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Doctors Get Disciplined For Misconduct; Drug Firms Keep Paying Them

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FROM

By Jessica Huseman

Rob Weychert/ProPublica

Hundreds of pharmaceutical and medical device companies continue to pay doctors as promotional speakers and advisers after they've been disciplined for serious misconduct, according to an analysis by ProPublica.

One such company is medical device maker Stryker Corp.

In June 2015, New York's Board for Professional Medical Conduct accused orthopedic surgeon Alexios Apazidis of improperly prescribing pain medications to 28 of his patients. The board fined him $50,000 and placed him on three years' probation, requiring that a monitor keep an eye on his practice.

Despite this, Stryker paid Apazidis more than $14,000 in consulting fees, plus travel expenses, in the last half of 2015.

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Stryker paid another orthopedic surgeon, Mohammad Diab of San Francisco, more than $16,000 for consulting and travel, even though California's medical board had disciplined him for having a two-year-long inappropriate sexual relationship with a patient, whose two children he also treated. He was suspended from practice for 60 days, required to seek psychological treatment and given seven years' probation. He is still required to have a third party present while seeing female patients.

Neither Apazidis nor Diab returned emails or calls seeking comment.

Stryker officials also would not answer questions. The company is one of more than at least 400 pharmaceutical and medical device makers that have made payments to doctors after they were disciplined by their state medical boards.

ProPublica reviewed disciplinary records for doctors in five states — California, Texas, New York, Florida and New Jersey — and checked them against data

released by the Centers for Medicare and Medicaid Services on company payments to doctors. That included payments for things like speaking, consulting, education, travel and gifts, but not for meals, as these often don't reflect a formal relationship between companies and doctors. (The database can be searched on ProPublica's Dollars for Docs tool.)

All told, the analysis identified at least 2,300 doctors who received industry payments between August 2013 and December 2015 despite histories of misconduct.

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While many doctors were sanctioned for minor offenses such as failing to attend required continuing medical education courses, hundreds were disciplined for more severe offenses, including providing poor care, inappropriately prescribing addictive medications, bilking public insurance programs and even sexual misconduct.

At least 40 physicians had their licenses revoked or surrendered them, in most cases permanently. More than 180 had their licenses temporarily suspended or restricted. Almost 250 were placed on probation.

The industry's relationships with sanctioned physicians have come under scrutiny before. In 2010, ProPublica analyzed payments by seven drug companies that had been required to make them public, finding 250 recipients who had been disciplined, many for serious misconduct.

After that article, companies such as Johnson & Johnson, Pfizer and AstraZeneca promised to revise their screening processes for doctors they pay for services. Still, even drug and device makers that profess confidence in how they vet doctors today offer few details on what checks they run or whether they flagged the disciplinary cases ProPublica identified.

Device company Arthrex doesn't hire doctors who "do not possess the proper credentials and licensure for the task assigned," said spokeswoman Lisa Gardiner. She acknowledged, however, that the company checks the status of doctors only when their contracts begin, not annually as some companies do. A Florida doctor Arthrex hired in 2013 surrendered his license in 2014, but Arthrex paid him almost $7,500 in consulting fees after that, records show. While his contract obliged him to inform Arthrex if his licensure status changed, Gardiner said he never did.

The Pharmaceutical Research and Manufacturers of America, the industry trade group, wouldn't comment on the vetting processes of specific companies or whether there should be an industrywide standard for such checks. Spokeswoman Holly Campbell said in an email that companies typically check lists of doctors barred from doing business with the government and confirm doctors' "general medical expertise, reputation and knowledge regarding a particular disease."

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Industry payments to doctors are legal as long as they are not an inducement to use a particular product.

Campbell defends the benefits of such financial ties, saying they compensate doctors for providing crucial feedback on products and help doctors teach their colleagues about what's out there.

Critics of industry payments to doctors say they can influence recipients to prescribe drugs that cost more, may not be necessary or are similar to cheaper generics.

Dr. Charles Rosen, the co-founder of the Association for Medical Ethics, which seeks to reduce manufacturers' influence on doctors, says he was not surprised to hear that disciplined doctors are among the industry's consultants and speakers.

"I think it's crystal clear that their fiduciary duty is not to educate physicians and make public welfare better. It's to sell a product," Rosen says. "I think they'd pay the devil if no one knows and he sells a lot."

Some companies that were making payments to disciplined doctors in 2010 appear to still do so, ProPublica found.

Johnson & Johnson paid Dr. Michael Reiss of New Jersey $85,000 for consulting through its pharmaceutical arm, Janssen, in December 2015. He'd just regained full use of his medical license that August; it had been suspended since 2012 because he'd pleaded guilty in federal court to hiding $2.5 million from the IRS in Swiss bank accounts.

When reached by phone, Reiss said that Janssen had performed a background check, but couldn't recall whether his disciplinary history had come up as part of his interview process. "Apparently it wasn't an issue; they hired me," he said. Reiss said he's retired from practice aside from his consulting work, but declined to say what this consists of or whether he does work for Janssen or any other company.

Janssen spokeswoman Meredith Sharp says the company's contracts require doctors to have active medical licenses, and that it conducts "additional reviews to verify eligibility" and requires doctors to disclose changes in status. "We are committed to working with the most qualified individuals," Sharp says. "We are looking at the information you provided to determine if there is opportunity to further improve our process."

AstraZeneca paid Miltiadis Leon, a Texas physician, more than $26,000 in 2014 and 2015, mostly for speaking fees and travel expenses. In 2006, the doctor's license was limited after he was found to have sexually harassed and inappropriately touched several female patients and staff members. He was not allowed to see female patients without a chaperone for two years. Leon referred ProPublica to his attorney, who said he would speak to his client, but then did not return a call for comment.

In a statement, AstraZeneca spokeswoman Abigail Bozarth said doctors with whom the company has financial relationships are reviewed both by an external organization and by the company's own compliance department. Bozarth said the process includes checks of government databases, including discipline by state medical boards, but would not respond to inquiries specifically about Leon.

By contrast, drug company Eli Lilly, which was flagged by ProPublica in 2010 for paying disciplined doctors, has made only a few recent payments to doctors with disciplinary records and none to those with serious issues.

Spokesman Mark Taylor says the company began using a third-party vendor in 2013 to conduct background checks and screen out doctors who had faced sanctions. Doctors flagged during this process are referred to an internal committee at Eli Lilly for a final decision.

Prior to these changes, the company conducted its own checks and looked exclusively at federal databases, not state-level discipline. "So we could have been missing some actions or sanctions," says Taylor. This realization, he adds, "was kind of a big 'aha' moment."

Eli Lilly now checks the licenses of all doctors the company considers for hire against federal databases and in all 50 states.

Drug maker Boehringer Ingelheim, by contrast, checks only federal databases on an annual basis. Its contracts with physicians require doctors to attest that they are in good standing with their state boards, but the company does not independently check for state-level discipline unless it has "received information to suggest a speaker or consultant was not being truthful," says spokeswoman Erin Crew.

Novo Nordisk spokeswoman Marisa Sharkey describes a similar process, adding that the company checks state disciplinary databases "as needed." It requires doctors to inform the company if they have been disciplined or if they are placed on a list barring them from receiving government contracts.

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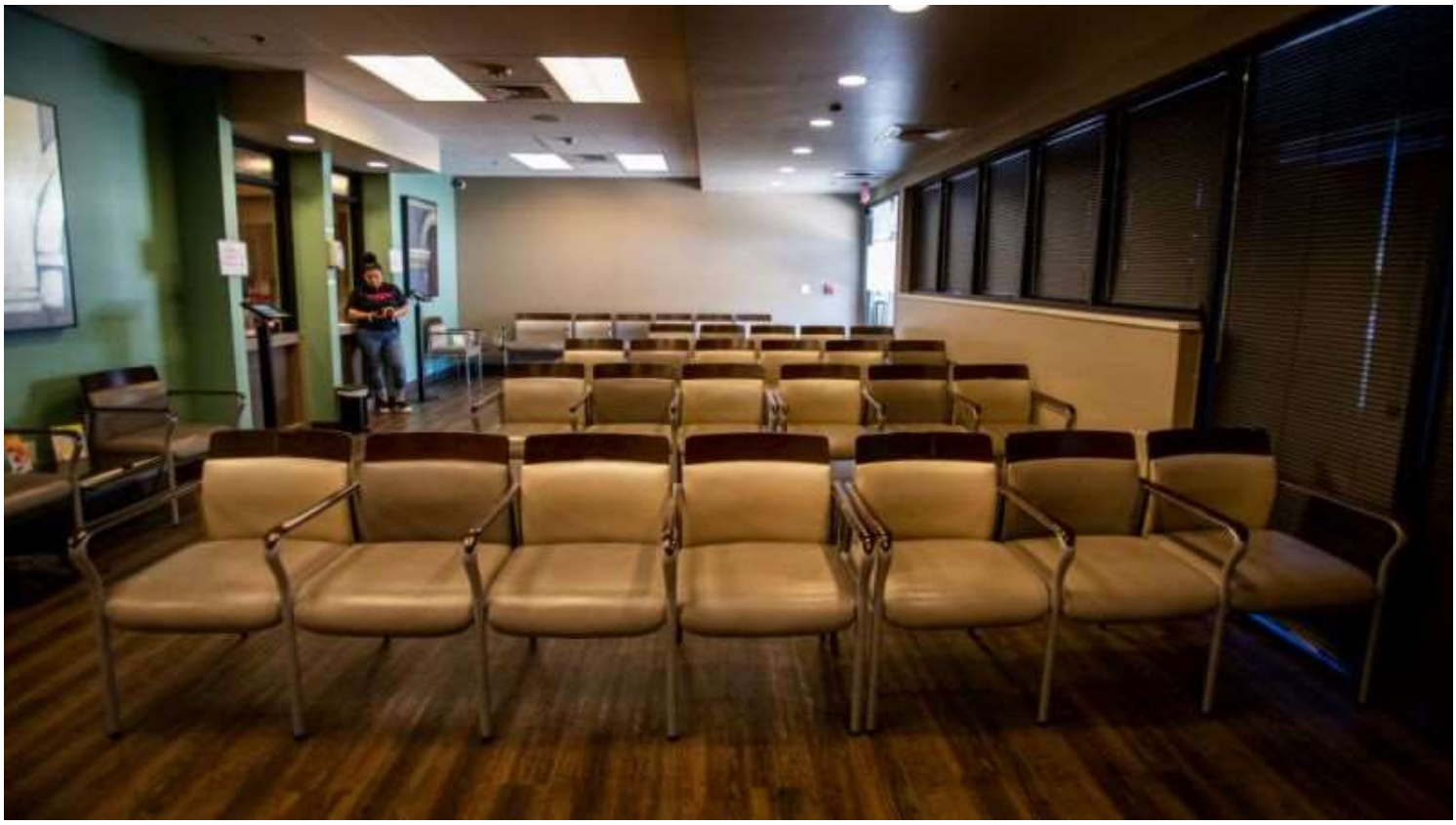

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