

in Figures 2a and 2b, which are labeled to indicate they represent the results of research from different DNA samples when in fact a number of lanes are duplicates. Although Dr. Kumar denies that he intended to deceive anyone, C.I.T. concluded in its Report that the "deliberate presentation of duplications of one experiment which are labeled to indicate they came from separate DNA samples deceives the reader as to the real source of the DNA in the experiment, where the central point of the experiment is the similarity of results among different sources." ORI also accepted the C.I.T. conclusion that Dr. Kumar presented Figure 2c of the JEM paper "in a very misleading fashion." The central observation of the JEM paper is that both alleles of the alpha chain of the T-cell receptor gene are frequently rearranged. This conclusion was based, in part, on Figure 2c, which C.I.T. found had been labeled in a misleading fashion that led the reader to believe that the heavy band at the top of the blot was an 8kb restriction fragment (i.e., representing an internal control) rather than undigested material that failed to enter the gel. Examination of the original film indicates that there was no evidence that the second alpha-chain rearranges in mature T-cells. Thus, ORI further accepted the C.I.T. conclusion that Figure 2 was intentionally falsified and/or fabricated and that, as a result, "one of the main scientific results of this paper was not substantiated by the original data."

In addition, ORI found that Dr. Kumar committed scientific misconduct by falsifying and/or fabricating Figure 5b of a manuscript that was submitted for publication to the journal *Cell* (*Cell* manuscript), but was later withdrawn. ORI accepted the C.I.T. conclusion that lanes 6, 7 and 8 of Figure 5b are the same as lanes 11, 12 and 13, respectively, even though they are labeled as being from different samples. ORI also accepted the C.I.T. conclusion that Dr. Kumar made a number of other materially misleading statements in the *Cell* manuscript that were not supported by the primary data. For example, C.I.T. concluded that Dr. Kumar made a number of materially misleading statements about the age of mice and the timing of the injection of peptides into these mice in a paper published in the *Proceedings of the National Academy of Sciences*, 87:1337-1341 (1990) (PNAS paper). This information is material because induction of the disease studied (i.e., allergic encephalomyelitis) is dependent upon the age of the mice.

Based upon the findings of scientific misconduct in the C.I.T. Report, the JEM

and PNAS papers were retracted prior to ORI's findings in this case.

ORI and Dr. Kumar agreed to resolve the case through a negotiated settlement and limited voluntary exclusion agreement (Agreement), which the parties agreed shall not be construed as an admission of liability or wrongdoing on the part of the Dr. Kumar. Dr. Kumar plans to submit a letter to ORI in which he summarizes his response to ORI's findings. Dr. Kumar has agreed to exclude himself voluntarily from serving in any advisory capacity to the PHS, including service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three years. Dr. Kumar has also agreed to exclude himself voluntarily, for a period of eighteen (18) months from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g. grants and cooperative agreements) of the United States Government. However, this provision will not apply to a currently pending PHS grant application involving Dr. Kumar.

In addition, any institution that uses Dr. Kumar in any capacity on PHS supported research must concurrently submit a plan for supervision of Dr. Kumar's duties, designed to ensure the scientific integrity of Dr. Kumar's research, for a period of three (3) years. Similarly, any institution employing Dr. Kumar must submit, in conjunction with each application for PHS funds or report of PHS funded research in which Dr. Kumar is involved, a certification that the data provided by Dr. Kumar are based on actual experiments or are otherwise legitimately derived and that the data, procedures and methodology are accurately reported in the application or research report, for a period of three (3) years.

FOR FURTHER INFORMATION CONTACT:
Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Dorothy K. Macfarlane,
Acting Director, Office of Research Integrity.
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Agency for Health Care Policy and Research

Notice of Health Care Policy and Research Special Emphasis Panel Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5

U.S.C., Appendix 2) announcement is made of the following special emphasis panel scheduled to meet during the month of August 1996:

Name: Health Care Policy and Research Special Emphasis Panel.

Date and Time: August 1-2, 1996, 8:00 a.m.

Place: Ramada Inn, 1775 Rockville Pike, Conference Room TBA, Rockville, Maryland 20852.

Open August 1, 8:00 a.m. to 8:15 a.m.

Closed for remainder of meeting.

Purpose: This Panel is charged with conducting the initial review of grant applications proposing to conduct research related to patient referrals from primary care to specialty care. Applications were sought for studies that (1) describe how changes in health care organization affect referral practices, and/or (2) measure quality of care, economic and other outcomes resulting from decisions by primary care providers (PCPs) who refer, or do not refer, patients to specialty providers.

Agenda: The open session of the meeting on August 1, from 8:00 a.m. to 8:15 a.m., will be devoted to a business meeting covering administrative matters. During the closed session, the committee will be reviewing and discussing grant applications dealing with health services research issues. In accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members or other relevant information should contact Karen Rudzinski, Ph.D., Agency for Health Care Policy and Research, Suite 400, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594-1452 x1610.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: June 24, 1996.

Clifton R. Gaus,

Administrator.

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Centers for Disease Control and Prevention

[Announcement 652]

1996 State Pediatric Nutrition Surveillance Systems

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds to support a cooperative agreement program in development of the State Pediatric Nutrition