

# **THE UNIVERSITY OF CONNECTICUT CONSULTING PROGRAM FY 2018 ANNUAL REPORT**

## **SUMMARY**

FY 18 (July 1, 2017 – June 30, 2018) represented the tenth full year of operation of the University's consulting program that was implemented in mid FY 08. The policies and procedures remained materially the same throughout the year. Dr. John Volin was appointed the Director of the Storrs+ Faculty Consulting Office, Dr. Craig Kennedy was appointed Provost, and at the end of FY 18, Mr. Brandon Murray, the primary administrative support person for the Storrs+ Faculty Consulting Office, took on a new position.<sup>1</sup>

The Faculty Consulting Offices (FCO) continue to maintain close working relationships with the Office of the Vice President for Research, the Office of Research Compliance, and the newly convened Clinical Conflict of Interest Committee at UConn Health. Both FCOs now regularly receive updates on the establishment of new faculty affiliated companies. In addition to standard language in offer letters, the UConn Health Human Resources Department now sends each new incoming faculty member a letter from the FCO regarding the program, need to obtain prior approval, and an offer to provide support before the first day of employment.

During the year, the faculty consulting request form was revised to include more specific information concerning the level of compensation. Unfortunately, this resulted in an unanticipated glitch OFCAS (on-line faculty consulting approval system), that was identified and corrected a few weeks later. The FCO has reviewed the OFCAS system with our IT support staff and believe the system is robust and will be serviceable well into the future.

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 tenth annual report with the UConn Board of Trustees and to the Legislature in the winter of 2018. This was a positive report. The Oversight Committee continues to monitor all audit reports related to the program and will issue its tenth report in the winter of 2019.

## **CONSULTING MANAGEMENT COMMITTEE**

The Consulting Management Committee (CMC) did not need to make any significant revisions to its previous decisions on consulting. It continued to review the audit reports and monitor the implementation of management plans.

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<sup>1</sup> While out of scope for FY 18, Mr. Murray's equivalent for the UConn Health Faculty Consulting Office, Ms. Dorothy Linnhoff also left her position in early August 2018

## **PERFORMANCE NUMBERS: STORRS+ CAMPUS**

The Faculty Consulting Office (FCO) on the Storrs Campus received 1,014 consulting forms from 468 individuals or 31% of those eligible to consult<sup>2</sup> (Table 1). Of these, 986 were approved (97.2% of the total), 6 (< 1%) were denied, and 22 were withdrawn (2.2%). In FY 17, the FCO received 984 requests from 417 individuals with 98.5% approved, <1% denied, and 1.3% withdrawn.

All data were analyzed using the information submitted on the FY18 Annual Reconciliation Report. Reconciliation reports have been received from all individuals who engaged in consulting activities. Eleven individuals (17 requests) left employment with UConn-Storrs+ and did not complete a report.

Of the 986 approved activities, 893 occurred (90.6%) and 76 (7.7%) were not performed. The remaining 17 (1.7%) requests were not reconciled, due to employees who left UConn employment. The Storrs+ FCO issued first-offense verbal or written sanctions to 12 faculty members and 1 second-time offense to 1 faculty member. Of these, sanctions were issues for failure to submit, late submission, unanticipated compensation, starting consultation activity prior to receiving approval, and failure to reconcile on time. There were no known cases of other non-compliance with the consulting policy.

The mean amount of time spent consulting during normal work time was 2.66 days. Of these, 4 faculty members reported exceeding the Provost's recommended maximum of an average of one day per week during normal work hours (39 days for a nine-month appointment). 22 faculty members (4.7 % of those who consulted) indicated on their reconciliation reports (25 unique activities) that they used more time during the normal work hours than originally estimated (Table 2). The maximum number of additional days was 28 with a mean of 4.3 days.

## **PERFORMANCE NUMBERS: UCONN HEALTH CAMPUS**

The FCO on the UConn Health Campus received 761 consulting requests from 201 individuals (Table 3). Of these, 711 were approved (93.4% of the total), 22 (2.9%) were withdrawn or system errors, and 28 (3.7%) were denied. In FY 17 the FCO received 677 requests from 184 individuals with 95.0% approved and 1.8% 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 UConn Health and therefore 18 approved activities did not have reconciliation reports.

Of the 711 approved activities, 617 occurred and were reconciled (86.8%). There were 180 unique faculty members who performed at least one consulting activity during the fiscal year. The mean amount of time spent consulting normal work time per faculty member was 4.0

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<sup>2</sup> The total number eligible faculty was obtained from the UConn 2018 Fact Sheet.

days with a maximum of 32.6 days and a median of 2.5 days. The UConn Health FCO issued first-offense verbal or written sanctions to 20 faculty members. Of these, all of the “offenses” were for late submissions or unanticipated compensation. All of these requests would have been approved if submitted on time. There was one case in which a faculty member performed an activity prior to submitting a consulting request and this activity would not have been approved if a request had been submitted. That faculty member is no longer an employee of UConn Health.

Four faculty members used more time during the normal work hours than originally estimated (Table 4). Based on our pre-established threshold of more than 1 day, one of these faculty members and the department chairman will be notified accordingly.

## **AUDIT FINDINGS**

By State statute, the consulting program must be audited by the internal audit office of each constituent unit which is currently the Office of Audit and Management Advisory Services. The original audit schedule was twice a year, but starting in FY 13 the requirement was revised to once each year.

The thirteenth audit, covering the period of time from July 1, 2016 - June 30, 2017 (FY 17) was issued on June 6, 2018. The auditors’ overall conclusions were that the University is in compliance with CGS 1-84(r) and the University’s Policy on Consulting. The auditors also concluded that the FY 17 Annual Report of the Faculty Consulting Office was materially correct.

The auditors identified a number of faculty who were engaged in consulting but who did not obtain prior approval to do so. This resulted in a significant increase in the number of sanction letters issued in FY 18,

The auditors identified a number of situations in which Storrs-based management exempt faculty did not take vacation days when consulting during normal work time. This issue was addressed by the Provost’s Office.

In addition to more minor issues raised by the auditors, the Provost agreed to three more substantive actions:

- a) Management agreed to reconsider its policy and practices regarding the total amount of time the faculty can devote to consulting.
- b) Management agreed to reconsider its policy and practices related to whether management-exempt faculty on both campuses should be treated the same as each other or as the non-management exempt faculty.
- c) Management agreed to consider how to best prevent full-time clinical faculty from being non-compliant with the ban in the University’s By-Laws prohibiting them from engaging in private practice.

Active discussions on each of the three issues listed above has taken place and it is expected the outcomes will be reported at the December 2018 meeting of the Board of Trustees Joint Audit and Compliance Committee.

## **OPEN PAYMENTS**

The Open Payments program mandated by the Federal Affordable Care Act has completed its fifth cycle including the public release in June 2018 of payment information for CY 17. This program requires medical/dental device manufacturers and pharmaceutical companies to report payments made to certain healthcare providers (including physicians and dentists) to the Center for Medicare and Medicaid Services (CMS). The current Open Payments web site is extremely easy to use. To date, no known negative press coverage regarding UConn Health faculty have occurred. The strong collaboration between the Communications Office and the FCO continues and as was needed in the past, we are ready to explain how the faculty consulting program and its oversight mechanisms vigorously monitor and manage possible conflicts of interest.

## **ISSUES FOR FY 19**

- Addressing all previously raised and new audit findings.
- Continued training of the new staff assigned to the Faculty Consulting Offices.

J. Shoulson  
S. Wetstone  
December 6, 2018

Table 1 – Storrs Requests to Consult

<b>Requests</b>	<b>Total</b>	<b>ATHL</b>	<b>BUS</b>	<b>CAHNR</b>	<b>CLAS</b>	<b>ED</b>	<b>ENG</b>	<b>FA</b>	<b>LAW</b>	<b>NURS</b>	<b>PHARM</b>	<b>SW</b>	<b>Other</b>
<b>#</b>	<b>1014</b>	15	39	129	278	146	102	74	36	32	80	11	72
<b>%</b>	<b>100%</b>	1.5%	3.8%	12.7%	27.4%	14.4%	10.1%	7.3%	3.6%	3.2%	7.9%	1.1%	7.1%
<b>Unique Faculty</b>	<b>Total</b>	<b>ATHL</b>	<b>BUS</b>	<b>CAHNR</b>	<b>CLAS</b>	<b>ED</b>	<b>ENG</b>	<b>FA</b>	<b>LAW</b>	<b>NURS</b>	<b>PHARM</b>	<b>SW</b>	<b>Other</b>
<b>#</b>	<b>468</b>	7	30	58	148	49	55	30	13	20	24	6	28
<b>%</b>	<b>100%</b>	1.5%	6.4%	12.4%	31.6%	10.5%	11.8%	6.4%	2.8%	4.3%	5.1%	1.2%	6.0%
<b>Requests/faculty</b>	<b>Total</b>	<b>ATHL</b>	<b>BUS</b>	<b>CAHNR</b>	<b>CLAS</b>	<b>ED</b>	<b>ENG</b>	<b>FA</b>	<b>LAW</b>	<b>NURS</b>	<b>PHARM</b>	<b>SW</b>	<b>Other</b>
<b>mean</b>	<b>2.24</b>	2.14	1.30	2.22	1.87	2.98	1.85	2.47	2.77	1.60	3.33	1.83	2.57
<b>10 or more requests</b>	<b>7</b>	0	0	1	2	1	0	0	0	0	2	0	1

“Other” includes faculty affiliated with the Provost’s Office and the Vice President for Research, including four UConn Health employees.

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

<b>Effort During Normal Work Days</b>	
# of requests with extra days	25
% of faculty with extra days	(4.5%)
min	0.10
max	28.0

Table 3 – UConn Health Requests to Consult

<b>Requests</b>	Total	SoDM	SoM
#	761	104	657
%		13.7%	86.3%
<b>Individual faculty</b>	Total	SoDM	SoM
#	201	35	166
%		17.4%	82.6%
<b>Requests/faculty</b>	Total	SoDM	SoM
mean	3.8	3.0	4.0
median	2.0	2.0	2.0
10 or more requests	14	2	13

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

<b>Effort During Normal Work Days</b>	
# with extra days	4
% of faculty with extra days	(2.0%)
min	1.0
max	2.0