

The Kidney PATIENT Act of 2023

The American Nephrology Nurses Association (ANNA) is a nonprofit organization with a membership of more than 6,000 registered nurses and other health care professionals at all levels of practice. ANNA members work in settings such as chronic kidney disease management, peritoneal dialysis, hemodialysis, continuous renal replacement therapy, transplantation, industry, and government/regulatory agencies.

Background on the Issue

Across the country, individuals living with chronic kidney disease (CKD) rely on phosphate binders/lowering drugs to manage their condition and prevent bone fractures and cardiovascular disease. Importantly, phosphate binders/lowering drugs are oral-only medications covered by Medicare Part D, allowing Medicare beneficiaries with CKD to take their medications in the comfort of their own home and pick up their medications from the pharmacy of their choice. Unfortunately, the Centers for Medicare and Medicaid Services (CMS) plans to add phosphate binders/lowering drugs to the Medicare end-stage renal disease (ESRD) prospective payment system (PPS) bundle beginning in January 2025. The change in policy would force individuals living with CKD to have their phosphate binders/lowering drugs in-person at an outpatient dialysis facility. This will limit patient access, especially for patients that live far away from an eligible provider. In addition, many facilities lack the needed infrastructure to dispense the sheer volume of phosphate binders/lowering drugs required to support Medicare beneficiaries.

Overview of the Legislation

On August 4th, 2023, Representatives Buddy Carter (R-GA-1), Ann Kuster (D-NH-2), Carol Miller (R-WV-2), and Terri Sewell (D-AL-7) introduced the Kidney Patient Access to Technologically Innovative and Essential Nephrology Treatments (PATIENT) Act. The legislation would prevent CMS from adding phosphate binders/lowering drugs to the ESRD PPS until January 2033, unless an intravenous (IV) drug is approved by the Food and Drug Administration to control or manage serum phosphate levels. This important legislation would preserve access to oral-only phosphate binders/lowering drugs for individuals living with CKD and reduce the burden on small and independent dialysis facilities. In addition, the Congressional Budget Office, has historically estimated that delaying the inclusion of oral-only phosphate binders/lowering drugs would result in financial saving for the Medicare program.¹

Recommendation: ANNA supports the Kidney PATIENT Act (H.R. 5074) and encourages Members of Congress to cosponsor the legislation.

¹ Kidney Care Partners, Delay Incorporating Oral-Only Drugs into the ESRD PPS, <https://kidneycarepartners.org/wp-content/uploads/2023/06/23.13.06-KCP-1Pager-Oral-Only-1.pdf>