

Yet another Roswell lawsuit alleging bias

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Legal action by cancer specialist paints an unflattering picture of medical practices at the hospital. Lawsuit is at least the 15th filed in the past eight years claiming workplace discrimination based on gender, race or disability.

By [Geoff Kelly](#)

A former Roswell Park physician claims she was fired by the cancer treatment center for calling attention to practices that “put numerous patients in serious danger,” according to a lawsuit filed in federal court.

Dr. Anne Grand’Maison’s federal whistleblower lawsuit alleges her warnings were dismissed and her work at Roswell undermined due to “a work environment which was hostile to female physicians in innumerable ways.”

Hers is one of more than a dozen lawsuits filed in the last eight years by Roswell doctors and other employees alleging workplace discrimination based on gender, race or disability.

Grand’Maison’s lawsuit alleges:

- Pathology reports she was given to guide treatment of her patients “were replete with diagnostic errors” in at least 20 cases with which she was familiar.
- The doctors with whom she consulted on diagnoses and treatments “were woefully uneducated in the latest sarcoma research.”
- Roswell’s lead sarcoma pathologist “exhibited a steadfast refusal to seek out second opinions in difficult cases,” contrary to Roswell’s policies and medical best practices.
- Her sarcoma clinic “was chronically understaffed,” undercutting her ability to complete research she was expected to conduct.
- Her efforts to call attention to these issues, and her allegations of gender discrimination, “appeared to fall on completely deaf ears as hospital ‘politics’ and doctor egos took precedence.”

“I would like Roswell to be held accountable for what they did wrong to the patients,” Grand’Maison told Investigative Post in an interview.

“I want to know that they will change how this hospital is managed. I want them to acknowledge and change the way they do things.”

Our earlier reporting: [The Roswell-Russia connection](#)

Roswell Park refused an interview request for this story, instead issuing a statement denying Grand'Maison's claims and saying the institute "will vigorously defend itself in this matter."

"Our physician experts not only adhere strictly to national best practices in the diagnosis and care of patients with sarcoma, they determine and disseminate the standards of appropriate medical care as lead authors of national guidelines," the statement reads.

Roswell's statement also pushed back against Grand'Maison's gender discrimination claims, saying, "The facts demonstrate that Roswell Park is a richly diverse and inclusive organization."

Other discrimination claims

Grand'Maison's complaint refers to six other lawsuits against Roswell, which her lawyers argue are evidence of a pattern of discriminatory behavior.

"The discrimination and retaliation leveled against Dr. Grand'Maison is nothing new at Roswell," her lawyers wrote.

In fact, Investigative Post found 15 such lawsuits filed against Roswell over the past eight years, including Grand'Maison's.

That's more complaints than Investigative Post found filed in the same period against Kaleida Health (six), Catholic Health (five) and Erie County Medical Center (three) combined, according to a search of federal court records for jobs-related civil rights claims. Roswell has about 4,000 employees. Those three healthcare systems employ about 19,000 people.

Among the complaints made by Roswell employees:

- Dr. Jane Zhou claimed in her 2019 lawsuit that a male doctor told her "she should keep her mouth shut" during consultations with colleagues.
- Dr. Willie Underwood in 2015 claimed his department chairman referred to him as a "token black" and "an affirmative action program achievement."
- Girma Agonafer, a pharmacist, last year claimed he "was harassed, ridiculed, belittled and mocked in his workplace at Roswell because of his race and national origin." He claims he was made a scapegoat for failures in the pharmacy department to which he tried to call attention.
- Dr. Elena Pop claimed two male doctors, her immediate supervisors, accused her of being "emotional" when she disagreed with them on diagnoses and patient care. Her 2019 lawsuit claimed the two male doctors "initiated a discriminatory campaign aimed at humiliating Dr. Pop and intimidating her into leaving her position," which ultimately she did.

- Pathologist Heidi Wagner in 2015 claimed she suffered “harassment ... so severe, persistent and pervasive that she suffers emotional distress, physical chest pains, mental anguish and stress,” and that she suffered retaliation when she complained about her treatment.
- Xantipple Conerly in 2017 alleged a white supervisor made “blatantly racist comments” in the office, saying, “We can all act ghetto,” in reference to Black and Hispanic employees; calling Hispanic employees “chica”; and once saying, “I’ll just go to the hood for a crack head.” When Conerly reported these and subsequent transgressions to Roswell’s director of diversity and inclusion, Conerly claimed, she suffered “swift and severe retaliation,” including a demotion.

Agonafer’s and Zhou’s lawsuits are ongoing, as are at least three others. Of the other 10 Investigative Post identified, Roswell prevailed in one. The other nine were settled after mediation.

Last summer, in the wake of the May 14 massacre at Tops, Roswell’s board of directors held two special sessions to discuss allegations of discrimination against the center. In July, the board heard a report by the Philadelphia-based law firm Cozen O’Connor, which the board commissioned to review “Roswell Park Policies & Procedures regarding diversity and inclusion and ... past complaints involving discrimination issues.”

The following month, the board held another special session in which Dr. Candace Johnson, Roswell’s president and CEO, presented “an overview of Roswell Park’s progress on diversity equity and inclusion activities and initiatives.”

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Both meetings were held in executive session, meaning they were not open to the public, under an exception to the state open meeting law covering legal advice. Roswell — which is a state-funded institution — refused to provide Investigative Post with minutes of the executive session portion of the meetings, the materials presented to the board, or a redacted summary of the proceedings.

“We don’t comment on our interactions with counsel,” a spokesperson for Roswell wrote in an email to Investigative Post.

The August board session ended with a vote to adopt a “proposed public statement” on diversity at Roswell. The board voted 8-5 in favor of the statement, which is posted on Roswell’s website.

The eight board members who voted in favor are all white. All four Black board members and one white board member voted against it.

Grand’Maison’s welcome to Roswell

Grand'Maison came to Roswell Park in 2017 from the MD Anderson Cancer Center at the University of Texas in Houston. Last year U.S. News and World Report ranked MD Anderson as the best cancer hospital in the country.

Roswell Park fell out of the top 50 in that annual ranking last year. In 2021, it was ranked 34th; previously it ranked as high as 14th.

Founded in 1898, Roswell Park is a state-funded public benefit corporation; its board directors are state appointees. Last year it had a payroll of nearly \$330 million, according to state records.



Dr. Anne Grand'Maison.

At MD Anderson, Grand'Maison completed a clinical and research fellowship studying and treating sarcomas, rare and deadly cancers that originate in bones and connective tissues.

According to Grand'Maison's complaint, MD Anderson "pioneered" an "aggressive treatment approach" that made the center "the 'gold standard' for diagnosis and treatment of sarcoma."

That approach included intensive monitoring of patients' frequent chemotherapy treatments. Grand'Maison's complaint acknowledges the approach bred some resentment among staff who administered chemotherapy, who "misinterpreted" her presence at treatments "as a lack of confidence in their abilities."

The complaint also includes numerous testimonials from co-workers and patients who appreciated her hands-on care and results. Where Grand'Maison ran into trouble was during "tumor boards," meetings in which doctors discussed diagnoses and treatments of patients.

“Dr. Grand’Maison found the sarcoma Tumor Board at Roswell to be male-dominated, ego-driven, fraught with defensiveness and rife with a lack of collegiality almost from the very beginning,” according to her lawsuit.

This was a departure from her experience of tumor boards at MD Anderson, which she described in an interview with Investigative Post as “friendly” and “productive.”

Within months of her arrival she ran afoul of Roswell’s senior pathologist, Dr. Carl Morrison, who was in charge of diagnosing types of cancer, so clinicians such as Grand’Maison and other doctors can design treatments.

On two occasions described in the lawsuit, when the pathologist presented a sarcoma diagnosis, Grand’Maison asked Morrison which of the more than 100 sarcoma subtypes he had identified.

On one occasion, Morrison appeared to take offense and refused to answer.

On another occasion, he replied, “Does it really matter? They are all treated the same,” according to the complaint.

But, according to Grand’Maison, it matters a great deal in terms of treatment. Advances in genetic and molecular testing over the last two decades have helped doctors to “tailor treatment accordingly,” she said in her complaint, yielding much better outcomes for patients.

Further, Morrison resisted Grand’Maison’s requests to send out patients’ tissue samples to other institutions for second opinions on difficult cases.

Grand’Maison described seeking second opinions as a “best practice” in the field — and Roswell encourages patients to seek second opinions on its website.

“If your doctor responds negatively to the idea of a second opinion, you may want to consider whether this doctor is right for you,” Roswell’s website advises.

“Yet this welcoming attitude toward second opinions seemed to apply to everyone at Roswell except Dr. Morrison when it came to Dr. Grand’Maison: he controlled access to pathology samples and repeatedly refused to send them out for a second opinion on her cases,” according to Grand’Maison’s complaint.

As a result, Grand’Maison was sometimes “forced to employ ingenuity,” finding other means to “ensure she had a correct diagnosis before prescribing a course of treatment.” Other times, her patients were compelled to spend money and time to travel to other cancer centers.

Morrison's resistance to second opinions did not extend to male doctors, according to Grand'Maison. Nor did she request second opinions at a greater rate than other physicians, according to the complaint.

Grand'Maison found some allies when she complained about her treatment during tumor boards and her conflicts with Morrison. But ultimately she was blamed. She was accused of being insufficiently "collegial" in a performance review. A "mentoring committee" was established to review her practice and behavior.

Investigative Post invited Morrison to comment on Grand'Maison's allegations. Through a Rosell spokesperson, he declined.

Grand'Maison's "resignation"

Meanwhile, Grand'Maison's clinical research was floundering, largely because her clinic was understaffed — a fact acknowledged by her superiors in Roswell's administration in conversations and by email, according to the lawsuit.

Tensions during tumor boards continued to rise — a "significant dysfunction" that "Much to her shock ... [was] laid entirely at Dr. Grand'Maison's feet" during a performance evaluation in July 2021.

In January 2022, in response to an inquiry from Roswell's human resource department, Grand'Maison wrote in an email that her husband, also a doctor with privileges to practice at Roswell, was "in the process of relocating to Canada and I will move back too of course."

When contacted days later by Roswell, her husband said his plans had changed. He was staying and so was Grand'Maison.

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Meanwhile, Grand'Maison — still pushing for the right to send out samples for second opinions — told one of her superiors, "she had a good basis for asking ... because she was aware of approximately 20 cases at Roswell where the diagnosis was incorrect."

Her superior asked her to document the misdiagnosed cases, which included instances in which a melanoma had been diagnosed as a sarcoma — two different forms of cancer requiring different treatments.

On March 15, 2022, she produced a summary of 10 of those cases, including "Patient No. 1," a "public champion" of Roswell Park who had suffered a recurrence of her cancer. Grand'Maison had asked Morrison, the senior pathologist, to send a pathology sample to

another clinic for a second opinion. Morrison refused to do so for over a month, according to the complaint.

“How can one man, Dr. Carl Morrison, play with my life in this careless and callous fashion?” Patient No. 1 emailed a senior administrative doctor at Roswell. She added that Grand’Maison and another colleague “have been wonderful doctors throughout my treatment.”

“[P]lease do not allow Dr. Morrison to take more years away that I could spend with my children and loved ones.”

On March 16, 2022 — one day after Grand’Maison sent her summary of misdiagnosed cases to her superior — she received an email from Roswell’s chief of human resources “confirming acceptance of the notice of resignation that you provided by email ... on January 3, 2022.”

The email said her “resignation” would be effective May 1, 2022.

Grand’Maison protested that her offhanded remark in an email was not a resignation. Furthermore, she claimed, Roswell’s human resources department knew that she wasn’t leaving, having cleared up the issue of her husband’s relocation two months earlier.

She tried to rescind the purported resignation, taking her case all the way to Roswell’s president and CEO, Dr. Candace Johnson. Johnson declined to intervene and Grand’Maison’s last day was May 1.

Grand’Maison remains in Buffalo, where her two daughters are enrolled in school. In the end, her husband did take a new position in Canada. He commutes.

“Roswell Park has no right to stay silent in [the face] of repeated misconduct,” Grand’Maison told Investigative Post. “And certainly no right to push out someone who is trying to correct the situation ... because they speak up.

“It’s harder for women to do that — to speak up. And they were not expecting this from me. I’m sure they were not. And it’s maybe why they pushed so much. They were probably not thinking that I would move forward with this lawsuit.”

Grand’Maison is represented in her lawsuit by the law firm Wigdor LLP, based in New York City. Wigdor has represented three other former employees who filed discrimination lawsuits against Roswell, all of which were settled after mediation.

The firm’s David Gottlieb, who is handling Grand’Maison’s case, told Investigative Post he was not permitted to share the cost of those settlements to state taxpayers.

“The time has come for the public to demand more from Roswell,” Gottlieb said.

“This case demonstrates that not only has Roswell failed to learn any lessons from the many other whistleblower cases filed against it over the last decade, but that a major overhaul to the organization is necessary if patients and employees ever expect to get the treatment and respect they deserve.”



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