



March 21, 2022

To: Facility Administrator  
Clinical Manager  
Social Workers

From: Erica Anderson, MSW, LCSW  
Manager of Patient Services

**Re: Annual Notification of Grievance Definition and Network Role 2022**

According to CMS a grievance is: **“A written or oral communication from a patient, and/or an individual representing a patient, alleging that an ESRD service received from a provider did not meet the grievant’s expectations with respect to safety, civility, patient rights, and/or clinical standards of care.”**

As Qsource ESRD Network 12 would like to provide all facilities with a review of the Network’s and Dialysis Facilities’ roles regarding grievances, the definition of grievance provided by the Centers for Medicare & Medicaid Services (CMS), as well as several actions steps to take to assist facilities in meeting the requirements of CMS set forth in the ESRD Network Statement of Work.

First, Federal regulations at 42 CFR §405.2112(g) specify “evaluating and resolving patient grievances” as one of the functions under the ESRD Statement of Work which outlines the Network’s contract obligations. CMS views the investigation and resolution of grievances and non-grievance access-to-care cases as an opportunity to focus on meeting the needs of ESRD patients as well as an opportunity to create change by listening to and learning from the patient’s and/or caregiver’s perspective.

Federal regulations at 42 CFR §494.180(i) require a dialysis facility to “cooperate with the ESRD Network designated for its geographic area, in fulfilling the terms of the Network’s current Statement of Work” and to “participate in ESRD Network activities and pursue Network goals.” Additionally, the End-Stage Renal Disease Conditions for Coverage for Dialysis Facilities address standards for the internal grievance process at 42 CFR §494.180(e) and the facility responsibilities with respect to “Patients’ rights” at 42 CFR §494.70(a).

**Patients’ rights** include the right to—

- Be informed of the facility's internal grievance process;
- Be informed of external grievance mechanisms and processes, including how to contact the ESRD Network and the State Survey Agency;
- Be informed of his or her right to file internal grievances or external grievances or both without reprisal or denial of services; and
- Be informed that he or she may file internal or external grievances, personally, anonymously or through a representative of the patient's choosing.

**Internal grievance process.** The facility's internal grievance process must be implemented so that the patient may file an oral or written grievance with the facility without retaliation or denial of services.

The grievance process must include—

- A clearly explained procedure for the submission of grievances.
- Timeframes for reviewing the grievance.
- A description of how the patient or the patient's designated representative will be informed of steps taken to resolve the grievance.

To meet the current Network Statement of Work goals and to assist facilities to improve the facility level grievance process, to educate facility staff and to educate patients about the grievance process and Network role the Network has developed several resources. These resources are available on our website:

1. **Review the facility grievance policy and procedure.** Please review the internal grievance policy and procedures and modify appropriately to ensure they include the components required under the ESRD Conditions for Coverage 42 CFR §494.180(e) and Patients' Rights including options for filing an anonymous grievance.
  - Use the Grievance Policy and Procedure Review (pages 4-6) of the [Grievance Tune Up Kit](#)
2. **Provide Staff Education with Network resources.** ***Please download*** and include a review of the following:
  - [Huddle Up: Grievance Series #1: Grievance Definition](#)
  - [Huddle Up: Grievance Series #2: Grievance Process](#)
  - [Huddle Up: Grievance Series #3: Retaliation](#)
  - Facility grievance policy and procedures, including documentation and follow up.
  - Network handouts to be provided for patient education as listed in #3.
3. **Provide Patient Education with Network resources.** ***Please download the Network resources to distribute to patients***, patient education should include a review of the definition of grievance, and all options for addressing grievances including the role of the Network.

Patients should be aware that they can: (1) file a grievance, verbally or in writing (both options must be available and patients should not be required to write a grievance down for it to be addressed); (2) file a grievance with the Network and State Survey Agency at any time without going through the facility process first; and (3) submit a grievance anonymously through the facility, Network and/or State Agency.

- “My Network: What to do if I have a concern/grievance” handout ([English](#))
- “My Network: ESRD Networks” ([English/Spanish](#)). Educate patients that the Network is a credible source of information and resources are available at <https://esrd.qsource.org/>.
- Facility grievance policy and procedures. We encourage you to have the patient sign acknowledgement of receipt.

**How to contact the Qsource ESRD Network 12:**

Main Line: 816-880-9990 Option 2 (Patient Services Department Only)

Patient Line: 800-444-9965

Fax: 317-275-2088