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Doctor Tied To Botulism Case

U. Of Kentucky Professor Indicted

March 23, 2005 | By Ann W. O'Neill Staff Writer and Staff Writer Bob LaMendola contributed to this report.

A federal grand jury in Fort Lauderdale indicted a Kentucky professor Tuesday, adding him to a criminal case that grew out of the botulism poisonings of four wrinkle treatment patients at an Oakland Park clinic in November.

Dr. Robert S. Baker, a professor in the department of ophthalmology and visual sciences at the University of Kentucky's College of Medicine, was accused of conspiring to promote a "fake or mimic Botox" that the Food and Drug Administration had not approved for use in humans. The knockoff product contained the botulinum type A toxin, which causes paralysis.

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According to the indictment, Baker participated in a workshop promoting the Botox alternative and wrote a testimonial letter that was posted on a Web site operated by a company called Toxin Research International, or TRI.

His attorney, Bernie Pafunda, denied that Baker wrote the testimonial and said his client was the victim of "an egregious case of professional identity theft." He declined to be more specific.

Baker will vigorously fight the indictment, the Lexington, Ky., attorney said. "This one's going all the way."

The process will begin Tuesday, when Baker, 54, turns himself in at the Fort Lauderdale federal courthouse.

Baker was added to an earlier indictment charging suspended Oakland Park doctor Bach McComb, Arizona homeopaths Chad Livdahl and Zarah Karim, and four corporations with peddling unapproved fake Botox to more than 200 doctors throughout the country.

A University of Kentucky spokeswoman declined comment on the charges but said Baker had taught at the university since 1983 and remains in good standing. He served as chairman of the department of ophthalmology from 1987 to 1999.

According to a biography posted on the University of Kentucky's Web site, Baker specializes in pediatrics and has published many papers on cranial nerve injuries and abnormalities in eye movement. He has developed a national reputation for head injury complications affecting vision in children, the site says.

He provides residence training in pediatric ophthalmology and was named teacher of the year in 2001.

In the fake Botox case, Baker's name surfaced during hearing testimony in January, when prosecutors

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obtained an injunction barring the Arizona firms from distributing the toxin.

Assistant U.S. Attorney Russell Koonin said in court that he had obtained statements from two physicians from Beaumont, Texas, who said they attended a TRI-sponsored seminar and saw Baker inject volunteers with what was described as an experimental wrinkle treatment. Another witness said Baker and the others promoted the knockoff as cheaper and more potent than Botox.

Baker was not charged in the indictment with administering the unapproved wrinkle treatment.

Pafunda denied that his client injected anyone or recommended that the toxin be used for anything other than research purposes.

Baker's indictment was the latest in the investigation that began when four people injected at the Oakland Park clinic with a powerful form of the toxin developed paralysis. Among them was McComb, who had bought the toxin from the same California company that supplied the knockoff to the Arizona companies.

McComb did not know that the vial from California had not been diluted and was at least 2,000 times stronger than the Arizona version, according to prosecutors.

McComb, his girlfriend, Alma "AJ" Hall and Palm Beach Gardens chiropractor Eric Kaplan and his wife, Bonnie, are recovering from paralysis that resulted from the overdose.

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Staff Writer Bob LaMendola contributed to this report.

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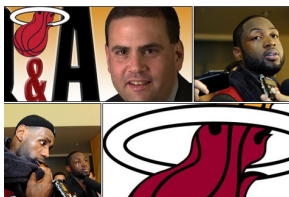
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