

Summary in Brief:

A Forbes blog article entitled *The Money, the MD and a \$12 Million Patient Safety Scandal*, 02-14-14 about Dr. Charles Denham was riddled with outright inaccuracies, errors, and in certain cases the author appeared to seek to actively mislead the reader. Written in the tone of an investigational journalist, the author:

- **Misrepresented Department of Justice assertions about Dr. Denham's behavior.**
- **Misrepresented that a specific product was endorsed by the committee Dr. Denham chaired, when it was really a solution concentration.**
- **Falsely stated Denham formed and folded numerous for profit and non-profit companies – he had never folded a business of any type.**
- **Falsely declared Denham was on the board of a non-profit company when in reality the person was another easily identified Charles Denham.**
- **Misled readers to believe Denham had financial derivatives and failed to report amounts.**
- **Falsely declared Denham had a contract with a celebrity speakers' bureau with exorbitant fees. (A well-documented scam website).**
- **Failed to declare author's own conflict of interest having unsuccessfully solicited business opportunities with Denham who declined.**
- **Failed to correct all verifiable inaccuracies when contacted by Denham twice after both blog posts.**
- **Violated Forbes ethics Standards Guidelines.**

What was completely inaccurate?

- The author stated: *"The Justice Dept. says kickbacks influenced a national standard addressing the anti-infective hospitals use before surgery."* The DOJ allegations of CareFusion Inc. were that they paid Denham to induce his behavior. There were no legal documents, evidence, DOJ statements, or reports of Denham's behavior ever having been influenced.
- Multiple subsequent reviews were made of Dr. Denham's behavior on National Quality Forum committees and the findings were that he had not influenced the results.
- The author stated *"As an entrepreneur, Denham has formed and folded numerous for-profit and non-profit companies."* This is entirely false. Denham has never folded a for-profit or non-profit company. He has only founded and run one non-profit which he has run for more than 30 years. He has had legal corporate entities to hold assets periodically, however never had a business that closed, laid off employees, or had personal or corporate bankruptcy. When assets were sold, corporate structures were dissolved as they had no purpose.
- The author stated Dr. Denham owns a company called *TD Enterprises Management*. He has never heard of it and research reveals the owner is a lawyer with the last name Denham.
- The author stated that *Assisted Better Living Everywhere, Inc.* is a non-profit with which Dr. Denham is affiliated. The Charles Denham affiliated with that company is a man who lives in Kentucky and would like the Forbes article retracted as well.

What appeared to be intentionally misleading?

- The author analyzed the tax return of TMIT, the non-profit founded and operated by Dr. Denham and states *"Financial derivatives" and "closely-held equity interests" are mentioned as investments, but sections of the tax form related to their cost and current value are blank.* He does not tell the reader that this is a section of the typical part of the tax form which is left blank if there are no such investments. The reader is left to

believe Denham had them and was not fully transparent. TMIT never had such investments and left the section blank.

- Millensen introduces Dr. Denham's "religious devotion" and that he urges colleagues to pray with him. True, he prayed with one woman who lost her husband and broke down during a video shoot who referenced it in her blog, the author describes a pattern of behavior and comments on Dr. Denham's private character.

Why should the ethics of the journalist be questioned?

- According to the Forbes Blogging Guidelines *"Because our reputation relies on public trust, we are strictly accountable for what we publish and must avoid any circumstance that would damage our credibility."* Accuracy: *"writers are expected to test the accuracy of information from all sources and exercise care to avoid inadvertent error. When mistakes are made, they should be promptly corrected."* See: Forbes Blogging Guidelines attached.
- Dr. Denham called the author 02-14-14 immediately after the blog article was posted regarding the gross inaccuracies. He requested Denham publicly respond and debate him on his blog. Denham told him that he was required by the DOJ to not make public statements and to take down his own public statement of innocence. The author was provided a reference to a recently published article in the medical literature detailing Denham's work. The author never corrected the errors and the Forbes article went viral in the months that followed. A feeding frenzy of inaccurate web traffic ensued.
- When the author emailed Denham after Denham's DOJ settlement was announced, he asked for a comment. Denham cited the damage the inaccuracies of the original article had done to his family and declined. Millensen copied the some of the same harmful false statements in his second blog *The Fate of the MD In The \$12 Million Patient Safety Scandal* on 03-08-15 perpetuating the harm.

What was the damage to Dr. Denham?

- A thorough financial damage assessment was undertaken by a forensic cyber-damages firm with careful mapping of distribution of the inaccurate articles written about Denham, their penetration, and cost to recover his reputation. The damages exceed \$50 million.
- The Forbes blog article content was cited in negotiations with the government which led to an out of court settlement of \$1M paid by Dr. Denham with no admission of guilt.
- The Forbes article is now cited in medical journal articles repeating the gross inaccuracies Millensen was aware of which he left uncorrected. For instance an article in the Southwest Journal of Pulmonary and Critical Care entitled *Qualitygate: The Quality Movement's First Scandal* not only cites many of the inaccurate facts, but includes a picture of Dr. Denham. This article is in the referenceable public medical literature.
- Whenever anyone runs a Google search of Denham, this fraudulent inaccurate article discussing whether he is a "Bernie Madoff" type character comes up.

What are other important factors?

- Denham has contacted the numerous others referenced in the Forbes blogs who are misrepresented – they all want the blog posts retracted. It damages their reputations and financials as well.
- Denham now settled out of court with the DOJ and there were never any allegations that he influenced the outcome of the NQF.