

THE UNIVERSITY OF CONNECTICUT CONSULTING PROGRAM FY 2020 ANNUAL REPORT

SUMMARY

FY 20 (July 1, 2019 – June 30, 2020) represented the Twelfth 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.

In the first quarter, the primary administrative staff of the UConn faculty consulting office was filled by Dr. Sarah Croucher. In the 3rd quarter, Dr. Carl Lejuez was appointed Provost.

The Faculty Consulting Offices (FCOs) 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 the third quarter, the FCOs learned of the need to replace the current on-line faculty consulting approval system with a new system by July 1, 2021. In the fourth quarter this deadline was shifted to October 1, 2020. This was successfully accomplished.

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 eleventh annual report with the UConn Board of Trustees and to the Legislature in the winter of 2020. This was a positive report. The Oversight Committee continues to monitor all audit reports related to the program and will issue its eleventh report in the winter of 2020.

CONSULTING MANAGEMENT COMMITTEE

The Consulting Management Committee (CMC) discussed the issue of consulting time for management-exempt faculty at the Health Center, delivering a recommendation to Provost Lejuez which assisted in updating policy relating to consulting-time for all UConn management-exempt faculty. The CMC also met to discuss the upgrade from OFCAS-3 to OFCAS-4.

The CMC continued to review the audit reports and monitor the implementation of management plans.

PERFORMANCE NUMBERS: STORRS+ CAMPUS

The Faculty Consulting Office (FCO) on the Storrs+ Campus received 1,133 consulting requests from 503 individuals, accounting for approximately 33% of the full-time faculty who would be eligible to consult¹ (Table 1). Of these, 1,069 were approved (94.3% of the total), 11

¹ The total number eligible faculty was obtained from the UConn 2020 Fact Sheet.

were denied (0.9%), 31 were withdrawn (2.7%), and 22 were “stuck” in the OFCAS system at stages below the FCO (1.9%). In FY19, the FCO received 1,135 requests from 455 individuals with 84.7% approved, 1.2% denied, 4.5% withdrawn, and 1.5% “stuck” in the OFCAS system.

All data were analyzed using the information submitted on the FY20 Annual Reconciliation Report. Reconciliation reports have been received from all individuals who engaged in consulting activities, with the exception of three faculty who failed to reconcile on time and then could not formally reconcile their requests as OFCAS-3 was closed to new actions immediately after the deadline for reconciliation. Fourteen individuals (20 requests) left employment with UConn-Storrs+ and did not complete a report.

Of the 1,055 approved and reconciled activities, 911 occurred (86%) and 144 (14%) were not performed. The Storrs+ FCO issued first-offense verbal or written sanctions to 13 faculty members and one faculty member received a suspension from consulting for one year. Of these, sanctions were issues for failure to submit, late submission, unanticipated compensation, failure to reconcile on time, and starting consultation activity prior to receiving approval. 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 3.97 days. Two 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). Nine faculty members (1.8% of those who consulted) indicated on their reconciliation reports (9 unique activities) that they used more time during the normal work hours than originally estimated (Table 2). The maximum number of additional days was 9 with a mean of 3.0 days.

PERFORMANCE NUMBERS: UCONN HEALTH CAMPUS

The FCO on the UConn Health Campus received 690 consulting requests from 207 individuals (Table 3). Of these, 662 were approved (95.9% of the total), 13 (1.9%) were withdrawn or system errors, and 15 (2.2%) were denied. In FY 19 the FCO received 838 requests from 217 individuals with 94.7% approved and 2.0% 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 9 approved activities did not have reconciliation reports.

Of the 662 approved activities, 556 occurred and were reconciled (84.0%). There were 184 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 per faculty member was 3.62 days with a maximum of 36.0 days and a median of 2.0 days. The UConn Health FCO issued first-offense verbal or written sanctions to 15 faculty members. One second-offense written warning was issued. Of these, all of the “offenses” were for late submissions or unanticipated compensation. It was determined that all of these requests would have been approved if submitted on time.

Four faculty members used more time during the normal work hours than originally estimated and approved (Table 4). Based on our pre-established threshold of more than 1 day, the department head level approver was notified of one faculty member who used more than one authorized day than was approved. The department chair will determine the appropriate action.

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 year².

The fifteenth audit, covering the period of time from July 1, 2018 - June 30, 2019 (FY 19) was issued on March 5, 2020. 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 19 Annual Report of the Faculty Consulting Office was materially correct.

The auditors identified a small number of cases submitted to the Storrs+ FCO in which faculty submitted requests to consult late, some of which were approved, and some of which were not approved but there was no documentation in the sanctions log that the appropriate verbal or written warning had been issued. In addition, they identified a number of cases in which the request had been submitted with less notice than is requested by the Faculty Consulting Offices, but in fact were reviewed and approved on time.

The auditors recognized that prior efforts had been made to address these issues that were operationalized late in FY 19 and would not be reflected yet in the data they reviewed. These included: 1) the development of a common set of standard internal operating procedures for use by both FCOs for identifying and handling non-compliant requests. (These were based on each office's best practices and a copy was sent to the auditors.) 2) Implementation of additional training and reminders as well as a pro-active system for considering whether faculty owners of newly reported faculty-affiliated companies had appropriate, approved consulting requests on file.

The auditors' recommendation was to continue these efforts.

The auditors identified a small number of cases in which consulting requests had not been submitted but activities had taken place and determined these may have been avoided with better management oversight. The recommended a mandatory refresher training for all UConn Health department head and dean level approvers, revisions to the pre-employment orientation letter sent to all incoming faculty by the UConn Health FCO, and the review of the sanctions policy to address the few faculty who tend to under-report their level of

² All finalized audit reports, FCO annual reports, and Oversight Committee annual reports are posted on the University's consulting web site: <https://consulting.uconn.edu/>

compensation and thus were eligible for the accelerated review process which only includes department head level approvers.

The pre-employment letter and approver training were completed in the Fall of 2020. The review of the sanctions policy will be considered in the spring of 2021, but the FCOs noted that in almost all cases, the activities in question were situations in which we perceive a very low risk for conflict of interest and additional review would not have been warranted even if the higher compensation level had been reported.

The auditors also noted the need for succession planning for the Director of UConn Health FCO. Since then, it has been determined that director will be leaving the position as of July 1, 2021 (but continuing his employment at UConn Health as a part-time teaching faculty member.) A search committee to refill this position was convened in the Fall of 2020 and his successor should be named in early 2021. It is unclear at this time what the plans are for training this new director.

The auditors noted the need to replace the on-line faculty consulting approval system (OFCAS-3) with a totally new program that would run on a new server platform (OFCAS-4). The target date for this new system was July 1, 2021 and the auditors made suggestions for upgrades.

Since the audit report was issued, the deadline for the new system was changed to October 1, 2020. This deadline was met and the auditors were included in the planning process.

The auditors noted that Faculty Affiliated Companies are a risk area in terms of potential conflicts of interest. They encouraged more data sharing between the FCO and the Office of the Vice President for Research. After review, both offices agreed the best approach to proceed was to give the OVPR full, real-time access to the new OFCAS-4 system and its data. That took place in the fall of 2020.

Once again, the auditors raised their concern that there should be a cap on how much time a faculty member may consult (whether that be on normal work time, or nights, weekends, holidays or vacation days) and that all management-exempt faculty should be required to use vacation days when consulting during the normal work week even if they make that time up on nights, weekends, holidays, etc. These matters have been considered twice by the University's Consulting Management Committee and over the summer of 2020 they were considered by our new Provost, Dr. Carl Lejuez.

The Provost has determined the existing rules concerning the amount of consulting will stay in place as we are comfortable that we can ensure that each faculty member is fully performing his/her state duties. Provost Lejuez has issued a new policy for consulting that applies to management-exempt faculty that for the first time is the same for both campuses. This requires such faculty to document how they are making up for any time spent consulting during normal work time at other times such as nights, weekends, holidays and vacation days.

During the summer of 2020, the Auditors of Public Accounts (aka the State Auditors) issued a report for UConn Health for FY 17 & FY 18 that included one finding related to faculty consulting. They identified one case in which a UConn Health faculty member did not have annual performance evaluations on record for the last several years despite having performed a large number of consulting activities. Such evaluations are our usual methodology for documenting each faculty member has fully performed his/her State job. While senior management believes there is other evidence this faculty member has been fully performing his job, an immediate formal performance evaluation took place and will now take place annually.

OPEN PAYMENTS

The Open Payments program mandated by the Federal Affordable Care Act has completed its seventh cycle including the public release in June 2020 of payment information for CY 19. 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 21

- The on-line faculty consulting approval system (OFCAS-3) was replaced on October 1, 2020. The new system (OFCAS-4) was developed and tested in a short period of time. While it has several significant enhancements, one drawback was the need to transfer live data from the OFCAS-3 system into the new database which using different data fields. As a result, the summary data for FY 21 will be more difficulty to assemble and analyze.
- On July 1, 2021, Dr. Scott Wetstone, Director the UConn Health Faculty Consulting Office will be stepping out of this role. During FY 21, his replacement will need to be identified and trained.

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January 24, 2021

Table 1 – Storrs+ Requests to Consult

Requests	Total	ATHL	BUS	CAHNR	CLAS	ED	ENG	FA	LAW	NURS	PHARM	SW	Other
#	1133	20	42	96	365	108	104	90	49	46	100	16	97
%	100%	1.77%	3.71%	8.47%	32.22%	9.53%	9.18%	7.94%	4.32%	4.06%	8.83%	1.41%	8.56%
Unique Faculty	Total	ATHL	BUS	CAHNR	CLAS	ED	ENG	FA	LAW	NURS	PHARM	SW	Other
#	503	10	31	40	170	49	57	31	19	17	30	9	40
%	100%	1.99%	6.16%	7.95%	33.80%	9.74%	11.33%	6.16%	3.78%	3.38%	5.96%	1.79%	7.95%
Requests/faculty	Total	ATHL	BUS	CAHNR	CLAS	ED	ENG	FA	LAW	NURS	PHARM	SW	Other
mean	2.25	2.00	1.35	2.40	2.15	2.20	1.82	2.90	2.58	2.71	3.33	1.78	2.43
10 or more requests	10	0	0	1	3	1	0	1	1	1	1	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

Effort During Normal Work Days	
# of faculty with extra days	9
% of faculty with extra days	(1.8%)
min	0.5
max	9.0

Table 3 – UConn Health Requests to Consult

Requests	Total	SoDM	SoM
#	690	95	595
%		13.8%	86.2%
Individual faculty	Total	SoDM	SoM
#	207	39	168
%		18.8%	81.2%
Requests/faculty	Total	SoDM	SoM
mean	3,3	2.4	3.5
median	2.0	2.0	2.0
10 or more requests	9	1	8

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

Effort During Normal Work Days	
# of faculty with extra days	4
% of faculty with extra days	(2.2%)
min	0.2
max	1.5