

Memorandum

To: Facility Administrators, Clinic Managers and Social Workers
From: DeeDee Velasquez-Peralta, LMSW - Patient Services Manager - Heartland Kidney Network
Date: December 03, 2018
Regarding: Notification of Definition of Grievance

*** Action Required ***

As Heartland Kidney Network 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.

First of all, Federal regulations at 42 CFR §405.2112(g) specify "evaluating and resolving patient grievances" as one of the functions under the ESRD Scope 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). These include the rights to: "...

- (14) Be informed of the facility's internal grievance process;
- (15) Be informed of external grievance mechanisms and processes, including how to contact the ESRD Network and the State Survey Agency;
- (16) Be informed of his or her right to file internal grievances or external grievances or both without reprisal or denial of services; and
- (17) 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 previous contract work, the Network conducted quality improvement activities to improve the facility level grievance process. "Tune Up to Speak Up" resources were developed as part of a Network project to improve the grievance process and patient satisfaction at the facility level. We encouraged facilities to document all grievances according to the CMS definition and to review them in their Quality Improvement meetings to identify trends and develop strategies to improve patient satisfaction. Reframing grievances as an opportunity for improvement, rather than a "problem", can help patients feel more comfortable sharing their concerns and can help facility staff with being more open to learning from the patient experience to improve care.

Tune up to Speak Up incorporates three main components into this comprehensive approach: 1) process "tune up"; 2) patient partnership; and 3) opportunities for positive interactions through the "Take 5 to Tune In" strategy. The project resources are available [here](#).

In order for the Network to meet the current Statement of Work goals and to help facilities meet the requirements and ensure patients' rights, the Network has developed several resources.

***** Action Required*****

1. **Review the Definition of Grievance** as listed in this letter with all staff and patients. It is also included in the patient flyer and staff training materials listed below.
2. **Review all options for Addressing Grievances:** Patients should be aware that they can:
 - a. File a grievance, verbally or in writing (both options must be available);
 - b. File a grievance with the Network and State Survey Agency without going through the facility process first; and
 - c. Submit a grievance anonymously (the facility should offer options for anonymous grievances).
3. **Review the facility grievance policy and procedure** prior to completing staff and patient education. Please review the internal grievance policy and procedures to ensure they are in alignment with the requirements under the ESRD Conditions for Coverage. Consider adding options for filing an anonymous grievance.
4. **Utilize the Heartland Huddle – Huddle Up to Improve the Grievance Process for Staff Education.** This review can be done during a quick team huddle and includes: Grievance Definition; Grievance Process and Retaliation and are available [here](#). [Please download and review with all staff.](#)
5. **Provide patients with a copy of “My Network: What to do if I have a concern” My Kidney Kit page.** Available online in [English](#) and [Spanish](#). [Please download and provide a copy to each of your patients.](#) Visit the Patient Engagement Showcase on our website [here](#) to get great ideas to inform patients of the grievance process in the My Network section.
6. **Ensure the Network’s posters are posted and the My Life, My Choices: Knowledge is Power- My Kidney Kit are in an area accessible to patients.**
7. **Complete a Grievance Process Review/Education Report** after completion of steps one through six by February 28, 2019. Report at: <https://app.smartsheet.com/b/form/d88944029006448396e60b879d9006dd>.
8. **Register and attend the webinar “Grievances and Access to Care Overview”.** Heartland Kidney Network (Network 12) will be co-hosting this session with The Renal Network (Network 10).
Date: January 31, 2019
Time: 1:00 pm- 2:00 pm Central
[Register at: https://attendee.gotowebinar.com/register/6506371447705375491](https://attendee.gotowebinar.com/register/6506371447705375491)
After registering, you will receive a confirmation email containing information about joining the webinar.

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.

Sincerely,



DeeDee Velasquez-Peralta, LMSW
Patient Services Manager