

Congress of the United States  
Washington, DC 20515

March 15, 2012

The Honorable Kathleen Sebelius  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Sebelius:

We write regarding the Centers for Medicare and Medicaid Services (CMS) guideline that took effect in January of 2010 on the use of single dose vials and the unintended consequences this policy is having on physicians across the country. While we agree that reducing health care acquired-infections is a key factor in our shared goal of increasing health care quality and reducing its cost, we do not believe the one vial per patient requirement achieves these objectives and seems to increase costs for providers and taxpayers without improving quality.

Under this CMS guideline, physicians must use one single dose vial per patient even though these vials are often only available in large doses and could otherwise be used to treat multiple patients. In fact, there is no evidence that transmission of blood borne pathogens during health care procedures continue to occur because of the use of single dose vials in multiple patients when appropriate sterile procedures are used. This guideline is requiring physicians to discard unused medication in the name of safety even though it increases expenses exponentially and scientific evidence does not validate this claim. At a time when drug shortages are being reported nationwide and the federal government is under extreme budgetary stress, we should not be implementing policies that promote waste and inefficiency in our health care system.

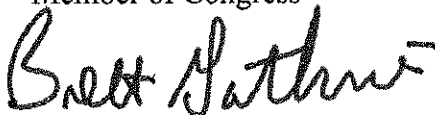
While we all support the goals of infection control relating to safe injection practices, there is no data available to suggest that implementation of one vial per patient will improve quality of care or reduce patient harm. Further, it may reduce access to many services.

We respectfully request that CMS modify this requirement, as it does not appear to be in the best interest of patients, providers, and taxpayers.

Sincerely,



ED WHITFIELD  
Member of Congress




BRETT GUTHRIE  
Member of Congress



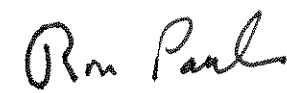
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DAN BENISHEK, M.D.  
Member of Congress




DAVID SCHWEIKERT  
Member of Congress



RON PAUL, M.D.  
Member of Congress



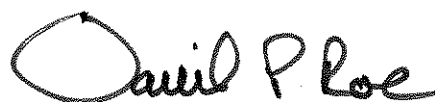
MARSHA BLACKBURN  
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BILL CASSIDY, M.D.  
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DEVIN NUNES  
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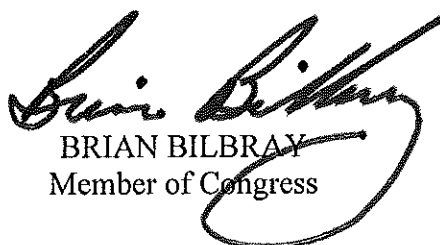
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BRIAN BILBRAY  
Member of Congress



ANDY HARRIS, M.D.  
Member of Congress



BILLY LONG  
Member of Congress



GEOFF DAVIS  
Member of Congress