

Suit accuses NM doc of implanting unneeded devices

The Associated Press

A lawsuit headed to trial in New Mexico accuses a doctor, hospital and an international biomedical firm of teaming up to implant unneeded pacemakers and other devices in patients to boost profits.

Tommy and Barbara Sowards are suing for damages after they say the doctor implanted an unneeded pacemaker when Tommy Sowards went to MountainView Regional Medical Center in Las Cruces in January 2007. They're suing cardiologist Dr. Demosthenes Klonis, the hospital and pacemaker manufacturer Biotronik, Inc.

Attorneys for the doctor and manufacturer denied the allegations, but declined further comment Tuesday during a break in pre-trial proceedings, the Las Cruces Sun-News (<http://bit.ly/16ppZaC>) reported.

The hospital did not respond to requests for comment.

The case is set for a trial in November. Hearings on motions this week before District Judge James T. Martin will help determine what details are presented to jurors.

Randi McGinn, an Albuquerque-based attorney representing the Sowards family, said 34 people reportedly received unnecessary implants.

According to court documents, the hospital recruited Klonis in 2005 after another doctor left amid a medical fraud investigation by the FBI. That doctor also allegedly performed unnecessary implantations, the documents state.

The lawsuit contends Klonis' contract with the hospital pushed him to increase the number of invasive cardiovascular procedures he performed.

Klonis implanted more pacemakers than any other MountainView doctor and more balloon pumps than all other doctors there combined, according to the lawsuit. In 2007, the complaint states, MountainView performed more permanent pacemaker implants than any other New Mexico hospital and the rate in the Las Cruces area was five times higher than the rest of the state.

As a result, between 2006 and 2009, MountainView billed more than \$10 million from Klonis' patients for invasive procedures he performed. Klonis' contract expired in 2010.

Biotronik is accused of encouraging Klonis to implant more pacemakers and other medical devices.

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The lawsuit also alleges that as the number of implantations and profits increased, the hospital's quality of care dwindled. The complaint lists six patients whose attorneys say they didn't receive care up to the national standard during heart procedures.

MountainView billed Tommy Sowards more than \$20,000 for the pacemaker, which Klonis said was necessary due to a specific medical condition he diagnosed. But, according to the complaint, Klonis has repeatedly refused to turn over records to substantiate that diagnosis.

McGinn contends Klonis and a Biotronik representative lost or destroyed records.

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