



# Kidney Disease Policy 101

March 1, 2023

# Agenda

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

# Abbreviated Legislative History / Part 1

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- 1972 – Social Security Amendments of 1972 – Medicare Coverage Extended to all ESRD Patients
- 1980 – Social Security Disability Amendments of 1980 - Federal regulation of Medigap begins
- 1981 – Omnibus Budget Reconciliation Act of 1981 - Medicare as Secondary Payer (MSP) begins
- 1985 – The Consolidated Omnibus Budget Reconciliation Act of 1985 – Extended post-employment insurance, also known as COBRA coverage

# Abbreviated Legislative History / Part 2

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- 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

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- 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

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- 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

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- 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 118<sup>th</sup> Congress

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- 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



# Questions

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# Contact

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