



THE NATION

NIH Inquiry Shows Widespread Ethical Lapses, Lawmaker Says

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WASHINGTON — Results from an ongoing internal review of drug company consulting payments to scientists at the National Institutes of Health show the agency's ethical problems are serious and widespread, a House committee chairman said Wednesday.

The review examined whether a sample of 81 NIH scientists had moonlighted for industry without getting required permission from the agency, whether they disclosed company payments on annual forms and whether they performed company services on government time.

More than half, 44, were found by NIH officials to have violated the agency's then-existing policies or recommendations.

Excerpts from the findings, provided in recent days by NIH Director Elias A. Zerhouni to three members of Congress, were obtained by the Los Angeles Times.

"We discovered cases of employees who consulted with research entities without seeking required approval, consulted in areas that appeared to conflict with their official duties, or consulted in situations where the main benefit was the ability of the employer to invoke the name of NIH as an affiliation," Zerhouni said in a letter to the congressmen dated Friday.

The chairman of the House Energy and Commerce Committee, Rep. Joe Barton (R-Texas), said Wednesday that the findings showed the "ethical problems [at the NIH] are more systemic and severe than previously known."

Barton elicited the information by posing written questions to Zerhouni in March. Barton's letter had been cosigned by the committee's most senior Democrat, Rep. John D. Dingell of Michigan.

The 44 scientists cited by the internal review "violated policies or regulations and were recommended for administrative action," said the summary of information that the NIH provided to the members of Congress.

Eight of the alleged violators have left the NIH and are not subject to administrative action, the agency said.

Nine individuals — none of whom were named in the agency's summary — were referred for further investigation to the inspector general of the Department of Health and Human Services.

After announcing an agencywide ban Feb. 1 on accepting company consulting fees or stock,

Zerhouni was urged by some NIH employees and their defenders to relent.

Zerhouni has said he would continue to assess whether the new rules, including a planned restriction against owning biomedical stocks, had adversely affected the hiring and retention of qualified scientists.

The violations identified in the internal NIH review reflected a partial examination of industry consulting deals that had involved hundreds of agency scientists.

In spring 2004, after it was unable to obtain documentation from the NIH of the extent of such deals, the House Energy and Commerce Committee wrote to 20 companies and asked executives to voluntarily identify consulting fees paid to NIH scientists.

Scores of other companies that employed moonlighting NIH scientists were not contacted.

The information received from the 20 companies revealed 81 names that were not on the list of moonlighting scientists that had, by then, been delivered to the committee by the NIH.

The agency did not identify any of the 44 government scientists found to have committed violations.

An NIH spokesman, John Burklow, said that officials had sought to respect employees' rights to due process and privacy.

Zerhouni, in his letter to the members of Congress, said that because the internal investigation was ongoing, "I request that all the information provided in the enclosure [summarizing the findings] be treated as confidential."

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