



April 25, 2005

Ms. Linda L. Conte
Office of the General Counsel
Ethics Division
Department of Health and Human Services
Hubert H. Humphrey Building, Room 700-E
200 Independence Avenue, S.W.
Washington D.C. 20201

Dear Ms. Conte:

On behalf of the Infectious Diseases Society of America (IDSA) and the HIV Medicine Association (HIVMA), we are writing to express serious concerns about the interim final rule on conflicts of interest promulgated by the Department of Health and Human Services on February 3, 2005 (70 FR 5543). IDSA and HIVMA believe that the rule should be withdrawn immediately to avoid risking irreparable damage to the National Institutes of Health's (NIH) ability to retain and attract scientists, the critical resource upon which advancements in biomedical research depends.

IDSA is a professional society representing more than 8,000 physicians, scientists, and other health professionals who specialize in infectious diseases. HIVMA represents more than 2,700 physicians and other health care professionals who practice HIV medicine. Many of our members are engaged in basic and clinical research at academic institutions across the country, including many NIH employees. A primary organizational focus is supporting and advancing science in HIV/AIDS and other infectious diseases.

Our concerns are similar to those that have been raised by several other professional societies, and I will not restate them here. In general, the rules are unnecessarily broad and inflexible to address identified problems, which were initially overstated in both their scope and severity. The new rules unfairly impose expanded restrictions on the large majority of NIH employees who followed prior guidelines. We believe a more targeted approach can and should be crafted that will protect against real potential conflicts of interest.

As professional medical societies, we are specifically concerned that the new rules will stifle the participation in our activities of the NIH employees who are members of IDSA and HIVMA. In the past, NIH employees have made important contributions to our organizations' educational mission, especially efforts to enhance the translation of basic research knowledge to clinical and public health. Organizations like IDSA and HIVMA play an important role in

fostering scientific exchange and advancements and it would be a public disservice to discourage NIH employees' participation in their professional societies.

We strongly urge that the interim final rule be withdrawn. We believe that effective conflict of interest protections must be developed without discouraging appropriate and ethical relationships with industry, academic institutions and professional societies like IDSA and HIVMA. Most importantly, the current rules must be changed to undo the deleterious effect on current employee morale and the NIH's ability to attract and retain the best scientists.

Sincerely,

Handwritten signature of Walter E. Stamm in black ink.

Walter E. Stamm, MD, President
President, IDSA Board

Handwritten signature of Paul A. Volberding in black ink.

Paul A. Volberding, MD
Chair, HIVMA Board
Chief of the Medical Service San Francisco, VAMC
Professor and Vice Chair, Dept. of Medicine, UCSF