

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

February 18, 2010

Via Electronic Transmission

Wayne T. Gattinella
President and Chief Executive Officer
WebMD Health Corporation
111 Eighth Avenue
New York, NY 10011

Dear Mr. Gattinella:

The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 100 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars authorized by Congress for these programs.

Over the last three years, the Committee has made inquiries into various aspects of the pharmaceutical industry, including consulting arrangements, and industry funding for Continuing Medical Education (CME).

Recently, it was brought to my attention that WebMD Health Corporation (WebMD) is running a depression screening advertisement on television. This advertisement encourages the viewer to take a screening test sponsored by Eli Lilly on WebMD's website. I am concerned about the independence between WebMD and industry since many people access WebMD seeing it as an independent, objective medical resource.

Accordingly, I request that you respond to the following questions and requests for documents. Please respond by first repeating the enumerated request followed by the appropriate answer.

- 1) Please provide copies of all communications regarding the creation of the WebMD depression screening test;
- 2) Please provide copies of all contracts regarding the creation of the WebMD depression screening test; and
- 3) Please provide any communications between WebMD and Eli Lilly and/or other pharmaceutical companies regarding the creation of the WebMD depression screening test.

- 4) Please explain your policies on disclosure of outside income by your top executives, board of directors and physicians.
- 5) Please provide the disclosures of outside income filed with your organization by your top executives, board of directors and physicians. This request covers the period of January 2008 to the present.

Furthermore, I would appreciate an accounting of industry funding that pharmaceutical, and medical device companies, foundations established by these companies, or the insurance industry have provided to WebMD Health Corporation (The term “industry funding” refers to any transfer of value, including but not limited to grants, donations, and sponsorship for meetings or programs, etc.) This request covers the period of January 2008 to the present.

Because reporting practices vary widely from one organization to another, I would also appreciate receiving this income information in a chart, detailing annual amounts of industry funding. For each year, please provide the following information for WebMD:

- 1) Year;
- 2) Name of company;
- 3) Amount of funding; and
- 4) Reason(s) that the funding was provided.

In cooperating with the Committee’s review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than March 4, 2010. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker or Brian Downey of my Committee staff at (202) 224-4515.

Sincerely,



Charles E. Grassley
Ranking Member