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February 11, 2008

Mr. John F. Sopko
Dr. Paul Jung
Committee on Energy and Commerce
H2-316 Ford House Office Building
Washington, D.C. 20515

Dear John and Paul:

In response to the letter from Chairman Dingell and Chairman Stupak dated January 24, 2008, I am providing two sets of documents from the American College of Cardiology ("ACC"), one for the Majority and one for the Minority.

These documents include a memorandum dated January 24, 2008 from ACC General Counsel and COO, Tom Arend, to ACC staff to preserve documents, records and materials (See Attachment 1); and a February 2, 2008, memorandum from Tom Arend to Dave Denbow to search e-mail accounts regarding material responding to the Committee's request (See Attachment 2).

On behalf of the American College of Cardiology, what follows is a description of the conditions under which it accepts support from pharmaceutical and medical device/equipment companies:

The College* accepts support from pharmaceutical and medical device/equipment companies to enable the College to carry out its mission to advocate for and improve quality cardiovascular ("cv") care, and to promote science, as well as cv workforce development, diversity, medical education, and life-long learning. See attached Vision 2012 and related strategic documents. The College solicits and uses such commercial support consistent with the College's Code of Ethics, conflicts of interest and disclosure policies as reflected in the accompanying ACCF Position Statement for Industry Relations and the *Consensus Conference Report on Professionalism and Ethics*.

These policies require a strict segregation between the source of any commercial support and its use by the College and precludes any influence by the commercial supporter over such use. Specifically, in connection with all support received by the College, there are strict

* The term College refers to both the American College of Cardiology Foundation ("ACCF"), a nonprofit 501(c)(3) organization, and the American College of Cardiology ("ACC"), a nonprofit 501(c)(6) professional medical society. All educational grants, charitable contributions, and awards support ACCF. Both ACCF and ACC receive support from sponsorship, promotional grants, and advertising. ACC receives all of the support from exhibits and exposition space sales.

organizational firewalls between the development and fundraising related to commercial support and the College's programmatic activities and personnel. The College adheres to internal policies as well as external ones, that prohibit companies providing support from exercising any influence or control over programmatic content, speaker/faculty selection, program format, planning, partnering arrangements, program evaluation methods, and related matters.

Most of the College's commercial support from pharmaceutical and medical device/equipment companies is solicited for specific new or ongoing programs and initiatives. For example, the College will solicit support for an educational program on congenital heart disease or support for an acute coronary syndrome disease registry. Commercial support is dedicated or directed exclusively to an objective; no supporter otherwise restricts, guides, or influences how the funds are used by the College in support of the particular program and/or initiative. Moreover, commercial supporters neither create programming or initiatives managed or operated by the College nor participate in the implementation or operation of any such College activities. Unlike an unrestricted educational or charitable grant, which can be used for any purpose by the College, dedicated or directed funds may not be used for unrelated programs or initiatives, *e.g.*, support provided specifically for an acute coronary registry can not be used to support an educational program related to cardiovascular genomics research. These use parameters are generally set forth in the funding document or letter of agreement with the supporter but do not dictate or direct content or editorial development in any way and could not be construed as an exercise of influence over the process or related program by the supporter.

Similarly, for non-programmatic support, such as advertising, exhibit fees, sponsorship/promotional funding, awards, and bulk sales, funding is designated or directed or restricted to a specific activity or event.

In addition, the College adheres to external rules and guidance related to commercial support including:

Internal Revenue Service regulations governing organizations classified as federally tax exempt under sections 501(c)(3) and 501(c)(6) of the Internal Revenue Code;

Accreditation Council for Continuing Medical Education (ACCME) Standards for Commercial Support http://www.accme.org/dir_docs/doc_upload/68b2902a-fb73-44d1-8725-80a1504e520c_uploaddocument.pdf;

Advanced Medical Technology Association (AdvaMed) Code of Ethics for Interactions with Health Care Professionals - http://www.advamed.org/NR/rdonlyres/FA437A5F-4C75-43B2-A900-C9470BA8DFA7/0/coe_with_faqs_41505.pdf;

American Medical Association Opinion 8.061 - [Gifts to Physicians from Industry](#);

Office of Inspector General (OIG) - [Compliance Program Guidance for Pharmaceutical Manufacturers](#);

Mr. John F. Sopko
Dr. Paul Jung
February 11, 2008
Page 3

and Pharmaceutical Research and Manufacturers of America (PhRMA) - Code on Interaction with Healthcare Professionals. (See printed copies.)

The following are responses to the Committee's specific requests as outlined by the five categories in your letter of January 24, 2008:

1. All records relating to the American College of Cardiology's association with Merck/Schering-Plough, including any contractual arrangements related to MSP's sponsorship of the ACC Web site or any ACC products, including, but not limited to, publications, educational materials, Continuing Medical Education, and other programs;

Please see the documents identified:

- 1a: Schering-Plough Records 2002 - Present**
- 1b: Merck Foundation and ACCF/Merck Fellowship Record 2002 - Present**
- 1c: Merck Records 2002 - Present**
- 1d: Merck/Schering-Plough Records 2002 - Present**
- 1e: Merck Annual Scientific Session Exhibit Records 2002 - Present**
- 1f: Merck/Schering-Plough SciAnnual Scientific Session Exhibit Records 2002 - Present**
- 1g: Sample Artwork 2002 - Present**

2. All financial records relating to ACC's association with MSP, including the amount of money the ACC has received from MSP, by year, since 2002;

Please see attachment identified "Merck and Schering-Plough support grouped by company, year" and attachment identified as "Response Key Final". Printed copies are also provided.

3. All conflict of interest records relating to MSP's association with individual leaders of the ACC, including the amount of money any ACC Trustee, officer, or member involved in College governance has received from MSP, by year, since 2002;

See printed documents identified "Question 3."

4. All conflict of interest records relating to any trials sponsored by MSP that had as its principal investigator or study director a Trustee, officer, or member of the ACC involved in College governance during the time of the study's trial or analysis; and

The ACC does not have any documents responsive to this request because the College does not have any records related to any trials related to MSP.

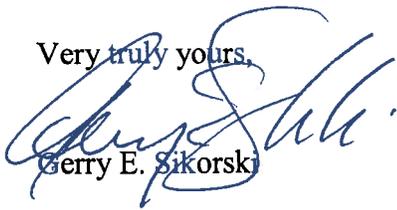
Mr. John F. Sopko
Dr. Paul Jung
February 11, 2008
Page 4

5. All records relating to the statement of January 15, 2008, on Vytorin / ENHANCE, including the names of the authors and editors of the statement, as well as all Trustees and officers of the ACC who approved the statement.

Please see printed documents identified Question 5 and CD-ROM "ACC Enhance E-Mails".

I fully expect that further documents will be submitted as soon as received. Please feel free to call me if you have any questions. Thank you for your considerations.


Very truly yours,


Gerry E. Sikorski

Enclosures

cc: The Honorable John D. Dingell, Chairman
Committee on Energy and Commerce

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations

The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations