



## Ideas for Supporting Patient Rights in the Dialysis Facility

The ESRD Conditions for Coverage (CfC) includes a listing of patients’ rights as part of the regulations guiding dialysis facilities<sup>[1]</sup>. Inclusion of patients’ rights helps patients feel more comfortable that the health care system is fair and works to meet patients’ needs; gives patients a way to address any problems they may have; encourages them to take an active role in their health care; and it promotes a strong relationship between patients and their health care providers. Although the CfC’s provide guidance, how facilities ensure that patients’ rights are upheld can be challenging.

This resource reviews each of the rights listed in the ESRD CfC and provides links to Network resources and offers strategies to use to ensure that your facility is working towards supporting all patients’ rights. Review the resource with your team as part of your efforts to improve the patient experience of care at your dialysis facility.

The patient has the right to:	Resources and Strategies:
1. Respect, dignity, and recognition of one’s individuality and personal needs, and sensitivity to his or her psychological needs and ability to cope with ESRD;	<ul style="list-style-type: none"> <li>• <a href="#">Huddle Up to Improve Communication series</a> (staff resource)</li> <li>• Completing comprehensive assessments and developing individualized Plans of Care with each patient</li> </ul>
2. Receive all information in a way that he or she can understand;	<ul style="list-style-type: none"> <li>• <a href="#">Huddle Up to Improve Care: Teach Back</a> (staff resource)</li> <li>• Staff use of teach-back when providing information and education</li> <li>• Use of different methods to share education (ex. Handouts, videos, online learning modules)</li> <li>• Use of larger print for those with low vision</li> <li>• Use of communication and materials in the patient’s primary language and/or use of translation services</li> </ul>
3. Privacy and confidentiality in all aspects of treatment; 4. Privacy and confidentiality in personal medical records;	<ul style="list-style-type: none"> <li>• <a href="#">Huddle Up to Improve Care: Staff Professionalism</a> (staff resource)</li> <li>• Be aware of volume of voice and sensitivity of discussion.</li> <li>• Provide options for patients to talk about sensitive topics off the treatment floor</li> <li>• Use of privacy screens</li> <li>• Compliance with HIPPA regulations</li> </ul>

The patient has the right to:	Resources and Strategies:
5. Be informed about and participate, if desired, in all aspects of one's care, and be informed of the right to refuse treatment, to discontinue treatment, and to refuse to participate in experimental research;	<ul style="list-style-type: none"> <li>• <a href="#">Huddle Up to Improve Care: Shared Decision Making</a> (staff resource)</li> <li>• <a href="#">All About You Plan of Care Toolkit</a> (staff resource)</li> <li>• Use the <a href="#">My Questions and Goals</a> (patient resource) to address concerns and goals with patient</li> <li>• Provide several options for patient participation in their plan of care (in-person off treatment floor, telehealth)</li> </ul>
6. Be informed about one's right to execute advance directives, and the facility's policy regarding advance directives;	<ul style="list-style-type: none"> <li>• <a href="#">My Plan: Making My Wishes Known My Kidney Kit page</a> (patient resource)</li> <li>• <a href="#">My Plan: My Wishes Topic of the Month page</a> (staff resource)</li> <li>• Annual review of patients' advance directives</li> </ul>
7. Be informed about all treatment modalities and settings, including but not limited to, transplantation, home dialysis modalities;	<ul style="list-style-type: none"> <li>• MY KIDNEY KIT: <a href="#">My Choices pages</a> (patient resource) <ul style="list-style-type: none"> <li>◦ My Choices: Is Home Hemodialysis Right for Me?</li> <li>◦ My Choices: Peritoneal Dialysis</li> <li>◦ My Choices: Kidney Transplant</li> </ul> </li> <li>• Annual review of treatment options</li> <li>• Treatment options lobby days</li> </ul>
8. Be informed of facility policies regarding patient care, including, but not limited to, isolation of patients;	<ul style="list-style-type: none"> <li>• <a href="#">Words of Wisdom: Schedule Changes</a> (staff resource)</li> <li>• Updating patients on changes in policies in a timely manner</li> </ul>
9. Be informed of facility policies regarding the reuse of dialysis supplies, including hemodialyzers;	
10. Be informed by the physician, nurse practitioner, clinical nurse specialist, or physician's assistant treating the patient for ESRD of one's own medical status as documented in the patient's medical record, unless the medical record contains a documented contraindication;	<ul style="list-style-type: none"> <li>• Medical records should show that medical status was discussed with patient or designee</li> <li>• Annual review during Plan of Care meeting</li> </ul>
11. Be informed of services available in the facility and charges for services not covered under Medicare;	<ul style="list-style-type: none"> <li>• <a href="#">Medicare.gov</a> provides information on coverage and publications to download and share with patients</li> <li>• Share with each patient, their coverage according to their health insurance</li> </ul>
12. Receive the necessary services outlined in the patient plan of care described in the ESRD CfC;	<ul style="list-style-type: none"> <li>• <a href="#">All About You Plan of Care Toolkit</a> (staff resource)</li> <li>• Annual staff training on facility documentation policy and procedures</li> <li>• Documentation of care provided according to the plan of care should be present in the patient's medical record</li> </ul>
13. Be informed of the rules and expectations of the facility regarding patient conduct and responsibilities;	<ul style="list-style-type: none"> <li>• Post the Network Rights and Responsibilities poster (<a href="#">English/Spanish</a>)</li> <li>• <a href="#">My Network: Rights and Responsibilities</a> (patient resource)</li> <li>• Annual review of patient responsibilities and facility rules</li> </ul>

The patient has the right to:	Resources and Strategies:
<p>14. Be informed of the facility’s internal grievance process;</p> <p>15. Be informed of external grievance mechanisms and processes, including how to contact the ESRD Network and the State survey agency;</p> <p>16. Be informed of one’s right to file internal grievances or external grievances or both without reprisal or denial of services; and</p> <p>17. Be informed that one may file internal or external grievances, personally, anonymously or through a representative of the patient’s choosing.</p>	<ul style="list-style-type: none"> <li>• <a href="#">Tune Up to Speak Up- Tools to Improve the Grievance Process</a> (staff resource)</li> <li>• <a href="#">Huddle Up to Improve the Grievance Process series</a> (staff resource)</li> <li>• My Network: What do I do if I have a Grievance (<a href="#">English/Spanish</a>) (patient resource)</li> <li>• Annual staff training on grievances</li> <li>• Annual review of patient rights and grievance process</li> </ul>
<p>18. Right to be informed regarding the facility’s discharge and transfer policies. The patient has the right to:</p> <ol style="list-style-type: none"> <li>a. be informed of the facility’s policies for transfer, routine or involuntary discharge, and discontinuation of services to patients; and</li> <li>b. receive written notice 30 days in advance of an involuntary discharge, after the facility follows the involuntary discharge procedures described in § 494.180(f)(4). In the case of immediate threats to the health and safety of others, an abbreviated discharge procedure may be allowed.</li> </ol>	<ul style="list-style-type: none"> <li>• Patient Rights and Responsibilities poster (<a href="#">English/Spanish</a>)</li> <li>• <a href="#">My Network: Rights and Responsibilities</a> (patient resource)</li> <li>• Annual review of patient rights should include a review of the facility discharge and transfer policies</li> </ul>
<p>19. Posting of rights. The dialysis facility must prominently display a copy of the patient’s rights in the facility, including the current State agency and ESRD network mailing addresses and telephone complaint numbers, where it can be easily seen and read by patients.</p>	<ul style="list-style-type: none"> <li>• Network Posters <ul style="list-style-type: none"> <li>◦ Let Your Voice Be Heard (<a href="#">English/Spanish</a>)</li> <li>◦ Patient Rights and Responsibilities (<a href="#">English/Spanish</a>)</li> <li>◦ Contact the Network (<a href="#">English/Spanish</a>)</li> </ul> </li> <li>• Ensure Network posters are posted in an area that is accessible to all patients</li> </ul>

All resources mentioned are linked to and available at [www.ESRDNetwork12.org](http://www.ESRDNetwork12.org) or [www.mykidneykit.org](http://www.mykidneykit.org).

[1] 494.70 Condition: Patients’ rights. End Stage Renal Disease Conditions for Coverage Final Rule (2008) <https://www.cms.gov/Regulations-and-Guidance/Legislation/CFCsAndCoPs/Downloads/ESRDfinalrule0415.pdf> Interpretive ESRD Surveyor Training Interpretive Guidance. Final Version 1.1 (2008) for <http://www.cms.gov/GuidanceforLawsAndRegulations/Downloads/esrdpbgmguidance.pdf>