

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

May 15, 2009

Via Electronic Transmission

Stephen Bishop
General Manager
The Journal of Bone and Joint Surgery
22 Buckingham Street
London WC2N 6ET
United Kingdom

Mr. Bishop:

The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The studies published in journals such as *The Journal of Bone and Joint Surgery (JBJS)* often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

According to an article published in *The New York Times* on May 13, 2009¹, Dr. Timothy Kuklo published a study that made false claims and overstated the benefits of Infuse, a product made by Medtronic, Inc. (Medtronic). Dr. Kuklo is an associate professor of orthopedic surgery at Washington University in St. Louis (Washington University) and from 2003 until sometime in 2006, he was stationed at Walter Reed Medical Center (WRMC). The article goes on to state that Dr. Kuklo “forged the signatures of four Walter Reed doctors on the article before submitting it last year to a British medical journal, falsely claiming them as co-authors.” The *New York Times* also charges that Dr. Kuklo did not obtain the Army’s required permission to conduct the study.

The study was published in JBJS and was retracted at the request of the Army, according to the *New York Times*. Apparently, the article had been rejected previously by another journal and Dr. Kuklo presented the data publicly on several other occasions. The study claimed to be a review of 138 soldiers who were treated at WRMC with lower leg injuries caused by explosions in Iraq, which was far greater than the number for which the hospital could find records. According to the *New York Times*, Dr. Kuklo has claimed to be a consultant for Medtronic and listed Medtronic as a financial supporter while he was still at WRMC.

¹ Wilson, Duff and Meier, Barry “Army Disputes Doctor’s Claims in Injury Study,” *The New York Times*, May 13, 2009.

Accordingly, I would greatly appreciate your assistance regarding the subject article. In particular, please respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the response. In cooperating with the Committee's review, please note that no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

- 1) Please provide the Committee with the WRMC's investigation of Dr. Kuklo, if available.
- 2) Please provide the Committee with all communications and/or documents and/or reports regarding Dr. Kuklo and the study published in the *JBJS*.
- 3) If the allegations against Dr. Kuklo are true, please explain what actions *JBJS* plans to take and if any disciplinary action is being considered against Dr. Kuklo. Please provide any pertinent documents/materials and/or communications.
- 4) Please explain if Dr. Kuklo reported any compensation that he personally received from Medtronic to you. Please provide pertinent documents and/or communications.
- 5) Please explain how, if at all, Dr. Kuklo reported financial support for the study. Did Dr. Kuklo report support from Walter Reed? If yes, please detail what he reported. Did Dr. Kuklo report support from Medtronic? If yes, please detail what he reported.
- 6) Please provide any documentation and/or communication regarding orders for reprints for the now retracted article.

I look forward to hearing from you by no later than May 29, 2009. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224-4515.

Sincerely,



Charles E. Grassley
Ranking Member