

# Ex-VA cancer chief admits role in scandal

*Researcher who ran Stratton center program that caused death of a veteran pleads guilty to failing to protect patients*

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ALBANY -- An oncologist who headed the cancer research program at Stratton VA Medical Center during a time when veterans were used like guinea pigs pleaded guilty to a misdemeanor federal charge Tuesday, admitting he failed to protect his patients from a rogue researcher who caused at least one patient to die.

Dr. James A. Holland, 49, who has recently worked at a cancer program for a hospital in Georgia, where he now lives, faces up to a year in jail and a fine of up to \$100,000. But under federal sentencing guidelines, Holland could escape any jail time.

He pleaded guilty to one count of wrongfully and unlawfully failing to establish and maintain adequate and accurate cases on patients participating in drug studies. It's not clear whether the conviction will affect Holland's professional licenses or research credentials.

At least one veteran died and 64 others suffered unduly or were harmed by the forgeries, which involved manipulating their medical backgrounds so they would qualify for drug studies that were lucrative for the hospital and which had furthered the researchers' careers.

The corruption took place over several years and centered largely around the work of Paul H. Kornak, 55, a Stratton research specialist who posed as a doctor even though he never finished medical school. Kornak was sentenced in November 2005 to six years in prison for his part in the research scandal.

Federal prosecutors did not provide advance notice of Holland's plea proceeding despite the case having generated national attention and congressional action, including a nationwide ramping up of VA hiring practices and mandatory background checks for prospective employees.

While federal authorities claim the research violations took place over about three years, beginning in May 1999, other VA workers have said the cancer program's problems, including the endangering of patients, stretched back years and involved other researchers.

Indeed, Kornak once said he was "used" by Holland, and that others within the hospital knew what was taking place.

Kornak, formerly of Clifton Park, pleaded guilty to one count each of mail fraud and criminally negligent homicide. He cooperated with investigators and offered to testify before a grand jury. But it's not clear if prosecutors ever took that step before negotiating their misdemeanor plea bargain with Holland.

Holland and Kornak were fired by the hospital in 2002 after a private drug company investigator noticed problems with the medical records of patients. Authorities have never offered a clear motive for the forgeries.

At his sentencing nearly two years ago, Kornak laid blame squarely with Holland. "Every action and decision in this case was ordered and prescribed by the program director (Holland)," Kornak had said. "It was his decision that all patients should fit into his study; and that without any consequence to those affected. I wish to further state that even though I accept all the responsibility, I was used and not even given a full opportunity to express myself to him at that time."

It was not Kornak's first brush with the federal justice system. In 1992, he pleaded guilty in Pennsylvania to a felony fraud count for forging a medical license application. Despite his conviction, Stratton's former cancer research director, Dr. William Hrushesky, gave Kornak a job that included processing patients for drug studies.

The federal investigation confirmed only one veteran's death from the scandal, although more deaths were suspected, according to court records filed as part of lawsuits filed by the widows of more than five veterans.

The veteran whose death was proven to be caused by the researchers was 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.

Holland, as part of his plea, admitted that he had never reviewed any of DiGeorgio's medical records or checked their accuracy, which is required for the leaders of drug studies.

Stratton officials could not be reached for comment late Tuesday. They have never placed any blame with Holland, previously saying only that they were victims. However, under Holland's watch, Kornak openly served in a doctor's role, including treating patients and advising their families about research alternatives. Several widows of veterans said Kornak was introduced to them as "Dr. Kornak," and that he gave them VA-issued business cards that indicated he had a medical license, which he does not.

A Times Union investigation found that Stratton's cancer research program was the target of internal complaints dating to the mid-1990s. Hospital staffers said they were harshly 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 signing consent forms indicating they knew the risks.

Anthony Mariano, Stratton's former pharmacy director, said he and Jeffrey Fudin, another Stratton pharmacist, went to the FBI eight years ago to report allegations of widespread corruption at the embattled hospital.

As early as 1995, they had warned that patients with cancer and other illnesses were being 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 said he eventually was forced to leave his job while Fudin was fired, but later had his job reinstated by a federal court. Both men have said their efforts to get federal authorities and elected leaders to closely examine their situations have been rebuked.

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