

## Memorandum

To: Facility Administrators, Clinic Managers and Social Workers  
From: DeeDee Velasquez-Peralta, LMSW - Patient Services Manager – Qsource ESRD Network 12  
Date: December 16, 2019  
Regarding: Notification of Grievance Definition and Network Role

### \*\*\* Action Required \*\*\*

As ESRD Network 12 begins our next contract year we 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 in order 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).

**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 reprisal 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.

**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.

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."**

In order 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 [here](#) and include:

- **Tune Up to Speak Up tools to improve the grievance process.** Tune up to Speak Up incorporates three main components: 1) process “tune up”; 2) patient partnership; and 3) opportunities for positive interactions through the “Take 5 to Tune In” strategy.
- **Heartland Huddles- Grievance Series.** The Heartland Huddle concept sheets are tools to facilitate a staff discussion, they include a three-part series: 1) definition; 2) process; and 3) retaliation.
- **My Kidney Kit and Patient Education Showcase.** The My Kidney Kit includes “My Network: What to do if I have a concern” and “My Network: ESRD Networks” pages to inform patients of the options for filing a grievance and the role of the Network. The Patient Education Showcase, My Network section includes examples of patient engagement activities conducted by facilities in the Network to educate patients on the grievance process and encourage them to share their concerns and promote a culture of safety. These patient handouts are available at [www.mykidneykit.org](http://www.mykidneykit.org) and [here](#) for the Patient Engagement Showcase.

**Please complete the following actions by February 28, 2020:**

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, including options for filing an anonymous grievance.
2. **Provide Staff Education.** Please download the Network resources and include a review of the following:
  - Facility grievance policy and procedures to document and follow up on patient grievances
  - CMS definition of grievance (Heartland Huddle: Grievance Series #1)
  - grievance process (Heartland Huddle: Grievance Series #2)
  - patient concerns regarding retaliation (Heartland Huddle: Grievance Series #3)
3. **Complete Patient Education.** **Please download the Network resources to distribute to patients**, education should include a review of the following:
  - Facility grievance policy and procedures. We encourage you to have the patient sign acknowledgement of receipt.
  - Review all options for addressing grievances. Patients should be aware that they can: (1) file a grievance, verbally or in writing (both options must be available); (2) file a grievance with the Network and State Survey Agency without going through the facility process first; and (3) submit a grievance anonymously.
  - CMS definition of grievance (“My Network: What to do if I have a concern” handout)
  - Network role (“My Network: ESRD Networks”)
4. **Ensure accessibility of Network posters and My Kidney Kit.** Ensure the Network posters are posted and the My Life, My Choices: Knowledge is Power- My Kidney Kit are in an area accessible to patients.
5. **Register and attend the webinar “2020 Grievance Update”.** This webinar will include a patient perspective and data overview of the grievances processed by the Network last year, the CMS grievance definition, Network process, and how to file a grievance.  
Thursday, January 30, 2020 at 1:00 pm- 2:00 pm Central  
Register at: <https://attendee.gotowebinar.com/register/6286939721250745089>
6. **Complete a Grievance Process Review/Education Report** after completion of steps one through six by **February 28, 2020**. Report at: <https://app.smartsheet.com/b/form/64f4280d85ec4c18853892346e5f6dd8>.

If you have any questions or concerns, please contact Patient Services at 816-880-9990. Thank you for your time and continued efforts to improve the quality of care for people living with ESRD in Iowa, Kansas, Missouri and Nebraska.