

Speaking of Dental

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Mastromarino is/was a dentist

Implant connection as with bone augmentation.

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Body-parts scandal labeled U.S. crisis Hundreds across the country received stolen, tainted tissue. By Troy Graham Inquirer Staff Writer

Darlene Krzywicki's doctor told her there was a recall related to her spinal surgery, she thought he was talking about the metal rod and screws that had been inserted.

She said she didn't even know that bone and marrow from a cadaver had been used in her operation, let alone that the body parts had been illegally harvested and had not been screened for infectious diseases.

But the worst news was still to come.

Krzywicki, a mother of two from Northeast Philadelphia, had contracted hepatitis C from the cadaver parts.

"You can open someone up and take something out," she said. "You can't take the hepatitis C away."

Krzywicki, 42, has filed a lawsuit in federal court in Philadelphia, joining hundreds of people across the country who have sued after learning they received unscreened tissue from Biomedical Tissue

Services, a now-closed Fort Lee, N.J., company.

As more and more victims are notified every day, a story that began as a ghastly tale that made good grist for the New York tabloids has exploded into something far bigger.

Some people involved in the case say thousands of people could have received unscreened tissue, and the patients' lawyers are calling this a brewing national health crisis.

"It's like an onion. You keep peeling it away and there's more and more layers," said Paul Garelick, an Edison, N.J., lawyer whose firm, Lombardi & Lombardi, filed the first lawsuit in the case. "I think you'll find there were a lot of people who didn't do what they were supposed to do."

Biomedical Tissue owner Michael Mastromarino has been accused of stealing body parts from 1,077 cadavers without family consent from as many as 30 funeral homes, selling the unscreened tissue at huge profits, and falsifying paperwork to cover his trail.

Mastromarino and three others were charged last month by the Brooklyn District Attorney in a 122-count indictment. Mastromarino and the others have pleaded not guilty.

New indictments are expected soon as investigators probe the funeral homes and others. New York Police Commissioner Raymond Kelly said last month that investigators had identified funeral homes in New York, northern New Jersey and one in Philadelphia that participated in the body-snatching.

The Brooklyn and Philadelphia District Attorney's Offices both declined to comment. A former Biomedical Tissue employee told the Philadelphia Daily News in an interview last month that he made a dozen trips to the Louis Garzone Funeral Home in Kensington in late 2004, harvesting two or three bodies on each trip.

The employee, Kevin Vickers, said he assumed that the families had given consent.

"It is bad enough if I operated on one body without consent," he told the Daily News. "I feel like I have been stealing from the dead."

Authorities in New York have exhumed more than a dozen bodies there to confirm that parts were illegally harvested, sometimes finding plastic hardware-store tubing instead of bones. No court orders to dig up any bodies have been filed in Philadelphia, according to a records search last week.

While criminal investigators probe the thefts, the list of patients and hospitals that received the parts continues to grow, and some lawyers wonder whether the government's efforts are sufficient to track down all the victims.

A national law firm with hundreds of clients who received tissue from Mastromarino's company said more than 100 hospitals unwittingly used the black-market body parts. The hospitals include Temple, Hahnemann, Thomas Jefferson and Albert Einstein in Philadelphia, Holy Redeemer in Montgomery County and Shore Memorial Hospital and AtlantiCare Regional Medical Center in New Jersey.

Mastromarino's tissue went through five tissue processors and at least one major distributor that handled 8,000 parts. A spokesman for the Food and Drug Administration, which closed Biomedical Tissue Services

in February, said last week that he could not answer questions about how people who are affected by the scandal are being notified. The responsibility to tell patients has largely been left to doctors and hospitals, who sometimes refer patients back to the tissue distributors for more information.

Garelick said he had "a deep concern" whether all the affected patients would be notified. He said there are often gaps in the record-keeping for body parts – not to mention Mastromarino's alleged fraudulent bookkeeping.

"There's a break in the chain of custody from the donors to the recipients," he said. "That, to us, seems like a public health issue." Claudine Homolash, a Philadelphia lawyer, has sued on behalf of a man who got a cadaver tendon in a knee surgery. His client can't afford tests for infectious disease, and he can't find out whether his tendon came from Mastromarino's company.

"It's pretty hard to find this stuff out," Homolash said. "I think the notification is actually going to be managed by the courts."

Motley Rice, a nationally renowned law firm that has sued terrorist financiers on behalf of 9/11 victims, has 500 to 600 clients, including 15 who contracted hepatitis C. Motley Rice lawyers said they met with one Florida patient last week who had contracted HIV.

"Every day that goes by you get more and more clients," said Kevin Dean, a lawyer at Motley Rice. "I think there's literally thousands."

For those patients such as Krzywicki who contract a contagious disease, a new medical and emotional struggle begins.

"First of all, it's scary," said Krzywicki's lawyer, Aaron Freiwald.

"There's a lot of stigma that goes along with it, unfortunately."

So far, Krzywicki has endured a liver biopsy and the strange looks and ill-informed questions of other parents at her son's school. She said she tries to avoid reading stories about the body-part scandal because "they make me sick."

"It makes me sick to think someone would do that," she said. "It's like psychotic, to think just about yourself and money like that."

Bad Body Parts?

Do you have reason to believe you received improperly screened human tissue during surgery? Have you received a notice from the government or from your doctor or dentist?

The Inquirer would like to tell your story. Please contact us at 856-779-3837 or e-mail tgraham@xxxxxxxxxxxxxxxx

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