



The kidney care community is currently battling major challenges, including Medicare payment policies that create barriers to patient access to innovative treatment options and payers limiting choices for beneficiaries who require life-sustaining dialysis. **Today, KCP members are asking members of Congress to:**

Delay the Inclusion of Oral-Only Phosphate Management Drugs in the ESRD Payment Bundle

Patients living with kidney failure often require medication to manage phosphate levels. Currently, they can access these medications at their local pharmacy, however, a policy change from the Centers for Medicare & Medicaid Services (CMS) would instead require dialysis providers to distribute these medications. KCP is concerned about the feasibility of providers establishing the infrastructure needed to support this policy and maintain patient access to care before the January 1, 2025 implementation deadline. We urge Congress to delay, for two years, the inclusion of the payment for oral phosphate-binding medication into the End-Stage Renal Disease Prospective Payment System (ESRD PPS) to allow the ESRD community sufficient time to evaluate and prepare for this change. To date, two House Committees – Ways & Means and Energy & Commerce – voted on a bipartisan basis to support a delay. KCP calls on House and Senate health care leaders to advance this important policy to ensure beneficiaries with ESRD can continue to receive critical, life-sustaining drugs from the convenience of their community pharmacy.

Support the Restore Protections for Dialysis Patients Act (H.R. 6860)

In the *Marietta v. DaVita* decision, the U.S. Supreme Court interpreted the Medicare Secondary Payer Act (MSPA) in a manner that removed the previous Congressional protection against plans discriminating against individuals with kidney failure who require dialysis. To address this issue, bipartisan members of the House of Representatives have introduced the Restore Protections for Dialysis Patients Act (H.R. 6860) to protect patient choice for those living with kidney failure.

Co-Sponsor the Chronic Kidney Disease Improvement in Research and Treatment Act (H.R. 5027/S.4469)

This legislation seeks to protect and improve access to new therapies by creating important, long-term pathways for innovation in the ESRD PPS, requiring that the bundle be adjusted to include the cost of adding new drugs, biologics, devices, or other technologies, and ensuring that Medicare Advantage plans also support the uptake of innovative therapies. The legislation would also prioritize early kidney disease detection and screening services, support the kidney care workforce, and require additional study of transplantation rates and barriers to kidney transplants.

Join the Kidney Caucus

The bipartisan Congressional Kidney Caucus has served as an informal group of bipartisan members dedicated to educating members of Congress and the American people about issues related to kidney health.

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