

## **FACULTY SENATE**

Minutes of April 11, 2000 - (approved)

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The Senate met at 2:00 PM on April 11, 2000 in the Center for Tomorrow to consider the following agenda:

1. [Approval of the minutes of March 14, 2000](#)
2. [Report of the Chair](#)
3. [Report of the President/Provost](#)
4. [Interaction with Vice President for Health Sciences Michael Bernardino](#)
5. [Second reading - Resolution from the Faculty Senate Computer Services Committee - Professor Straubinger](#)
6. [Information Technology - questions and answers - Chief Information Officer Innus](#)
7. [Brief report from the Faculty Senate Admissions and Retention Committee - Professor Fournier](#)
8. Old/New Business

### **Item 1: Report of the Chair**

The Chair's written report was distributed with the agenda. The Chair added that the University Libraries are asking for faculty input on the adequacy of access to research materials through the Libraries. It is important for faculty to respond with much needed feed.

## **Item 2: Interaction with Vice President for Health Sciences Michael Bernardino**

Vice President Bernardino presented an overview of Medical School concerns. It is trying to improve upon the consortium agreement with UB's affiliated hospitals; the current agreement provides for a loose affiliation, but more appropriately should have created a 501 (C) 3 non-profit corporation. It is trying to bring the various practice plans in compliance with the union contract while maintaining the flexibility to operate in a more cogent fashion.

A major focus is the audit of the Medical School by the United States Attorney General's Office. The Medical School has been served with a very broad subpoena, which names some faculty and seven departments, but which will ultimately require information from the entire School. The subpoena asks for the names, locations and signatures of all residents trained in the last three years and the names of the overseeing faculty. It asks for meeting notes from all named departments since 1992. It asks for a wide range of contracts between the School and certain individuals, and between the School and hospitals, outpatient facilities, etc., since 1992. The investigation will last at minimum a year and will cost the School \$.5M to \$1M just to answer the subpoena.

The desire of federal and state government to reduce the cost of Medicare is driving these investigations. Also the federal government is generating about \$1 M for each auditor assigned to these investigations. Finally rules on billing for patient services are constantly changing, causing confusion between the government and health care providers about the content and application of the rules.

About 50 % of U.S. medical schools have undergone such an investigation, as have many private practices. Stony Brook and Brooklyn are facing similar investigations, and it is possible that Syracuse will also. Given the experience of other medical schools, UB is potentially facing a large monetary penalty and the imposition of a costly, ongoing compliance program. For example, the University of Pittsburgh was assessed a \$17 M penalty, and the compliance program at University of Pennsylvania costs \$3.7 M annually.

There were questions from the floor:

- in other institutions, what practices generate penalties? (Professor Ortman)
- miscoding of bills; the auditors sample patient bills, applying billing rules as they construe them, extrapolate an error rate, assign a penalty, and multiply by the number of faculty and the number of years covered; the process is non-negotiable (Vice President Bernardino)
- what percentage of schools audited do not receive a penalty and are the penalties quoted typical? (Professor Benenson)
- know of 40 schools that have been audited, and only 3 escaped without a penalty; penalties are typically \$10-20 M (Vice President Bernardino)
- are the auditors looking at the expense of a resident rather than an attending physician dealing with a patient? (Professor Fournier)
- that is one scenario; another is failure of a physician to sufficiently document in a patient's chart the level of care being billed for (Vice President Bernardino)
- how have other schools managed the investigation? (Professor Hariharan)
- just try to answer questions as they are asked and avoid instilling fear in the faculty; we are trying to improve our ongoing compliance with the rules (Vice President Bernardino)
- given the draconian nature of the penalties and ongoing compliance programs and the government's questionable methodology, why not litigate rather than accept a consent decree? why is a compliance program so expensive? (Professor Schack)
- you are assuming that the government is engaged in a rational, fair process, but it is not; litigation itself is very expensive and may end up costing an institution more; compliance is expensive because billing is so complicated that highly trained coding specialists are needed to manage the process (Vice President Bernardino)

- used to be that an attending physician could simply OK a resident's notes documenting patient care; now to be in compliance with billing rules attending physicians must spend hours in corroborative paper work that contributes nothing to teaching or patient care (Professor Yates)
- is there any prospect of medical schools organizing to rationalize this process? (Professor Wickert)
- no (Vice President Bernardino)
- where are the health sciences going? (Professor Nickerson)
- must increase research; the clinical side will not grow, or, since our community population is stagnant may even shrink (Vice President Bernardino)
- what are the arguments for relocating Children's Hospital and what role will the Medical School play? (Professor Fournier)
- the Medical School culture would benefit from being located in one geographic site; economically would cost more to rehabilitate the old Children's Hospital than to build a new one (Vice President Bernardino)

**Item 3: Approval of the minutes of March 14, 2000**

The minutes of March 14, 2000 were approved.

**Item 4: Second reading - Resolution from the Faculty Senate Computer Services Committee**

Professor Straubinger, a member of the Faculty Senate Computer Services Committee, said that only minor punctuation changes were made in the Resolution after the last Faculty Senate meeting. The Resolution was moved

(seconded) and without further discussion was passed unanimously.

### **Item 5: Information Technology -questions and answers**

Chief Information Officer Innus described the current state of IT. With the retirement of Dr. Martens and the return of Professor Tufariello to teaching, the CIO is undertaking an internal search for a Vice Provost of Educational Technology and hopes there will be someone in place by September, 2000. Dean Karwan is chairing the search committee. Moving computer resources into the Libraries has been very successful in meeting the needs of undergraduates. Next is developing a strategy to meet faculty needs. The committee structure for IT concerns is being streamlined; the intent is to preserve rich opportunities for participation while avoiding duplicative committees.

There were comments from the floor:

- where is UB relative to other institutions in support for distance education and where are we going? (Professor Jorgensen)
- we will be using technology to support distributed education, enriching courses for students on campus, as well as distance education, providing courses for students off campus; SUNY, with its many campuses scattered through the state, has no real tradition of distance education but is developing programs; on this campus Millard Fillmore College is aggressively building a distance education infrastructure; UB has chosen a course management package (Blackboard's Course Info) which will support distance education; will be looking at how to integrate Course Info with other support services, e.g., registration, student accounts, and advisement (Chief Information Officer Innus)
- is there a unified approach to the technology or are departments investing in different systems? (Professor Hariharan)

- there are several modalities in use for distance education for those areas which were leaders, for example Health Related Professions, Nursing, Management and Engineering; the choice of Course Info as a common platform supported by CIT will not preclude the use of other modalities supported by individual schools (Chief Information Officer Innus)
- at whom are distance education courses aimed and how many students do we have? (Professor Radford)
- Millard Fillmore College has the most courses and aims at students in the Western New York area; Nursing, Engineering and HRP are target audiences with whom there are special relationships (Chief Information Officer Innus)
- what are the pros and cons of distance education? (Professor Mollendorf)
- we use the technology most effectively for distributed education; for example, HRP offers classes that meet for only half the traditional class time while giving students an enriched experience and freeing up classroom space that can be used for other courses; distributed education is a powerful recruitment tool to attract and retain students; technology also invigorates faculty; the down side is the cost; to remain competitive we must spend our money smarter than our peer institutions (Chief Information Officer Innus)
- is IT helping to reverse the difficult login procedure for computer terminals in the Libraries? (Professor Wickert)
- the procedure is the same one used on all other terminals on campus; UB's access to external sites was in danger of cut off because of inappropriate and criminal activities on the unsecured terminals in the Libraries (Chief Information Officer Innus)
- understand the security issue, but need to identify authorized users and make their access easier (Professor Wickert)
- how is IT dealing with job offers at higher salaries that are being made to its staff? (Professor Nickerson)

- problem is not as severe at UB as at many other institutions; our geographic location is a help as is our ability to hire our own graduates; we try to fill from the bottom, but do have to meet market pressures; have had to make equity adjustments in CIT as new people come on board making more money than experienced staff; distributed IT on campus also has to deal with these equity issues (Chief Information Officer Innus)
- are faculty and students satisfied with our level of investment in IT? (President Greiner)
- no one has complained of over-investment; instead CIT is constantly being asked for new services and support and quicker response (Chief Information Officer Innus)
- how will the node structure continue to fit into the IT picture?; do you anticipate students being granted degrees without having ever taken classes on site? (Professor Zubrow)
- nodes will continue to exist where the unit has unique needs; other units may choose to contract with CIT for technology support to allow more unit focus on programmatic concerns; academic units will develop their own distance education programs as they see fit; IT will only provide the platform and support (Chief Information Officer Innus)
- what is the relationship between CIT and the nodes? (Professor Bian)
- CIT provides basic technological infrastructure; groups of schools have combined resources to create nodes which support the various uses made of the infrastructure by their faculty, staff and students (Chief Information Officer Innus)

#### **Item 6: Report of the President**

The President updated the Faculty Senate on Mission Review. Regional conferences have been held. The next step is the preparation for each campus of a draft Memorandum of Understanding by SUNY Central Administration which will distill the aspirations of the campus and Central Administration's comments. The campus will review and respond to the MOU. There may be regional planning meetings as a follow up. Funding for the campuses may

marginally turn on the outcomes of Mission Review, so the process is important. Central Administration appeared to respond favorably to UB's plans.

The President then turned to the Budget Allocation Process (BAP). UB actively participated in the development of the process which was known initially as the Resource Allocation Methodology (RAM). The fundamental principles of the BAP were that a campus was to keep all the revenue it generated and that state funding would be allocated among the campuses by an open, clear and predictive methodology. It was anticipated that up to 75% of state revenues would be allocated on a BAP enrollment algorithm, and 25% would be allocated to support mission. Since Mission Review has not yet been completed, the budget was allocated by SUNY Central Administration solely according to the BAP as interpreted by SUNY Central Administration. Adding to the difficulties, the budget was too small to cover growth components. In the distribution, UB suffered a loss of \$3M and the other university centers received smaller increases than they had expected. Given SUNY's and the Chancellor's strategic objectives of improving the quality and the research performance of the university centers, it did not seem an appropriate outcome. UB has done an analysis of how the BAP was run, and if the same process is used this year, the other university centers will also be hurt. In essence SUNY's methodology penalizes campuses that increase their undergraduate numbers while keeping graduate numbers stable.

The President concluded, saying that he anticipated being able to make an announcement of the outcome of the Provost search within days.

There were questions for the President:

- in the regional discussions, has there been any consideration that within the next decade SUNY will be offering degrees not based at a particular campus? (Professor Fourtner)
- anything which suggests the possibility of closing campuses will not be talked about; one approach would be to reduce overlap of courses with, for example, Stony Brook focusing on high energy physics, while UB concentrated on another aspect of physics; distance learning



may be more directed to place bound students and students who have a degree but need to update skills; the residential campus will persist (hopefully for the 30 years it will take to pay off our new housing), using on campus distributed learning to enrich courses (President Greiner)

**Item 7: Brief Report from the Faculty Senate Admissions and Retention Committee**

Professor Fournier, chair of the Admissions and Retention Committee, reported on the Committee's activities. The Committee has been looking at the three admissions criteria traditionally used by UB: SAT scores, high school grade point average, and the most powerful criterion, class rank. Class rank is no longer available from all high schools, so Admissions has been using the remaining two criteria and a variety of stratagems to substitute for class rank. The Committee was interested in requesting additional information as part of the application packet to be used as a substitute for class rank, but that option will not be adopted. However, once the admission deposit is made, the Admissions Office is sending out a request for supplemental information. Next year the request will go out with the admissions decision; that information will be used to increase yield. The Committee is also interested in whether the Regents' Exams are a reasonable alternative to class rank. The Committee over the next several months will study the success of freshmen and sophomore students as a function of their Regents' Exams scores.

There being no old/new business, the meeting adjourned at 3:30 PM.

Respectfully submitted,

Marilyn McMann Kramer  
Secretary of Faculty Senate

**Present:**

**Chair:** P. Nickerson

**Secretary:** M. Kramer

**Arts & Sciences:** J. Dugan, M. Wickert, M. Churchill, J. Faran, C. Fourtner, T. Gregg, M. Ram, J. Reineck, D. Schack, W. Baumer, L. Bian, J. Campbell, W. Chang, J. Meacham, D. Radner, G. Radford, D. Mark

**Dental Medicine:** L. Ortman

**Education:** C. Hosenfeld, T. Schroeder

**Engineering:** D. Benenson, D. Malone, R. Mayne, J. Mollendorf

**Information Studies:** C. Jorgensen

**Management:** G. Hariharan

**Medicine & Biomedical Sciences:** M. Dryjski, S. Gallant, F. Mendel, R. Sands, S. Spurgeon, J. Yates

**University Libraries:** A. Booth, W. Hepfer, M. Zubrow, M. Miller, S. Tejada

**University Officers:** W. Greiner, President

M. Bernardino, Vice President for Health

Sciences

**Guests:**

W. Coles, Chair, Professional Staff Senate

V. Innus, Chief Information Officer

W. Fischer, Vice Provost for Faculty Development

K. Levy, Senior Vice Provost

M. McGinnis, *Reporter*

R. Straubinger, Computer Services Committee

**Excused:**

**Dental Medicine:** G. Ferry

**Engineering:** R. Sridhar

**Health Related Professions:** S. Nochajski

**Medicine & Biomedical Sciences:** D. Amsterdam

**Absent:**

**Architecture:** R. Shibley

**Arts & Sciences:** B. Bono, S. Elder, J. Guitart, J. Holstun, L. Kurdziek-Formato, F. Pellicone, Charles Smith, H. Sussman, S. Bruckenstein, K. Regan, R. DesForges, J. DeWald, L. Dryden, E. Segal, L. Vardi

**Dental Medicine:** B. Boyd, M. Easley, M. Neiders

**Education:** B. Johnstone, C. Toepfer, J. Hoot

**Engineering:** S. Ahmad

**Health Related Professions:** L. Gosselin, J. Tamburlin

**Law:** L. Swartz

**Management:** J. Boot, C. Pegels, R. Ramesh

**Medicine & Biomedical Sciences:** M. Alashari, B. Albin, S. Awner, P. Bradford, J. DeBerry, W. Flynn, V. Li, F. Loghmanee, A. Michalek, S. Ohki, C. Pruet, S. Rudin, Cedric Smith, J. Sulewski, L. Wild

**Nursing:** E. Perese, P. Wooldridge

**Pharmacy:** T. Kalman, R. Madejski

**Social Work:** B. Rittner, A. Safyer

**SUNY Senators:** J. Adams-Volpe, J. Boot, H. Durand, J. Fisher