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Crack Down on Scientific Fraudsters

By ADAM MARCUS and IVAN ORANSKY JULY 10, 2014

DONG-PYOU HAN needed impressive lab results to help his team at Iowa State University move forward with its work on an AIDS vaccine — and to continue receiving millions of dollars in federal grants. So Dr. Han did what many scientists are probably tempted to do, but don't: He faked the tests, spiking rabbit blood with human proteins to make it appear that the animals were responding to the vaccine to fight H.I.V.

The reason you're reading about this story, and not about the glowing success of the therapy, is that Dr. Han was caught. In October, following an investigation, he resigned in disgrace. In December, the Office of Research Integrity, part of the United States Department of Health and Human Services, announced that he had agreed to a three-year ban on federal funding. Last month, federal authorities arrested Dr. Han and charged him with four felony counts of making false statements. He has pleaded not guilty and is free on bail.

Even though research misconduct is far from rare, Dr. Han's case was unusual in that he had to resign. Criminal charges against scientists who commit fraud are even more uncommon. In fact, according to a study published last year, "most investigators who engage in wrongdoing, even serious wrongdoing, continue to conduct research at their institutions." As part of our reporting, we've written about multiple academic researchers who have been found guilty of misconduct and then have gone on to work at pharmaceutical giants. Unusual, too, is the fact that Iowa State has agreed to reimburse the government about \$500,000 to cover several years of Dr. Han's salary and that the National Institutes of Health has decided to withhold another \$1.4 million that it had promised the university as part of the grant.

But don't applaud yet, taxpayers: The N.I.H. isn't doing anything about the rest of the \$10 million granted to Dr. Han's boss, Michael Cho, after the two scientists announced the apparently exciting results now known to be fraudulent.

In the vast majority of cases, in fact, funding is not repaid. And just a few of the hundreds of American scientists found to have committed misconduct have served prison time. In 2006, Eric T. Poehlman was sentenced to a year in prison — the first scientist to be imprisoned for falsifying a grant application — and also had to pay about \$200,000 in restitution for whistle-blower lawsuits and lawyers' fees. But the millions awarded to the University of Vermont for his work were never repaid.

Scott S. Reuben, an anesthesiologist, spent six months in federal prison starting in 2010 for faking data in many of his studies. Dr. Reuben was also forced to pay back more than \$360,000 to Pfizer as restitution for misusing the drugmaker's grant money.

But these are the rare cases. And Dr. Han may have remained one of the hundreds of fraudster scientists who faced little punishment if it weren't for the attention of a senator. The three-year ban, Senator Charles E. Grassley, Republican of Iowa, told the Office of Research Integrity in a Feb. 10 letter, "seems like a very light penalty for a doctor who purposely tampered with a research trial and directly caused millions of taxpayer dollars to be wasted on fraudulent studies." (In fact, just two of the 11 cases reported by the O.R.I. last year led to outright bans. Most only required supervision by a scientist in good standing with research overseers.)

Senator Grassley is correct: The office needs teeth, and the people who helped pull them, not surprisingly, were scientists. The office never recovered from its case against Thereza Imanishi-Kari, a Tufts University researcher accused of fraud in her work with a Nobel laureate, the biologist David Baltimore. In 1991, investigators at the O.R.I. — then called the Office of Scientific Integrity — found Dr. Imanishi-Kari guilty of misconduct and lying to cover up her actions, but in 1996 they were overruled by panelists for its parent agency, the Department of Health and Human Services, who concluded that the office had failed to prove its case.

Scientists used the Imanishi-Kari case as an example of government oversight run amok. But the O.R.I.'s presence as a deterrent, and oversight, does far more good than harm. Congress should give it even more needed authority. A good starting point would be to grant the office the right to issue administrative subpoenas like those its sister agency, the National Science Foundation, can use to gain access to university documents. Without subpoena power, the O.R.I. is able to see only what institutions want to share. Congress should also help by apportioning more funding to the office, whose budget is currently about \$8.6 million, down from \$9.1 million in 2010.

There are suggestions that other countries may be starting to take the lead on stronger penalties, based on recent cases in France, Italy and Britain. Recouping losses from fraud and deliberate misconduct — not shrugging them off — should be a high priority for federal agencies that fund scientific research.

The good news is that finding a cure for federal-funding amnesia isn't difficult. If the O.R.I. feels that its mandate does not include getting misused public money back, then Congress should widen the office's authority and expand its budget.

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