



# AMERICAN COLLEGE OF SURGEONS

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### Chicago Headquarters

633 N. Saint Clair Street  
Chicago, IL 60611-3211

Voice: 312-202-5000

Fax: 312-202-5001

E-mail: [postmaster@facs.org](mailto:postmaster@facs.org)

### Washington Office

20 F Street, NW Suite 1000  
Washington, DC 20001

Voice: 202-337-2701

Fax: 202-337-4271

E-mail: [ahp@facs.org](mailto:ahp@facs.org)

[facs.org](http://facs.org)

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June 5, 2018

The Honorable Jason Smith  
1118 Longworth House Office Building  
Washington, DC 20151

The Honorable Earl Blumenauer  
1111 Longworth House Office Building  
Washington, DC 20151

The Honorable Cathy McMorris Rodgers  
1314 Longworth House Office Building  
Washington, DC 20151

The Honorable Tony Cardenas  
1510 Longworth House Office Building  
Washington, DC 20151

Dear Representative Smith, Blumenauer, McMorris Rodgers, and Cardenas:

On behalf of the more than 80,000 members of the American College of Surgeons (ACS), I would like to express our concern and opposition for the Dialysis PATIENTS Demonstration Act (H.R. 4143/S.2065). ACS understands the need to improve care coordination while promoting value-based care for patients with End Stage Renal Disease (ESRD). However, we believe this legislation has unintended consequences and fundamental risks associated with it. These risks include:

- **Restricting patient choice** by automatically enrolling patients in the model and not permitting changes, regardless of their care experience, for one year.
- **Exacerbating existing silos of care** by excluding patients with earlier kidney diseases and missing critical opportunities to slow or prevent progression to kidney failure as well as improve patients' lives and avoid more costly care.
- **Excluding transplanted patients from the model** by not including a transplantation therapy option, which for most patients improves health outcomes and lowers overall costs.

For patients with ESRD who are healthy enough to receive a transplant, doing so can be one of the best treatment options. Kidney transplantation has also been widely demonstrated to be the most cost-effective, long-term treatment for patients with ESRD. However, if implemented, the Dialysis PATIENTS Demonstration Act could create incentives that could sharply curtail the access to this potentially life-saving treatment option for Medicare beneficiaries with ESRD. It is for this reason, that ACS must oppose the Dialysis PATIENTS Demonstration Act in its current form.

If you have any questions, please feel free to contact Mark Lukaszewski at [mlukaszewski@facs.org](mailto:mlukaszewski@facs.org) or 202-256-8104.

Sincerely,

David B. Hoyt, MD, FACS  
Executive Director

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