

Doctor facing GMC inquiry over Shipman deaths admits failures

Clare Dyer *legal correspondent, BMJ*

A consultant pathologist who concluded that a woman victim of the GP Harold Shipman had died of natural causes admitted a series of failures this week in doing a postmortem examination on her.

Shipman was jailed for life in 2000 for 15 murders and was found hanged in his prison cell in January 2004. The independent inquiry into his career, which concluded that he murdered at least 215 patients over 23 years, criticised Dr Bee's work as "deeply flawed."

The pathologist, Dr David Bee, aged 71 and now retired, conceded that he had failed to inquire why Shipman had given Renate Overton (who had rung Shipman after an asthma attack) a morphine injection—despite a note in her medical records that the GP had administered at least 20 mg of morphine.

As the *BMJ* went to press, Dr Bee, of Stockport, Cheshire, was facing seven charges at the General Medical Council over the conduct of his postmortem examination on Mrs Overton, who died of a chest infection aged 47 in 1995. This was 14 months after Shipman's visit, during which she had lost consciousness and fallen into a persistent vegetative state, in which she remained until her death.

The GMC case was expected to finish on 1 October.

The GMC was told that his failure to question why morphine had been administered and his decision to give "natural causes" as the reason for her death was a "very significant failure." The result was that no coroner's inquest was held and the last opportunity to ask why Shipman had given the injection was lost.

Dr Kenneth Scott, a senior pathologist, told the GMC that "alarm bells began to ring" when he saw in Mrs Overton's medical notes that morphine had been administered to a patient with asthma.

"One of the major effects of morphine is to cause respiratory depression. I could not think of anything worse to do to someone who has got asthma than to give them a dose of morphine."

Dr Bee's postmortem report noted that the patient had been in a persistent vegetative state and had a chest infection but did not explain the morphine injection, Dr Scott said. "It is a very significant failure—so significant that it leads to completely the wrong conclusion."

Dr Bee denies serious professional misconduct but admits he failed to inquire why morphine

had been administered, failed to discuss the case with the treating physicians, and reached a conclusion for the cause of death that was not properly based on the postmortem findings. □



Dr David Bee arrives at the GMC hearing to face misconduct charges

Tobacco companies aimed to keep smokers hooked, court told

Anne Harding *New Jersey*

Cigarette makers boosted nicotine levels and added ammonia to their product to make sure smokers became addicted, a former chief of the Food and Drug Administration, Dr David Kessler, testified in the District Court of Washington, DC, last Thursday.

Dr Kessler was the first witness in the federal government's \$280bn (£155bn; €230bn) civil racketeering case against various tobacco companies. He described the industry's efforts to make cigarettes more effective as nicotine delivery devices, efforts that came to light in the FDA's 1994-5 investigation into whether cigarettes should be regulated as drugs.

According to Dr Kessler's written testimony, cigarette makers also added ammonia to their

product to increase the amount of free nicotine and to add to its "kick." He also claims that they genetically engineered a high yield tobacco plant that was grown in Brazil and illegally shipped to the United States and that they consciously sought a "youth market" for cigarettes. Meanwhile the industry has "vociferously" denied that it manipulates levels of nicotine in its products and sought to hide its own research into nicotine and addiction, Dr Kessler said.

Dr Kessler is the first of nearly 200 witnesses for the prosecution. The Justice Department, which made its opening statement on Tuesday, will argue that the big tobacco companies have spent billions of dollars to mis-

lead the public about the risks to health and addictiveness of cigarettes, a "massive 50 year scheme to defraud the public."

To win its case, brought under the Racketeer Influenced and Corrupt Organizations Act, the government must show that the tobacco industry is likely to operate fraudulently in future (*BMJ* 2004;329:701, 25 September).

Attorneys for the cigarette makers argued in opening statements that although company executives made mistakes and showed poor judgment in the past, there was never a conspiracy to lie to the public.

And now, the defence claims, the industry is completely candid about the health risks of cigarettes. "We're in the business of selling a dangerous product," Ted Morris, attorney for Philip Morris. "Each of the defendants say to the American public in a clear and unambiguous manner that smoking is dangerous."

Under the 1998 Master Settlement Agreement, Philip Morris and five other major cigarette makers signed on to reimburse \$246bn to US states for treating smoking related illness and undergo a number of reforms. Defence attorneys in this case will argue that the agreement led to a fundamental change in the way their clients do business.

In his cross examination on Thursday of Dr Kessler, David Bernick, attorney for Brown and Williamson, sought to paint him as a publicity hound with a "personal agenda" to regulate the tobacco industry and argued that his client's development of the "Y-1" high nicotine tobacco plant was part of an effort to make a safer cigarette.

The Altria Group (the parent company of Philip Morris), Lorillard Tobacco, Liggett Group, R J Reynolds, and British American Tobacco are also named in the government's case, along with two industry trade groups. □