

From medical outcast to surgeon general?

MORNING READ: Dr. Charles Rosen of UCI remains on the short list to join the Obama administration.

By **JENNIFER MUIR**
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At first, Dr. Charles Rosen thought it was a joke.

Sure, he had just testified in the U.S. Senate about what he sees as unethical marketing in the medical device industry. Yes, he's a well-respected surgeon and founding director of the Spine Center at the UC Irvine. And he *does* run a Web site – ethicaldoctor.org – that lists the names of physicians who accept money from the medical device industry.

But just two years ago, Rosen also was nearly fired from his job at UCI. And that came after he'd resigned as chief of surgery at another Orange County hospital, a protest, of sorts, about not being told about the possible use of dirty surgical tools in the operating room. And, in recent years, colleagues at UCI and across the nation have railed against him.

So when political people, really important political people, started mentioning Charles Rosen and U.S. Surgeon General in the same sentence, Rosen was ... flattered.

Rosen, sitting in front of a skeleton named Oscar, smiles. He's happy that his career revival has come at a time when the public and lawmakers are looking hard at ethics in medicine.

Still, in two years, could he go from outcast whistle blower to U.S. Surgeon General? Really?

Rosen grew up in Harrison, N.Y., the youngest son of an orthopedic surgeon and a mother who he, he says, "was fearful of nothing and would get outraged at injustice."

He was an ice dancer (ranked among the top 10 in the country in the early 1970s) when he attended the University of Pennsylvania as an undergrad. And he was still a professional figure skating coach up to the time he moved to attend medical school at UC San Diego in 1979. As a skater, he popped up twice in "ABC's Wide World of Sports," a fact that's appeared on his resume.

Rosen's first clash with the business side of medicine happened in 2000. He was chief of surgery at Garden Grove Hospital when he learned, days before a key inspection, that the hospital's surgical sterilizing machines had been malfunctioning for months.

Rosen alerted inspectors, but was unsatisfied with their response. So he spoke to the press, a move that led to a public rebuke against the hospital.

"I thought they had to be exposed," he says. "I didn't think there was anything else to do."

Angry he wasn't told sooner – and that the hospital, in his view, was putting patients at risk – Rosen resigned, and soon accepted an offer to teach and work at UCI.

But the incident that pushed Rosen to become a full-blown industry watchdog came in 2004, when he was researching a new artificial spinal disk called Charite, a product made by Johnson & Johnson subsidiary DePuy Orthopaedics.

Rosen says he found a key clinical trial for the product didn't include data from about a quarter of the participants. He also says he found that some of the doctors who authorized the study doubled as paid consultants for the manufacturer.

Still, the product had been approved by the U.S. Food and Drug Administration, a fact that Rosen says left him "stunned."

It was, he says, his first glimpse into the power that medical consulting contracts – and the money they generate for doctors – can have in the role of patient care.

Rosen's response was simple. In 2006, he founded the Association for Ethics in Spine Surgery. The group's mission, he says, is to promote evidence-based medical research, and to discourage physicians from accepting industry money.

The response to Rosen's response also was simple. Within months, Rosen says he was told he would be fired from his post at UCI. Rosen believes he was targeted specifically because he was an outspoken critic of consulting deals.

His boss at that time, Dr. Harry Skinner, soon stepped down from his position – a move that kept Rosen in his. Skinner he did not return calls seeking comment.

But the department's new chairman, Dr. Ranjan Gupta, acknowledges that physicians at UCI, and nationally, were threatened by Rosen's work in medical ethics.

"Chuck was ahead of his time," Gupta says. "He was met with a lot of resistance. People were not thrilled."

Rosen's watchdog group has grown at a time when federal lawmakers and others have started looking into the medical device industry.

In 2007, five medical device companies settled charges with the U.S. Dept. of Justice, following accusations that they'd paid hospitals and physicians millions of dollars in illegal kickbacks. The companies admitted no wrongdoing in the settlements, but they did agree to post on their Web sites the names of all their paid consultants.

Those lists, in turn, became fodder for Rosen's next step – a comprehensive, searchable database that sheds some light on the role of money in medicine. Today, patients can go to ethicaldoctor.org to learn if their surgeons are accepting industry cash. Rosen's site also started rating the quality of medical studies into new devices or medical procedures.

Doctors who want to join Rosen's group, (which has taken on the new, broader name Association for Ethics in Medicine) only have to promise that they won't accept money or significant perks from any company that produces products they use.

Some 300 doctors have joined, and Rosen says many have offered notes of support for echoing his concerns.

Still, Rosen believes true reform for his industry will come from public pressure, not other physicians.

Talk of Rosen becoming Surgeon General started early last year, after he testified before the Senate Special Committee on Aging, urging passage of a bill called the Physician Payment Sunshine Act, which would require disclosure of financial connections between physicians and companies.

About two months ago, Gupta, Rosen's boss at UCI, learned of the possibility.

"We are all very proud of Dr. Rosen and the work he's doing," Gupta said. "It's very exciting for him to be on the list for surgeon general." A representative from President-elect Barack Obama's transition team would not comment on Rosen, and Rosen – a registered Independent – says he's been told not to talk about the selection process. Earlier this month, news outlets reported that the Surgeon General job had been offered to CNN's medical talking head, Dr. Sanjay Gupta. [While Gupta is expected to accept the offer, he hasn't commented in several days.](#)

Rosen, for his part, is ready to take up his battle from an even more powerful chair.

"I would be honored and privileged to serve," he says, "No question." *Rosen is an occasional contributor to The Orange County Register.*

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Dr. Charles Rosen readies himself for a surgery involving a slipped disc in the patient's lumbar spine. The patient recovered fine and reported relief from his excruciating pain.



Dr. Charles Rosen, scrubs up before his second surgery of the



Dr. Charles Rosen, left, performs surgery on a patient's slipped disk. Resident Dr. Michael Nguyen assists with the operation.



Dr. Charles Rosen, sporting loupes and a surgical headlight, performs surgery on a patient's slipped disk in his lumbar spine. He is a clinical professor of orthopedic surgery at UCI Medical Center, and is on the short list for US Surgeon General.



Dr. Charles Rosen examines a patient's MRI scans before operating on a patient's slipped disk in his lumbar spine.



Dr. Charles Rosen playfully acknowledges the presence of "Oscar" the model skeleton at UCI Medical Center in Orange. He is being considered for the position of US Surgeon General.