Agenda

• Abbreviated Legislative History
• Medicare Coverage of Dialysis Patients
  • How Medicare and Private Plans Work Together
• Barriers to Innovation
• Going Forward - Bills/Initiatives in 118th Congress
Abbreviated Legislative History / Part 1

• 1972 – Social Security Amendments of 1972 – Medicare Coverage Extended to all ESRD Patients


• 1985 – The Consolidated Omnibus Budget Reconciliation Act of 1985 – Extended post-employment insurance, also known as COBRA coverage
Abbreviated Legislative History / Part 2

- 2008 - Medicare Improvements for Patients and Providers Act of 2008—Established bundled payments for dialysis
- 2010 - Patient Protection and Affordable Care Act (ACA)
- 2016 - The 21st Century Cures Act (P.L. 114-255) – Allowed Individuals with ESRD to enroll in MA plans with coverage starting on January 1, 2021.
- 2020 - Consolidated Appropriations Act, FY 2021 - Expanded Medicare coverage of immunosuppressive drug coverage for those with kidney transplants with coverage starting January 1, 2023.
Medicare Coverage of Dialysis Patients

• Americans on dialysis are eligible for Medicare regardless of age.
• Medicare and private plans work together
  • Medicare Secondary Payer Law (MSP)
  • COBRA/employer based coverage
• Traditional fee-for-service (FFS) Medicare is not considered fully covered for transplant
  • Medigap
Medicare Coverage of Dialysis Patients

• Medicare Advantage

• Medicare Coverage ends 36 months (3 years) after kidney transplant for those under age 65
  • Kidney transplant recipients are now eligible for extended immunosuppressive drug coverage*
Barriers to Innovation

• Lower investment in research compared to other diseases
• Bundled payments for dialysis can result in a lag in payment for new technologies
• TDAPA (ESRD PPS Transitional Drug Add-on Payment Adjustment)
• Patients move to Medicare when they have ESRD
Bills/Initiatives in 118th Congress

• Appropriations FY 2024, funding for kidney research and KidneyX
• Living Donor Protection Act
• Medigap for all Medicare beneficiaries under the age of 65 with ESRD
• Prevention/Nutrition – Farm Bill
• CARE for All Kidneys Act
• Restore Protections for Dialysis Patients Act
Contact

Holly Bode
VP Government Relations
HBode@kidneyfund.org

Deborah Darcy
Senior Director of Government Affairs
DDarcy@kidneyfund.org