

THE UNIVERSITY OF CONNECTICUT CONSULTING PROGRAM FY 2013 ANNUAL REPORT

SUMMARY

FY 13 represented the fifth full year of operation of the University's consulting program that was implemented in mid FY '08¹. The policies, procedures and staffing remained stable throughout the year.

As indicated in the FY 12 report, the first half of the year was marked by significant problems with the new on-line faculty consulting approval system (OFCAS) and the need to implement version 2 of the system prior to its intended start date. While such problems put a considerable extra demand on the Faculty Consulting Offices, as well requiring a high level of patience from the faculty, these issues were resolved by the spring of 2013 and the system is now functional and stable. This has enabled the submission and processing of all reconciliation reports on time and thus allowed the timely completion of this annual report.²

All of the goals for OFCAS were successfully addressed in FY 13 and both faculty and department heads generally view the system as a significant improvement over the prior paper request forms. The original goals were to:

- Accelerate 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 to support their decision making.

Based on previous audit recommendations, mandatory, face-to-face training on the current rules related to consulting was provided to all department heads and deans in the fall of 2012. In addition, a University-wide Committee was convened to review complex consulting requests deemed to have a high risk for conflicts of interest. This committee is chaired by the head of the Storrs Compliance Office and has representatives from a range of offices including those responsible for intellectual property, technology transfer, research compliance, and consulting. It has developed definitions of the types of activities it will review. The Committee is expected to review these situations starting in the fall of 2013.

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 fourth annual report to the UConn Board of Trustees and to the Legislature in the spring of 2013. This was a positive report. The Oversight Committee continues to monitor all audit reports related to the program and will issue its fifth report in the winter of 2014.

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.

² The Faculty Consulting Offices are thankful for the dedication of the Information Technology staff assigned to OFCAS during this difficult time, especially the services of Mr. Michael Oatley.

CONSULTING MANAGEMENT COMMITTEE

The Consulting Management Committee (CMC) did not need to make any significant revisions to its library of decisions on consulting. It continued to review the audit reports and monitor the implementation of management plans. It also provided advice regarding revisions to the Board of Trustees' policy and procedures on consulting, which included:

November 2012

- Banning teaching that would compete with the University's course offerings. As a result of this revision, the University's Policy on Teaching Elsewhere was redundant and thus removed.
- Redefining the activities eligible for accelerated approval (i.e. low risk of CoI activities) to include panels advising the U.S. government how to conduct research, and for providing feedback on surveys so long as such information would not only be known by a State employee.

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- Removal on the cap set for consulting during normal work time. The cap was somewhat arbitrary and was set as an average of one day per week. The current standard is fully addressing all of one's job duties including being present for assigned teaching, clinical work, meetings, etc.

PERFORMANCE NUMBERS: STORRS+ CAMPUS

The Faculty Consulting Office (FCO) on the Storrs Campus received 1,125 consulting forms from 443 individuals or 33% of those eligible to consult³ (Table 1). Of these, 1,105 were approved (98.2% of the total) and 20 (1.8 %) were denied. In FY12, the FCO received 1, 152 requests from 446 individuals with 97.2% approved and < 1% denied.

All data were analyzed using the information submitted on the FY13 Annual Reconciliation Report. Reconciliation reports were received from all individuals who engaged in consulting activities and who remained on the payroll when reconciliation reports were due; one report was received late. Eleven individuals (20 requests) left employment with UConn-Storrs+ and did not complete a report. A twelfth faculty member left UConn but contacted the Faculty Consulting Office requesting to reconcile by hard copy.

Of the 1,105 approved activities, 971 occurred (88%) and 98 (8.8 %) were not performed. The remaining 36 (3.2%) requests were duplicates of approved requests (often initially approved by hard copy, due to system errors) or not reconciled by employees who left UConn employment. There were 443 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 1.79 days. Of these, only 1 faculty member 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).

³ The total number eligible faculty was obtained from the UConn 2012 Fact Sheet.

Seventeen (17) faculty members (3.8 % 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 17 with a mean of 2.79 days.

The Storrs FCO performed four investigations of faculty who exceeded their requested normal work time by 4 days or more. Of those, three were deemed data input errors during reconciliation. The fourth investigation - exceeding normal work time by 5 days - revealed an activity that crossed fiscal years, and the reconciliation report contained normal work time from FY 12, and, therefore, there was no material overage in FY 13.

PERFORMANCE NUMBERS: UCHC CAMPUS

The FCO on the UCHC Campus received 767 consulting requests from 171 individuals (Table 3). Of these, 671 were approved (87.5% of the total), 74 (9.6%) were withdrawn or system errors, and 22 (2.9%) were denied. In FY 12 the FCO received 735 requests from 164 individuals with 95.4% approved, .8% withdrawn, and 3.8% 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 25 activities did not have reconciliation reports.

Of the 671 approved activities, 579 occurred and were reconciled (86.3%). There were 152 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 4.5 days. The maximum was 41.6 normal work days.

Eight 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, one indicating no more than 2 additional days, and one 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 two of the faculty) with a copy also sent to the faculty member.

AUDIT FINDINGS

By State statute, the consulting program must be audited by the Office of Audit, Compliance and Ethics. The original audit schedule was for two a year but, starting in FY 13, the requirement was revised to once a year.

The eighth audit, covering the period of time from July 1, 2011 - June 30, 2012 was issued on September 12, 2013. The auditors noted the difficulties with the on-line faculty consulting approval system and due to duplicate requests; the summary data reported at year end might have over stated the amount of consulting actually performed. They recommended measures to improve the quality of the data. Many of these recommendations have already been implemented. The auditors also noted that that reconciliation reports were complete and recognized an improvement in knowledge of the consulting rules by deans, department heads and faculty.

A concern was raised regarding the new Open Payments program that is being implemented under the Affordable Care Act (previously known as the Payment to Physicians Sunshine Act). Starting August 1, 2013, pharmaceutical and medical device companies began collecting data on payments made to physicians and dentists. These data will be assembled into a publically accessible web site by the end of the summer of 2014. The auditors recommended that an awareness campaign be implemented with the goal of informing all clinical faculty of the Open Payment program.

This awareness effort was begun in July 2013 and will continue through the fall and into next year. In addition, the Health Center will be developing an institutional approach for ensuring that the affected faculty members take advantage of their opportunity to review payment data before they are published. Lastly, a risk assessment is underway to determine if there are any possible liabilities associated with the public release of the physician/dentist payment data and, if present, how to mitigate them.

The auditors issued recommendations regarding the review of consulting performed by nine and ten month faculty during the summer if they work 100% on research grants. They also recommended a second reviewer approve the consulting requests from School of Medicine Department heads. OFCAS could not provide this functionality when first implemented. Both these issues have already been addressed by management.

ISSUES FOR FY '14

- Continuing the development of the Health Center's approach for addressing Open Payments.
- Continuing the development of the inter-disciplinary approach to be used by the High Risk Conflict of Interest Committee, followed by the actual review of these complex cases.
- Addressing all previously raised and new audit findings

S. Reis
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October 29, 2013

Table 1 – Storrs Requests to Consult

Requests	Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	LAW	NURS	PHARM	SW	Other
#	1125	27	47	51	321	232	97	76	31	48	143	28	24
%	100%	2.4%	4.2%	4.5%	28.5%	20.6%	8.6%	6.8%	2.8%	4.3%	12.7%	2.5%	2.1%

Unique Faculty	Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	LAW	NURS	PHARM	SW	Other
#	443	13	23	26	156	59	48	25	15	20	35	12	11
%	100%	2.9%	5.2%	5.9%	35.2%	13.3%	10.8%	5.6%	3.4%	4.5%	7.9%	2.7%	2.5%

Requests/faculty	Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	LAW	NURS	PHARM	SW	Other
mean	2.51	2.08	2.04	1.96	2.06	3.93	2.02	3.04	2	2.4	4.09	2.33	2.18
10 or more requests	10	-	1	1	1	6	-	1	-	-	5	1	-

DEFINITIONS:

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

SCHOOL/COLLEGE/UNIT

ATHL	Athletics		
BUS	Business	LAW	School of Law
CANR	Agriculture and Natural Resources	NURS	Nursing
CLAS	Liberal Arts & Sciences	PHARM	Pharmacy
ED	Education	SW	School of Social Work
ENG	Engineering	OTHER	Center for Continuing Studies; Ctr Under Grd Ed;
FA	Fine Arts		Library; OMIA; Prov & Exvp Acad Affairs, Vice President for Research

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

Effort During Normal Work Days	
# with extra days	17
% of faculty with extra days	(3.84%)
min	0.3
max	17.0

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	8
% of faculty with extra days	(5.3%)
min	0.2
max	2.5