

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

December 17, 2008

Via Electronic Transmission

Raynard Kington, M.D., PhD.
Acting Director
National Institutes of Health
9000 Rockville Pike
Bethesda, Maryland 20892

Dear Acting Director Kington:

As a senior member of the United States Senate and the Ranking Member of the Committee on Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Institutes of Health (NIH/Agency). In this capacity, I must ensure that NIH properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for medical studies. This research often forms the basis for action taken by the Medicare and Medicaid programs.

On October 2, 2008, I sent the NIH a letter regarding the outside activities of Dr. Charles Nemeroff, the former chairman of the Department of Psychiatry at Emory University (Emory). Based upon that information, the NIH suspended one of Dr. Nemeroff's grants and Emory is now attempting to gain a better handle on the disclosure requirements of their faculty as required under federal regulations for institutions receiving grants from the NIH.^[1] These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" that may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least \$10,000 in value or 5 percent ownership in a single entity.

Since my October letter to the NIH, several other matters have come to my attention regarding Emory and Dr. Nemeroff. On December 5, 2008, Emory responded to several letters that I sent asking about Dr. Nemeroff's outside activities. According to Emory, Dr. Nemeroff was paid \$3,000 to organize a special supplement in 2000 in the journal *Depression and Anxiety* on venlafaxine/ (Supplement). This money came from an account at Emory that in 2000 received a grant from Wyeth Ayerst which markets venlafaxine as Effexor. I have sent a letter to the publisher of *Depression and Anxiety* to ask about their disclosure policies, and I am attaching that letter to you.

^[1] Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought, 42 C.F.R. 50 (1995).

Emory also informed me that Dr. Nemeroff's promotional talks on behalf of GlaxoSmithKline (GSK) were not really promotional talks, but were educational and "CME-like." In a letter to me, GSK has contradicted that claim and stated that Dr. Nemeroff was paid for product talks. Because of this contradiction, I also wrote to Emory reminding it of the laws surrounding congressional inquiries. I am attaching both of those letters to help guide NIH's response as you examine Emory's policies on conflicts of interest.

I thank you again for your continued cooperation. If you have any questions please contact my Committee staff, Paul Thacker at (202) 224-4515. Any formal correspondence should be sent electronically in PDF searchable format to Brian_Downey@finance-rep.senate.gov.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on Finance

Attachments