

Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

Ref: S&C-10-17-ESRD
REVISED 05-14-10

DATE: April 23, 2010

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: End Stage Renal Disease (ESRD) Program Survey Guidance on Patient Care
Dialysis Technicians (PCTs) Certification

*****This memo contains a new version of the Surveyor Worksheet and clarifies the use of the worksheet.*****

Memorandum Summary

- **PCT Certification Deadline: April 15, 2010:** Centers for Medicare & Medicaid Services (CMS) regulations require certification by April 15, 2010 of PCTs who have been employed in dialysis facilities since October 14, 2008.
- **Ongoing Certification Dates:** PCTs hired after October 14, 2008, must be certified within 18 months of their date of hire.
- **Surveys conducted after April 15, 2010:** Surveyors are expected to assess the certification status of the PCTs employed at ESRD facilities for determination of compliance with this requirement.
- **Non-compliance:** Facilities should be cited if their PCTs are not certified as required. Standard or Condition level deficiencies may be cited under the Condition for Quality Assessment and Performance Improvement depending on the extent of failure by the facility to address and comply with the requirements.
- **Attachments to Memo:** Two appendices are attached to this memorandum. **Appendix A** is a compilation of the Frequently Asked Questions (FAQs) about PCT certification that have been received at the ESRDSurvey@cms.hhs.gov mailbox since the publication of the new ESRD Conditions for Coverage. These FAQs provide additional guidance that should be used in making survey decisions. **Appendix B** is an optional Surveyor Worksheet which may be used to collect the information about the certification status of the PCTs.

Background:

The new ESRD Conditions for Coverage, published on April 15, 2008, **stated** that PCTs employed prior to October 14, 2008, must be certified by either a State or National **CMS-approved** dialysis technician certification program by April 15, 2010 (**i.e., within 18 months**). PCTs hired after October 14, 2008, must be certified within 18 months of their date of hire.

After April 15, 2010, uncertified technicians who have been employed for more than 18 months may not provide direct patient care and may not be counted as direct care staff. The attached FAQs describe the limitations for the role of uncertified patient care technicians after April 15, 2010.

Survey Procedures:

Determination of compliance with the PCT certification requirement should be reviewed routinely during Medicare ESRD certification, recertification and complaint surveys. Deficient practices will be cited when identified using the following Tasks from the Basic ESRD Survey Process:

- **Task 4-Entrance Conference:** Surveyors should compile a current staff work schedule and a listing of all PCTs employed at the facility, along with their hire dates, and dates of their certification from a CMS-approved National or State certification program. An optional survey worksheet “Verification of Dialysis Patient Care Technician Certification” is attached to this memorandum.
- **Task 3-Tour and Observation of Care; Task 10-Patient Interviews; Task 11-Medical Record Review; and/or Task 12-Personnel Interviews:** During the performance of any or all of these Tasks make note of any information which may indicate a staff member is functioning without appropriate PCT certification, including name(s) of the individual PCT involved. Any identified PCT related issues occurring after April 15, 2010, should be used in identifying the sample for Personnel File Review (Task 14).
- **Task 14-Personnel File Review:** Select a sample of PCT files to review. This sample should include PCTs identified during the Tasks above and PCTs whose job history shows discrepancies between the current staff work schedule and the information collected on the optional surveyor worksheet. The sample size should represent 50% of the PCTs employed or at least 5 for facilities with fewer than 10 PCTs. The sample should include PCTs hired prior to as well as after October 14, 2008. Review assignment records and/or time records to determine if uncertified PCTs are providing direct patient care. Recognize that the requirements for completion of an approved training program (V693) and demonstration of competency (V681) continue in addition to the requirements for certification. The PCT sample size may be expanded to determine the extent of non-compliance if concerns regarding certification are identified.
- **Task 13-Quality Assessment and Performance Improvement (QAPI) Review:** If there are PCTs employed without the required certification, the surveyor should look for evidence in the QAPI materials that the facility has (1) addressed the regulation of obtaining required certification; (2) developed and implemented a plan for achieving timely and appropriate PCT certification; and (3) provided a mechanism to ensure that uncertified PCTs with greater than 18 months experience are not providing direct patient care. Failure to comply with these requirements is a deficient practice at the Standard level under V628 or at the Condition level under V625, depending upon the level of negligence in the QAPI program.

- **Task 15-Decision Making:** Discuss the findings with the survey team (if applicable) to determine **if a citation is indicated**; the level of citation; and if further interviews, **record** reviews, or observations are indicated. The following general guidelines apply to deficiency determinations for uncertified PCTs:
 - **Non-compliance** should be cited under Personnel Qualifications in the Conditions for Coverage at V695 if the investigation shows that any PCT providing direct patient care does not have the required certification in place. If the facility’s QAPI program did not fully address one or more of the three areas listed above under Task 13, cite this at the Standard level at V628.
 - **Condition level non-compliance** should be cited under Personnel Qualifications in the Conditions for Coverage at V680 if the investigation shows that applicable PCTs were not certified as required. If the facility’s QAPI program did not fully address the three areas listed above under Task 13, cite this at the Condition level at V625.

Please address questions and comments about this memorandum to Judith Kari at judith.kari@cms.hhs.gov.

Effective Date: The information contained in this memorandum is current policy and is in effect for all ESRD facilities. The State Agency should disseminate this information within 30 days of the date of this memorandum.

/s/
Thomas E. Hamilton

Attachments: Frequently-Asked-Questions regarding PCT Certification
Surveyor Worksheet (Optional): Verification of Dialysis Patient Care Technician Certification

cc: Survey and Certification Regional Office Management