

Authorities set to widen VA inquiry

Former Stratton worker pledges cooperation in probe of corruption in drug trials as part of plea deal

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ALBANY -- Federal authorities will widen their investigation of corruption in the cancer research program at Stratton VA Medical Center following Tuesday's guilty plea by a Clifton Park man who masqueraded as a doctor and falsified records to enroll veterans in experimental drug studies there.

Paul H. Kornak, 53, of Clifton Park, pleaded guilty to three felony charges, including criminally negligent homicide, and faces a maximum prison term of up to 20 years and more than \$1 million in fines and restitution. Kornak admitted causing the death of one veteran by forging the victim's medical records in order to enroll him in an experimental drug study.

Kornak's attorney, E. Stewart Jones Jr., said his client hopes to avoid a lengthy prison sentence by cooperating with authorities **and helping them build a case against top officials at Stratton.**

"He was clearly nothing more than a technician, a pawn," Jones said. "It was a culture where rules weren't followed."

Kornak had faced a 48-count felony indictment and the prospect of spending the rest of his life in prison. He signed a plea deal with federal authorities Tuesday afternoon in which he pledged to cooperate in the ongoing investigation.

Bruce T. Sackman, who heads the northeast office for the Department of Veterans Affairs Office of Inspector General, attended Kornak's plea hearing along with other criminal investigators. He said the probe at Stratton is ongoing and may intensify with Kornak's cooperation.

Kornak's case triggered congressional action because he carried the title "doctor" at Stratton -- including on his VA business card -- but never finished medical school. He

also had a criminal record when Stratton hired him, for forging his credentials in Pennsylvania in 1991 when he tried to obtain a medical license.

"No one in authority at the VA believed he was a doctor," Jones said.

Still, patients and their families did. Among them are the widows of several veterans who, according to the Food and Drug Administration, may have died prematurely or suffered because Kornak allegedly falsified their medical tests and health histories in order to push them into the drug experiments.

Jayne Steubing, one of the widows, cried softly after watching Kornak answer "guilty, sir," three times during a video-conference plea hearing before U.S. District Judge Frederick J. Scullin Jr. In addition to a charge of criminally negligent homicide, Kornak pleaded guilty to making a false statement on his job application and mail fraud, which carries a maximum prison term of up to 20 years.

"Where's the outrage," Steubing said outside court. "I just hope it's the beginning. ...It was just very painful because Carl trusted him with his life. He trusted the VA with his life."

Carl Steubing, a decorated World War II Army veteran, died at Stratton VA in 2002, two weeks after being given an experimental breast cancer drug to treat his esophageal cancer. The mail fraud charge against Kornak stemmed from falsified records he mailed to a drug company regarding Steubing's treatment.

Jayne Steubing is one of several widows who are suing Kornak and his former boss, Dr. James A. Holland, as well as the Department of Veterans Affairs. Last June, Holland was identified in court papers by federal authorities as a target in the criminal investigation. He was fired from Stratton two years ago and now works for a Georgia hospital.

The criminally negligent homicide charge against Kornak was filed in connection with the death of James J. DiGeorgio, a 71-year-old Air Force veteran from Brunswick who died at the hospital in June 2001 while being infused with experimental drugs.

A Times Union investigation found that Stratton's cancer research program was the target of internal complaints dating back to the mid-1990s. In fact, hospital staffers said they were retaliated against for warning hospital administrators as early as 1994 that cancer

patients were being placed at risk and being enrolled in drug studies without their consent.

In April 2000, after two pharmacists from Stratton brought their concerns to the FBI, the agency backed away from investigating the allegations because they were informed by the VA's Office of Inspector General that one of the pharmacists was under investigation. The pharmacist, Jeffrey Fudin, was later cleared of wrongdoing.

Then, in 2002, the alleged corruption at Stratton became public when a Texas drug company, Ilex Oncology, which was funding cancer studies, uncovered "irregular documents," according to the U.S. Attorney's office. Based on Ilex's concerns, the VA's Office of Inspector General opened the investigation that led to Kornak's indictment.

A separate investigation by the Food and Drug Administration uncovered widespread fraud and forgery in Stratton's cancer research program that may have led to as many as five patients' deaths, according to the FDA's report.

Kornak, who is married and has children, will remain free on \$50,000 bond until his sentencing scheduled for May 27 in U.S. District Court in Albany. Lyons can be reached at 454-5547 or by e-mail at blyons@timesunion.com.