



TRANSPLANT ROUNDTABLE

August 27, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate

The Honorable Charles Schumer
Minority Leader
United States Senate

The Honorable Charles Grassley
Chairman
Finance Committee
United States Senate

The Honorable Ron Wyden
Ranking Member
Finance Committee
United States Senate

RE: Recent CMS and CBO Actions Should Propel Action on S.3353, the Comprehensive Drug Coverage for Kidney Transplant Patients Act, During the 116th Congress

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Grassley and Ranking Member Wyden:

The undersigned organizations and our combined memberships – representing the nation’s foremost providers and kidney patients and donor families in the transplantation space – respectfully request that you advance S. 3353, the Comprehensive Drug Coverage for Kidney Transplant Patients Act. We understand that both the Centers for Medicare and Medicaid Services (CMS) and Congressional Budget Office (CBO) have made great progress toward enabling movement of this legislation.

Working collaboratively, we have fought for over fifteen years to change Medicare’s current policy that imposes a 36-month limitation on coverage of immunosuppressive medications for Medicare transplant recipients. These medications are necessary for the lifespan of the kidney – to maintain and preserve their life-sustaining transplant function, honor and protect the “gift of life” given by donors and donor families and protect taxpayer dollars expended for the transplanted kidney.

Correcting this issue will save lives, save transplanted kidneys and the trauma a patient feels from the unnecessary loss of kidney and allow others on the waiting list have a better opportunity to receive a scarce organ. The change in policy may also help remove an often-cited barrier to increased living donation. Further, it certainly does not make sense for the Medicare program to incur the unnecessary cost of putting these patients back on dialysis or paying for the high cost of re-transplantation for patients who rejected their kidneys because of their inability to obtain essential immunosuppressive medications a mere three years after transplantation.

After many years working to reverse the current policy, we believe that we are now well positioned to advance the legislation. The two significant hurdles barring this common-sense legislation from passage have been the lack of Technical Assistance from CMS and consequent inability of the CBO to score the bill. We now understand that CMS is in the final stages of providing Technical Assistance to Congress and that the CBO arrived at a preliminary score of \$70m in SAVINGS over a ten-year period. Given these

new developments, the House Energy and Commerce committee passed the bill out of full committee in June with bipartisan support and we are expecting similar action in the House committee on Ways and Means soon.

This Senate legislation, introduced by Senators Cassidy (R-LA), Durbin (D-IL), Ernst (R-IA), Whitehouse (D-RI), Shaheen (D-NH), and Young (R-IN), is more important now than ever given the COVID-19 pandemic. The Centers for Disease Control recently added organ transplant patients as one of the most at-risk populations to its classification list. Removal of Medicare's arbitrary limitation would further protect this group of people from the unacceptable result of unnecessarily losing an organ.

We appreciate Congress' steadfast efforts to protect transplant patients and offer the transplant communities full and unwavering support of S. 3353, the Comprehensive Drug Coverage for Kidney Transplant Patients Act, and ask that the Senate act now to advance this legislation to final passage.

For further information, contact Bill Applegate at bill.applegate@bclplaw.com, Diana Clynes at dclynes@aakp.org, or Peggy Tighe at Peggy.Tighe@PowersLaw.com.

Thank you for your attention to our urgent request.

Members of the Transplant Roundtable

The Alliance for Paired Kidney Donation
American Association of Kidney Patients
American Kidney Fund
Association of Organ Procurement Organizations
The American Society of Nephrology
American Society of Transplant Surgeons
American Society of Transplantation
American Society of Pediatric Nephrology
Dialysis Patient Citizens
Eye Bank Association of America
Global Liver Institute
NATCO

National Kidney Foundation (NKF)
NephCure Kidney International
Nonprofit Kidney Care Alliance
Northeast Kidney Foundation
Northeast Kidney Foundation of Syracuse
Northeast Kidney Foundation, Greater Rochester Region
PKD Foundation
Transplant Recipients International Organization (TRIO)
Transplant Support Organization (TSO)
Renal Physicians Association
The United Network for Organ Sharing
Waitlist Zero

cc: Senators Cassidy, Durbin, Ernst, Whitehouse, Shaheen, and Young