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Nearly four years after noticing spending “irregularities” by a principal investigator (PI), the University of Nevada Las Vegas (UNLV) entered into a settlement agreement^[1] with the HHS Office of Inspector General (OIG), refunding \$1.07 million and paying a penalty of almost \$400,000.^[2] The four awards at issue—three from NIH and one from the Health Resources and Services Administration (HRSA)—totaled \$5.7 million.

For UNLV, the experience led to the adoption of new policies and procedures, while OIG officials told RRC the case demonstrates the value of the agency’s self-disclosure program.

According to the settlement, subaward payments under the three NIH awards “were unallowable either because they were made to organizations without sufficient documentation of whether the activities were for the performance of the awards, or because they were made to entities with which the PI had an undisclosed conflict of interest.”

OIG added that the “awards were improperly charged for the salary and fringe benefits of the PI without adequate documentation, and for the travel and associated costs of at least two trips to Nigeria that were unallowable because there was no evidence that the trip was in furtherance of the NIH-funded research.”

Additionally, between Sept. 1, 2015, and Feb. 6, 2018, UNLV “improperly charged a portion of the salary of a nurse practitioner” in its HIV clinic even though there was not “sufficient documentation to support such salary costs charged to the award.”

Although the facts indicate it could have been, the case was not settled under the False Claims Act (FCA), but instead under the Civil Monetary Penalties Law (CMPL), 42 U.S.C. § 1320a-7a(o), which is applicable to “violations of grants, contracts and other agreements” for which HHS has provided funding.

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