

THE UNIVERSITY OF CONNECTICUT CONSULTING PROGRAM FY 2012 ANNUAL REPORT

SUMMARY

FY 12 represented the fourth full year of operation of the University's consulting program that was implemented in mid FY '08¹. At the start of the year, the Director of the Storrs Faculty Consulting Office (FCO), Dr. Nancy Bull, was replaced by Dr. Sally Reis. The responsibility for supporting the Faculty Consulting Oversight Committee, was transferred from Rachel Rubin to Kimberly Fearney.

The new on-line faculty consulting approval system (OFCAS) became operational during the year starting on July 1 for pilot departments at Storrs with the final rollout with mandatory use by all departments on December 1. Over this time, a large number of paper request forms (245 for Storrs and 400+ at UHC) were also processed.

Most, but not all the goals for OFCAS were successfully addressed in FY 12 and both faculty and department heads generally viewed the system as a significant improvement over the prior paper request forms. The original goals were to:

- Facilitate the time it takes to obtain approval for consulting activities.
- Enable requests for consulting to be easily tracked through the approval process.
- Reduce the occurrence of data errors.
- Facilitate the annual reconciliation process.
- Provide those approving requests to consult with more organized data in order to support their decision making

Unanticipated problems occurred with the implementation of OFCAS and as a result the Faculty Consulting Offices needed to expend considerably more effort and attention to operate the program than originally planned. The on-line delivery system did not include all the original functionality expected. For example, request forms that were not completed in a single session could not be saved, and were therefore frequently lost requiring the re-typing of the same information. Such forms could only be completed by the faculty member (i.e. rather than staff as was allowed with the paper forms.)

Due to technical issues, the transfer of data from the paper request forms into the OFCAS database (necessary both to support the on-line reconciliation process as well as to develop a single database for reporting purposes) was delayed until the summer of 2012. As a result, the deadline for submitting year-end reconciliation reports for FY 12 was moved from September 15, 2012 to October 31, 2012.

¹ A full description of the origins of this new system was provided in the FY 08 Annual Report of the University's Consulting Program.

Additional problems arose during the summer of 2012 (which will be detailed in the FY 2013 annual report), that blocked access to information in FY 12 OFCAS database until April 2013. This delayed the writing of this annual report and made recent audits more difficult to conduct.

As mandated by legislation, the Faculty Consulting Oversight Committee (including a member of the Citizen's Ethics Advisory Board and members appointed by the Legislature) filed its third annual report to the UConn Board of Trustees and to the Legislature in the spring of 2012. This was a positive report. The Oversight Committee continues to monitor all audit reports related to the program and will issue its fourth report in the spring of 2013.

CONSULTING MANAGEMENT COMMITTEE

The Consulting Management Committee (CMC) once again amended its previous ruling on 'promotional presentations' to restrict the use of the contracting entity name and logos on educational materials and to put additional restrictions on journal club type presentations and speaker training sessions. The CMC reviewed and endorsed a Provost's policy on faculty managers who have more than 50% effort assigned to administration and advised management on possible changes to the University Teaching Elsewhere Policy and Conflict of Interest Thresholds. The latter were eventually approved by the Board of Trustees in August 2012 and will be described in the FY 13 Consulting Office report.

PERFORMANCE NUMBERS-STORRS CAMPUS+

The Faculty Consulting Office (FCO) on the Storrs Campus received 1,152 consulting forms from 446 individuals or 36% of those eligible to consult² (Table 1). Of these, 1,116 were approved (97.2% of the total) and 9 (< 1 %) were denied. In FY11, the FCO received 1,206 requests from 432 individuals with 98.8% approved and 1.2% denied.

All data were analyzed using the information submitted on the FY12 Annual Reconciliation Report. Reconciliation reports were received from all but 1 individual who engaged in consulting activities and who remained on the payroll when reconciliation reports were due. Nine individuals (17 requests) left employment with UConn-Storrs+ and did not complete a report.

Of the 1,116 approved activities, 1,056 occurred (94.6%) and 60 (5.4 %) were not performed. There were 446 individual faculty members who performed at least one consulting activity during the fiscal year.

The mean amount of time spent consulting during normal work time was 1.84 days. Of these, only 3 faculty members reported reaching the Provost's maximum of an average of one day per week during normal work hours (39 days for a nine month appointment).

Twenty (20) faculty members (4 % of those who consulted) indicated on their reconciliation reports that they used more time during the normal work hours than originally estimated (Table 3). The maximum number of additional days was 6 with a mean of 1.66 days. Of these, none were deemed to be material in the average.

² The total number eligible faculty was obtained from the UConn 2011 Fact Sheet.

PERFORMANCE NUMBERS-UCHC CAMPUS

The FCO on the UCHC Campus received 735 Consulting requests from 164 individuals (Table 3). Of these, 701 were approved (95.4% of the total), 6 (.8%) were withdrawn or system errors, and 28 (3.8%) were denied. In FY 11 the FCO received 746 requests from 170 individuals with 97.7% approved, .8% withdrawn, and 1.5% denied.

Reconciliation reports were received on time from all those who engaged in consulting activities and who remained on the payroll when reconciliation reports were due. Several individuals left employment with UCHC and therefore 33 activities did not have reconciliation reports.

Of the 701 approved activities, 617 occurred and were reconciled (88.0%). There were 149 unique faculty members who performed at least one consulting activity during the fiscal year. The mean amount of time spent consulting during normal work time was 4.2 days. No faculty member exceeded the Provost's maximum of an average of one day per week during normal work hours.

Twelve faculty members indicated on their reconciliation reports that they used more time during the normal work hours than originally estimated (Table 4). Six of these reported using no more than one additional day, four indicating no more than 2 additional days, and two using no more than 3 additional days. The department heads will be notified of any unapproved time of more than one day (i.e. for six of the faculty) with a copy also sent to the faculty member.

AUDIT FINDINGS

By State statute, the consulting program must be audited twice a year by the Office of Audit, Compliance and Ethics. The fifth audit covering the time period from July 1, 2009 – June 30, 2010 was issued on December 21, 2011. It dealt with two major issues. The first concerned consulting by 9 month employees with extended employment during the summer on research grants and the need to implement system checks to ensure consulting does not conflict with commitments on these grants. These check systems have been implemented.

The second issue noted that 25 faculty members had submitted late reconciliation reports (1-111 days) and 5 had not submitted reports at all. The auditors recommended a clear sanctions policy be put in place articulating how to handle such situations. The existing sanctions policy was amended and posted accordingly. Further, it was believed that the implementation of OFCAS would facilitate the reconciliation process.

The sixth audit covering the period of time July 1, 2010 – December 31, 2010, was issued on August 13, 2012. It dealt with two major issues. The first concerned the degree to which department heads understood and were tracking consulting time that takes place during 'normal work time'. Management agreed to develop new department head training sessions and to require attendance. These training sessions were completed in December 2012. In addition, OFCAS was designed to provide additional information to the department heads regarding the

amount of consulting being done by their faculty so that could be considered prior to department heads issuing their approval for new requests.

The second issue related to an on-going concern of the auditors that a select number of complex and “high risk for conflict of interest” cases cannot be adequately assessed through the current consulting approval process. Such cases may require consideration of information beyond what is requested during the consulting approval process and may pertain to rules and standards from many domains such as CoI in research, technology transfer and other domain specific CoI policies. Management agreed to convene a University-wide CoI Committee to consider such cases which would first developed standards for what constitutes such high-risk cases and then assess such situations that have been identified. The Committee was convened and is chaired by the Storrs Compliance Officer, Kimberly Fearney. It has developed the definitions and will begin the review process for identified cases for consulting activities starting in FY 13.

The seventh audit covering the period of time July 1, 2010 - June 30, 2011 was issued on November 8, 2012. This audit dealt with two major issues. The first concerned the recent availability of data (payments made to physicians) being published by a subset of pharmaceutical and medical device companies. Such data could be used to audit the compliance of our faculty in obtaining permission to consult and/or in filing required conflict of interest disclosure statements.

The UCHC Office of Research Compliance subscribes to a service that collates these data into a single report (Pharmashine). Based on this PharmaShine report including data for FY 11, the Office of Audit, Compliance and Ethics raised concerns about two UCHC faculty members and their compliance with the faculty consulting policy. A cross-campus team collaborated to develop a standard approach for conducting such investigations. In both cases, the faculty members were found to be out of compliance with the consulting policy.

One of the provisions of the federal Affordable Care Act is that all pharmaceutical and medical device companies will be required to report such data annually (with the first data collection starting August 2013) and another is the federal government will publish such payment data on a publicly accessible website (starting September 2014). The auditors believe that the faculty need to be made aware of these provisions and that a University-wide approach regarding if and how to use such payment information needs to be develop. Management agreed to develop a University-wide approach accordingly by January 31, 2013 (which was the target deadline for data collection to start.) The University is still developing this policy but the federal government moved the starting deadline for collecting payment information to August 2013. In the meantime, the Office of Audit Compliance and Ethics is monitoring the Pharmashine data reports.

The second audit issue dealt with a small number of faculty members who consulted during the summer while working 100% of research grants, despite an existing ban of this. The auditors recommended more robust system to prevent these situations from occurring. Management is reconsidering whether the 100% ban is appropriate and based on that analysis may remove it from the consulting rules.

The eighth audit, which is still underway, covers the period of time from July 1, 2011 - June 30, 2012. Given a change in State statute, audits are now only required on an annual basis starting with this report. These reports of this audit will be presented in the FY 13 Consulting Report

ISSUES FOR FY '13

- Implementation of phase 2 of the On-line Faculty Consulting Approval System (OFCAS).
- Providing additional training to department heads and deans.
- Developing an approach for addressing the Payment to Physician Sunshine Act
- Addressing all previously raised and new audit findings

S. Reis
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May 15, 2013

Table 1 – Storrs Requests to Consult

Requests		Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	VPR	LAW	NURS	PHARM	SW	Other
#		1152	14	69	58	364	240	65	74	6	23	45	161	22	11
%		100%	1%	6%	5%	32%	21%	6%	6%	<1%	2%	4%	14%	2%	1%

Unique Faculty		Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	VPR	LAW	NURS	PHARM	SW	Other
#		446	8	30	33	169	55	39	26	5	10	16	34	13	8
%		100%	2%	7%	7%	38%	12%	9%	6%	1%	2%	3%	8%	3%	2%

Requests/faculty		Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	VPR	LAW	NURS	PHARM	SW	Other
mean		2.58	1.75	2.3	1.75	2.15	4.36	1.66	2.86	1.2	2.3	2.81	4.74	2.63	1.38
10 or more requests		10	-	1	-	2	4	-	1	-	-	-	3	-	-

DEFINITIONS:

*STORRS CAMPUS: includes Storrs and Regional campuses, School of Social Work and School of Law

SCHOOL/COLLEGE/UNIT

ATHL Athletics

BUS Business

CANR Agriculture and Natural Resources

CLAS Liberal Arts & Sciences

ED Education

ENG Engineering

FA Fine Arts

VPR Vice President for Research

LAW School of Law

NURS Nursing

PHARM Pharmacy

SW School of Social Work

OTHER Center for Continuing Studies; Ctr Under Grd Ed; Library; OMIA; Prov & Exvp Acad Affairs

Table 2 – Storrs Reconciliation Report Variances for Time During Normal Work Hours

Effort During Normal Work Days	
# with extra days	20
% of faculty with extra days	(4%)
min	0.05
max	6.0

Table 3 – UCHC Requests to Consult

Requests	Total	SoDM	SoM
#	735	110	625
%		15.0%	85.0%
Individual faculty	Total	SoDM	SoM
#	164	36	128
%		22.0%	78.0%
Requests/faculty	Total	SoDM	SoM
mean	4.5	3.1	4.9
median	2.00	2.00	2.00
10 or more requests	18	2	16

Table 4 – UCHC Reconciliation Report Variances for Time During Normal Work Hours

Effort During Normal Work Days	
# with extra days	12
% of faculty with extra days	(8%)
min	0.2
max	3.0