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## Memorandum

To: Facility Administrators, Clinic Managers and Social Workers  
From: DeeDee Velasquez-Peralta, LMSW - Patient Services Manager - Heartland Kidney Network  
Date: December 29, 2017  
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 obligations under Centers for Medicare & Medicaid Services (CMS). 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 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 recent years, the Network has conducted quality improvement activities to improve the grievance process. We encouraged facilities to document all grievances according to this 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.

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\*\*\***

**Please review the following with each of your staff and patients:**

1. **Definition of Grievance:** as listed in this letter.
2. **Options for Addressing Grievances:** Patients should be aware that they can file a grievance and can file a grievance with the Network without going through the facility process first.
3. **The facility policy and procedure with all staff and patients.** 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. **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. **MY KIDNEY KIT- “My Network: What to do if I have a concern” page (For Patient Education):** Updated and online [here](#). Please download and provide a copy to each of your patients.
6. **Patient Engagement Showcase:** visit the showcase on our website [here](#) to get great ideas to inform patients of the grievance process in the My Network section.
7. **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 25, 2018  
Time: 2:00 pm central  
<https://attendeegotowebinar.com/register/9087491478891968003>.  
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