

House Resolution 1133

By: Representative Mitchell of the 88<sup>th</sup>

### A RESOLUTION

1 Urging the United States Congress to pass the Kidney Patient Access to Technologically  
2 Innovative and Essential Nephrology Treatments Act of 2023 or the "Kidney PATIENT Act  
3 of 2023" (H.R. 5074); and for other purposes.

4 WHEREAS, the proposed change by the Centers for Medicare and Medicaid Services (CMS)  
5 in 2025 to exclude separate payment for oral-only phosphate lowering therapies (PLTs) from  
6 Medicare Part D and provide for payment of PLTs only in the ESRD prospective payment  
7 system poses a significant risk to the accessibility and affordability of these vital medications  
8 for dialysis patients; and

9 WHEREAS, Georgia patients with kidney failure are already facing unique challenges for  
10 care, including comorbidities such as diabetes and hypertension, and shifting payment for  
11 oral-only PLTs from Part D into the ESRD prospective payment system will have a  
12 disproportionate impact on minority and low-income communities in Georgia; and

13 WHEREAS, the General Assembly acknowledges the bipartisan efforts led by U.S.  
14 Representatives Carter, Kuster, Miller, and Sewell in introducing the Kidney PATIENT Act  
15 of 2023, aiming to delay the inclusion of oral-only drugs in the ESRD prospective payment  
16 system until 2033 or until new intravenous therapies are available.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
18 GEORGIA that the members of this body urge the United States Congress to pass the Kidney  
19 PATIENT Act of 2023 (H.R. 5074) promptly to ensure ESRD patients in and across the  
20 nation continue to have access to essential oral-only medications.

21 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
22 and directed to make appropriate copies of this resolution available for distribution to the  
23 Speaker and the Clerk of the United States House of Representatives, the President and the  
24 Secretary of the United States Senate, and each member the Georgia Congressional  
25 delegation.