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Study: Doctors often fail to disclose company payments

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By Steve Sternberg, USA TODAY

A study of orthopedic specialists earning $1 million or more from medical device companies found that doctors often fail to disclose lucrative company ties in medical journal articles, researchers reported Monday.

Forty-one doctors accepted a total of $114 million in 2007, in amounts of $1 million to $8 million, David Rothman and his team report in the *Archives of Internal Medicine*. Yet half of the articles published by the doctors in the following year made no mention of corporate payments.

"If you can't find information about a $1 million payment to an author in an orthopedic journal on issues that are directly relevant to products for which they're being paid, then something's wrong," Rothman says.

This lack of disclosure appears to flout professional and medical journal standards requiring that doctors reveal any potential conflicts of interest that might influence their research or expert analysis, doctors say.

"The whole concept of disclosure is to alert readers to potential bias," says Mary O'Connor, president of the American Association of Hip and Knee Surgeons. "The fact that (the researchers) found a troubling amount of non-disclosure means to me that the profession needs to work harder to improve this."

Concerns over corporate influence in medicine have simmered for decades, prompting the National Academy of Science's Institute of Medicine last year to call for the elimination of all corporate-physician ties that affect how doctors practice medicine.

The medical device industry's practices were so flagrant that they prompted an investigation by the Justice Department. Indeed, the payments reported in the new study appear in Internet listings set up by five big orthopedic device makers — Zimmer, DePuy Orthopaedics, Biomet, Stryker and Smith & Nephew — as part of a September 2007 settlement that capped a federal inquiry of company kickbacks to doctors. Zimmer, DePuy Orthopaedics, Biomet and Smith & Nephew also paid the government $311 million in penalties.

Experts say it will become easier to trace corporate payments to doctors on Sept. 30, 2013, when the government launches an Internet database containing every gift or payment of $10 or more under the Physician Payment Sunshine Act. Today, consumers must search for the information on corporate websites.

In the new study, Rothman and his team scoured device companies' sites for payments to doctors in 2007. The 41 doctors published 95 medical articles from Jan. 1, 2008, to Jan. 15, 2009. Most appeared to be receiving royalties for devices used in joint reconstruction surgery.

The study does not name the doctors or give examples of their journal reports. But a review of the company websites confirms that many doctors have received significant amounts of money from device makers.

Last year, for instance, Charles A. Engh, Sr., of Alexandria, Va., received $2.7 million from DePuy,

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which paid him another $711,000 between January and June of this year. Engh's son, Charles A. Engh, Jr., also of Alexandria, received $548,000 last year and $93,000 between January and June.

The elder Engh is ill and could not be reached for comment, says his son, a prominent orthopedic surgeon known by his nickname Andy. Father and son have developed innovative new devices for joint replacement: Charles Engh, Sr., designed a cement-free artificial hip, with a porous coating that meshes with bone; Andy Engh, developed a hip joint with a metal ball that fits into a metal socket.

Engh says he honors journal disclosure requirements and that he believes in being open with his patients. "I tell my patients that I'm a consultant and that I get paid to do educational courses and research, but it's all tied to work that I do," he says. "I tell them that I get royalties on specific products. If they'd like me to, I'll use a different product."

He added that gets no royalties when he -- or any of his colleagues at his hospital -- use devices that he has designed.