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New Misconduct Findings Feature Lifetime Ban in Duke Case, 4-Year Exclusion in JHU's

By Theresa Defino

A trio of new HHS research misconduct findings features resolutions to a notorious case that led to a \$112 million False Claims Act^[1] (FCA) settlement and multiyear bans for a former Johns Hopkins University (JHU) Bloomberg School of Public Health researcher and another who worked at Boys Town National Research Hospital.

These bring the number of cases to seven that the Office of Research (ORI) had issued this year as of the end of November. The most noteworthy—and of historic proportions—is that of Erin Potts-Kant,^[2] formerly a clinical research coordinator in the Pulmonary, Asthma and Critical Care Division of Duke University Medical Center.

As a result of a pattern of Potts-Kant's falsifications uncovered as part of an embezzlement investigation and a whistleblower suit, Duke in March agreed^[3] to pay the federal government \$112.5 million to resolve an FCA suit. The amount is 10 times the largest previously paid for fraud based on data fabrications. But while that case was resolved, the parallel process of a misconduct finding and sanctions against Potts-Kant individually didn't conclude until last month.

In a Nov. 7 *Federal Register* notice, ORI said Potts-Kant “engaged in research misconduct by knowingly and intentionally falsifying and fabricating research data” that other scientists used in 117 figures and two tables that were published in 39 journals, three manuscripts, and two “research records.” Both the volume of falsified items and number of grants involved—60—set records.

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