



January 17, 2024

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

The Honorable Mike Johnson  
Speaker, U.S. House of Representatives  
568 Cannon House Office Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader, U.S. Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Hakeem S. Jeffries  
Minority Leader, U.S. House of Representatives  
2433 Rayburn House Office Building  
Washington, DC 20510

Dear Congressional Leaders:

We, the undersigned organizations representing tens of millions of American patients, consumers, and seniors, write to you with an urgent plea regarding the upcoming Continuing Resolution, scheduled for March. We respectfully request the inclusion of date-change language to delay integrating oral-only Phosphate Lowering Therapies (PLTs) into the End Stage Renal Disease (ESRD) payment bundle by one year, until January 1, 2026, in Section 204 of the Stephen Beck Jr. Achieving a Better Life Experience (ABLE) Act of 2014.

Today, many Americans suffering from kidney failure rely on medicines known as PLTs. Patients on dialysis are prone to having high levels of phosphate in their blood, which can heighten the risk for heart attack or stroke if left untreated. 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 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.

This 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 of 2023 (H.R. 5074). The Kidney PATIENT Act would instruct CMS to delay adding PLTs to the ESRD bundle until 2033 or until the Food and Drug Administration approves an intravenous treatment for lowering phosphate.

In the short-term, however, delaying the inclusion of oral-only PLTs in the ESRD bundle by one-year as part of the March Continuing Resolution is a critical step to ensure patient safety and equitable access.

Thank you for your dedication to this important issue. We appreciate your consideration in making this temporary delay a reality as we continue to advocate for the Kidney PATIENT Act's comprehensive solutions.

Sincerely,

National Minority Quality Forum Action Network  
A. Philip Randolph Institute  
Advocates for Responsible Care  
Alliance for Aging Research  
American Health Care Association  
American Kidney Fund  
American Society for Nephrology  
American Society of Consultant Pharmacists'  
Antioch South Baptist Church (Atlanta, GA) - Pastor Marvin Gordon, Senior Pastor  
Arizona Blood Alliance  
Arizona Chronic Care Together Coalition  
Atlanta Black Nurses Association  
Bethesda Baptist Church  
Breaking the Sickle Cell Cycle Foundation  
California Chronic Care Coalition  
Calvary Temple Baptist Church (Atlanta, GA) - Pastor J. O. Jackson, Senior Pastor  
Center for Patient Advocacy Leaders (CPALs)  
Coalition for Cultural Change  
Cornerstone Community Baptist Church (Atlanta, GA) - Pastor W. J. Lawson, Senior Pastor  
Crown of Glory Baptist Church (Atlanta, GA) - Pastor Joshua McKinsey, Senior Pastor  
Dialysis Patient Citizens  
Eastern Shore of Maryland Sickle Cell Disease Association  
Faith Advisory Council for Community Transformation  
Fellowship Baptist Church - Pastor Stanley Smith, Senior Pastor  
Gerontological Society of America  
HEAL Collaborative  
Healthy Women

iAdvocate  
Kidney Care Partners  
Latino Connection  
Looms for Lupus  
Lupus and Allied Diseases Association, Inc.  
MassBio  
Millennium Man Ministries  
MTS Sickle Cell Foundation  
National Association of Nutrition and Aging Services Programs  
National Center for Assisted Living  
National Consumers League  
National Grange  
National Kidney Foundation  
Northwest Kidney Council  
Partnership to Fight Chronic Disease  
Redmoon Project  
Renal Healthcare Association  
Renal Physicians Association  
Renal Support Network  
RetireSafe  
Ruby A. Neeson Diabetes Awareness Foundation  
Rx in Reach Coalition  
Sickle Cell/Thalassemia Patients Network  
Texas Kidney Foundation