The Board of Regents Committee on Compliance and Audit
January, 2010

UC Ethics & Compliance Program
Compliance Quarterly Update

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UC Ethics & Compliance Program Update

Key Focus Areas

System-wide Monitoring

1. **American Recovery & Reinvestment Act (ARRA)**
   - Ethics, Compliance & Audit Services (ECAS) collaborating with campus/laboratory and UC Office of the President (UCOP) to develop oversight criteria for monitoring and reporting oversight status of appropriate use of ARRA monies.
   - System-wide review will begin in 4QFY10.

2. **Higher Education Opportunity Act (HEOA)**
   - ECAS has collaborated with and assisted areas/units in identifying provision requirements and developed a comprehensive monitoring tool for campuses.
   - Future monitoring of compliance efforts will be performed under the direction of ECAS.

3. **Royalty Audits**
   - ECAS developed audit program with external consultant to conduct 10 system-wide audits in FY09-10.
   - Five audits have been conducted thus far, with underpayment discovered in two of the audits.
   - ECAS has been asked to continue audit program in this area beyond FY09-10.
# UC Ethics & Compliance Program Update

## Key Focus Areas

<table>
<thead>
<tr>
<th>Annual Plan Performance Metrics</th>
<th>Effort Reporting</th>
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<tbody>
<tr>
<td>Metric assessments, as included in the Annual Compliance Plan, are in the final stage of development in the ECAS Compliance Management System and include the following:</td>
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<td>– General Campus Compliance</td>
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<td>– Program</td>
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<td>– Investigations</td>
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<td>– Mandatory Training</td>
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<td>– Health Sciences</td>
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<td>Effort reporting metrics, as requested by the President’s Compliance Committee, are under development by the Effort Reporting System Management Working Group and will be completed in Q4, FY 09/10.</td>
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Key Focus Areas

Export Control

- Historically limited campus and system resources in this risk area.
- ECAS developed HelpDesk professional services agreement (PSA) with external expert consultant to aid campuses with high risk issues.
- With ECAS support, the Office of General Counsel (OGC) has engaged outside law firm to work on campus research compliance issues, with approval of full time employee in OGC within next six months for this area.

Conflict of Interest (COI) – Health Sciences

- No current means of monitoring all COI areas (outside professional activities, research, procurement, prescribing).
- External focus on this area increasing.
- Senior management will be working with campuses to determine processes in place.
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Key Focus Areas

Health Insurance Portability & Accountability Act (HIPAA)

Privacy/Security

- Revised system-wide HIPAA policies based on new federal regulations are in final review.
- A system-wide HIPAA training module is being developed for areas of UC external to the five medical centers.
- System-wide metrics for monitoring HIPAA compliance are being developed.
- A HIPAA-required system-wide contract for business partners has been developed, and UCSF Medical Center has provided a database to make the executed contracts available to other campuses.
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Program Office Update

Staffing/Budget
- Review of ECAS services structure to reflect needs of campuses, laboratory and UCOP and add more value due to furloughs, budget cuts
  - Director, ECAS (Northern Region) position will be vacant effective 2/1/10 due to promotion of Rachelle Jeppson to LBNL Controller. Recruitment activities initiated.

Campus Assistance
- UCLA
- UCSF Compliance
- UCSF Internal Audit
- Training options being provided to decrease costs and efforts on mandated training
- Resource availability
- Assisting with key risk priorities in identification and resolution
- Participating with campus involvement in federal direction for time and effort
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Education and Training

Mandatory Compliance Training

- AB1825 (Sexual Harassment Prevention)
  - Ongoing

- Designated Officials: Conflicts of Interest Training
  - Conflicts of Interest for Designated Officials completed 12/2009

- General Compliance Briefing/Conflicts of Interest (Researchers only)
  - Combined Conflicts of Interest for Researchers and Compliance Training rolled out in 11/09 with due date of 12/2010

- General Compliance Briefing for all other UC employees not captured in above
  - Online training rolled out via Learning Management System to all locations (Jan-Feb 2010)
  - Locations encouraged to conduct training using more appropriate methodology, e.g., online, face to face training in staff meetings, instructor led training for larger groups.

- General Privacy and Security Training for Campus/Location health staff (non medical center)
  - System-wide training developed for projected rollout 2Q09-10
  - Medical Center staff exempted if HIPAA training has been completed during annual training period
  - Geared primarily to health center staff on campus/laboratory, as applicable
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Communication/Reporting

2nd Quarter 2010 Hotline Reports by Allegation Category
UC Ethics & Compliance Program Update

Communication/Reporting

Quarterly Hotline Comparison

Number of Reports

- Fraud, Theft or Embezzlement
- Economic Waste or Misuse of University Resources
- Conflict of Interest or Commitment
- Quality of Patient Care or Safety
- Privacy Violations or Computer Security
- Public or Environmental Health & Safety
- Retaliation
- Discrimination or Sexual Harassment
- Research or Academic Misconduct
- Workplace Misconduct
- Other Allegation
- Inquiry or Concern
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Plan for Next Quarter

• Finalize ECAS Office restructure and fill vacant position.
• Implement performance metric reporting activities
• Disseminate special project monitoring plans, e.g., ARRA, HEOA, Export Controls and collaborate with campuses on aggregating, trending and reporting of monitoring data.
• Continue with system-wide education activities