

The Conditions for Coverage for End-Stage Renal Disease Facilities

(Medicare Rules Effective 10-14-08)

Subpart C -- Patient Care

§494.70 Condition: Patients' rights.

The dialysis facility must inform patients (or their representatives) of their rights (including their privacy rights) and responsibilities when they begin their treatment and must protect and provide for the exercise of those rights.

(a) Standard: Patients' rights. The patient has the right to--

- (1) Respect, dignity, and recognition of his or her individuality and personal needs, and sensitivity to his or her psychological needs and ability to cope with ESRD;
- (2) Receive all information in a way that he or she can understand;
- (3) Privacy and confidentiality in all aspects of treatment;
- (4) Privacy and confidentiality in personal medical records: CMS-3818-F 588
- (5) Be informed about and participate, if desired, in all aspects of his or her care, and be informed of the right to refuse treatment, to discontinue treatment, and to refuse to participate in experimental research;
- (6) Be informed about his or her right to execute advance directives, and the facility's policy regarding advance directives;
- (7) Be informed about all treatment modalities and settings, including but not limited to, transplantation, home dialysis modalities (home hemodialysis, intermittent peritoneal dialysis, continuous ambulatory peritoneal dialysis, continuous cycling peritoneal dialysis), and in-facility hemodialysis. The patient has the right to receive resource information for dialysis modalities not offered by the facility, including information about alternative scheduling options for working patients;
- (8) Be informed of facility policies regarding patient care, including, but limited to, isolation of patients;
- (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 his or her own CMS-3818-F 589 medical status as documented in the patient's medical record, unless the medical record contains a documented contraindication;
- (11) Be informed of services available in the facility and charges for services not covered under Medicare;
- (12) Receive the necessary services outlined in the patient plan of care described in §494.90;

- (13) Be informed of the rules and expectations of the facility regarding patient conduct and responsibilities;
 - (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.
- (b) Standard: Right to be informed regarding the facility's discharge and transfer policies. The patient has a right to--CMS-3818-F 590 (1) Be informed of the facility's policies for transfer, routine or involuntary discharge, and discontinuation of services to patients; and
- (2) 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.
- (c) Standard: Posting of rights. The dialysis facility must prominently display a copy of the patients' right 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.