

December 8, 2025

Andrew N. Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, D.C. 20580

Dear Chairman Ferguson,

I write with concerns regarding concentration in the dialysis market. Over half a million Americans, including over 40,000 veterans, receive kidney dialysis.¹ For these patients, dialysis treatment is necessary and life-saving. Notwithstanding the importance of this care, most of these patients are forced to rely on just two companies, DaVita and Fresenius Medical Care (“Fresenius”), with checkered track records, as they control at least 77% of the national dialysis market.²

Vulnerable Americans receiving care from DaVita and Fresenius report gravely worrisome problems: understaffed clinics, safety shortcuts, rushed treatment, and high rates of potentially life-threatening mistakes.³ When staff try to address their concerns through unionization, they are reportedly blocked by aggressive anti-union tactics.⁴ When physicians who serve as the medical director for a dialysis clinic try to move to a competitor or open their own clinic, they are reportedly blocked by onerous non-compete clauses.⁵ When nascent competitors develop new technology that promises to improve the care available to patients, they

¹ *Quick kidney disease facts and stats*, AMERICAN KIDNEY FUND (Aug. 13, 2025), <https://www.kidneyfund.org/es/node/2394>; Chien Chen, *Support for Veterans with kidney disease*, VA NEWS (May 17, 2023), <https://news.va.gov/119226/support-for-veterans-with-kidney-disease/>.

² Xuyang Xia, Wanrong Deng, & Paul J. Eliason, *Financial Ties, Market Structure, Commercial Prices, and Medical Director Compensation in Dialysis*, 6 JAMA HEALTH FORUM 6 (2025), <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2835489>.

³ Matt Stoller, *The Dirty Business of Clean Blood*, BIG (Feb. 3, 2024), <https://www.thebignewsletter.com/p/the-dirty-business-of-clean-blood>; see also TOM MUELLER, HOW TO MAKE A KILLING: BLOOD, DEATH AND DOLLARS IN AMERICAN MEDICINE (2023).

⁴ *Report: Union-Busting Violations of Dialysis Workers' Rights*, SEIU-UNITED HEALTHCARE WORKERS WEST <https://www.seiu-uhw.org/unionbusting/>.

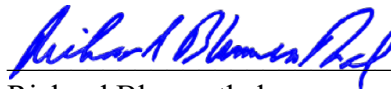
⁵ Letter from the Am. Soc. of Nephrology to the Fed. Trade Comm. (Apr. 18, 2023), <https://www.asn-online.org/policy/webdocs/04.18.23ASNFTCNon-CompeteBanCommentLetterFINAL.pdf>.

are bought up.⁶ And most disturbing, when patients have tried to raise awareness and advocate for themselves, they have reportedly been blackballed – denied medically necessary, life-sustaining treatment.⁷

These kinds of complaints are hallmarks of unlawful abuse of market power. Despite the unpopularity of DaVita and Fresenius, their share of the national market has increased dramatically over the past two decades.⁸

The Commission has begun taking some initial steps to respond to the market concentration in the dialysis industry, including the imposition of a final order restricting future acquisitions of dialysis clinics by DaVita in 2022, as well as reports that, in 2024, the Commission opened an investigation of violations of antitrust law by DaVita and Fresenius. However, given the ongoing harm to dialysis patients, doctors, and other employees at these companies, more must be done. I write to request a briefing on the status of your investigation, DaVita's compliance with the 2022 final order restricting future acquisitions, and any other antitrust issues the FTC is currently examining in the dialysis industry. Further, upon prompt completion of the investigation, FTC must take appropriate robust enforcement action to remediate issues it has identified and protect patients, including veterans, from misconduct by these companies.

Sincerely,



Richard Blumenthal
United States Senate

⁶ Dissenting Statement of Commissioner Rohit Chopra, In the Matter of Fresenius Medical Care AG & Co. KGaA and NxStage Medical, Inc. FTC File No. 171-0227 at 4 (Feb. 19, 2019), https://www.ftc.gov/system/files/documents/public_statements/1455733/171_0227_fresenius_nxstage_chopra_statement_2-19-19.pdf.

⁷ Carrie Arnold, *When Profit-Driven Clinics Kick “Noncompliant” Patients off Dialysis, Is Anybody Watching?* MOTHER JONES (May 2024), <https://www.motherjones.com/politics/2024/05/dialysis-davita-fresenius-involuntary-discharge/>.

⁸ Xuyang Xia, Wanrong Deng, & Paul J. Eliason, *Financial Ties, Market Structure, Commercial Prices, and Medical Director Compensation in Dialysis*, 6 JAMA HEALTH FORUM 6 (2025), <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2835489>.