Technical Tip

Topic	Procurement Checklist to Preempt OEM Anti-Reprocessing Efforts
Audience	Health system staff who work in procurement, legal/contracting, supply chain, compliance
Product(s)	All regulated, commercially reprocessed single-use devices (SUDs)
Date	December 8, 2025

Issues

Issue 1: Hospitals are vulnerable to anticompetitive conduct by some original equipment manufacturers that inflate device costs and hinder care delivery.

By taking steps as part of contractual negotiations with original equipment manufacturers (OEMs), hospitals can ensure they maximize the benefits of regulated SUD reprocessing programs that reduce costs and waste while strengthening their supply chain.

AMDR's ***Procurement Checklist to Preempt OEM Anti-Reprocessing Efforts***, is a practical guide to help procurement professionals meet this challenge. Given their centrality to purchasing decisions, procurement leaders can have the greatest impact to ensure a competitive market, consumer choice, sustainability, and reliability in supply chains.

Issue 2: Anti-competitive interference harms healthcare. Some OEMs, as illuminated in the *Innovative Health v. Biosense Webster* federal legal case, resort to practices that are intended to obstruct or undermine regulated SUD reprocessing programs.

The 2025 trial revealed that the use of some of these practices by a major OEM inflated healthcare costs, restricted customer choice, and risked compromising patient care. The court banned these particular practices under a five-year injunction and imposed a fine of over $442 million on the OEM.

Technical Background

- **Legal precedent protects reprocessing.** The ***Innovative Health v. Biosense Webster*** verdict and **injunction** provide a strong legal foundation to protect competition in healthcare purchasing. The ruling confirms that the anti-reprocessing tactics **revealed in the trial**—such as tying case support to exclusive OEM purchasing, deploying firmware or code in "kill chips" that serves no other purpose but to disable devices so they cannot be reprocessed, and hoarding used devices to cut off competitors' supply—violate antitrust laws and harm hospitals by inflating prices and restricting access to cost-saving alternatives.
- **AMDR's guide gives you leverage.** Procurement staff and GPOs can counter the above and other **common anti-reprocessing tactics** through robust purchasing policies. The checklist laid out in AMDR's resource helps health procurement professionals leverage best practices based on legal precedent.

Recommendations

1. **Integrate the guide into procurement policy.** Going forward, review all contracts for common anti-reprocessing provisions, terms, or clauses. Consider each item in the checklist as guiding principles during negotiations and renewals with OEMs. For example:
    - Ban ties (e.g., conditioning case support, discounts, and other "perks" on exclusive purchasing of OEM products);
    - Require advance notice and facility approval before any software is updated on capital equipment;
    - Maintain hospital control of used devices and collections; and
    - Define violations as material breaches of contract.
2. **Advocate for a system-wide "Right to Reprocess" policy.** If you work at a hospital, advocate that your institution adopt a policy to codify its commitment to using regulated reprocessed SUDs and barring technical or contractual interference by vendors. AMDR's ***Hospital SUD Reprocessing Policy Template*** provides a blueprint.

For More Information

Contact your AMDR-member commercial reprocessing partner.

If you are aware of anti-reprocessing conduct in procurement contexts, please write to **info@amdr.org**. If requested, your anonymity will be honored.