



COMPLIANCE ALERT



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Audit and Investigations

[Freeh Investigator: NCAA Had No Influence on Investigation or Content of Freeh Report](#)

"One of the senior investigators from Louis Freeh's investigation into Penn State says that the process was fair and independent, despite critics who have accused Freeh's team of collaborating with the NCAA."

[Physician in POD Case Arrested for Billing Spinal Surgery Without Implanting Devices](#)

"An orthopedic surgeon who allegedly performed spinal fusions but didn't bother to implant the device that's part and parcel of the procedure – and then billed Medicare and Medicaid anyway – was charged Nov. 24 with health care fraud, the U.S. Attorney for the Eastern District of Michigan says."

[Whistle-Blower Payout Approach \\$170 Million in Bank of America Case](#)

"The total payouts to whistle-blowers in the federal government's \$16.65 billion settlement with Bank of America over its mortgage business may approach \$170 million."

General Compliance

[Bipartisan Report Finds Colleges in a Jungle of Red Tape](#)

"U.S. Senator Lamar Alexander (R-Tenn.), chairman of the Senate education committee, today said a report released by a task force of college and university leaders—and commissioned by a bipartisan group of

[ECAS Context Sheets](#)

Context sheets give detailed information on compliance topics:

[Billing and Coding](#)

[Biosafety Compliance](#)

[Child Abuse and Neglect Reporting Act \(CANRA\)](#)

[Clery Act](#)

[Export Control](#)

[Foreign Corrupt Practices Act \(FCPA\)](#)

[I-9 Compliance](#)

[International Sanctions](#)

[Office of Federal Contract and Compliance Programs \(OFCCP\)](#)

[Policy](#)

[Privacy](#)

[Royalty Audit Program](#)

[Sexual Violence/Sexual Assault \(SVSA\)](#)

[Violence Against Women Act \(VAWA\)](#)

senators—shows colleges in a jungle of red tape that 'should be an embarrassment to all of us in the federal government.' "

Health Science Compliance

[CMS Delays Repayment Final Rule](#)

The Centers for Medicare & Medicaid Services (CMS) postponed implementation of a new rule which would require Medicare providers and suppliers of services to return overpayments within 60 days. CMS first proposed this regulation in February 2012, but CMS delayed implementation to February 16, 2016 due to "exceptional circumstances" regarding the "complexity of the rule and scope of comments." The Affordable Care Act (ACA), requires certain Medicare and Medi-



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caid providers to report and return identified overpayments, so providers and suppliers will still be culpable for failing to give back overpayments – rule or no rule. Failure to timely report overpayments and make repayments will constitute a violation of the civil False Claims Act (FCA) and penalties are as high as \$10,000 per unreturned overpayment.

[Lawmakers to Rethink Requiring Encryption in HIPAA](#)

"In light of the cyberattack against Anthem, federal officials plan to review whether HIPAA should require encryption, according to the Associated Press."

[2014 Year in Review—HHS OIG Update](#)

A transcript of the Review can be found [here](#).

Human Resources Compliance

[Fallout Still Spreading From Big Workplace Cases](#)

"In ways more bad than good, 2014 was a pivotal year in employment law, for both employers and employees. Whether through ignorance of the law, indifference or just poor advice, several huge blunders put workplace legal disputes squarely in the public spotlight in Canada and the United States. Many of these cases will have legal implications for the workplace in 2015 and beyond."

[Why Ellen Pao's Case Against Kleiner Perkins is No Slam Dunk](#)

"To read about and even to witness the trial underway in a San Francisco courthouse, you'd think Kleiner Perkins soon will be writing a very large check to its former employee, Ellen Pao. The former investor and chief of staff to the legendary John Doerr is now interim CEO of the content site Reddit. She is suing Kleiner Perkins, which fired her in 2012, for gender discrimination and is asking for \$16 million in damages, the result of the economic impact she says her termination caused her."

Research Compliance

[New NAS Committee to Study Administrative Burdens at Research Universities](#)

"AAU, COGR, and APLU, together with Yale University, have engaged in a joint effort to assess research regulatory burden among member institutions and to recommend specific changes to reduce compliance effort and expense. Areas targeted include effort reporting, the Public Health Service financial conflict of interest requirements, subrecipient monitoring, duplicative financial reports and systems, and reapproval of human subjects and animal research protocols. They are seeking your assistance in collecting information to support a proposal that will be made to OMB this spring and in support of other initiatives."

[Universities Warn Congress that Pending Patent Legislation Would Harm US Innovation System](#)

"A group of 144 universities today warned the House and Senate Judiciary Committees that pending legislation to address patent litigation abuses is so broadly drawn that it would weaken the nation's patent system and hinder the flow of groundbreaking advances from universities to the private sector."

[FDA Issues Draft Guidance on Investigating and Reporting Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products](#)

A copy of the guidance can be found [here](#).

[NSF OIG and HHS Seek Additional Funds for More Audits of Universities in FY 15-16](#)

Copy of NSF OIG budget requests can be found [here](#). HSS's request can be found [here](#).

Policy

[How Drunk Is Too Drunk to Have Sex?](#)

"Universities are struggling to determine when intoxicated sex becomes sexual assault."

Privacy

[Privacy vs. Privacy](#)

"It's common to see privacy pitted against security in the form of the question, "How much privacy are we willing to give up for security?" Some call the security



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vs. privacy debate a false choice and suggest the debate is actually liberty vs. security, or liberty vs. control, or privacy vs. cooperation. At the University of California, Berkeley, we are replacing this longstanding polemic with a triptych of interrelated and overlapping terms: autonomy privacy, information privacy, and information security.”

[Bill Package Underscores California Legislature’s Attention to Privacy](#)

“From televisions and body cameras to cyber car-jacking, a package of bills underscores the California Legislature’s attention to privacy.”

[White House Summit on Cybersecurity and Consumer Protection](#)

“U.S. Presidential Cabinet Members traveled to Stanford to speak at the [White House Summit on Cybersecurity and Consumer Protection](#). President Obama

previously stated “It’s a White House summit where we’re not going to do it at the White House; we’re going to go to Stanford University. And it’s going to bring everybody together – industry, tech companies, law enforcement, consumer and privacy advocates, law professors who are specialists in the field, as well as students – to make sure that we work through these issues in a public, transparent fashion.” The summit topics tied into a February 12, 2015 [executive order](#) about cybersecurity practices and efforts. Cabinet members and other speakers reiterated certain themes throughout the event, many of which were focused on major data sharing initiatives. These were described as “institutionalized information sharing;” the White House also issued a standard and best practices for industries to develop “optimal information sharing units” and hubs.”

UC Compliance Leadership

Sheryl Vacca
Senior Vice President and
Chief Compliance and Audit Officer

David Lane
Systemwide Deputy Compliance Officer

Campus Compliance Officers

UC Berkeley: Linda Williams
Associate Chancellor

UC Davis: Wendi Delmendo
Chief Compliance Officer

UC Irvine: Meredith Michaels
Vice Chancellor of Planning and Budget

UC Los Angeles: Ed Pierce
Director of Audit & Advisory Services

UC Merced: Luanna Putney
Associate Chancellor & Senior Advisor
to the Chancellor

UC Riverside: Maria Anguiano
Vice Chancellor of Planning and Budget

UC San Diego: Judy Bruner
Chief Ethics & Compliance Officer

UC San Francisco: Theresa O’Lonegan
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UC Santa Barbara: Pamela Lombardo
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UC Santa Cruz : Sarah Latham
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Health Science Compliance Officers

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UC Los Angeles: Marti Arvin
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UC Riverside: Paul H Hackman
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UC San Diego: Kim Gillespie
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UC San Francisco: Deborah Yano-Fong
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