



August 20, 2024

The Honorable Charles E. Schumer  
Majority Leader, United States Senate  
Hart Senate Office Building, 322  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader, United States Senate  
Russell Senate Office Building, 317  
Washington, DC 20510

Dear Leader Chuck Schumer, Leader Mitch McConnell, and Members of the Senate:

We, the undersigned organizations representing tens of millions of American patients, consumers, and seniors, urge you and your congressional colleagues to act expeditiously in passing the Kidney PATIENT Act (S.4510/H.R.5074), recently introduced by Senators Ben Ray Lujan and Marsha Blackburn. This is a critical measure for patients on dialysis suffering from life-threatening kidney disease and for populations in this country that are already underserved by our health care system.

The Kidney PATIENT Act has made tremendous strides in the House, advancing through several hearings and committee markups. On March 6, 2024, after amending the original bill language to include a two-year delay and require a study, House Ways & Means committee members overwhelmingly voted, 41-1, to favorably report the legislation to the U.S. House of Representatives. Less than a week later, the House Energy & Commerce Subcommittee on Health voted 16-10 to favorably report the full 10-year delay. Most recently, on March 20 the U.S. House Energy and Commerce Committee ordered H.R. 5074 as amended to be reported after a markup vote of 36-10. We are grateful for the leadership shown by lawmakers in the House and Senate on an issue that impacts so many of your constituents.

Today, many Americans suffering from End Stage Renal Disease (ESRD) rely on a treatment called Phosphate Lowering Therapies (PLTs). Patients with kidney failure are prone to having high levels of phosphate in their blood which can heighten the risk for heart attack or stroke if left untreated. The Kidney PATIENT Act would instruct the Center for Medicare and Medicaid Services (CMS) to delay adding oral-only PLTs to the ESRD payment bundle until 2027. Patients currently have access to these drugs, but that would change under the Center for Medicare and Medicaid Services' (CMS) plan to add PLTs to the ESRD payment bundle by January 1, 2025.

Wedging these treatments into a limited payment bundle where they will compete with other treatments for coverage means some patients will inevitably have less access to these drugs that reduce their risk of death. It's an unnecessary and ill-conceived step and will degrade the health care options available to patients already struggling with serious disease.

It is also a health equity issue. A disproportionate number of patients experiencing ESRD are minorities and live in rural and low-income communities. Black, Hispanic, and Native Americans have significantly higher rates of ESRD. Transferring coverage of PLTs into the ESRD bundle will only exacerbate the health disparities that already exist in our society.

Congressional action has previously upheld accessible coverage for PLTs, and it is essential that Congress act again. We firmly believe the only long-term solution to minimize patient risk is the passage of the Kidney PATIENT Act (S.4510/H.R.5074).

This is common-sense legislation that will ensure patients with severe kidney disease who are on dialysis can continue to receive quality health care. Thank you for your consideration of this important issue.

Sincerely,

**Health Equity Advocates**

- National Minority Quality Forum Action Network
- Advocates for Responsible Care
- Arthur Ashe Institute for Urban Health
- Atlanta Black Nurses Association
- Black Health Matters
- Breaking the Sickle Cell Cycle Foundation
- Chicago Hispanic Health Coalition
- Empower the Village
- Latino Connection
- Massachusetts Black and Latino Legislative Caucus
- Michigan Legislative Black Caucus
- Michigan State Rep. Amos O'Neal
- NAACP New England Area Conference
- NAACP of Massachusetts
- NAACP New York State Conference
- National Consumers League
- New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus
- The National Grange

**Labor Stakeholders**

- A. Philip Randolph Institute
- Massachusetts Black Trade Unionists
- Michigan Building & Construction Trades Council
- Teamsters Local 808

## **Healthcare Professionals**

- American Society of Nephrology
- Arizona Independent Pharmacy Coalition
- Georgia State Medical Association
- Illinois Pharmacists Association
- Illinois Public Health Association
- Lupus and Allied Diseases Association, Inc.
- National Medical Association
- New Mexico Medical Society
- New York State Osteopathic Medical Society
- Oregon State Pharmacy Association
- Peer Plus Education and Training Advocates
- Pharmacists United for Truth and Transparency
- Renal Healthcare Association
- Renal Physicians Association

## **Patients**

- American Association of Kidney Patients
- American Kidney Fund
- American Senior Alliance
- Arizona Blood Alliance
- Arizona Chronic Care Coalition
- Breaking the Sickle Cell Cycle Foundation
- Chronic Care Policy Alliance
- Chronic Disease Coalition
- Chronic Disease Prevention Council of New Mexico
- Deloach Lupus Foundation Savannah GA
- Diabetes Alliance of Idaho
- Eastern Shore of Maryland Sickle Cell Disease Association
- HealthyWomen
- Kidney Care Partners
- Kidney Champion Foundation
- Kidney Foundation of Central Pennsylvania
- Looms for Lupus
- Lupus Foundation of America – Heartland Chapter
- National Association of Nutrition and Aging Services
- National Kidney Foundation
- Northwest Kidney Council
- Ruby A. Neeson Diabetes Awareness Foundation
- Sickle Cell Association of Kentuckiana
- Sickle Cell/Thalassemia Patients Network
- Texas Kidney Foundation
- Texas Renal Coalition

## **Innovation Community**

- Alliance for Aging Research

- AZBio
- California Life Sciences
- Georgia Bio
- MassBio
- NewYorkBIO
- Ohio Life Sciences

**Faith Leaders**

- Antioch South Baptist Church (Atlanta, GA) - Pastor Marvin Gordon, Senior Pastor
- Bethesda Baptist Church
- Calvary Temple Baptist Church (Atlanta, GA) - Pastor J. O. Jackson, Senior Pastor
- Cornerstone Community Baptist Church (Atlanta, GA) - Pastor W. J. Lawson, Senior Pastor
- Crown of Glory Baptist Church (Atlanta, GA) - Pastor Joshua McKinsey, Senior Pastor
- Dexter Avenue Baptist Church (Detroit, MI)
- Faith Advisory Council for Community Transformation
- Fellowship Baptist Church - Pastor Stanley Smith, Senior Pastor
- HEAL Collaborative
- Millennium Man Ministries
- National Baptist Convention
- New Life Church, Pastor Marlin D. Harris
- New Life Community Alliance
- The Council of Baptist Pastors of Detroit & Vicinity