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## **National Minority Quality Forum Action Network Commends House Ways & Means Committee Support of the Kidney PATIENT Act, Urges Permanent Solution**

*Absent action by Congress, Americans suffering from kidney failure will lose access to critical medicine beginning January 1, 2025.*

WASHINGTON, D.C. (March 6, 2024) – The U.S. House Ways and Means Committee met Wednesday to markup the Kidney Patient Access Technologically Innovative and Essential Nephrology Treatments Act of 2023 or the “Kidney PATIENT Act” ([H.R. 5074](#)).

The Kidney PATIENT Act would instruct the Center for Medicare and Medicaid Services (CMS) to delay adding Phosphate Lowering Therapies (PLTs) to the End Stage Renal Disease (ESRD) payment bundle until 2033 or until the Food and Drug Administration approves an intravenous treatment for lowering phosphate. Patients currently have access to these drugs under Medicare Part D, but that would change under the CMS plan to add PLTs to the ESRD payment bundle by January 1, 2025.

After amending the original bill language to include a two-year delay and require a study, committee members overwhelmingly voted, 41-1, to favorably report the legislation to the U.S. House of Representatives.

**“The clock is running out for dialysis patients – most of whom are from minoritized, rural, and low-income communities -- who rely on Medicare Part D coverage for PLTs to reduce their risk of death. Transferring coverage of PLTs into the ESRD bundle will only exacerbate the health disparities that already exist in our society. Thank you to members of the House Ways & Means Committee for their support – especially our champions who serve on the committee: Reps. Miller, Sewell, Arrington, Davis, Ferguson, and Blake Moore,”** said Gary A. Puckrein, PhD, is President and Chief Executive Officer of the National Minority Quality Forum Action Network. **“While today’s development is a positive step forward, we firmly believe the only solution to minimize patient risk is a long-term delay through the Kidney PATIENT Act.”**

The Centers for Medicare & Medicaid Services (CMS) established the ESRD Prospective Payment System, commonly referred to as the “ESRD bundle,” over a decade ago to better manage the cost of dialysis care. At the time, CMS understood that drugs taken orally, such as PLTs, did not belong in the bundle with those drugs that are infused or provided intravenously. However, the program called for oral PLTs to be added to the bundle after a certain time, along with any other oral-only ESRD medications.

Recognizing the potential ramifications for patients and providers, Congress has acted on three separate occasions to delay PLTs from being added to the ESRD bundle.

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### **About National Minority Quality Forum Action Network**

National Minority Quality Forum Action Network (NMQFAN) is the 501(c)4 nonprofit, nonpartisan advocacy affiliate of National Minority Quality Forum. NMQFAN is a resource to legislators and policymakers, helping them to think through the vexing challenges of providing optimal care to all Americans. NMQFAN's mission is to advocate for a transformation of our legacy healthcare finance, research, and delivery systems so that the prime directive of the new system is to reduce patient risk for poor health outcomes while improving the quality of life by assuring optimal care for all.