



Maryland lab destroys documentation on lead poisoning of children

By Timothy B. Wheeler

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Maryland's health secretary said Friday that his department's laboratory has destroyed test results dating to the 1980s documenting lead poisoning of Maryland children - potentially thousands of records that plaintiffs' lawyers say are crucial to pursuing lawsuits seeking damages on behalf of poisoned children and their families.

Joshua Sharfstein said he has asked for an investigation of how the destruction of records happened, replaced the lab's director and ordered that efforts be made to recover whatever test results might have been deleted from state computer files.

"We regret this, and we're going to do everything possible to make it right," Sharfstein said in a phone interview.

Doctors and health clinics have been required since the 1980s to report to the state health department results of tests showing that children had elevated levels of lead in their blood. Lead is a potent neurotoxin that can cause lasting learning and behavioral problems in even tiny doses.

The department has maintained those test results for years and provided them on request to people who had been tested, their parents or their attorneys. Scott E. Nevin, a lawyer with the firm Peter T. Nicholl, called the records "critical" to the hundreds of lead-poisoning cases that his office and other firms have pending or are preparing.

"If in fact the records are permanently gone," Nevin said, "it will just make it impossible for some citizens in Baltimore to pursue cases."

The revelation comes more than a week after the Baltimore Sun had reported that the Baltimore City Health Department had lost federal lead abatement money for failing to meet treatment targets.

Sharfstein, who took over leadership of the state Department of Health and Mental Hygiene in January, said he learned of the destruction of records recently and has acted promptly to halt the practice and restore any results that can be restored.

"We are not destroying any more records. We are preserving records. We are going back and reconstructing databases," he said, and "doing everything possible" to find and replace the lost test results.

John DeBoy, the lab director for the past 7 1/2 years, has been removed from his position and placed on "administrative status," Sharfstein said, pending the outcome of an investigation the secretary has requested of the health department's inspector general. DeBoy did not reply to an e-mail or phone



messages left at his home.

DeBoy, who has been with the state health department for 27 years, received the Gold Standard Award for Public Health Laboratory Excellence in 2007 from the Association of Public Health Laboratories.

The lab's deputy director, Robert A. Myers, was named acting director Tuesday, Sharfstein said.

Sharfstein said he found out about the practice after being told that lawyers specializing in lead-poisoning lawsuits had filed a petition in Baltimore Circuit Court seeking a restraining order barring his department from destroying any more children's test results. He said he had met with some of those lawyers and pledged to do what he can to remedy the loss of records.

"Regardless of whether the department has a legal obligation to maintain these records, we intend to do so," the health secretary wrote in a letter to lawyers handling lead-poisoning cases.

The petition for a restraining order was filed by Brian Brown, a lawyer with Saul E. Kerpelman & Associates, a firm that specializes in lead-poisoning cases. Since then, Nevin's firm and another handling lead-poisoning cases have filed to join in the request for a restraining order. A hearing is scheduled Monday.