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ALBANY

Cancer aide is sent to prison VA researcher given maximum

BY JILL BRYCE
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The man who posed as a physician at the Stratton Veterans Affairs Medical Center was sentenced in federal court Monday to 71 months in prison for the criminally negligent homicide of a patient.

In court, Paul H. Kornak, 53, of Clifton Park, former chief research assistant at Stratton, maintained he was ordered to alter records by his supervisors.

But U.S. District Court Judge Frederick J. Scullin said Kornak's plea for mercy lacked credibility. Citing Kornak's prior record — he was convicted of mail fraud in 1992 — the judge imposed the maximum allowable sentence

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plus three years' probation.

Scullin said he believed Kornak was a foreseeable risk and likely to engage in criminal conduct again.

He also ordered Kornak to go into a mental health program deemed appropriate by prison officials and to pay \$638,775 in restitution.

Kornak spoke briefly before his sentencing. "I wish to express a deep apology to all those who were affected in this care," he said.

"I do however wish to state for the record that every action and decision in this case was ordered and prescribed by the program director. It was his decision that all patients should fit into his study."

Kornak said, "Even though I accept full responsibility, I was used and not given a full opportunity to express myself to him at that time."

Dr. James Holland, then the principal oncology researcher at Stratton, was Kornak's supervisor.

Assistant U.S. Attorney Grant C. Jaquith said Monday there is an ongoing investigation into Stratton. He would not say if Holland is under investigation, or whether prosecutors will seek his indictment.

Jaquith recommended Kornak get the maximum sentence because it's what victims' families should expect. He said Kornak was involved in a series of crimes involving veterans. "He did what he's always done, falsify documents."

Jaquith said Kornak violated protocols that were set up for the safety of patients and deprived them of the simple dignity of making a choice about their own medical treatment.

Kornak pleaded guilty in January to criminally negligent homicide in the death of Air Force veteran James J. DiGeorgio, who died at the hospital in June 2001 after being treated with experimental drugs.

He also pleaded guilty to making a false statement in his application for a job at Stratton and mail fraud in connection with falsifying patients' records.

Kornak was arrested as the result of a widespread federal investigation into the cancer research program at Stratton.

Jayne Steubing's husband, Carl, who fought in the Battle of the Bulge during World War II, died at Stratton VA in 2002 after being given a cancer drug treatment.

She was in the courtroom Monday for Kornak's sentencing. "I see this as the beginning of accountable behavior," she said. "I am very pleased the judge gave him the maximum allowed by law, and that the judge was so disgusted by what Mr. Kornak has done."

Steubing, who is suing Stratton and Holland, said corrupt behavior was endemic at medical center; she doesn't believe Kornak acted alone and said he must have had a lot of support and encouragement from others at Stratton.

The investigation by the VA's Office of Inspector General began after a routine review in late 2002 of records at Stratton uncovered irregular documents. Eventually, Kornak was accused of changing medical records of dozens of patients over a more-than-three-year period in order to enroll them in drug studies. For each patient included in research protocols, money was paid to researchers.

Another critic of Stratton VA echoed Mrs. Steubing's criticisms. "I think the community deserves an explanation of why no one else has been held accountable," said Dr. Jeffrey Fudin, a pharmacist at Stratton.

He said Kornak was used as a "scapegoat because he is an easy target," but that he nevertheless deserves to go to prison for what he did.

Fudin and another VA pharmacist went to the FBI in 1999 to report that patients with cancer and other illnesses were placed at risk because of the way experimental drugs were used. Their allegations included corruption in the cancer research program, including patients being given experimental drugs outside medical protocol.

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