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118TH CONGRESS
1ST SESSION

H. R. 5074

To amend the American Taxpayer Relief Act of 2012 to delay implementation of the inclusion of oral-only ESRD-related drugs in the Medicare ESRD prospective payment system.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2023

Mr. CARTER of Georgia (for himself, Ms. KUSTER, Mrs. MILLER of West Virginia, and Ms. SEWELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the American Taxpayer Relief Act of 2012 to delay implementation of the inclusion of oral-only ESRD-related drugs in the Medicare ESRD prospective payment system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kidney Patient Access to Technologically Innovative and Essential Nephrology

Treatments Act of 2023'' or the ''Kidney PATIENT Act of 2023''.

SEC. 2. DELAY OF IMPLEMENTATION OF ORAL-ONLY POLICY UNDER MEDICARE ESRD PROSPECTIVE PAYMENT SYSTEM.

Section 632(b) of the American Taxpayer Relief Act of 2012 (42 U.S.C. 1395rr note) is amended—

(1) in the heading, by striking ''TWO-YEAR''; and

(2) in the first sentence of paragraph (1), by striking ''may not implement'' and all that follows through ''January 1, 2025.'' and inserting ''shall not implement the policy under section 413.174(f)(6) of title 42, Code of Federal Regulations (relating to oral-only ESRD-related drugs in the ESRD prospective payment system) to incorporate the payment for oral drugs indicated for the reduction, management, or control of the serum phosphate of an individual, until the earlier of January 1, 2033, or such time as an intravenous drug indicated for the reduction, management, or control of the serum phosphate of an individual has been approved by the Food and Drug Administration.''.

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