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Kelly, colleagues introduce Restore Protections for Dialysis Patients Act



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WASHINGTON, D.C. -- This week, **U.S. Rep. Mike Kelly (R-PA)**, along with **Reps. Yvette Clarke (D-NY), Neal Dunn, M.D. (R-FL), Danny Davis (D-IL), John Joyce (R-PA), and Raul Ruiz (D-CA)** introduced the *Restore Protections for Dialysis Patients Act*, bipartisan legislation which aims to ensure that individuals with End Stage Renal Disease (ESRD) continue to have equitable access to private healthcare and to provide protection of the Medicare Trust Fund.

The legislation follows a 2022 Supreme Court ruling that has allowed private health plans to prematurely force ESRD patients onto Medicare, creating disruption in coverage for patients and their families and shifting a significant financial burden onto taxpayers.

"This legislation is critical for Americans living with End Stage Renal Disease and who rely on dialysis," **said Rep. Kelly**. "Patients deserve to know their benefits will be in place when they need them. This legislation will improve both patient care and patient outcomes. I want to thank my House colleagues for joining me on this vital legislation."

"Nearly 40 million Americans live with kidney disease, and the millions more at risk deserve our support in their fight against kidney disease — from prevention through post-transplant living," **said Congresswoman Clarke**. "Unfortunately, far too many patients affected with the disease, which disproportionately impacts communities of color, have complex health care needs that create incentives for plans to discourage enrollment. I'm proud to join my colleague, Congressman Kelly, to introduce the Restore Protections for Dialysis Patients Act, a bipartisan bill which seeks to ensure people on dialysis receive the care they need."

"Americans deserve access to adequate health care coverage, especially those who need dialysis," **said Congressman Dunn**. "ESRD patients who rely on dialysis should not see their benefit disappear overnight. We must renew the safeguards that protect dialysis patients and ensure their access to care."

WHAT THEY'RE SAYING

Leading patient and physician groups are also [hailing the introduction of this critical legislation as a vital and necessary step to improve patient care.](#)

"As the leading voice for the nation's kidney care community, Kidney Care Partners is devoted to ensuring that all ESRD patients can access safe, effective care with coverage of their choice," said **John P. Butler, Chair of Kidney Care Partners**. "We thank House lawmakers for introducing the Restore Protections for Dialysis Patients Act, which will protect patient access to private insurer coverage for life-sustaining dialysis treatments."

"People with ESRD are more likely to be low-income and from historically marginalized communities, making premature loss of health coverage and related cost increases particularly devastating," said **LaVane Burton, President and CEO of the American Kidney Fund (AKF)**. "Thankfully, the Restore Protections for Dialysis Patients Act will ensure that people with kidney failure won't be singled out based on their disease or forced to pay higher costs."

"We thank Representatives Kelly, Clarke, Dunn, Davis, Joyce and Ruiz for introducing this pivotal legislation, which will preserve patient choice and incentivize health plans to detect and treat chronic kidney disease (CKD). Unfortunately, my health insurance plan continues to restrict my access to the therapies that my nephrologist has prescribed to delay my kidney disease progression. Without action by Congress, millions of Americans could see their insurers follow suit, as the sooner they can push CKD patients like me into Medicare without paying any cost for doing so, the more likely we are to progress to end-stage renal disease (ESRD)," said **Hrant Jamgochian, J.D., LL.M., CEO of Dialysis Patient Citizens**.

"Private insurance can be vital to patients' access to care and plays a critical role in ensuring the stability of the Medicare system," said **Keith A. Ballovich, DO, President of the Renal Physicians Association**. "I urge House lawmakers to swiftly advance this legislation, which will make a meaningful difference for the more than **300,000 patients** living with kidney failure."

"The Marietta v. DaVita decision will force people who have kidney failure off their private insurance into Medicare," said **Lori Hartwell, Founder and President of the Renal Support Network**. "Health plans should not be able to decide they don't want to cover you when your kidneys fail, a critical time when you need your insurance and care team the most. It is an unfair, discriminatory policy and a slippery slope for other chronic conditions."

BACKGROUND

- In 1981, Congress amended the Medicare Secondary Payer Act (MSPA) to add language to protect against private health insurers from designing benefit plans to push individuals with ESRD onto Medicare prematurely.
- For decades, health plans have abided by the principles of MSPA, benefitting both beneficiaries and taxpayers.
- In June 2022, the Supreme Court ruled that health plans can effectively push ESRD patients onto Medicare, prompting a need for Congress to introduce legislation to clarify the Medicare Secondary Payer Act and protect ESRD patients from being kicked off of their private health plans.

Issues: **Health Care**



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