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NIH finds ethics violations in 44 cases

WASHINGTON (AP) -- Forty-four government scientists who also worked as consultants for drug companies violated agency regulations designed to prevent conflicts of interest, a review by the National Institutes of Health shows.

The review centered on whether the scientists had properly disclosed their work for the drug companies on financial disclosure forms, whether they had prior approval to do such work from their superiors and whether they took personal leave to do private work. In the 44 cases, scientists were found to have violated one or more existing NIH rules.

In an additional 37 cases reviewed, scientists did have prior approval for their work, had properly reported the work on their financial disclosure forms and took approved leave when necessary, the NIH reported.

The House Energy and Commerce Committee asked for the review when it compared NIH records to consulting agreements maintained by 20 pharmaceutical companies. It found 81 cases between 1999 and 2004 where the agreements were not listed in the NIH records provided to the committee. It asked NIH to investigate those cases.

Even as NIH investigated those cases, NIH Director Elias Zerhouni issued a ban on NIH employees consulting with drug and biotechnology companies. The agency also issued ethics rules that it is monitoring before making permanent.

The chairman of the committee, Rep. Joe Barton, R-Texas, said the agency's findings revealed the ethics problems at NIH were worse than he had anticipated.

"These findings indicate that the ethical problems are more systemic and severe than previously known," Barton said. "They also demonstrate the need for NIH to issue the final ethics rule as soon as possible."

Of the 44 scientists found to have violated agency rules, 36 are still employed at NIH and have been referred for possible disciplinary action. Nine of those thirty-six have also been referred to the HHS Office of Inspector General for investigation of possible criminal violations.

Zerhouni made the details of the NIH investigation known in a letter to the committee dated July 8. The findings were released, despite Zerhouni asking that they be treated as confidential.

"You have my pledge that I will continue to work with the committee on this matter as we move forward by correcting deficiencies and ensuring public trust," Zerhouni said.

Committee leaders released the data and letter anyway because of the compelling public interest, said Kevin Schweers, a spokesman for the panel.

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