

**Congress of the United States**  
**Washington, DC 20515**

October 22, 2009

Charles E. Haley, MD, MS, FACP  
Medicare Medical Director  
TrailBlazer Health Enterprises, LLC  
Executive Center III  
8330 LBJ Freeway  
Dallas, Texas 75243-1213

Charlene Frizzera  
Acting Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Hubert H Humphrey Building  
200 Independence Ave, SW  
Washington, D.C. 20201

Dear Dr. Haley and Ms. Frizzera,

We write with deep concern about the lack of approval for the off-label use of Avastin (bevacizumab) to treat ovarian cancer for Medicare enrollees in Jurisdiction 4, which includes Colorado, New Mexico, Oklahoma, and Texas. TrailBlazer Health, the Part A and Part B Medicare Administrative Contractor ("MAC") for Jurisdiction 4, has denied coverage for this life saving treatment though other Medicare contractors have approved the treatment.


Avastin is a drug created by Genentech to work in coordination with chemotherapy for treating cancers. It is FDA-approved for several uses as a therapy that inhibits angiogenesis, the process by which blood vessels develop and carry nutrients to a tumor. It is approved for colorectal cancer, some non-small lung cancer, and others uses. However, it is not FDA-approved for use in the treatment of ovarian cancer.

Avastin is covered by Medicare for this use in many states, but not in any of the four states in TrailBlazer's jurisdiction. This is because CMS guidance gives the contractor wide discretion for off-label uses and TrailBlazer Health has denied this use based on a non-supportive indication in a single pharmaceutical compendium. However, three of the four accepted pharmaceutical compendia and numerous clinical studies support Avastin as a safe and effective treatment for ovarian cancer.

TrailBlazer Health has informed patients that it will only reconsider its denial of Avastin coverage through the standard claim appeals process. When treatments can cost ten thousand dollars, what patient can afford to make this gamble? Offering this as the only review option is simply not acceptable.

We are asking that the off-label use of Avastin be covered by Medicare for the many women suffering from ovarian cancer in the jurisdiction for which TrailBlazer is MAC. Every year in this nation, approximately 20,000 women will be diagnosed and about 15,000 women will die from this horrible disease. The women of Texas, Oklahoma, New Mexico, and Colorado deserve to have the same access to this potentially life-saving treatment as women enrolled in Medicare in other states.

Sincerely,

  
Betsy Markey  
Member of Congress

  
Joe Barton  
Member of Congress

Dan Boren  
Member of Congress

Kevin Brady  
Member of Congress

Michael Burgess, M.D.  
Member of Congress

Tom Cole  
Member of Congress

Henry Cuellar  
Member of Congress

Diana DeGette  
Member of Congress

Lloyd Doggett  
Member of Congress

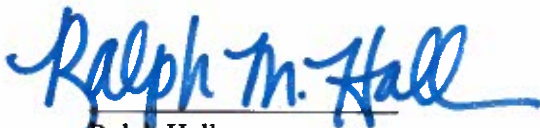
Chet Edwards  
Member of Congress

Mary Fallin  
Member of Congress

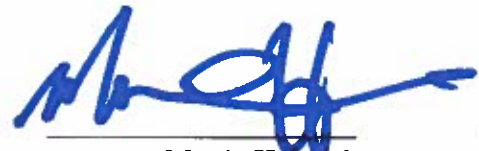
Charles Gonzalez  
Member of Congress

Al Green  
Member of Congress

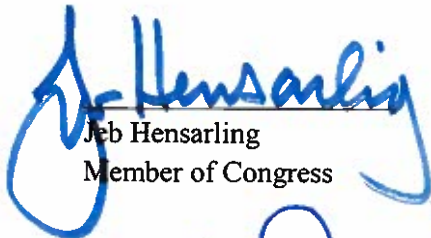
Gene Green  
Member of Congress



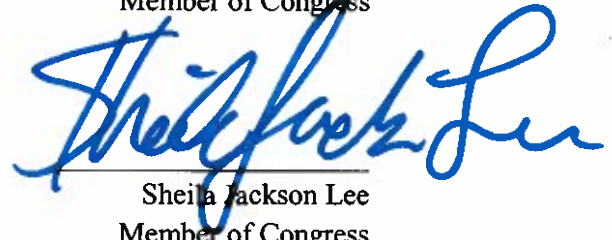
Ralph Hall  
Member of Congress



Martin Heinrich  
Member of Congress



Jeb Hensarling  
Member of Congress



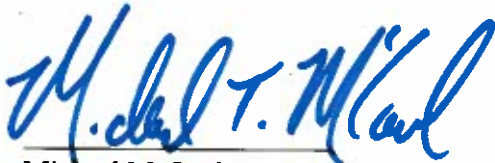
Sheila Jackson Lee  
Member of Congress



Sam Johnson  
Member of Congress



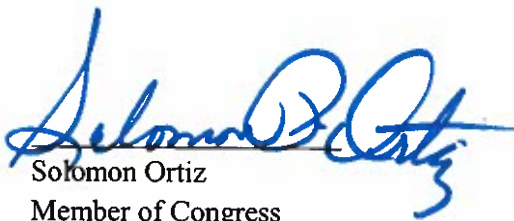
Doug Lamborn  
Member of Congress



Michael McCaul  
Member of Congress



Pete Olson  
Member of Congress



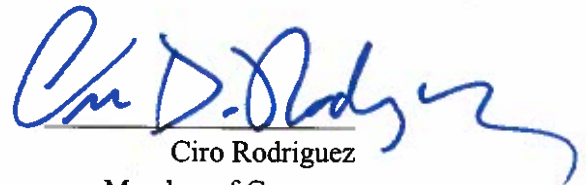
Solomon Ortiz  
Member of Congress



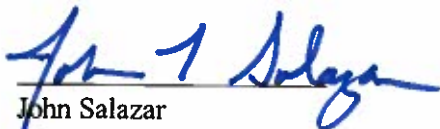
Dr. Ron Paul  
Member of Congress



Ted Poe  
Member of Congress




Ciro Rodriguez  
Member of Congress

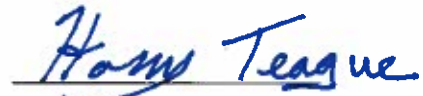


John Salazar  
Member of Congress



Pete Sessions  
Member of Congress

  
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John Sullivan  
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Harry Teague  
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