



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

August 15, 2018

DHDTC DAL 18-11

Dear Dialysis and Nursing Home Providers:

In 2017, the Centers for Medicare and Medicaid Services (CMS) recognized a new modality of dialysis therapy, Nursing Home Hemodialysis. This service was previously allowed by CMS under Home Dialysis and approved by the New York State Department of Health (Department) on a limited basis under the State operating certificate service category of *Home Hemodialysis Training and Support*. CMS has yet to finalize guidance for federal requirements for the dialysis providers.

A new CMS State Operations Manual (SOM) released in November of 2017 includes more detailed requirements for nursing home surveys related to expectations for the performance of dialysis in nursing homes. Based on a review of this recently released SOM for surveys of nursing home hemodialysis, and a further review of the State regulations and the draft CMS guidance for the dialysis providers, the Department is assessing the appropriate process for allowing dialysis in nursing homes. There are currently two models of service delivery being considered by providers: 1) delivery of dialysis at the resident's bedside, and 2) delivery of dialysis in a dedicated space in the nursing home, also known as a den.

Bedside Model

Providers seeking approval to perform dialysis at the nursing home resident's bedside will continue to be approved under the existing rules and process. The provider must have a fixed location licensed as a Diagnostic and Treatment Center with the certified service of *Home Hemodialysis Training and Support*, and must submit a request to its DOH regional office for each nursing home it seeks to serve. Acceptable policies and procedures and an agreement between the dialysis provider and the nursing home will continue to be required before service delivery can begin. Except for residents who are trained and capable of self-performing home hemodialysis or peritoneal dialysis, **RN's who are employees of the dialysis provider and meet the requirements at 10 NYCRR §757.2(a)(4) must perform the dialysis procedure and may perform dialysis on no more than two residents at one time.** The provider must provide an updated federal form CMS 3427 each time the Department approves a new nursing home to perform bedside dialysis.

Dedicated Space or Den Model

To date one dialysis provider has been established in New York State to provide hemodialysis in dedicated spaces or “dens” in several nursing homes. These approvals have followed the existing process for certifying the service of *Home Hemodialysis Training and Support*. However, based on the experience of approving these locations, the Department has determined it is necessary to undertake a review of the process for evaluation of applications for this model of providing dialysis services. The Department is determining if there should be a unique service category for the den model and if a certificate of need application is necessary, including pertinent architectural and programmatic standards. Additionally, the Department will create standardized guidance documents for the safe and effective delivery of dialysis services in dedicated spaces in nursing homes and will develop a mechanism to evaluate the impact of any space reconfiguration on nursing home residents.

No additional applications for the creation of dedicated spaces or “dens” in nursing homes will be considered while the review is being conducted, which we expect will take three to six months.

Should you have questions, please submit them to the Department using the following link: <https://apps.health.ny.gov/surveyd8/email-hospdtc#no-back>. Then, select “General Inquiries” from the Subject drop down box.

Sincerely,

Ruth Leslie, Director
Division of Hospitals and Diagnostic &
Treatment Centers

cc: Shelly Glock, Director
Division of Nursing Homes and ICF/IID Surveillance