

## Institutional corruption in medicine

Peter Wilmshurst

The General Medical Council recently found that Mr Anjan Kumar Banerjee and Professor Timothy John Peters were guilty of serious professional misconduct for research misconduct committed a decade earlier. Peter Wilmshurst argues that this is not just a case of one doctor covering up for another but of corruption at a senior level in academic institutions

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BMJ 2002;325:1232-5

For the triumph of evil it is only necessary for good men to do nothing

Edmund Burke

A decade elapsed between Anjan Kumar Banerjee admitting to senior doctors at King's College Hospital that he had falsified scientific research<sup>1-3</sup> and the finding by the Professional Conduct Committee of the General Medical Council on 30 November 2000 that Banerjee was guilty of serious professional conduct because of that dishonesty.<sup>4,5</sup> Professor Timothy John Peters, Banerjee's research supervisor from 1988 to 1991, was also found guilty of serious professional misconduct at a separate hearing on 28 February 2001.<sup>6</sup> The GMC found that, after he became aware that Banerjee had falsified research, Peters had failed to prevent Banerjee falsifying further research, failed to retract publications that contained falsified research and which named both of them as authors, failed to bring Banerjee's misconduct to the attention of the GMC, and supplied a misleading final report on Banerjee's work to the Medical Research Council, which had funded the work.<sup>6</sup>

This much is well reported, but the greater scandal is less well known. This was not just a case of one doctor covering up for another, but of corruption at a senior level in academic institutions that have special roles in the appointment of non-elected members to the GMC. The failure to deal with Banerjee's fraudulent research at an early stage in his career allowed him to gain a consultant post despite concerns about both his honesty and his clinical competence. By November 2000, when the GMC suspended Banerjee from the Medical Register for one year because he had falsified his research, he had been suspended from his consultant post for eight months because of concerns about financial probity and clinical competence. At his second hearing before the Professional Conduct Committee in September 2002, Banerjee was erased from the Medical Register because of serious professional misconduct resulting from his financial dishonesty and inadequate clinical care.

### The fraudulent research

Banerjee's career got off to a glittering start. He was awarded honours and distinctions in finals and 24

### Summary points

The finding by the General Medical Council that Anjan K Banerjee and Timothy J Peters were guilty of serious professional misconduct for research misconduct committed a decade earlier is an indictment of the senior management in the academic institutions that helped to conceal the misconduct

Senior academics (Professors Harold Baum and T J Peters) and the secretary of King's College Hospital Medical School (Mr H T Musselwhite) were aware that Banerjee had falsified his research but failed to bring this to the attention of the GMC, the funding bodies, or the journal that had published the falsified research

The University of London was informed that Banerjee had falsified his master of surgery thesis but did not withdraw the degree

Peters allowed his name to appear as a coauthor of falsified research publications

Senior surgeons were apparently informed of concerns about Banerjee, but the next year he was awarded a Hunterian professorship by the Royal College of Surgeons of England on the basis of the falsified research

At his second GMC hearing, Banerjee was found to have defrauded patients and organisations with which he worked over a sustained period of time, and his clinical standards were found wanting

undergraduate scholarships, prizes, and medals.<sup>1,7</sup> After house officer jobs in teaching hospitals, he was a medical senior house officer at the Hammersmith Hospital and then appointed to the surgical senior house officer rotation at Northwick Park Hospital.<sup>1</sup> Before taking up the post at Northwick Park Hospital, Banerjee wrote to T J Peters to ask whether he could do

research in his laboratory at the hospital in his spare time.<sup>1 3</sup> By that early stage he had already passed the first part of the fellowship of the Royal College of Surgeons of England and had 49 publications.<sup>1</sup>

In 1988, soon after he started his research with Peters, doubts were expressed about Banerjee's honesty.<sup>6</sup> Banerjee wrote two draft papers on the effects of non-steroidal anti-inflammatory drugs on the bowel of rats.<sup>1 8-10</sup> He included four other workers from the hospital on the drafts. In addition to Peters, they were Dr (now Professor) Ingvar Bjarnason, Dr Paul Smethurst, and Dr (now Professor) Ashley Price. These workers expressed concerns to Peters.<sup>8-10</sup> Bjarnason and Smethurst stated that they had no involvement with the studies and that they were unable to find evidence that Banerjee had done the large amount of animal work described in the papers in his spare time.<sup>8 9</sup> Indeed, they could find no evidence that Banerjee had access to some of the equipment described in the draft papers or had been trained to use it. Price stated that the few histology specimens shown to him did not justify the radical claims made.<sup>10</sup> The three refused to have their names associated with the research.<sup>8-10</sup>

Shortly afterwards, Peters took up a professorship at King's College Hospital.<sup>3</sup> Many of the staff who had worked with him at Northwick Park also moved to King's.<sup>3</sup> Banerjee took up a MRC training fellowship, with Peters as his supervisor, in March 1989.<sup>1</sup> His research on the effects of non-steroidal anti-inflammatory drugs on the bowel was also awarded research grants by two charities and a pharmaceutical company.<sup>7</sup> Bjarnason followed later.<sup>11</sup> Before Bjarnason arrived, other researchers at King's (Dr Roy Sherwood,<sup>2 12</sup> Dr Kishore Raja,<sup>13</sup> and Dr Robert Simpson<sup>14 15</sup>) and a collaborator at St Thomas's Hospital (Dr Ian Menzies<sup>16 17</sup>) reported concerns to Peters that Banerjee had falsified research in human studies. Sherwood noted that the amount of radioactive isotope Banerjee had claimed to have used was considerably more than that ordered for the whole department.<sup>2 12</sup>



Anjan Kumar Banerjee attending his GMC hearing

## Academic institutions involved

### King's College Hospital

Banerjee's attempts at explanation were disproved, and he confessed to Peters and Sherwood that he had falsified the data reported in an abstract accepted for the meeting of the British Society of Gastroenterology in spring 1990.<sup>1-3</sup> Sherwood insisted that the abstract, on which he had been named as a coauthor, should be withdrawn, and Peters agreed to do that.<sup>2 12</sup> The issue of *Gut* in which the abstract appeared may already have been printed, as Sherwood suggests,<sup>2 12</sup> but for whatever reason the abstract<sup>18</sup> appeared in print without any notice of retraction.<sup>3 5</sup> Peters testified that, immediately after Banerjee's confession to him and Sherwood, he discussed the falsification of this research with Professor Roger Williams, who was professor of gastroenterology at King's and president of the British Society of Gastroenterology at the time.<sup>3</sup> The abstract was not retracted until January 2001,<sup>5</sup> and in the intervening decade it has been cited.<sup>2 12</sup>

Meanwhile, the two draft papers on non-steroidal anti-inflammatory drug enteropathy, from which three coauthors had asked that their names be removed,<sup>1 8-10</sup> were combined into one paper and submitted to *Gut* as a full paper, with Banerjee and Peters as the only authors.<sup>19</sup> Ten years later, in November 2000, the GMC found that the research in this paper was also falsified.<sup>4</sup> In 1990 other work by Banerjee came under suspicion, and King's College Hospital started an inquiry into Banerjee's research.<sup>3 17</sup> At the end of that inquiry in July 1991, Professor Harold Baum (head of the School of Life, Basic Medical, and Health Sciences) wrote a confidential letter to Peters with a copy to Mr H T Musselwhite (secretary to the Medical School) stating: "Having carefully examined the documentary evidence which you sent me, I am totally satisfied that much of the research data reported by Dr Banerjee since 1988 is at best unreliable, and in many cases spurious."<sup>8</sup> That documentary evidence, including Banerjee's laboratory books, was never seen again.<sup>20</sup> Its absence impeded the GMC's investigation of Banerjee.

King's College did not inform the Medical Research Council or other grant awarding organisations that the research that Banerjee had claimed to have performed with their grants was apparently falsified, and none of those grants was repaid.<sup>3 6</sup> Peters was criticised by the GMC for failing to document the concerns about Banerjee in his final report to the MRC.<sup>6</sup>

### University of London

Meanwhile, Banerjee had submitted a thesis to the University of London for a master of surgery degree based on the research published in *Gut*.<sup>1</sup> We now know that this research was falsified.<sup>4</sup> Because he was unable to get an assurance from the authorities at King's College that they would notify the University of London that Banerjee's thesis (for which he was awarded a master of surgery degree) was based on suspect research, Bjarnason notified the university directly.<sup>11 21</sup> On 7 August 1991 Bjarnason wrote to the Senate and Academic Council Secretariat of the University of London.<sup>11 21</sup> He reiterated concerns that he had previously expressed to the university that the research in Banerjee's thesis was falsified and that six coworkers had expressed similar concerns.<sup>11 21</sup> However, he stated that he has been advised to drop the matter by Profes-

sor Peters or his career would suffer and accordingly he was retracting his allegations under duress.<sup>11 21</sup> The university acknowledged receipt of the letter.<sup>22</sup>

Many people might consider a retraction made by a person who claims to be under duress is not a genuine retraction. The university seems to have taken no further action, until prompted by me on 5 December 2000 to look again at Banerjee's thesis after his GMC hearing. The academic registrar of the university wrote to me on 21 December to ask whether I could provide them with copies of the university's documents, since they could not find their own copies. I did so. Despite repeated requests from me, the university has still not informed me whether it will withdraw the degree awarded as a result of fraud.

#### Royal College of Surgeons of England

Other concerns were also surfacing at this time.<sup>3 13-15</sup> At the GMC hearings it was stated that senior surgeons had been informed of the concerns about Banerjee.<sup>3</sup> Surprisingly, the next year the Royal College of Surgeons awarded Banerjee a prestigious Hunterian professorship that involved him presenting his tainted research in a lecture at the college.<sup>7</sup>

#### Response of King's College

After the GMC judgment on Banerjee, King's College issued a press statement denying any involvement in a cover up and stating that it was in the process of taking legal advice in relation to my allegations that it had.<sup>23 24</sup> After the GMC judgment on Peters, King's College issued another press release which stated that the GMC had made no criticisms of its medical school. The GMC has powers to take action only against doctors on the Medical Register. It has no authority over organisations such as King's College, the University of London, or the Royal College of Surgeons. Neither does the GMC have powers over individuals who are not on the Medical Register, such as senior administrators at a medical school or retired professors. Therefore, the fact that no criticism came from the GMC does not mean that those organisations or individuals behaved in an acceptable manner.

In 1997 the *Lancet* published my essay in which I described this case and mentioned King's College, but not Banerjee, by name.<sup>25</sup> Soon after publication the *Lancet* received a letter from Professor Arthur Lucas (principal of King's College London) and Sir Ian Gainsford (vice-principal of King's College London and dean of the School of Medicine and Dentistry) demanding a public retraction of the allegations made against King's and its servants.<sup>26</sup> After consultation with me, the *Lancet* decided that no retraction was required.

Lucas and Gainsford made a number of claims, which were later shown to be untrue. These were:

1. That when Banerjee was appointed to King's College those appointing him knew nothing to his detriment. The GMC ruled that Professor Peters, who appointed Banerjee to King's, had been made aware of the concerns about Banerjee's research and honesty in November 1988, five months before Banerjee started work at King's.<sup>6</sup>
2. That King's put a ban on submission of any of Banerjee's research work for publication where it has been the subject of the slightest concern. The GMC found

that Peters took "insufficient steps to prevent Dr Banerjee from further falsifying his research or to ensure that, where such research had been published, timely retraction of it was made." From the transcripts of the GMC hearing of Peters it is clear that he had informed the medical school authorities throughout.

3. That King's notified the University of London about the possibility of inaccurate data having been used as part of the work for a higher degree. If true it would be difficult to understand why the degree was awarded.<sup>3</sup>

4. That the authorities at King's advised the funding body (the MRC) not to renew Banerjee's contract. The GMC was told that Banerjee resigned with a good final report after submitting his thesis.<sup>1 3</sup>

5. That the authorities at King's ensured that Banerjee did not continue with a research career. After leaving King's, Banerjee published numerous papers, was awarded a further qualification from the University of Nottingham, was awarded independent grants, and supervised research by others.<sup>1 7</sup>

Lucas and Gainsford also stated that "the procedures at King's have long ago been revised in the light of this and other cases." If this is so it is surprising that King's was uncooperative with recent investigations by the GMC of allegations of misconduct by another of its employees that I reported.

#### Banerjee's progress

Banerjee left King's College and moved through other training posts to be appointed as a consultant surgeon in Halifax.<sup>27</sup> New concerns quickly arose, and eight months before his hearing by the GMC Banerjee was suspended by his hospital because of allegations entirely unrelated to the research fraud at King's.<sup>27</sup> The Royal College of Surgeons was asked to investigate Banerjee's clinical competence, and an independent authority was asked to investigate his honesty.

While this was happening, Banerjee was nominated for fellowship of two of the three royal colleges of physicians in the United Kingdom. One nomination was successful.<sup>1</sup> The other failed. This was not because of any official check, but because I chanced to see Banerjee's name on the nomination list and informed the college that his appearance before the GMC was imminent. There seems to be a communication problem if two medical royal colleges were considering honouring a surgeon by awarding him a fellowship without being aware that he was facing a hearing before the GMC and was under investigation by the Royal College of Surgeons, his employer, and other bodies.

Banerjee resigned from his hospital after the GMC suspended him from the Medical Register for one year. During his suspension, I asked the GMC to speedily investigate the outstanding allegations about Banerjee. His suspension ended in January 2002, and he was suspended by the Interim Orders Committee on 21 January 2002. On 9 September, Banerjee was found guilty of serious professional misconduct for the second time. The main findings related to financial dishonesty over a sustained period of time. He misled patients about the length of NHS waiting lists to induce patients to opt for private treatment and sought payments for treatments not performed. Concerns were also expressed about clinical skills.



Banerjee's erasure from the Medical Register may remove the incentive in the eyes of some to investigate the outstanding issues. I, for one, would like to know how concerns about his honesty and clinical skills during a decade were not reflected in reports and employment references.

### Academic institutions and the GMC

Medical schools, universities, royal colleges, and specialist societies have key roles in setting the standards for medical practice in this country and for the award of qualifications. King's College, the University of London, and the Royal College of Surgeons are among the bodies that directly appoint non-elected members to the GMC. In this case some senior doctors and managers in these institutions concealed serious professional misconduct by doctors for a decade. Some allowed Banerjee to gain a qualification and an honour dishonestly. By so doing, they devalue the qualification others received from their institutions. It was not just that some turned a blind eye to the deceit, but some made whistleblowers feel threatened<sup>8 11 21</sup> and others destroyed evidence.<sup>20</sup> Would a judge shown to be involved in concealing crimes and perverting the course of justice be allowed to continue on the bench? Should King's College, the University of London, and the Royal College of Surgeons be allowed to continue to appoint non-elected GMC members?

The case of Banerjee and Peters is not an isolated one. I am aware of other cases under investigation by the GMC in which academic institutions, which appoint members to the GMC, refused to cooperate with the GMC's investigations into research fraud and other forms of misconduct by doctors employed in their institutions. It is difficult to believe that the decision not to cooperate with the GMC is made at a junior level. It seems likely that in some cases appointed members of the GMC are involved in the decision of their institution not to cooperate with the GMC's inquiries. At a time when there is restructuring at the GMC, the role of academic institutions in appointment of GMC members needs to be considered.

Documentary evidence corroborating this article was made available by Dr Wilmshurst to the *BMJ*.

Funding: None

Competing interests: I reported Banerjee and Peters to the GMC. I do not know either of them personally. I have no financial interest.

- 1 Testimony of AK Banerjee. Transcript of case of Banerjee, Anjan Kumar before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D3/2-88 and D4/1-18.
- 2 Testimony of R Sherwood. Transcript of case of Banerjee, Anjan Kumar before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D2/55-62.
- 3 Testimony of TJ Peters. Transcript of Case of Peters, Timothy John before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D1/72-85 and D2/1-46.
- 4 Determination of the Professional Conduct Committee of the General Medical Council in the case of Banerjee, Anjan Kumar. Transcript of Case of Banerjee, Anjan Kumar before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D4/46-8.
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- 8 Testimony of I Bjarnason. Transcript of case of Banerjee, Anjan Kumar before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D2/6-37.

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- 10 Testimony of A Price. Transcript of case of Banerjee, Anjan Kumar before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D2/48-54.
- 11 Testimony of I Bjarnason. Transcript of case of Peters, Timothy John before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D1/8-43.
- 12 Testimony of R Sherwood. Transcript of case of Peters, Timothy John before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D1/60-66.
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- 17 Testimony of I Menzies. Transcript of case of Peters, Timothy John before the Professional Conduct Committee of the General Medical Council. T A Reed Co. D1/43-50.
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- 21 Letter from I Bjarnason to S Johnson of the Senate and Academic Council Secretariat, University of London. 7 August 1991.
- 22 Letter from S Johnson of the Senate and Academic Council Secretariat, University of London, to I Bjarnason. 8 August 1991.
- 23 Fax from Chris Coe, communications director at King's College Hospital, to Sarah Boseley of the *Guardian*. 12 December 2000.
- 24 Laurance J. *Independent*. 12 December 2000.
- 25 Wilmshurst P. The code of silence. *Lancet* 1997;349:567-9.
- 26 Letter from Professor Arthur Lucas and Sir Ian Gainsford to Dr Richard Horton dated 7 April 1997.
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### Corrections and clarifications

#### *Minerva*

A recent updating of our electronic processing system seems to have failed to allow for the possibility that contributors of a Minerva picture might work at the same address but in different departments. Thus, several authors' names did not appear with the Minerva photograph in the issue of 26 October (p 978): Stephen H Boyce (staff grade), Alasdair R Corfield (specialist registrar), Crawford McGuffie (consultant), and James Stevenson (consultant) are all located at the accident and emergency department, Crosshouse Hospital, Kilmarnock KA2 0BE.

#### *Removal of radiation dose response effects: an example of over-matching*

The authors of this Education and debate article, J L Marsh, J L Hutton, and Keith Binks, have confirmed that the equation in the section headed "Method: analysis of a matched case-control study" contained an error (10 August, p 327-30). "Exp" should have appeared before the  $\beta$  symbol in the conditional likelihood.

#### *Editors pledge support for African journals*

In the last paragraph of this article by Tessa Richards in the "roundup" section of the News (26 October, p 922-3), "Latin-American medical journals online" should have been given its correct title of "SciELO—Scientific Electronic Library Online."