CAMPAIGN LEGAL CENTER

August 13, 2026

T. March Bell
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, SW
Washington, DC 20201

Submitted via HHS-OIG Hotline Portal

Dear Inspector General T. March Bell:

Campaign Legal Center ("CLC") writes to request that the Department of Health and Human Services ("HHS") Office of Inspector General ("OIG") investigate the Food and Drug Administration ("FDA") Office of Ethics and Integrity's ("OEI") decision to allow certain individuals with apparent conflicts of interest to participate in the 2026 FDA Pharmaceutical Compounding Advisory Committee ("the 2026 PCAC Advisory Committee") meeting. Specifically, several members of the 2026 PCAC Advisory Committee appear to have had disqualifying financial interests in the pharmaceutical and peptide industries at the time of the July 23-24, 2026, meeting related to peptide therapies.[1]

Despite publicly available information to the contrary, the FDA OEI found that none of the 2026 PCAC Advisory Committee members had any conflicts of interest and allowed them to participate in the meeting without ethics waivers.[2] CLC asks that HHS OIG investigate FDA

[1] On July 23, 2026, the 2026 PCAC Advisory Committee discussed four bulk drug substances for inclusion on the 503A Bulks List: BPC-157-related bulk drug substances (BPC-157 (free base)/BPC-157 acetate), KPV-related bulk drug substances (KPV (free base)/KPV acetate), TB-500-related bulk drug substances (TB-500 (free base)/TB-500 acetate), and MOTs-C-related bulk drug substances (MOTs-C (free base)/MOTs-C acetate). On July 24, 2026, the 2026 PCAC Advisory Committee discussed three bulk drug substances for inclusion on the 503A Bulks List: Emideltide (also referred to as delta sleeping inducing peptide (DSIP))-related bulk drug substances (Emideltide (free base)/Emideltide acetate), Semax-related bulk drug substances (Semax (free base)/Semax acetate), and Epitalon-related bulk drug substances (Epitalon (free base)/Epitalon acetate). July 23-24, 2026: Meeting of the Pharmacy Compounding Advisory Committee, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/advisory-committees/advisory-committee-calendar/july-23-24-2026-meeting-pharmacy-compounding-advisory-committee-07232026 (last updated Aug. 6, 2026). The current 503A Bulks List may be found under 21 C.F.R. § 216.23 (2019).

[2] *See infra* text accompanying note 80.

OEI's ethics decisions and determine if the 2026 PCAC Advisory Committee members violated criminal ethics laws by participating in the meeting without waivers in place.

FDA advisory committees play an essential role in the agency's mission to protect and promote public health, as the FDA uses advisory committees and panels to obtain independent expert advice on scientific, technical, and policy matters.[3] Ethics rules and guidelines are intended to ensure that the FDA receives unbiased professional expertise from advisory committees to further its mission,[4] and the public has a strong interest and high expectations in the FDA's conflict of interest screening process to appoint impartial advisory committee members.[5] Consequently, federal ethics laws strictly prohibit FDA advisory committee members from participating in committee meetings that could affect their financial interests, and committee members with conflicting financial interests are required to either recuse or obtain a waiver to participate in committee deliberations.[6]

The potential ethics issues surrounding the 2026 PCAC Advisory Committee members' financial interests in the peptide and pharmaceutical industries demand a wide-ranging OIG fact finding. Public records indicate that seven of the 2026 PCAC Advisory Committee members had financial ties to the peptide and pharmaceutical industries at the time of the committee meeting. The HHS OIG should investigate and determine if the 2026 PCAC Advisory Committee members violated federal ethics laws by failing to recuse or obtain conflicts of interest waivers prior to their participation in the meeting.

I. FDA Advisory Committee Members are Prohibited from Having Financial Conflicts of Interest

Under criminal ethics statute 18 U.S.C. § 208(a), government employees—including FDA advisory committee members[7]—are prohibited from participating "personally and

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[3] Guidance for the Public, FDA Advisory Committee Members, and FDA Staff on Procedures for Determining Conflict of Interest and Eligibility for Participation in FDA Advisory Committees; Availability, 73 FED. REG. 45458 (Aug. 5, 2008) at 3 ["U.S. FOOD & DRUG ADMIN., Guidance: Conflicts of Interest in FDA Advisory Committees"]; Advisory Committee Research, Reports, and Announcements, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/advisory-committees/about-advisory-committees/advisory-committee-research-reports-and-announcements (last updated Apr. 21, 2025).

[4] U.S. GOV'T ACCOUNTABILITY OFF., GAO-26-107877, FDA Advisory Committees: More Transparency Needed on Policies for Making Conflict of Interest Determinations, Report to Congressional Committees, (2026) at 1 ["U.S. GOV'T ACCOUNTABILITY OFF., FDA Advisory Committees"].

[5] U.S. FOOD & DRUG ADMIN., Guidance: Conflicts of Interest in FDA Advisory Committees at 4.

[6] U.S. GOV'T ACCOUNTABILITY OFF., FDA Advisory Committees at 1; U.S. FOOD & DRUG ADMIN., Guidance: Conflicts of Interest in FDA Advisory Committees at 4.

[7] 18 U.S.C. § 208(a) applies to both regular government employees and Special Government Employees ("SGEs"). *See* 18 U.S.C. § 208(a). FDA advisory committees are comprised of both regular government employees and SGEs. Most advisory committee members are SGEs. *See* U.S. FOOD & DRUG ADMIN., Guidance: Conflicts of Interest in FDA Advisory Committees at 1.

substantially" in any "particular matter" that will have a "direct and predictable effect" on their financial interests.[8]

"Personal and substantial participation" involves direct participation in the government matter, and participation may be substantial even if it is not determinative of the outcome.[9] Under 18 U.S.C. § 208(a), it is well established that "particular matters" encompass FDA advisory committee deliberations.[10] The financial interests covered by section 208 include "anything currently held that can financially impact the [committee member] or the interests of others with whom the [committee member] has a certain relationship, including the [committee member]'s...business partners, employer, and organizations in which [committee member] serves as officer, director, or trustee."[11] Examples of such financial interests include stocks, grants or contracts, employment, and ownership, partnership, or limited liability in an entity.[12] In practice, this means that FDA advisory committee members are prohibited from participating in committee meetings if the meeting deliberations will have a "direct and predictable effect" on any of these aforementioned financial interests.

Historically, the FDA implemented a rigorous process for vetting advisory committee members to minimize any potential conflicts of interest.[13] In preparation for advisory committee meetings, committee members were required to disclose any financial interests related to the subject matter of the committee deliberations.[14] If the FDA OEI identified prohibited financial interests held by a committee member, then the committee member would either be recused from the committee meeting or granted a waiver under federal ethics laws.[15]

For example, in preparation for the FDA Pharmaceutical Compounding Advisory Committee meeting on December 4, 2024, three committee members were issued waivers under 18 U.S.C. § 208(b)(3) due to their financial interests in pharmaceutical companies or pharmacies whose products could be financially affected by the committee's deliberations.[16]

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[8] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.101.
[9] 5 C.F.R. § 2640.103(a)(2).
[10] *See* Memorandum Op. for the Chief Couns., Food and Drug Admin., OLC Opinion 78-37 (1978) at 2-4.
[11] FDA Advisory Committees: Financial Conflicts of Interest Overview, Advisory Committee Oversight and Management Staff (ACOMS) Slideshow, U.S. FOOD & DRUG ADMIN. at 3.
[12] *See id.*
[13] *See* Guidance for the Public, FDA Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers, U.S. FOOD & DRUG ADMIN. (Mar. 2014) at 6.
[14] *See id. See also* 5 C.F.R. § 2634.904(a)(2) (members of federal advisory committees are required to file financial disclosure reports).
[15] *See* U.S. GOV'T ACCOUNTABILITY OFF., FDA Advisory Committees at 7, 10.
[16] *See* Janet Lee, MD 18 U.S.C. § 208(b)(3) Waiver, December 4, 2024, Meeting of the Pharmacy Compounding Advisory Committee, U.S. FOOD & DRUG ADMIN. (Nov. 14, 2024); Padma Gulur, MD 18 U.S.C. § 208(b)(3) Waiver, December 4, 2024, Meeting of the Pharmacy Compounding Advisory Committee, U.S. FOOD & DRUG ADMIN. (Nov. 13, 2024); Kathleen Gura, PharmaD, BCNSP 18 U.S.C. § 208(b)(3) Waiver, December 4, 2024, Meeting of the Pharmacy Compounding Advisory Committee, U.S. FOOD & DRUG ADMIN. (Nov. 13, 2024).

Two of the waivers were issued due to the committee members' stock holdings in companies that "operate[] pharmacies that provide compounding services for drug products and could be financially affected by the discussions of the bulk drug substances at issue."[17] The third waiver was issued because the committee member's spouse held equity in an entity that marketed products and had products in development "in the areas" where one of the bulk drug substances discussed in the committee was being evaluated and therefore "could be financially affected by the [committee's] discussions."[18] All three waivers were issued because of the committee members' unique qualifications and specialized expertise in the committee meeting's discussion topic, and their participation was deemed necessary "in the interest of public health."[19] FDA OEI found that the strong need for the three committee members' expertise greatly outweighed any potential conflicts of interest that would prevent the committee members from participating in the committee deliberations, thereby granting them waivers of the federal ethics laws.[20]

II. At Least Seven Members of the 2026 PCAC Advisory Committee Had Financial Interests in the Peptide and Pharmaceutical Industries

The FDA Pharmaceutical Compounding Advisory Committee advises and informs the FDA on how to effectively regulate the compounding of drugs for human use.[21] The committee's goal is to convene experts to provide the FDA with recommendations "based on [the experts'] interpretation of evidence, informed by their scientific, clinical, or other relevant expertise."[22] Specifically, the committee reviews and evaluates the scientific, technical, and medical issues concerning drug compounding under sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act, and makes recommendations to the FDA accordingly.[23]

The 2026 PCAC Advisory Committee meeting focused on whether to add seven peptides to the list of drugs eligible for bulk compounding: BPC-157, KPV, TB-500, MOTs-C, Emideltide, Semax, and Epitalon.[24] During the two-day meeting, the 2026 PCAC Advisory

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[17] *See* Padma Gulur, MD 18 U.S.C. § 208(b)(3) Waiver, U.S. FOOD & DRUG ADMIN. at 2; Kathleen Gura, PharmaD, BCNSP 18 U.S.C. § 208(b)(3) Waiver, U.S. FOOD & DRUG ADMIN. at 2.

[18] *See* Janet Lee, MD 18 U.S.C. § 208(b)(3) Waiver, U.S. FOOD & DRUG ADMIN. at 2.

[19] *See supra* note 16.

[20] *See id.*

[21] The FDA Pharmaceutical Compounding Advisory Committee's Charter states in part, "The Committee advises and informs the Commissioner of Food and Drugs (the Commissioner) or designee(s) in discharging responsibilities as they relate to compounding drugs for human use and, as required, any other product for which the [FDA] has regulatory responsibility." Pharmacy Compounding Advisory Committee Charter, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/advisory-committees/pharmacy-compounding-advisory-committee/pharmacy-compounding-advisory-committee-charter.

[22] *Id.*

[23] *Id.*

[24] *See supra* note 1.

Committee was presented with expert and witness testimony and voted on whether these peptides should be produced and sold by compounding pharmacies.[25] Many considered the 2026 PCAC Advisory Committee meeting to be a boon for the peptide industry overall, as the committee's recommendations could allow for new peptide substances to be produced and distributed by drug compounding pharmacies.[26]

Despite the FDA's conflict of interest restrictions, seven of the committee members that participated in the 2026 PCAC Advisory Committee deliberations appear to have had financial ties to the peptide industry and drug compounding pharmacies. Each of the seven committee members' relevant financial interests are discussed below.

A. Asare B. Christian, MD, MPH, ABPMR, ABAARM, Founder and Medical Director of Aether Medicine

Dr. Asare Christian was appointed to the 2026 PCAC Advisory Committee on April 19, 2026, and is identified on the committee's roster as the Founder and Medical Director of Aether Medicine, "a boutique longevity and regenerative practice."[27] Aether Medicine offers six programs for a "longer, stronger healthspan [sic]," each of which utilizes peptides protocols for a variety of purposes.[28] Notably, Aether Medicine advertises utilizing two of the seven peptides discussed in the committee meeting on its website: BPC-157 and TB-500.[29]

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[25] Kerry Breen and Adam Yamaguchi, *FDA Panel Recommends Loosening Regulations for Some Peptides Amid Surge in Interest*, CBS NEWS (July 24, 2026), https://www.cbsnews.com/news/fda-peptides-review-regulations-unapproved-therapies/.

[26] "The [Committee's] votes are…a step towards legitimizing a market that analysts estimate could be worth between $2 billion and $3 billion, and one that millions of Americans are already participating in, outside the reach of regulators." Nicholas Jacobus, *What FDA's Peptide Decision Means for the Industry*, PHARMEXEC (July 29, 2026), https://www.pharmexec.com/view/fda-peptide-decision-industry?ekey=bWR5bHVzeXVraW5zQGNhbXBhaWdubGVnYWxjZW50ZXIub3Jn; "Once the door is open, any pharmacy can compound these products," says [Ilisa Bernstein, a former FDA official and pharmacist who's an expert on drug and pharmacy policy]. "So it could have a huge presence in the marketplace." Will Stone, *What Would It Take to Get Peptides on the Shelf?*, NPR (Aug. 3, 2026), https://www.npr.org/2026/08/03/nx-s1-5913381/health-fda-peptides-product-regulation.

[27] *See* Pharmacy Compounding Advisory Committee Roster, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/advisory-committees/pharmacy-compounding-advisory-committee/pharmacy-compounding-advisory-committee-roster ("2026 PCAC Advisory Committee Roster"); Asare B. Christian Curriculum Vitae, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/media/193355/download?attachment.

[28] *See Programs*, AETHER MEDICINE, https://aethermedicine.com/programs.

[29] *See Hormone Optimization*, AETHER MEDICINE, https://aethermedicine.com/performance-optimization; *Cellular Regenerative Medicine*, AETHER MEDICINE, https://aethermedicine.com/cellular-regenerative-medicine.

As the Founder and Medical Director of Aether Medicine, Aether Medicine's financial interests–including its ties to the peptide industry–are directly imputed to Dr. Christian.[30]

[30] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).

Nevertheless, Dr. Christian's resume explicitly states: "No conflicts of interest to disclose (unless otherwise stated)."[31] Dr. Christian ultimately voted in favor of five of the seven peptides presented at the 2026 PCAC Advisory Committee meeting, with two abstentions.[32]

B. Gabriel Alizaidy, MD, MS, Scientific Director of Maximus Health

Dr. Gabriel Alizaidy was appointed to the 2026 PCAC Advisory Committee on May 31, 2026, and is listed on the committee's roster as the Scientific Director of Maximus Health, an online pharmacy specializing in peptides.[33] Dr. Alizaidy's resume states in part,

> I lead Clinical Innovation and R&D at Maximus, defining scientific direction across hormone optimization, peptide therapy, and metabolic health. I led the clinical engine behind Maximus's growth from ~$4.5M to mid-eight figures in ARR. What makes that work possible is knowing how to read the mechanistic literature closely enough to move confidently before the field catches up.[34]

As Scientific Director, the financial interests of Maximus Health are directly imputed to Dr. Alizaidy.[35] Maximus Health publicly advertises its robust peptide business, and the company's website includes multiple articles discussing FDA oversight of the peptide industry.[36]

Notably, Dr. Alizaidy authored multiple articles on the Maximus Health website that discuss the function of the FDA Pharmaceutical Compounding Advisory Committee and its effects on the peptide industry. Dr. Alizaidy did not identify himself as a 2026 PCAC Advisory Committee member in the articles, despite advising readers to "pay attention to [the committee]."[37] Dr. Alizaidy further explained in the same article that the seven peptides to be

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[31] Asare B. Christian Curriculum Vitae, *supra* note 27.

[32] *See* U.S. FOOD & DRUG ADMIN., *July 23, 2026 Meeting of the Pharmacy Compounding Advisory Committee (PCAC)*, at 4:46:22, 4:53:50, 7:09:05, 9:51:01, 9:54:58, 11:35:10, and 11:39:36 (YouTube, July 23, 2026), https://www.youtube.com/live/DhDC0DAYdBI?si=1y5Bk-4MwnctfGko ("July 23, 2026, PCAC Advisory Committee Meeting Video"); U.S. FOOD & DRUG ADMIN., *July 24, 2026 Meeting of the Pharmacy Compounding Advisory Committee (PCAC)*, at 3:18:49, 3:23:26, 4:55:56, 7:56:11, and 8:06:11 (YouTube, July 24, 2026) https://www.youtube.com/live/xXM5ecHxIMU?si=7I9I4AyX_nGGX-m5 ("July 24, 2026, PCAC Advisory Committee Meeting Video").

[33] *See* 2026 PCAC Advisory Committee Roster; Gabriel Alizaidy Curriculum Vitae, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/media/193354/download?attachment; MAXMUS HEALTH, https://www.maximustribe.com/.

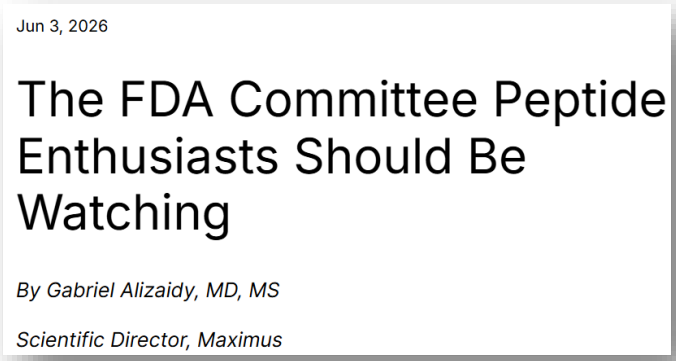
[34] Gabriel Alizaidy Curriculum Vitae, *supra* note 33.

[35] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).

[36] *See, e.g.*, *Growth Hormone Secretagogues: A Guide to the Full Category*, MAXIMUS HEALTH (June 23, 2026), https://www.maximustribe.com/resources/guide-to-secretagogues.

[37] *See* Gabriel Alizaidy, MD, MS, *The FDA Committee Peptide Enthusiasts Should Be Watching*, MAXIMUS HEALTH (June 3, 2026), https://www.maximustribe.com/resources/what-is-pcac.

discussed at the 2026 PCAC Advisory Committee meeting "are compounds that have lived for years in the gap between internet demand, provider interest, research-use marketing, offshore gray markets, and fights over compounding access."[38]


Jun 3, 2026

The FDA Committee Peptide Enthusiasts Should Be Watching

By Gabriel Alizaidy, MD, MS

Scientific Director, Maximus

In another article posted on the Maximus Health website, Dr. Alizaidy discusses one of the peptides deliberated at the 2026 PCAC Advisory Committee meeting. Published on May 25, 2026, Dr. Alizaidy touted the possible benefits of BPC-157 and its marketing potential:

> If BPC-157 becomes available through a compliant pathway, Maximus is preparing to offer it with structure around it. Not as a loose 'peptide of the month.' Not as a product page with borrowed mechanism claims. The plan is clinician-guided protocols, patient education, intake data, longitudinal follow-up, patient-reported outcomes, tolerability tracking, adverse-event monitoring, and aggregate reporting back into the field.[39]

Dr. Alizaidy's article concludes, "BPC-157 does not need more hype. It needs access, oversight, data, and accountability. That is what Maximus is building."[40] Public records show that Dr. Alizaidy ultimately voted in favor of all seven peptides, including BPC-157, at the 2026 PCAC Advisory Committee meeting.[41]

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[38] *Id.*

[39] Gabriel Alizaidy, MD, MS, *BPC-157 Deserves Better than Hype*, MAXIMUS HEALTH (May 25, 2026), https://www.maximustribe.com/resources/bpc-deserves-better.

[40] *Id.*

[41] *See* July 23, 2026, PCAC Advisory Committee Meeting Video at 4:49:16, 4:54:27, 7:15:22, 9:55:23, 11:37:10, and 11:40:42; July 24, 2026, PCAC Advisory Committee Meeting Video at 3:20:44, 3:23:55, 4:59:11, 5:02:28, and 8:05:58; Berkeley Lovelace Jr. & Sara G. Miller, *FDA Panel, with Ties to the Peptide Industry, Recommends Easing Restrictions on Four of the Compounds*, NBC NEWS (July 23, 2026), https://www.nbcnews.com/health/health-news/peptides-restrictions-ease-fda-panel-recommend-bpc-157-scientists-rcna588879.

C. Haleem Mohammed, MD, MBA, Global Chief Medical Officer of Gameday Men's Health and Partner & Chief of Business Development of PhysicianEstate

Dr. Haleem Mohammed joined the 2026 PCAC Advisory Committee on April 19, 2026, and is identified on the committee's roster as the Global Chief Medical Officer of Gameday Men's Health.[42] Dr. Mohammed's resume also lists him as the Partner & Chief of Business Development of PhysicianEstate, a healthcare venture capital firm.[43] Both of these entities' financial interests are imputed to Dr. Mohammed under federal ethics laws.[44]

Gameday Men's Health is a nationwide network of clinics providing a variety of treatments and therapies, including peptide treatments.[45] Peptide therapies may be purchased through the company's public website, and Dr. Mohammed is cited as a reviewer on several Gameday Men's Health articles discussing peptides.[46] As Global Chief Medical Officer, Dr. Mohammed is responsible for approving and monitoring clinical protocols involving peptides.[47] Dr. Mohammed also evaluates and oversees Gameday's relationships with compounding pharmacies.[48]

PhysicianEstate is a healthcare venture capital firm that invests in six healthcare subsectors: digital health, health technology and services, medical devices and diagnostics, therapeutics, medical technology and biotechnology platform tools, and specialty pharmaceuticals.[49] In particular, PhysicianEstate offers "regulatory and compliance navigation" for healthcare company founders, including advising healthcare company founders on "FDA clearance for drugs and devices."[50]

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[42] *See* 2026 PCAC Advisory Committee Roster.
[43] *See* Haleem Mohammed Curriculum Vitae, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/media/193358/download?attachment.
[44] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).
[45] *See About*, GAMEDAY MEN'S HEALTH, https://gamedaymenshealth.com/about; *Peptide Therapy & Vitamin Injections*, GAMEDAY MEN'S HEALTH, https://gamedaymenshealth.com/service/peptide-therapies-and-vitamin-injections.
[46] *See Peptide Therapy & Vitamin Injections*, GAMEDAY MEN'S HEALTH, https://gamedaymenshealth.com/service/peptide-therapies-and-vitamin-injections. *See, e.g.*, *Best Peptides for Muscle Maintenance: 7 Peptides You Should Know*, Gameday Men's Health Blog, GAMEDAY MEN'S HEALTH, https://gamedaymenshealth.com/blog/best-peptides-for-muscle-maintenance; *What are Peptides*, Gameday Men's Health Blog, GAMEDAY MEN'S HEALTH, https://gamedaymenshealth.com/blog/what-are-peptides.
[47] *See* Haleem Mohammed Curriculum Vitae, *supra* note 43.
[48] *See id.*
[49] *For Founders*, PHYSICIANESTATE, https://physicianestate.com/#for_founders.
[50] *See id.*

As a panelist on the 2026 PCAC Advisory Committee, Dr. Mohammed voted in favor of five of the seven peptides presented.[51] Dr. Mohammed testified that he voted "yes" to allow for bulk compounding as a means of ensuring more oversight of the peptide industry.[52] "Our patients want peptides," he said at the hearing, "[and] we do not protect patient[s] by pushing them into the dark."[53]

D. Kris Wusterhausen, DO, Founder and Medical Director of the Resurge Clinic

Dr. Kris Wusterhausen was appointed to the 2026 PCAC Advisory Committee on April 19, 2026, and is recognized on the committee's roster as the Founder and Medical Director of the Resurge Clinic.[54] Under federal ethics laws, the financial interests of the Resurge Clinic are imputed to Dr. Wusterhausen.[55] The Resurge Clinic is a wellness clinic specializing in hormone and peptide treatments, and promotes a "complete guide" of peptide therapy for patients on its website.[56] Dr. Wusterhausen's resume also lists him as a National Faculty Member of Biote, through which he develops and delivers lectures on peptide therapies.[57] Furthermore, Dr. Wusterhausen's resume identifies him as a "national medical educator in peptide therapy" with "extensive expertise in peptide therapeutics."[58]

Notably, Dr. Wusterhausen has participated in lectures and podcasts discussing the same peptides that were deliberated in the 2026 PCAC Advisory Committee meeting.[59] On June 25, 2026, Dr. Wusterhausen joined a lecture series on Peptide Therapy Fundamentals in which he discussed "the science, clinical applications, and practical considerations behind peptides like Sermorelin, CJC-1295, Ipamorelin, Tesamorelin, and BPC-157."[60] Dr. Wusterhausen even acknowledged his own experience with the BPC-157 peptide during the 2026 PCAC Advisory Committee meeting, stating "once you've seen the effects of BPC, you

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[51] *See* July 23, 2026, PCAC Advisory Committee Meeting Video at 4:47:47, 4:54:05, 7:10:18, 9:51:20, and 11:36:13; July 24, 2026, PCAC Advisory Committee Meeting Video at 8:05:44.
[52] *See* Alicia Ault, *FDA Expert Panel Backs Compounding of Peptides*, MEDSCAPE (July 28, 2026), https://www.medscape.com/viewarticle/fda-expert-panel-backs-compounding-six-peptides-2026a1000pgw?form=fpf.
[53] *Id.*
[54] *See* 2026 PCAC Advisory Committee Roster.
[55] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).
[56] *See About the Resurge Clinic*, THE RESURGE CLINIC, https://www.theresurgeclinic.com/about/.
[57] *See* Kris Wusterhausen Curriculum Vitae, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/media/193362/download?attachment.
[58] *See id.*
[59] *See, e.g.*, THE DR. KRIS PODCAST: *What Are Peptides & How Can They Improve Your Quality Of Life?*, (YouTube, Dec. 19, 2023), https://www.youtube.com/live/pc7I3_CJxgc?si=1IHfuBBgGUOB9sMn.
[60] Image posted by Dr. Abid Husain (@dr_abidhusain), INSTAGRAM (June 19, 2026), https://www.instagram.com/p/DZx_F8Rvu0z/.

can't unsee it."[61] Dr. Wusterhausen voted "yes" for all seven peptides presented at the Committee meeting.[62]

E. Senator Robert Harshbarger, III, PharmD, FACA, Tennessee State Senator – District 4 and Pharmacist of Premier Pharmacy, Inc.

Senator Robert Harshbarger was added to the 2026 PCAC Advisory Committee on May 31, 2026.[63] Senator Harshbarger currently serves as Tennessee State Senator of District 4 and is the lead pharmacist of his family-owned pharmacy, Premier Pharmacy, Inc.[64] Senator Harshbarger's resume states that he oversees pharmacy operations within Premier Pharmacy, including "provid[ing] clinical and compounding support to physician practices" and "[i]nterfac[ing] regularly with regulators and accreditation bodies to ensure adherence to evolving compounding standards."[65] Premier Pharmacy sells compounded medications for weight loss, longevity, pain, and other conditions.[66]

Although Senator Harshbarger's resume states that he holds "no ownership interests in pharmacy entities or pharmaceutical manufacturers," his positions as Pharmacist and Operations Manager inherently impute the financial interests of Premier Pharmacy to him.[67] Furthermore, Senator Harshbarger's mother, U.S. Representative Diana Harshbarger, is a known peptide enthusiast.[68] Senator Harshbarger ultimately voted "yes" in favor of all seven peptides at the 2026 PCAC Advisory Committee meeting.[69]

F. Joshua Starbuck, MD, IFMCP, Owner, Founder and Physician of Makena Health

Dr. Joshua Starbuck was also added to the 2026 PCAC Advisory Committee on April 19, 2026, and is recognized as the Owner, Founder, and Physician of Makena Health, an "exclusive concierge medical practice specializing in primary care, longevity medicine, and

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[61] July 23, 2026, PCAC Advisory Committee Meeting Video at 4:48:55.
[62] *See id.* at 4:48:36, 4:54:12, 7:11:23, 7:15:16, 9:51:40, 9:55:14, 11:36:57, and 11:40:36; July 24, 2026, PCAC Advisory Committee Meeting Video at 3:20:00, 3:23:40, 4:58:38, 5:02:19, 8:01:54, and 8:05:50.
[63] *See* 2026 PCAC Advisory Committee Roster.
[64] *See* Senator Robert Harshbarger, III Curriculum Vitae, U.S. FOOD & DRUG ADMIN. https://www.fda.gov/media/193356/download?attachment.
[65] *Id.*
[66] *See id.*; Associated Press, *FDA Panel on Peptides will Include Experts Who Promote the Unproven Chemicals Favored by RFK Jr.*, CNN (June 29, 2026), https://www.cnn.com/2026/06/29/health/fda-peptides-panel-experts.
[67] *See* Senator Robert Harshbarger, III Curriculum Vitae, *supra* note 64; 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).
[68] *See* Associated Press, *supra* note 66.
[69] *See* July 23, 2026, PCAC Advisory Committee Meeting Video at 4:49:05, 4:54:20, 7:11:37, 7:15:22, 9:51:40, 9:55:23, 11:37,06, and 11:40:42; July 24, 2026, PCAC Advisory Committee Meeting Video at 3:20:19, 3:23:47, 4:58:56, 5:02:28, 8:02:21, and 8:05:58.

integrative/functional medicine."[70] As the owner and founder of Makena Health, the clinic's financial interests are directly imputed to Dr. Starbuck.[71] Dr. Starbuck's resume notes that he holds a certification in peptide therapy, and the Makena Health website publicly advertises offering peptide therapies for its patients.[72] Specifically, the Makena Health website states: "Dr. Starbuck evaluates each patient individually and prescribes compounded peptides through licensed 503a compounding pharmacies operating under current FDA compounding guidance."[73] Dr. Starbuck voted in favor of all seven peptides presented at the 2026 PCAC Advisory Committee meeting.[74]

G. Melissa Loseke, DO, Owner and Physician of Re-New Institute

Dr. Melissa Loseke was installed on the 2026 PCAC Advisory Committee on April 19, 2026, and is recognized as the Founder and Medical Director of Re-New Institute, a wellness clinic offering peptide therapy.[75] Like the other Committee members, the financial interests of Dr. Loseke's clinic are imputed to her under federal ethics laws.[76]

The Re-New Institute's website highlights Dr. Loseke's use of peptide therapy in her practice.[77] Dr. Loseke's resume also lists her as a current medical consultant and/or advisor for three additional health clinics, all of which note her expertise in providing clinical guidance on peptide therapeutics.[78] Dr. Loseke voted "yes" for all seven of the peptides discussed at the 2026 PCAC Advisory Committee meeting.[79]

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[70] 2026 PCAC Advisory Committee Roster; Joshua Starbuck Curriculum Vitae, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/media/193361/download?attachment; MAKENA HEALTH, https://www.makenahealthmaui.com/.

[71] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).

[72] *See* Joshua Starbuck Curriculum Vitae, *supra* note 70; *Services: Peptide Therapy*, MAKENA HEALTH, https://www.makenahealthmaui.com/services.

[73] *Services: Peptide Therapy*, *supra* note 72.

[74] *See* July 23, 2026, PCAC Advisory Committee Meeting Video at 4:48:32, 7:15:06, 9:51:34, 9:55:14, 11:36,36, and 11:40:25; July 24, 2026, PCAC Advisory Committee Meeting Video at 3:19:42, 3:23:40, 4:58:38, 5:02:19, 8:01:23, and 8:05:50.

[75] *See* 2026 PCAC Advisory Committee Roster; Melissa Loseke Curriculum Vitae, U.S. FOOD & DRUG ADMIN., https://www.fda.gov/media/193357/download?attachment; *Longevity at Re-New Institute*, RE-NEW INSTITUTE, https://www.re-newinstitute.com/longevity.

[76] *See* 18 U.S.C. § 208(a); 5 C.F.R. § 2640.103(c).

[77] *See* Dr. Melissa Loseke Ablett, *Meet Your Providers*, RE-NEW INSTITUTE, https://www.re-newinstitute.com/about-us.

[78] *See* Melissa Loseke Curriculum Vitae, *supra* note 75.

[79] *See* July 23, 2026, PCAC Advisory Committee Meeting Video at 4:46:46, 7:09:55, 7:14:53, 9:51:15, 9:55:23, and 11:35:29; July 24, 2026, PCAC Advisory Committee Meeting Video at 3:19:10, 4:58:00, 5:02:18, 7:57:10, and 8:05:33.

III. FDA Did Not Require Recusal or Issue Ethics Waivers for the 2026 PCAC Advisory Committee Members' Financial Conflicts of Interest

Despite the financial conflicts of interest held by the seven aforementioned 2026 PCAC Advisory Committee members, the FDA OEI did *not* require recusal or issue ethics waivers for *any* of the 2026 PCAC Advisory Committee members present at the deliberations. An FDA representative read the following statement aloud at the commencement of both meetings:

> All members of the Committee are either special or regular government employees and are subject to federal conflict of interest laws and regulations. Accordingly, FDA's Office of Ethics and Integrity, or OEI, has reviewed the financial interests of the committee members for compliance with federal ethics and conflict of interest laws. The members were screened for potential financial conflicts of interest related to today's meeting agenda, both their own interests and those that are imputed to them, including those of their spouses, minor children, and employers. Based on the agenda for today's meeting and all financial interests reported by the committee members, the agency has determined that all members of this advisory committee are in compliance with federal ethics and conflict of interest laws and as a result, no conflict of interest waivers under 18 USC section 208 have been issued in connection with this meeting.[80]

This statement clearly misstates the financial interests identified for each of the seven 2026 PCAC Advisory Committee members. As previously explained, all seven of the 2026 PCAC Advisory Committee members listed above were either employed by or have ownership interests in the peptide and/or pharmaceuticals industries. These financial interests were likely to be directly and predictably affected by the 2026 PCAC Advisory Committee's deliberations, and are much more significant as compared to the financial interests identified in the ethics waivers issued for the December 4, 2024, Advisory Committee members.[81] Furthermore, each 2026 PCAC Advisory Committee member participated personally and substantially by casting their votes, and the majority voted in favor of expanding public access to the peptides discussed during the two-day meeting. The FDA OEI's failure to either recuse or issue waivers for each of these 2026 PCAC Advisory Committee members is a clear violation of federal ethics laws that should be investigated by the HHS OIG.

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[80] July 23, 2026, PCAC Advisory Committee Meeting Video at 12:33-13:26; July 24, 2026, PCAC Advisory Committee Meeting Video at 13:27-14:30 (emphasis added).

[81] *See supra* text accompanying notes 16-18 (discussion of the three ethics waivers issued under 18 U.S.C. § 208(b)(3) for the December 4, 2024, FDA Pharmaceutical Compounding Advisory Committee meeting).

IV. Conclusion

The foregoing facts establish a possible violation of federal ethics laws. An HHS OIG investigation is needed to determine if the seven committee members' participation in the 2026 PCAC Advisory Committee meeting could have had a direct and predictable effect on their financial interests and therefore was in violation of 18 U.S.C. § 208(a). Further investigation is also needed to determine why the FDA OEI found all members of the 2026 PCAC Advisory Committee to be in compliance with federal ethics and conflict of interest laws despite these conflicting financial interests.

Respectfully submitted,

_____/s/_____
Kedric L. Payne
General Counsel, Vice President, and Senior Director, Ethics

_____/s/_____
Margaret Dylus-Yukins
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