



# State of Connecticut

SENATOR LEONARD A. FASANO

SENATE REPUBLICAN PRESIDENT PRO TEMPORE

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May 30, 2018

Susan Herbst, President  
University of Connecticut  
Office of the President  
352 Mansfield Road, Unit 1048  
Storrs, CT 06269-1048

Dr. Andrew Agwunobi, CEO,  
Chief Executive Officer, UConn Health Executive Vice President for Health Affairs  
UConn Health  
263 Farmington Avenue  
Farmington, CT 06030

Dear President Herbst and Dr. Agwunobi:

Over the past few months, multiple situations have come to light unveiling a pattern of failures at UConn Health that have severely damaged the public's trust in your institution. We have seen blatant misuse of taxpayer dollars, failure to implement basic oversight, and apparent disregard for your core responsibilities to the state and people of Connecticut. I am writing today to ask UConn Health to commit to rebuilding public trust. I hope UConn Health will fully take responsibility for its actions and make a commitment to prevent these egregious shortcomings from occurring again.

While I have significant concerns about UConn Health's failures related to its management of inmate medical care and to its handling of payments to a professor while he was deceased, the impetus for this letter today is the May 23, 2018 report issued by the Connecticut State Auditors of Public Accounts regarding the UConn Health Center (Fiscal Years 2015 and 2016). As you are aware, this report found multiple issues involving the misuse of funds in direct violation of state laws, labor provisions and ethics standards. This includes the following transgressions:

- Managers and employees received payouts for 1,520 compensatory leave hours, as well as payouts for 1,419 compensatory hours upon retirement. These payouts are in violation of state policies which require that compensatory time be used for time off and never transferred into a lump sum payment. UConn Health stated in its response that it would change its practices "except where this cannot be accomplished without adversely impacting patient safety and continuity of care." That response is unacceptable. State policy bans payout of compensatory time, and therefore in all situations state law must be upheld by UConn Health. It is my understanding that the time period by which the compensatory time must be used can be extended in certain situations. But to suggest UConn Health will continue in its practice of awarding payouts for compensatory time when it is clearly not allowed by the state is unsettling and an entirely unacceptable response to the auditors' findings.

- UConn Health also increased salaries of employees who approved a consulting contract for a company that employed Dr. Agwunobi. In addition, Dr. Agwunobi approved the salary increases for both of the UConn Health employees who authorized payments to the consulting company where he still worked. The audit explains, "Having a person who also works for a consultant prepare and approve an annual performance evaluation and salary increases of UConn Health employees who authorized payments to that consultant created a risk that the UConn Health employees may have felt compelled to authorize those payments." While UConn Health appears to agree with the auditors' recommendation to not allow a consultant to prepare performance evaluations and approve salary increases of the employees who authorize payments to the consultant, UConn Health in the same response tries to justify this situation. If you are in agreement with the auditors' findings, I would hope that in the future, even in the situations you outline, you do not continue in this practice that clearly raises questions of ethics and conflict of interest.
- The audit also found that UConn Health violated an executive order issued by Governor Jodi Rell and reaffirmed by Governor Dannel P. Malloy that limits the rehiring of retired state employees. It was found that rehired retirees were employed for more than two 120 day periods and were paid hourly wages exceeding 75 percent of their pre-retirement salary or the minimum salary of a position different than their former job, flying in the face of state rules that ban these practices for all retired state employees. The auditors' explained: "The violation places additional burdens on the state retirement system because it encourages employees to retire early for free health insurance and pension benefits while maintaining a reduced work schedule. The State Comptroller's Office could not properly suspend the employees' retirement benefits, because UConn Health incorrectly coded their re-employment in Core-CT." Yet instead of acknowledging this error on your part, UConn Health has claimed that they are exempt from the executive order because University policy differs from the executive order. This is again an unacceptable response to a clear violation of state policy. UConn Health needs to stop making excuses and take immediate action to correct this issue.

As I mentioned above, my concerns about UConn Health's disregard for state laws and repeated failures to respect taxpayer dollars and the people they serve extend beyond this audit. Earlier this year we learned new horrendous details about the way certain prisoners were treated by UConn Health's Correctional Managed Health Care unit (CMHC). These systemic failures were documented by the State Auditors in a 2017 report and multiple cases have also been reported in the press in which medical neglect of prison inmates has allegedly led to serious injury and death. In addition, UConn Health also failed to properly oversee its management of professors and their salaries, as was demonstrated by continued salary payments being made to Dr. Pierluigi Bigazzi, a medical school professor, after his death.

As a representative of Connecticut's taxpayers, these multiple failures are extremely disappointing and frustrating. We all want to see UConn Health succeed. But success cannot be achieved until the institution can overcome its pattern of disregard for state rules, regulations and standards for oversight.

Thank you for your time and attention.

Sincerely,



Len Fasano  
Senate Republican President Pro Tempore