

Former VA staffer set to plead guilty

Paul H. Kornak to admit homicide, other counts in scandal at Stratton

<http://timesunion.com/AspStories/story.asp?storyID=324331&category=REGIONOTHE R&BCCode=HOME&newsdate=1/18/2005>

By **BRENDAN LYONS**, Staff writer
First published: Tuesday, January 18, 2005

ALBANY -- A former cancer specialist at Stratton VA Medical Center is expected to plead guilty today to criminally negligent homicide in connection with a research scandal that triggered nationwide reforms at Department of Veterans Affairs hospitals.

Paul H. Kornak, 53, of Haystack Road, Clifton Park, is accused of masquerading as a doctor and systematically falsifying the medical records of ailing veterans to enroll them in experimental drug programs. Several of the veterans either died prematurely or suffered agonizing deaths as a result of the experiments, according to federal lawsuits filed as a result of the case.

In October 2003, a federal grand jury indicted Kornak on 48 felony counts, including charges of manslaughter and negligent homicide, as U.S. authorities announced they were widening their investigation of Stratton's embattled cancer research program.

Kornak will plead guilty to three felony counts, including fraud charges, in U.S. District Court, according to law enforcement sources. It's not clear if Kornak's plea agreement would require him to cooperate with authorities in exchange for leniency.

He had faced prison sentences ranging from 5 to 20 years on each count of the indictment, but federal sentencing guidelines recently were struck down by the U.S. Supreme Court.

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.

For some widows whose husbands allegedly suffered at the hands of Kornak, a guilty plea today will bring some vindication.

"I say it's the beginning of accountability. That's what we're looking for," said Jayne Steubing, whose husband, Carl, died at Stratton VA in 2002, two weeks after being given

an experimental breast cancer drug to treat his esophageal cancer. "A lot of time has passed ... but I have all the time in the world to find out why this kind of thing could possibly take place."

Carl Steubing was a World War II veteran who enlisted in the Army in 1942 and served for three years, fighting in the pivotal Battle of the Bulge. He was awarded the Bronze Star for bravery after leading his platoon to safety when their commanding officer was shot and a Purple Heart for injuries sustained in combat.

Jayne Steubing is one of several widows who are suing Kornak and his former boss, Dr. James Holland, as well as the Department of Veterans Affairs. Holland was identified by federal authorities as a target in the criminal investigation last year, but he has not been charged or accused of wrongdoing.

Kornak's attorney, E. Stewart Jones, declined comment on today's scheduled plea hearing, before U.S. District Judge Frederick Scullin in Syracuse.

In November 2003, following Kornak's arraignment, Jones described his client as a research underling who followed orders. The attorney claimed protocols were often violated in the hospital's research program but that no one did anything without authorization, including Kornak.

"There are a lot of people involved with all of these patients," Jones said at the time. "He is a simple target. ... He's a scapegoat."

Jones singled out Holland, who now works as a cancer specialist for a Georgia hospital and who was forced to leave Stratton -- along with Kornak -- in late 2002 as the criminal investigation heated up.

Holland was hired as Stratton's chief oncologist in 1999.

At the time, Kornak already was on Stratton's staff. He was hired by Dr. William Hrushesky, who left his job as Stratton's chief cancer doctor to join a VA hospital in Dorn, S.C. Hrushesky has declined comment on the case.

But a Times Union investigation two years ago found that Hrushesky was the target of internal complaints dating back to the mid-1990s.

Anthony Mariano, the hospital's former pharmacy director, said he and Jeffrey Fudin, another Stratton pharmacist, went to the FBI in 1999 out of desperation after their pleas for help were unanswered by federal officials.

As early as 1995, they had warned that patients with cancer and other illnesses had been placed at risk -- or had died -- because of the way experimental drugs were being used. Patients also were enrolled in drug studies without signing consent forms indicating they had been informed about the risk, they said.

Instead of investigating the allegations, hospital administrators allegedly retaliated against the men and ended the pharmacy's role in monitoring research drugs, according to court records. Mariano eventually was forced out of his job and Fudin was fired, but later had his job reinstated by a federal court.

Meanwhile, Kornak apparently used false credentials to get a research job at Stratton in 1999.

According to the indictment, Kornak never finished medical school because he was dismissed from St. George's University School of Medicine in Grenada in 1984 for falsifying transcripts. On his federal employment application, Kornak also allegedly lied about his undergraduate performance at The College of Saint Rose in Albany and stated he had never been convicted of a crime. In 1992, Kornak was convicted of federal mail fraud in Pennsylvania for falsifying information on a medical license application.

Despite not having a medical license, Kornak went by the title "doctor" at Stratton and carried business cards -- printed by the Department of Veterans Affairs -- that indicated he was a medical doctor.

The revelations about Kornak's past triggered nationwide reforms of VA hiring practices.

In 2002, the alleged corruption at Stratton became public when a Texas drug company that was funding cancer studies questioned whether some patients were qualified to be enrolled in the experiments. A Food and Drug Administration investigation uncovered widespread fraud and forgery that may have led to as many as five patients deaths, according to the FDA's report.

The VA's inspector general subsequently opened the investigation that led to charges against Kornak.

Still, questions linger about the hospital's research program. Authorities have refused to say if others are under investigation, or to say exactly what motivated Kornak's actions. Hospital insiders said Kornak may have benefited personally from having more people enrolled in research programs because he could have been eligible for more overtime pay.

A House Veterans Affairs subcommittee staffer, who asked not to be identified, has said the federal investigation should include an audit of the hundreds of thousands of dollars that flowed into Stratton for drug studies while Kornak was working there. The money came from drug companies that stood to make huge profits if their drugs received FDA approval.

Steubing and other widows said they filed lawsuits against the VA in order to get answers.

"I want them owning up to it and to say what they're going to do about it, and how they're going to change the system so our next generation of vets don't fall prey to the federal hospital system," Steubing said. "I think it's systemic and there are an awful lot of changes that have to be made before we will rest."