

Issue of Serious Concern: Access to Diagnostic Testing for Transplant Recipients

Agency: Centers for Medicare and Medicaid Services (CMS)

- Since March of 2023, the Centers for Medicare and Medicaid Services (CMS) has created tremendous confusion among transplant patients, transplant surgeons, and medical societies based on a CMS contractor decision to restrict payment for and patient access to non-invasive diagnostic blood tests for kidney, heart, and liver transplant patients.
- These tests are **vital** innovation for transplant experts to use to monitor the health of donated organs **proactively** – and to avoid the use of invasive and very risky biopsies – which can lead to severe infections, organ rejection, and death. CMS is ultimately accountable for this action.
- The American Society of Transplant Surgeons (ASTS) and the American Society of Transplantation (AST), along with AAKP, have strongly objected to CMS's actions because they failed to engage stakeholder input upfront – **meaning transplant experts and patients were not consulted about the implications of this CMS policy, payment action, and associated impacts.**
- Transplant patients work hard to protect their organs and rely on their transplant professionals to have the tools necessary to help them maintain their transplanted organs. Bipartisan, national kidney policy puts an emphasis on transplant first over dialysis – so it makes zero sense to deny transplant professionals the tools necessary to keep patients healthy and to prevent organ failure.
- **On August 15, 2023, a bipartisan letter from Representatives Eshoo (D-CA) and Burgess (R-TX and the former Chair of the Congressional Kidney Caucus) was sent to the CMS Commissioner requesting clarification for why CMS allowed its contractor to take this action. This letter was signed by a total of 14 bipartisan Congressional leaders.**

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- The controversy and confusion for transplant patients and transplant professionals has continued over the past 2 months. The CMS contractors involved in this issue – Noridian and Palmetto Health – have held public hearings in which their decision to restrict access and payment was denounced by transplant experts, researchers, and transplant patients. **The Wall Street Journal denounced the CMS decision in 3 editorials in less than 16 days.**
- CMS recently issued a press release defending its actions and the actions undertaken by its contractors – **but they ignored to recognize the concerns raised by organ transplant recipients and transplant experts.**
- **We are asking Congress to hold CMS accountable for its actions and its ongoing defense of what the patient community believes is a highly flawed process and decision. We believe that Congress should demand more answers from HHS Secretary Xavier Becerra and CMS Commissioner Chiquita Brooks-LaSure and hold a hearing on how patients and their transplant teams have been negatively impacted by this decision.**

Supplemental Material:

- [Click here to read](#) Congress' letter to CMS!
- [Watch Now!](#) Public Hearing Statement - New CMS Access Barriers to Transplant Patient Diagnostic.

