

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORTS OF
INVESTIGATION



COMPLIANCE REVIEW

**OBWC Occupational Safety and Health
Research Grant**

ENTITIES:

**OHIO BUREAU OF WORKERS' COMPENSATION
UNIVERSITY of CINCINNATI**

**FILE ID NO.: 2018-CA00009
RELEASE DATE: DECEMBER 12, 2019**

The Office of the Ohio Inspector General ... The State Watchdog

“Safeguarding integrity in state government”

The Office of the Ohio Inspector General is authorized by state law to investigate alleged wrongful acts or omissions committed by state officers or state employees involved in the management and operation of state agencies. The Inspector General may investigate the management and operation of state agencies on his own initiative. We at the Inspector General’s Office recognize that the majority of state employees and public officials are hardworking, honest, and trustworthy individuals. However, we also believe that the responsibilities of this Office are critical in ensuring that state government and those doing or seeking to do business with the State of Ohio act with the highest of standards. It is the commitment of the Inspector General’s Office to fulfill its mission of safeguarding integrity in state government. We strive to restore trust in government by conducting impartial investigations in matters referred for investigation and offering objective conclusions based upon those investigations.

Statutory authority for conducting such investigations is defined in *Ohio Revised Code §121.41 through 121.50*. A *Report of Investigation* is issued based on the findings of the Office, and copies are delivered to the Governor of Ohio and the director of the agency subject to the investigation. At the discretion of the Inspector General, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies. The *Report of Investigation* by the Ohio Inspector General is a public record under *Ohio Revised Code §149.43* and related sections of *Chapter 149*.

The Ohio General Assembly enacted Ohio Revised Code §121.52, effective September 10, 2007, which created the deputy inspector general for the Ohio Bureau of Workers’ Compensation (OBWC) and the Industrial Commission of Ohio (ICO). This statute requires a deputy inspector general be designated who “... shall investigate wrongful acts or omissions that have been committed by or are being committed by officers or employees ...” of both OBWC and the ICO, and provides the deputy inspector general the same powers and duties as specified in Ohio Revised Code §§ 121.42, 121.43, and 121.45 for matters involving the OBWC and ICO.

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OFFICE OF THE OHIO INSPECTOR GENERAL EXECUTIVE SUMMARY

SCOPE OF REVIEW

On February 5, 2018, the Office of the Ohio Inspector General initiated an investigation to determine whether the University of Cincinnati (UC) spent research grant money awarded by the Ohio Bureau of Workers' Compensation (OBWC) Division of Safety and Hygiene in accordance with the provisions specified in the grant agreement and grant proposal guidelines. Two separate research grants were awarded to UC that were included in the investigation. One research project was led by Dr. Susan Kotowski and the other was led by Dr. Sergey Grinshpun.

The investigation also examined the level of oversight exercised by OBWC when awarding and monitoring grants. This report is the final one in a series of several universities who received research grants from OBWC.

FINDINGS

The Office of the Ohio Inspector General found that in the research project led by Dr. Susan Kotowski, the research outlined in their research proposal and agreed upon in the research agreement was not completed. Additionally, the University of Cincinnati found in a separate internal investigation that Kotowski committed research misconduct while conducting research on the OBWC-sponsored project.

The Office of the Ohio Inspector General found that in the research project led by Dr. Sergey Grinshpun, all required deliverables were provided and research grant funds were spent in accordance with the provisions specified in the grant agreement and grant proposal guidelines.

The Office of the Ohio Inspector General found OBWC followed processes to monitor the performance of the research conducted. However, investigators found OBWC did not implement financial policies and procedures to monitor the awarding and spending of research grant funds. Additionally, investigators found OBWC failed to comply with certain terms and conditions of

the research grant agreement by creating and submitting invoices on behalf of UC contrary to the requirements of the research grant agreement.

RECOMMENDATIONS

The Office of the Ohio Inspector General is making two recommendations to the University of Cincinnati and asks the president of the University of Cincinnati to respond within 60 days with a plan detailing how the recommendations will be implemented.

The Office of the Ohio Inspector General is making 14 recommendations to the administrator of the Ohio Bureau of Workers' Compensation in an effort to strengthen the agency's internal control systems related to the awarding and monitoring of research grants. The Office of the Ohio Inspector General asks the administrator/CEO of the Ohio Bureau of Workers' Compensation to respond within 60 days with a plan detailing how these recommendations will be implemented.

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ENTITIES UNDER REVIEW

Ohio Bureau of Workers' Compensation

The Ohio Bureau of Workers' Compensation (OBWC) is responsible for providing workers' compensation benefits to public and private employees who are unable to work due to a work-related injury. In Ohio, companies or employers with employees must have coverage from either state funds or be self-insured. For those companies or employers with no employees who meet specific requirements, Ohio law makes workers' compensation coverage elective. The agency also operates workplace safety consulting services, safety and hygiene training, and other programs for Ohio employers to support them in providing safe and healthy workplaces. It is the largest state-funded insurance system in the nation.¹

Ohio Occupational Safety and Health Research Grants

The Ohio Occupational Safety and Health Research Grants Program is administered by OBWC. The program is a competitive research program with an emphasis on maximizing the impact of research efforts in the areas of occupational safety and health on the overall safety, health, productivity and competitiveness of Ohio's workforce. The program, with minor modifications, is modeled after and similar to the National Institute for Occupational Safety and Health's (NIOSH) National Occupational Research Agenda (NORA).

University of Cincinnati

The University of Cincinnati (UC) was founded in 1819 and is a member of the University system of Ohio. UC is comprised of 14 colleges and has a student enrollment of 44,000-plus undergraduate and graduate students. UC is governed by a board of trustees in accordance with Ohio Revised Code (ORC) §3361.01. The board of trustees is composed of 11 members who are appointed by the governor of Ohio with the advice and consent of the state senate. The board of trustees' duties include, but are not limited to, setting the operating budget, approving contracts, and approving all rules, regulations, curriculum changes, new programs, and university degrees.²

¹ Source: Biennial budget documents and <https://info.bwc.ohio.gov/wps/portal/bwc/site/home>.

² Source: <https://www.uc.edu/about.html>

BACKGROUND

At the August 21, 2014, Ohio Bureau of Workers' Compensation (OBWC) Board of Directors Audit Committee meeting, OBWC management announced a new initiative "to fund advanced research in workplace safety and health through higher-education and research organizations." The research grants totaling \$2 million, using OBWC Division of Safety and Hygiene funds, would be awarded in collaboration with the Ohio Department of Higher Education. Each research grant would not exceed \$250,000 and would have a maximum project length of 12 to 24 months. OBWC awarded the initial research grants in March of 2015 and has continued to award additional grants each fiscal year including the following research grants awarded to the University of Cincinnati (UC):

Research Grant Subject	Award Amount	Principal Investigator	Grant Period
Validating the Effectiveness of a Comprehensive Safe Patient Handling Program in Long-Term Care Facilities	\$249,999.67	Dr. Susan Kotowski	June 1, 2015 – May 31, 2017 ³
Low Cost Continuous Respirator Seal Integrity Monitor for Controlling Inhalation Exposure of Firefighters	\$233,615	Dr. Sergey Grinshpun	June 1, 2016 – November 30, 2017 ⁴

Based on issues noted in previous reports of investigation completed by the Office of the Ohio Inspector General, and because this is an area not routinely audited by OBWC, the inspector general launched an initiative to review how Safety and Hygiene Grant funds were being spent by universities. In addition, the initiative examined the level of oversight exercised by OBWC when awarding and monitoring grants.

OBJECTIVE, SCOPE OF REVIEW & METHODOLOGY

The primary objective of the investigation was to determine whether UC spent research grant money awarded by the Ohio Bureau of Workers' Compensation (OBWC) Division of Safety and Hygiene in accordance with the provisions specified in the grant agreement, grant proposal

³ Completion date of project was later extended to August 31, 2017

⁴ Completion date of project was later extended to December 31, 2017

guidelines, and UC grant proposal budgets. The secondary objective of the investigation was to determine the level of oversight exercised by OBWC when awarding and monitoring research grants.

The investigation's review included:

- 1) Determining whether UC expended grant funds in accordance with the expense categories provided in their research grant budget;
- 2) Determining whether UC grant expenditures were supported by invoices, payroll records, and were for expenditures related to the research conducted;
- 3) Determining whether UC provided all required research deliverables to OBWC and completed the tasks outlined in their research proposal;
- 4) Determining procedures used by OBWC to monitor the research progress and ensure timely completion;
- 5) Determining the financial reporting requirements and financial monitoring provided by OBWC to monitor spending of research grant funds.

The Office of the Ohio Inspector General examined OBWC and UC records and emails and conducted an interview with the former superintendent of OBWC Division of Safety and Hygiene.

FINDINGS

The Office of the Ohio Inspector General found that in the research project led by Dr. Susan Kotowski, the research outlined in their research proposal and agreed upon in the research agreement was not completed. Additionally, the University of Cincinnati found in a separate internal investigation that Kotowski committed research misconduct while conducting research on the OBWC-sponsored project.

The Office of the Ohio Inspector General found that in the research project led by Dr. Sergey Grinshpun, all required deliverables were provided and research grant funds were spent in accordance with the provisions specified in the grant agreement and grant proposal guidelines.

The Office of the Ohio Inspector General found OBWC followed processes to monitor the performance of the research conducted. However, investigators found OBWC did not implement financial policies and procedures to monitor the awarding and spending of research grant funds. Additionally, investigators found OBWC failed to comply with certain terms and conditions of the research grant agreement by creating and submitting invoices on behalf of UC contrary to the requirements of the research grant agreement. The specifics of these findings are discussed in the following paragraphs.

FINDING 1 –University of Cincinnati Compliance with Research Requirements

Kotowski Research Project

The agreement for the Kotowski research grant contained a list of deliverables that was included as an attachment to the signed agreement. The list required UC to submit, complete, or develop the following:

- Six quarterly progress reports;
- Interim progress report at mid-point of project duration;
- Final project report on the last day of project duration documenting the motivation for the work, previous efforts (literature review), experimental methods used, results and findings, discussion of the findings and their relationship to previous research and conclusions/recommendations;
- A best-practices guide for implementing and evaluating a comprehensive safe patient handling program along with a training module will be developed and delivered to OBWC.

Investigators reviewed the submission dates of the required quarterly, interim, and final reports and determined all reports were submitted on or before the due date except for the fifth quarterly report. This report was submitted a week after the required due date.

While the final report was submitted timely, investigators reviewed the final report and found the report to be lacking detailed discussion of the research findings. In an email sent from OBWC Safety and Hygiene staff to Kotowski on September 26, 2017, OBWC stated in reference to the

final report, “the report as submitted does not meet the proposed work that was outlined in your proposal and the project contract.”

Through review of documents and email correspondence, investigators learned that in addition to a three-month extension signed by OBWC and UC in May 2017 extending the project end date to August 31, 2017, OBWC allowed Kotowski to continue working on the research project for at least six months after the end date to attempt to complete the research that was proposed. In an email sent on January 17, 2018, between OBWC staff, the email exchanges indicated Kotowski was aware she wasn’t going to receive the final payment from OBWC but wanted to continue working on the project. Investigators verified Kotowski completed parts of the research project but did not complete everything that was proposed and agreed upon.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe that a wrongful act or omission occurred in this instance.

Grinshpun Research Project

The agreement for the Grinshpun research grant contained a list of deliverables that was included as an attachment to the signed agreement. The list required UC to submit, complete, or develop the following:

- Four quarterly progress reports;
- Interim progress report at mid-point of project duration;
- Final project report on the last day of project duration documenting the motivation for the work, previous efforts (literature review), experimental methods used, results and findings, discussion of the findings and their relationship to previous research and conclusions/recommendations;
- A novel low-cost, wearable tool named the Respirator Seal Integrity Monitor capable of alerting workers wearing respirators at the workplace when their respirator’s fit is suddenly compromised;
- Research findings will be disseminated at national/international conferences and will also be shared with firefighters as a community outreach activity promoted by UC.

Investigators reviewed the submission dates of the required quarterly, interim, and final reports and determined all reports were submitted on or before the due date.

The Respiratory Seal Integrity Monitor was demonstrated to OBWC staff during a visit to UC on February 13, 2018. Investigators found through an online search that the research project was presented at the 2017 European Aerosol Conference and the 2017 American Association for Aerosol Research. The research findings were also published in the Journal of Occupational and Environmental Hygiene in 2018.

FINDING 1 RECOMMENDATIONS

University of Cincinnati

1. Consider implementing an internal monitoring system to review the progress on research grants and identify steps to be taken to ensure the research described in the proposal is completed in accordance with the agreement governing the research project.

Ohio Bureau of Workers' Compensation

1. Consider implementing a system to assess penalties or require all funding to be returned should the university not provide all the research deliverables described in the research proposal.

FINDING 2 –University of Cincinnati Research Expenses

Investigators reviewed the proposal requirements for the research grant; specifically the Budget, Personnel Plan and Project Timeline Section, and noted the requirements that must be included in the budget justifying the expenditures of funds for certain categories. The budget requirements included:

- **Personnel:** The budget should include a list of the project team members, the role of each member, with percent of full-time equivalent dedicated to the project for each team member within the project duration.
- **Equipment:** The budget section should list each type of equipment to be purchased, including hardware and software. A justification narrative will need to be provided to justify the need to purchase the equipment.

- **Travel:** The budget section should include the purpose and cost for travel to be undertaken by members of the project team. A justification narrative will need to be provided to justify the purpose and cost for travel.
- **Total Additional Costs:** Must be itemized and listed in a separate/supplemental table with justification.
- **Indirect Costs:** Must not exceed 18% of the total project costs.

Investigators reviewed supporting documentation provided by UC to determine whether the expenditures for both research projects were in accordance with the research grant proposal guidelines listed above and in accordance with the expenditures in their approved budgets. Investigators determined UC expended research grant funds in accordance with these requirements and no exceptions were noted.

FINDING 3 – OBWC Lack of Financial Monitoring

The Office of the Ohio Inspector General determined OBWC did not require grant recipients to submit quarterly or final financial reports detailing how grant funds were expended. Additionally, OBWC did not perform periodic reviews to monitor and ensure the grant expenditures were in accordance with the grant agreement ([Exhibits 1 & 2](#)) requirements and consistent with the expenditures in the approved budgets.

FINDING 3 RECOMMENDATIONS

Ohio Bureau of Workers' Compensation

1. Consider amending current and future grant agreements to incorporate a requirement that grant recipients are required to provide OBWC with periodic fiscal reports and a final expenditure report documenting how funds were expended.
2. Consider upon receipt of the final expenditure report, reconciling the total payments issued with the amount spent for research to ensure all funds were either spent for research or returned to OBWC.

3. Consider conducting periodic desk or on-site reviews to evaluate the documentation maintained to support the expenditures of grant funds.

FINDING 4 – Payment Process

The grant agreement between OBWC and UC stated payments would be issued at three performance milestones specified in the grant agreement; 40% of the project budget at commencement of the project, 30% at midpoint of the dates of service, and 30% upon acceptance by OBWC of the deliverables. Additionally, Section 2 of the research grant agreement stated: “the bureau shall use its best efforts to pay the vendor within thirty (30) days upon receipt of *vendor’s properly submitted invoice.*” [emphasis added]

Investigators found OBWC prepared invoices on behalf of UC based on a template that was created to be used for all universities involved in the Occupational Safety and Health Research Grant Program, contrary to the requirements listed in Section 2 of the research grant agreement.

Kotowski Research Project

As a result of OBWC creating invoices on behalf of UC, investigators determined OBWC issued payments for more than what was expended to conduct the research. At the end of the research project, only a fraction of the amount budgeted had been spent to conduct the research, largely due to the proposed work not being completed. OBWC issued the first payment for 40% of the project budget at commencement of the project and the second payment for 30% of the project budget at the midpoint, totaling \$174,999.77. When the research project ended, there remained an overpayment of funds as shown below:

	Approved Budget	Actual Expenditures	Over(+)/Under(-) Budget
Personnel	\$155,072.12	\$60,711.26	-\$94,360.86
Travel	\$29,164.00	\$0.00	-\$29,164.00
Additional Direct Costs	\$27,628.00	\$5,271.91	-\$22,356.09
Indirect Costs	\$38,135.55	\$11,876.97	-\$26,258.58
Total	<u>\$249,999.67</u>	<u>\$77,860.14</u>	<u>-\$172,139.53</u>
Total Payments Issued by OBWC		\$174,999.77	
Actual Expenditures for Research Project		<u>\$77,860.14</u>	
Overpayment		\$97,139.63	

Investigators learned OBWC permitted Kotowski to continue working on her research project after the noted completion date in an attempt to obtain a finished product. In an email sent on April 24, 2018, OBWC Safety and Hygiene personnel stated, “with the University of Cincinnati grant they are attempting to continue working towards completing what we have currently paid them.”

According to financial records provided by UC, a “refund to grantors” was entered into their accounting system on March 3, 2018. On July 13, 2018, investigators sent an email to OBWC to verify the overpayment was refunded. Investigators were informed the research project had not been closed by OBWC Division of Safety and Hygiene and the refund had not yet occurred. In August 2018, OBWC requested the full \$97,139.63 overpayment be refunded, which was received in September 2018. This request was made by OBWC after investigators verified the status of the overpayment.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe that a wrongful act or omission occurred in this instance.

Grinshpun Research Project

Investigators determined all three payments were issued to UC totaling \$233,615, and the research project expended a total of \$235,888.46, \$2,273.46 more than what was budgeted. The research agreement stated under Section 2, Amount of Remuneration and Method of Payment,

“total charges shall not exceed the amount of \$233,615, unless additional sums are agreed to in writing.” Investigators determined OBWC did not agree to increase the total project budget and payments, therefore any amount incurred over \$233,615 would not have been paid from OBWC research funds and the costs would be incurred by UC. The OBWC funds were spent for the following research purposes:

	Approved Budget	Actual Expenditures	Over(+)/Under(-) Budget
Personnel	\$145,063.00	\$173,324.70	\$28,261.70
Travel	\$7,000.00	\$6,170.58	-\$829.42
Consumables/Lab Expenses	\$18,950.00	\$7,672.49	-\$11,277.51
Other Direct Costs	\$21,199.00	\$7,567.50	-\$13,631.50
Indirect Costs	<u>\$41,403.00</u>	<u>\$41,153.19</u>	<u>-\$249.81</u>
Total	<u>\$233,615.00</u>	<u>\$235,888.46</u>	<u>\$2,273.46</u>

In other investigations of universities who received OBWC research funds, investigators noted that addendums to the research agreement were created when previously approved budgeted expenditures were revised or reallocations of expenditures were requested. Investigators did not locate an addendum created for the Grinshpun research project reallocating costs from other budget categories to be used for personnel costs that exceeded what was budgeted. Investigators noted however, the research agreement did not contain provisions discussing the requirement for an addendum to modify previously approved budget categories.

FINDING 4 RECOMMENDATIONS

University of Cincinnati

1. Consider the benefits of verifying that ongoing research projects are being monitored to ensure expenditures are within the project budget. For those projects that are over the project budget, ensure appropriate approval has been obtained to exceed the funding budget and additional sources of funds have been identified to cover costs over expenditures not covered by granting agency.

Ohio Bureau of Workers' Compensation

1. Instead of the current payment system, consider the benefits of revising future grant agreements to issue a payment at the start of the grant agreement for a predetermined percentage and then require the grant recipients to submit financial activity reports to receive reimbursement of expenses incurred while conducting the research.
2. Require all grant recipients to create and submit their own invoices when they have met the grant conditions to receive payment.
3. As part of the financial monitoring, determine upon receipt of financial reports whether a possibility exists that a budgeted line item would be exceeded and whether an amendment is needed to adjust the project budget.

FINDING 5 – OBWC Monitoring of Research Progress

The Office of the Ohio Inspector General found OBWC implemented several processes to monitor the progress of the research project which included the following:

- Requiring UC to submit quarterly and interim progress reports describing the work completed, timeliness of the project in terms of completed tasks up to date and the percent of progress toward the completion of the research project. The reports also addressed the challenges and obstacles to the project and strategies for addressing these challenges and obstacles.
- A site visit to UC conducted by OBWC technical advisors to learn about the research project.
- Conference calls discussing the research progress with OBWC Director of Safety and Hygiene and OBWC technical advisors.
- OBWC technical advisors reviewed the final report to ensure final report addressed all specific research goals outlined in the research proposal. If all goals were not achieved, OBWC worked with researchers to attempt to complete project.

Investigators confirmed OBWC tracked and ensured the required quarterly, interim, and final reports were submitted by UC by the specified deadlines. If the reports were not submitted

timely, OBWC followed up until the reports were received. Emails obtained supported the final report was reviewed for approval to ensure the research accomplished the goals outlined in the research proposal and if the research wasn't completed the final payment was not issued.

FINDING 5 RECOMMENDATIONS

Ohio Bureau of Workers' Compensation

1. Consider the benefits of expanding progress monitoring to include conducting periodic evaluations of the grant program to determine whether the grant awards, grant amounts, and requirements are achieving the objectives of the research program.
2. Consider the benefits of implementing a process documenting the steps to be taken if it is found that the research project is not on track to be completed. (e.g., increased progress reporting, additional site visits, conference calls)

FINDING 6 – Lack of OBWC Grant Procedures Concerning Key Grant Processes

Investigators reviewed the OBWC grant proposal guidelines ([Exhibit 3](#)) and determined that the OBWC Occupational Safety and Health Research Program is modeled after and similar, with minor modifications, to the National Institute for Occupational Safety and Health's (NIOSH) National Occupational Research Agenda (NORA).

Investigators reviewed a Centers for Disease Control and Prevention (CDC) research project grant funding opportunity announcement administered by NIOSH for Occupational Safety and Health Research. This grant opportunity had the same research focus area as the program administered by OBWC. As stated in the funding opportunity announcement,⁵ all CDC/NIOSH awards are subject to the terms and conditions, cost principles, and other considerations described in the Health and Human Services (HHS) Grants Policy Statement.⁶ Investigators reviewed the HHS Grants Policy Statement to determine the oversight reporting requirements for project performance and financial monitoring required of those receiving research grant funds from NIOSH.

⁵ https://grants.nih.gov/grants/guide/pa-files/PAR-18-769.html#_Section_II._Award_1

⁶ <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>

The Office of the Ohio Inspector General determined, through review of emails and documents provided, that OBWC lacked standard procedures for managing several key grant processes.

These processes included:

- Project closeout and the steps taken to ensure funds were spent on research or returned to OBWC.
- Records maintenance and storage of documents associated with research projects.
- Debt collection and what actions will be taken should the research project not be completed, or unallowable costs are funded with grant monies.
- Subcontractors and what subcontractor expenses are unallowable.
- Payroll time and effort for researchers working on multiple grant-funded projects.
- Level of detail for supporting documentation required to be maintained to support grant expenditures.
- Indirect cost rates and the proper calculation of the indirect costs charged to a project.
- Ownership of equipment purchased with grant funds.

FINDING 6 RECOMMENDATIONS

Ohio Bureau of Workers' Compensation

1. Consider the benefits of developing a research program grants manual which provides grant recipients' employees and OBWC employees involved in the research grants with detailed explanations of specific grant requirements related to key processes.
2. Consider developing and implementing a records management system or process to store records received from, correspondence with, approvals given, and payments issued for each grant recipient so that these records are all stored in the same place and can be easily located.

FINDING 7 – Kotowski Research Misconduct

On March 6, 2018, the Office of the Ohio Inspector General requested records related to the Kotowski research project. On May 15, 2018, the Office of the Ohio Inspector General received a letter from the UC legal counsel. The letter stated in part, "... during the course of gathering

the requested materials, we discovered irregularities regarding the project described in the request as UC Kotowski research grant agreement.”

On May 23, 2018, investigators learned via a telephone conversation with the UC legal counsel that UC had launched an initial inquiry to determine whether a formal investigation into research misconduct would be launched. Investigators were informed by email on July 3, 2018, the initial inquiry board found evidence they believed sufficient for a full investigation.

On December 11, 2018, investigators were informed by email that the UC investigation committee found Dr. Kotowski did commit research misconduct when she made a false statement in a progress report that was submitted to OBWC; specifically, quarterly report #5, dated August 31, 2016, she stated 100% approval had been obtained by the IRB.⁷ Investigators later learned the IRB protocol was not submitted for approval until May 21, 2018, nearly nine months after the official project end date.

Investigators learned OBWC relied on the fifth quarterly report and the fact that IRB approval had been obtained to issue the second payment, assuming the research project was on track to be completed. Additionally, in an OBWC response letter to investigator’s follow-up questions, they stated the following concerning the IRB approval and research misconduct:

- BWC was unaware of any research misconduct. If BWC knew the IRB hadn’t been approved, it would have influenced BWC’s determination that the project was proceeding according to the workplan and the mid-term payment would likely not have been approved. If BWC was aware of research misconduct at the time, BWC would have reconsidered allowing the PI to continue the research.
- On 7/18/16 at 2:00 p.m., Abe Tarawneh, Sarah Jordan, and Michael Rienenrth of BWC had a telephone conference with Dr. Kotowski. The progress of the project and the approval of the IRB were among the issues discussed.

On February 15, 2019, investigators were informed UC took formal disciplinary actions against Dr. Susan Kotowski. The discipline included, but was not limited to, a two-week suspension

⁷The Institutional Review Board (IRB) is an administrative body established to protect the rights and welfare of human research subjects recruited to participate in research activities conducted under the auspices of the institution with which it is affiliated.

without pay, assignment of a senior faculty member to supervise work going forward, and a prohibition on applying for or working on any state or federal grant-funded projects through fall semester 2020.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe that a wrongful act or omission occurred in this instance.

FINDING 7 RECOMMENDATIONS

Ohio Bureau of Workers' Compensation

1. Consider adding a contract provision requiring all research funds to be returned to OBWC if a research team ever commits any form of research misconduct on an OBWC-sponsored project.
2. Consider adding a contract provision requiring grant recipient agencies to notify OBWC of any substantiated research misconduct findings to allow OBWC to determine what actions should be taken with the research project based on the circumstances.
3. As a result of the research misconduct findings, consider whether the \$77,860.14 that was spent on the Kotowski Research Project should also be returned to OBWC.

REFERRALS

This report of investigation will be provided to the Ohio Auditor of State's Office for consideration during a review of each agency's internal control system in subsequent audits.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Bureau of Workers' Compensation

FILE ID #: 2018-CA00009

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
December 12, 2019

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