

Proposed Ohio Constitutional Amendment on Dialysis: Key Facts

An out-of-state special interest group is seeking to place a proposed Ohio Constitutional Amendment on kidney dialysis on the November 6 statewide ballot. The proposed amendment is written and financed by a California-based labor union with no experience in the treatment, management, or regulation of dialysis, the life-saving treatment for patients with kidney failure. The amendment will make it harder for Ohio's 18,000 dialysis patients to receive treatment, and it does nothing to lower dialysis costs for patients.

*The **Ohio Renal Association (ORA)** strongly opposes this amendment, as do a growing number of groups representing medical professionals, dialysis patients and their caregivers. In addition to the ORA, **opponents** include the **Kidney Foundation of Ohio, Dialysis Patient Citizens, the Nonprofit Kidney Care Alliance, the Ohio State Medical Association, the Ohio Osteopathic Association, and others.** Here are some of the reasons why:*

The proposed amendment will harm patients

- By reducing access to care, the amendment would hurt Ohio's 18,000 patients who receive life-sustaining dialysis treatment at the 326 community dialysis clinics across the state.
- Limiting revenue would force clinics to cut back, close, or consolidate services to fewer clinics, resulting in reduced access to clinics and increased travel time and expenses for many patients and their families — particularly those in poor, disadvantaged, and rural areas.
- Forcing state government to set arbitrary rate and rebate schedules would reduce dialysis clinics' ability to maintain their current level of care or make investments in technology or personnel to improve their quality of care.

Complicated healthcare policy doesn't belong in the Constitution, and clinics are already heavily regulated

- Proponents wrote this proposal as a Constitutional amendment without any evidence of a problem, and without first trying a normal legislative or rule-making process that would bring knowledgeable stakeholders to the table.
- If passed, the amendment would be "etched in stone" in the Ohio Constitution. The Governor and Legislature can't change the Constitution. Changes would require another Constitutional amendment approved by a vote of the people, which is an expensive, time-consuming and cumbersome process that could put dialysis patients' lives at risk.
- Ohio's community dialysis clinics are already subject to extensive regulation and monitoring by state and federal government agencies. Additional requirements in the Ohio Constitution are duplicative and unnecessary.
- Rules regarding specific medical procedures such as dialysis do not belong in the Ohio Constitution.

It places arbitrary revenue limits on dialysis clinics, and mandates rebates to insurance companies

- While this amendment calls for rebates on services, it does not require the insurance companies, who will receive these rebates, to pass the money on to their customers.
- The amendment exempts "federal, state, or local government payers such as Medicare and Medicaid" from receiving rebates. Medicare and Medicaid cover an estimated 82% of patients receiving dialysis treatment in Ohio. Private health insurance companies only cover 11% of dialysis patients, yet they would receive all the rebate money. The remaining 7% are covered by the Veterans Administration and other government payers, which are also exempt from receiving rebates.
- The amendment places artificial limits on the revenue that community dialysis clinics receive for their services and requires clinics to pay rebates to private insurance companies. The amendment arbitrarily defines the amounts that exceed "reasonable charges for dialysis treatments" as "115% of the sum of all direct patient care services costs and all health care quality improvement costs."
- The Constitutional amendment requires the rate and rebate calculations to be made and enforced by the Ohio Department of Health, which has no experience setting rate structures.