



October 1, 2018

The Honorable Jason Smith
US House of Representatives
1118 Longworth House Office Building
Washington, DC 20515

The Honorable Tony Cárdenas
US House of Representatives
1510 Longworth House Office Building
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The Honorable Cathy McMorris Rodgers
US House of Representatives
1314 Longworth House Office Building
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The Honorable Earl Blumenauer
US House of Representatives
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RE: “Dialysis PATIENTS Demonstration Act of 2017” (Revisions to H.R. 4143)

Dear Representatives Smith, McMorris Rodgers, Cárdenas, and Blumenauer:

On behalf of the leading national transplant organizations and our allies, we write to you, the original sponsors of the “Dialysis PATIENTS Demonstration Act of 2017” (H.R. 4143), to express our continued concerns about the new draft of this legislation. Our respective organizations have offered candid and constructive input to this bill in an effort to secure consensus since its inception in 2016. Because the revised version of the bill fails to protect access to kidney transplantation for Medicare beneficiaries with end-stage renal disease (ESRD), we must continue to oppose it.

Specifically, the revised version of the legislation remains highly controversial because:

- The changes to the opt-out provisions are not sufficient to meaningfully expand or protect true consumer choice for these patients.
- The bill continues to include transplantation in the scope of services to be provided by demonstration participants, thereby transferring control over transplantation from transplant professionals to dialysis providers rather than promoting collaborative strategies that would optimize access to kidney transplant for dialysis patients.
- Performance on the transplant quality measures does not appear to affect the amount of payment made to demonstration participants, and the inclusion of these measures, among other quality measures, does not sufficiently mitigate demonstration participants’ strong financial incentives to maintain assigned patients on dialysis.
- The demonstration is duplicative of an existing CMMI demonstration and has the potential to derail the extension of Medicare Advantage to ESRD-eligible Medicare beneficiaries.
- The demonstration model created by the PATIENTS Act could be expanded and made mandatory without Congressional approval.

For these reasons, it appears that the latest version of the legislation, while well-intended, does not address our specific concerns. We strenuously urge you to engage directly with the transplant community to ensure that this legislation does not inadvertently curtail access to a procedure that often offers the best prospect of hope and health for Medicare beneficiaries suffering from ESRD.

Sincerely yours,

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