



July 12, 2019

Denise Pines  
President  
Medical Board of California  
2005 Evergreen St #1200  
Sacramento, CA 95815

Re: Conflict of Interest re: John G. Brock-Utne, M.D., PhD., LICENSE NUMBER: A 32932

Dear Ms. Pines:

My name is Scott Peterson and I'm executive director of Checks and Balances Project, a nine-year-old investigative watchdog blog. On [March 5](#) and [May 10](#), 2019, I sent inquiries to the Medical Board of California concerning Dr. John Brock-Utne's possible financial conflicts of interest. The May 10<sup>th</sup> letter was addressed to Central Complaint Unit Manager Denise Demian. Other than an email of acknowledgement received on March 6, we have yet to receive a reply.

Over the past decade, the trend of financial disclosure standards in medicine has been toward greater transparency. However, we have concerns that possible conflicts of interest by Stanford Professor (Emeritus) John G. Brock-Utne M.D., PhD., are not being revealed to his patients, the medical community and the public.

We recently uncovered new information about [Dr. John Brock-Utne's board membership at his son's medical software company](#), Issio Solutions, Inc. We believe it supplements questions raised in our two earlier inquiries to MBC.

Further investigation using the [CMS Open Payments database](#) shows that in the three-year period from 2014-16, Brock-Utne received 57 payments from drug and medical device companies. Each year totaled more than \$10,000.

Year	Amount	Number of Payments
2014	\$12,402.87	15
2015	\$11,682.73	25
2016	\$20,606.42	22

The largest payments were \$23,739.30 from [Grifols USA](#), a plasma-derived biological medicines producer; next was \$14,673.64 from [Mylan Specialty](#), a producer of EpiPen and EpiPen Jr auto-injectors, as well as other prescription drug products. The payments were defined as "not associated with a research study."

Additionally, Dr. John Brock-Utne served on the board of directors of privately held [Spectros Corporation](#), a molecular sensing and diagnostic tools company. For-profit company directors often receive compensation in cash, company stock, stock options or a combination.

But in an article he placed in [Anesthesiology News](#), [Clinical Oncology News](#) and [The Bulletin](#) last December, Brock-Utne argues that “companies that don’t get contracts” with group purchasing organizations “can’t compete and are forced to halt production.”

It is Dr. Brock-Utne’s right to say what he may believe, but his patients, the medical community and the public should know about the payments he received without revealing financial ties to industry.

### **The Pundit Masquerade**

One consistent area of our investigations has been to uncover those who appear in the media without revealing ties to industry. We’ve looked at [fossil fuel front men](#) and [academics secretly working for industry](#). Most recently, we exposed possible ethical violations at [The Wall Street Journal](#) editorial board.

Since October 2018, we’ve been looking into [Physicians Against Drug Shortages](#) (PADS) and its media campaign against group purchasing organizations that negotiate bulk purchase prices of drugs and medical supplies for hospitals. [Financial payments](#) by certain drug and medical device companies have gone unmentioned by PADS co-chairs in a series of opinion pieces and media appearances. Additionally, PADS and its co-chairs appear to ignore any responsibility that drug and medical device suppliers might bear for high prices.

Dr. Brock-Utne is a co-chair of this organization. He has been silent about fees received from drug and medical device companies in his public commentary. We have attempted to contact Dr. Brock-Utne by email and registered letter, which was refused. To date, we have received no response from the doctor.

### **Undeclared Payments from Drug and Medical Device Companies**

Doctors who do not declare medical industry payments are a growing concern to consumers, medical journals and associations. This new [JAMA Internal Medicine study](#) examines how widespread the problem of unreported payments to laboratory medical directors is. Last year, Dr. José Baselga was forced to resign from Memorial Sloan Kettering Cancer Center as one of the editors in chief of [Cancer Discovery](#), and the boards of three drug and equipment makers, after he failed to accurately declare payments he received from health care companies.

A U.S. Preventive Services task force last year reviewed conflicts of interest (COI) policies of ten organizations and interviewed staff who had developed and implemented COI policies and procedures at federal agencies and similar groups. In a special report published in the [American Journal of Preventative Medicine](#), the task force wrote, “More than half of the reviewed policies had a threshold of \$0 whereas the rest were set between \$200 and \$10,000.” In fact, the National Academy of Medicine has a [\\$10,000 minimum threshold](#) for declaring financial interests. On page 296, it states:

“Significant Financial Interest means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests).”

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But there was no transparency about Dr. Brock-Utne's possible financial relationships with medical supply companies in his article that ran in the three publications. The U.S. Preventive Services Task Force made its view clear:

"As even small payments were shown to compromise objective decision making, those supporting the elimination of de minimis thresholds and disclosure of all financial interests argued that full disclosure is necessary for developing a complete and accurate understanding of an individual's financial relationships, despite any potential for increased administrative burden on reporting individuals."

### **Questions for California Medical Board**

As Dr. Brock-Utne has avoided answering questions, we'd like to ask you, as president of the Medical Board of California, the following questions about MBC's licensee:

1. Should Dr. Brock-Utne have been transparent about his ties to Issio Solutions in his article that ran in in [Anesthesiology News](#), [Clinical Oncology News](#) and [The Bulletin](#)?
2. Should Dr. Brock-Utne have revealed that he had received payments from Mylan Specialty, Grifols USA and other drug and medical device companies in his article?
3. Has Dr. Brock-Utne violated financial transparency guidelines or policies of the California Medical Board?
4. If not, why doesn't the Board have ethics standards for doctors who have received payments from drug and medical device companies and advocate for positions in the media that may benefit those companies without revealing funding sources?

I look forward to your reply.

Sincerely,



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