

5 convicted in meningitis outbreak case; 1 acquitted

13 December 2018, by Alanna Durkin Richer

Four former employees and an owner of the Massachusetts facility responsible for a nationwide fungal meningitis outbreak that killed 76 people and sickened hundreds were convicted Thursday of fraud and other offenses.

A Boston jury acquitted another employee, pharmacist Joseph Evanosky, of all charges after several days of deliberations.

The defendants were among 14 people charged in 2014 following an investigation into the outbreak, which sickened almost 800 people.

The outbreak was blamed on contaminated injections of medical steroids made at the now-closed New England Compounding Center in Framingham, given mostly to people with back pain.

Prosecutors said the New England Compounding Center made drugs in unsanitary conditions, sent untested products and deceived regulators.

The workers convicted Thursday were not accused of producing or sending the injections that caused the outbreak, but of sending and approving other contaminated and substandard drugs.

"Over the course of years, the defendants callously disregarded patient health by cutting corners and prioritizing profits over safety. And they got away with it by defrauding federal and state regulators," U.S. Attorney Andrew Lelling said in a statement.

Evanosky, who worked in one of the compounding pharmacy's so-called clean rooms, where the drugs were made, was cleared of racketeering and other offenses.

"He was an innocent man who never should have been charged in the first place," said his attorney, Mark Pearlstein.

Among those found guilty was part owner Gregory Conigliaro, who was charged with conspiring to defraud the Food and Drug Administration. His lawyer declined to comment.

Pharmacist Gene Svirskiy was the only defendant convicted of the most serious charge of racketeering. An email requesting comment was sent to a lawyer for Svirskiy, who was also found guilty of mail fraud charges.

Other defendants, including pharmacist Christopher Leary, were acquitted of several counts but convicted of others. Leary's attorney, Paul V. Kelly, said the legal team plans to file post-trial motions and will appeal if necessary.

Attorney John Cunha Jr. blasted prosecutors for bringing what he called an "outrageous" case against his client, pharmacist Alla Stepanets. Stepanets, who was accused of approving drug shipments with fake patient names like "Donald Trump," was found guilty only of misdemeanor charges.

"The number of not guilty verdicts shows you how severely overcharged this case was," Cunha said.

So far, 11 people charged in the meningitis outbreak investigation have been convicted. Two other pharmacists are scheduled to go to trial next year.

In January, Glenn Chin, a supervisory pharmacist, was sentenced to eight years in prison after he was convicted of racketeering and mail fraud. He was cleared of second-degree murder charges, which could have brought a life sentence.

Co-Owner Barry Cadden is serving a nine-year prison term for his role in the outbreak. He was also acquitted of second-degree murder.

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