

Report on Research Compliance Volume 21, Number 7. June 06, 2024 Cleveland Clinic Pays \$7.6M Related to PI Whose Charges Were Dropped; 'He Was Treated Horribly'

By Theresa Defino

Attorney Peter Zeidenberg was surprised to learn that NIH had successfully clawed back \$3.6 million—plus a nearly 100% penalty—from Cleveland Clinic. The Department of Justice (DOJ) claimed the award funds were ill-gotten because the Cleveland Clinic failed to disclose to NIH that Qing Wang, Zeidenberg's former client, had support from a university in China.

Cleveland Clinic's alleged failures when applying for the awards amounted to violations of the False Claims Act (FCA), the government said. NIH contended it wouldn't have made three awards to Cleveland Clinic, with Wang as the principal investigator (PI), had it known that he had "duplicative" support from the institution in China, according to DOJ.^[1] Wang's was one of the Trump administration's China Initiative cases, in which NIH investigated whether PIs were hiding support received from China, including through its Thousand Talents program. Zeidenberg, a partner with Arent Fox LLP, has represented other investigators similarly accused; he previously told RRC that "universities should be not acting as junior G-men for the FBI."^[2]

But DOJ couldn't make FCA and wire fraud charges stick against Wang himself. He was arrested on May 13, 2020 (but never indicted); Cleveland Clinic fired him the same day. On July 21, 2021, the charges were dismissed—one of a number of cases dropped by the Biden administration. But for Wang, the damage was permanent and devastating. According to Zeidenberg, Cleveland Clinic wouldn't rehire him for fear of alienating NIH.

Wang, an expert in genetics and cardiovascular disease, was a professor at Cleveland Clinic's Lerner Research Institute, which he joined in March 1999; since 2003, he also worked for Case Western Reserve University, most recently as a professor of molecular medicine. Wang came to the U.S. from China in 1986 and became a naturalized citizen in 2005. Zeidenberg called Wang Cleveland Clinic's "most productive faculty member," having published, usually as the senior author, a dozen peer-reviewed papers a year from 2008 to 2019.

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