractors.

¹⁵ This amount consists of expenses from four subcontractors identified in the first row of Table 1 as well as six additional subcontractors, for a total of ten subcontractors.

Management Response

Action Plan

Sherry Matthews Group has already revised its HUB Subcontracting Plan (HSP) and will ensure subcontractors are clearly billed as third parties on all invoices.

Because new subcontractors (both individuals and companies) are added throughout the year, Sherry Matthews Group will continuously monitor and update its HSP to make certain we remain in compliance with HUB subcontracting requirements when using subcontractors.

Our accounting, administrative, and account service staff are undergoing extensive training in HSP rules and regulations to ensure a greater understanding of the HSP process and its impact on billing HHSC and other state agency clients.

Responsible Managers

Chief Financial Officer Deputy Controller

Target Implementation Date

May 1, 2023

Appendix A: Objective, Scope, and Criteria

Objective and Scope

The audit objective was to determine whether SMG delivered and billed for selected services in compliance with applicable contract requirements.

The audit scope covered the period from July 1, 2021, through August 31, 2022.

Criteria

OIG Audit used the following criteria to evaluate the information provided:

- 34 Tex. Admin. Code § 20.285 (2017)
- Texas HHS contract #HHS000728300010 (2020)
- Texas HHS contract #HHS000728300025 (2021)

Appendix B: Detailed Methodology

OIG Audit issued an engagement letter to SMG on August 1, 2022, providing information about the upcoming audit, and conducted fieldwork from August 1, 2022, through December 8, 2022.

OIG Audit also reviewed SMG's system of internal controls, including components of internal control, ¹⁶ within the context of the audit objectives by:

- Interviewing SMG staff with oversight responsibilities.
- Reviewing relevant documentation, such as policies and procedures.
- Performing selected tests of relevant documentation.

Data Reliability

To assess the reliability of data provided by SMG, auditors observed the extraction process and interviewed SMG personnel who were knowledgeable about the systems and data. OIG Audit determined that the data was sufficiently reliable for the purposes of this audit.

Testing Methodology

OIG Audit collected information for this audit through discussions, interviews, and electronic communications with SMG management and staff. OIG Audit reviewed:

- SMG's contract with WIC and its relevant processes.
- Documentation related to the monthly digital campaign reports submitted.
- Documentation related to the invoices submitted to WIC, including time sheets.

¹⁶ For more information on the components of internal control, see the United States Government Accountability Office's *Standards for Internal Control in the Federal Government*, (Sept. 2014), https://www.gao.gov/assets/qao-14-704g.pdf (accessed Apr. 16, 2021).

- Documentation related to SMG's delivery of required materials as stated in the contract.
- Third-party vendor information technology (IT) system reports.

Sampling Methodology

Auditors selected nonstatistical samples, primarily through risk-based selections. These sample selections were chosen to address specific risk factors identified in the populations. The sample items were generally not representative of the populations; therefore, it would not be appropriate to project the test results to the populations. The results of testing are described throughout the report in relation to the items sampled, as appropriate.

Appendix C: Related Reports

• Women, Infants, and Children's Nutrition Program (WIC): City of Laredo Health Department, <u>AUD-21-014</u>, July 23, 2021

Appendix D: Resources for Additional Information

The following resources provide additional information about the topics covered in this report.

For more information on WIC:

"Texas WIC," HHS, https://texaswic.org/ (accessed Feb. 23, 2023)

For more information on Sherry Matthews Group:

Homepage, Sherry Matthews Group, https://www.sherrymatthews.com/ (accessed Feb. 23, 2023)

For more information on the HUB program:

"Historically Underutilized Business (HUB) Program," Texas Comptroller, https://comptroller.texas.gov/purchasing/vendor/hub/ (accessed Feb. 23, 2023)

Appendix E: Report Team and Distribution

Report Team

OIG staff members who contributed to this audit report include:

- Tammie Wells, CIA, CFE, Audit Director
- Kanette Blomberg, CPA, CIGA, Senior Managing Auditor
- Sonja Murillo, Staff Auditor
- Maria Brunetti, Associate Auditor
- Amanda Holton, Associate Auditor
- Crystal Lopez, Associate Auditor
- Karen Mullen, CGAP, CIGA, Quality Assurance Reviewer
- Leia Villaret, CGAP, Quality Assurance Reviewer
- Ashley Rains, CPE, CFE, Senior Audit Operations Analyst

Report Distribution

Health and Human Services

- Cecile Erwin Young, Executive Commissioner
- Kate Hendrix, Chief of Staff
- Maurice McCreary, Jr., Chief Operating Officer
- Jordan Dixon, Chief Policy and Regulatory Officer
- Karen Ray, Chief Counsel
- Michelle Alletto, Chief Program and Services Officer
- Nicole Guerrero, Chief Audit Executive
- Edgar Curtis, WIC Director
- Rob Ries, Deputy Executive Commissioner, Family Health Services

 Lindsay Rodgers, Associate Commissioner, Early Family Nutrition and Development

Sherry Matthews Group

- Sherry Matthews, Chief Executive Officer
- Wardaleen Belvin, Chief Financial Officer
- Sandra Lipchak, Deputy Controller
- Paula Mayberry, Director of Billing/Human Resources/Operations
- Dandi Wright, Account Director
- Chad Kaiser, Account Manager

Appendix F: OIG Mission, Leadership, and Contact Information

The mission of OIG is to prevent, detect, and deter fraud, waste, and abuse through the audit, investigation, and inspection of federal and state taxpayer dollars used in the provision and delivery of health and human services in Texas. The senior leadership guiding the fulfillment of OIG's mission and statutory responsibility includes:

- Sylvia Hernandez Kauffman, Inspector General
- Audrey O'Neill, Principal Deputy Inspector General
- Kacy J. VerColen, Chief of Audit and Inspections
- Diane Salisbury, Chief of Data Reviews
- Susan Biles, Chief of Staff, Chief of Policy and Performance
- Erik Cary, Chief Counsel
- Matt Chaplin, Chief of Operations
- Steve Johnson, Chief of Investigations and Utilization Reviews

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Online: https://oig.hhs.texas.gov/report-fraud-waste-or-abuse

• Phone: 1-800-436-6184

To Contact OIG

Email: <u>OIGCommunications@hhs.texas.gov</u>

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