

# HOUSE RESOLUTION NO. 285

Reps. Brenda Carter, O'Neal, Rheingans, Whitsett, Byrnes, Neeley, Farhat, Young, Rogers, Xiong, Morgan, McKinney, Hope and Brabec offered the following resolution:

1       A resolution to urge the United States Congress to pass the  
2       Kidney Patient Access to Technologically Innovative and Essential  
3       Nephrology Treatments (PATIENT) Act of 2023.

4       Whereas, According to the United States Renal Data System 2023  
5       Annual Data Report, as of 2021, there are 808,536 individuals  
6       living with end-stage renal disease (ESRD) in the United States. A  
7       majority of these patients depend on oral-only phosphate binders to  
8       stay alive; and

9       Whereas, The National Kidney Foundation of Michigan reports  
10      that more than one million, or one in seven, adults in Michigan  
11      have chronic kidney disease (CKD). African Americans account for

1 over one-third of the population of patients on dialysis, despite  
2 only representing approximately 13 percent of the United States  
3 population. People who are exposed to toxic chemicals in the  
4 workplace also have a higher risk of developing kidney disease,  
5 according to the Occupational Safety and Health Administration; and

6       Whereas, The passage of the Kidney PATIENT Act of 2023 will  
7 delay the implementation of policies that would change the payment  
8 methodology for oral-only drugs that are used to treat ESRD; and

9       Whereas, Under current regulations, Medicare issues a payment  
10 to ESRD facilities for each dialysis session to cover the bundled  
11 costs of the session, inclusive of all renal dialysis items and  
12 services, such as drugs, laboratory services, and supplies. These  
13 bundled payments do not currently include oral-only ESRD-related  
14 drugs, which are paid for under Medicare Part D; and

15       Whereas, Beginning January 1, 2025, the Centers for Medicare &  
16 Medicaid Services will incorporate payments for ESRD-related oral-  
17 only drugs into the ESRD payment system for each dialysis session,  
18 namely phosphate lowering therapies. This poses a significant risk  
19 to the accessibility of these vital medications for dialysis  
20 patients; and

21       Whereas, Patients with kidney failure already face unique  
22 challenges in managing their care, as they often are also receiving  
23 treatment for comorbidities, such as diabetes and hypertension.  
24 Shifting payment for oral-only phosphate lowering therapies from  
25 Medicare Part D into the ESRD payment system poses a  
26 disproportionate impact on minority and low-income communities in  
27 Michigan; and

28       Whereas, By amending the American Taxpayer Relief Act of 2012,  
29 the Kidney PATIENT Act of 2023 will delay the changes to the

1 payment methodology until January 1, 2033, or until an intravenous  
2 drug approved by the U.S. Food and Drug Administration is  
3 available, whichever is earlier; now, therefore, be it

4 Resolved by the House of Representatives, That we urge the  
5 United States Congress to pass the Kidney Patient Access to  
6 Technologically Innovative and Essential Nephrology Treatments  
7 (PATIENT) Act of 2023; and be it further

8 Resolved, That copies of this resolution be transmitted to the  
9 Speaker of the United States House of Representatives, the  
10 President of the United States Senate, and the members of the  
11 Michigan congressional delegation.