**October 3, 2007** 

## DATA REQUIREMENTS FOR VHA DIALYSIS UNIT TO SEND TO END STAGE RENAL DISEASE (ESRD) NETWORKS

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive defines the responsibilities of each facility, providing dialysis services, for participation in the national end stage disease registry set forth in 1881(c)(7) of the Social Security Act (currently referred to as the United States Renal Data System (USRDS) (see par. 5).

#### 2. BACKGROUND

- a. The End Stage Renal Disease (ESRD) Program was established in 1972, pursuant to the provisions of §29I, Public Law 92-603. The Program Management and Medical Information System (PMMIS) was created in response to the Centers for Medicare and Medicaid Services (CMS) requirement to provide information on ESRD patients. The ESRD PMMIS system of records was established by a Federal Register Notice on December 29, 1988. Data in this system are used primarily to:
  - (1) Meet and implement statutory requirements of Public Law 92-603,
  - (2) Meet other legislative requirements, and
  - (3) Support ESRD research, quality improvement projects, and public service programs.
- b. CMS contracts with 18 ESRD Network Organizations (see Att. A) throughout the United States to review and analyze the data. ESRD Networks perform oversight activities and compare performance of dialysis sites to ensure the appropriateness of services and protection for patients with ESRD.
- c. Information for this system is collected primarily through the ESRD Networks, which were established to serve as liaisons between the Federal government and the provider of ESRD services. Reporting includes the completion of required forms (see Att. B) consistent with the ESRD Instruction Manual for Renal Providers, and timely transmittal of all the completed, required forms provided by CMS according to the reporting schedule of the ESRD Network.
- d. All Department of Veterans Affairs (VA) Dialysis Program sites receive assistance and support from the ESRD Network. Particular emphasis is placed on the review and analysis of VA's performance in the ESRD Clinical Performance Measures (CPM) Project, an initiative designed to provide information to all stakeholders and to conduct quality improvement initiatives and activities.

THIS VHA DIRECTIVE EXPIRES OCTOBER 31, 2012

### VHA DIRECTIVE 2007-032 October 3, 2007

- e. VHA Central Office receives an annual nationwide report on how VA ESRD sites compare to non-VA ESRD sites, and forwards this report to each Veterans Integrated Service Network (VISN) office.
- f. The data VA reports to CMS is protected health information (PHI) and subject to the requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, Privacy Act of 1974 and Title 38 United States Code (U.S.C.) §5701. VA may disclose this PHI to CMS under the HIPAA Privacy Rule public health reporting provisions (Title 45 Code of Federal Regulations (CFR) §164.512(b)), (see the Privacy Act Routine Use #10 published in the "Patient Medical Records-VA" system of records, and 38 U.S.C. §5701(b)(3) and (e)). The disclosure of PHI to CMS must be tracked in accordance with accounting of disclosures provisions of VHA Handbook 1605.1, Privacy and Release of Information.

**NOTE:** Information protected under 38 U.S.C. §7332 cannot be provided as part of the reporting of data to CMS, unless a proper signed, written authorization from the patient is obtained.

**3. POLICY:** It is VHA policy that each VHA Dialysis Unit must comply with the data collection and submission procedures established by the ESRD Network Organizations for patients with ESRD in compliance with VHA Handbook 1605.1.

#### 4. ACTION

- a. <u>Under Secretary for Health.</u> The Under Secretary for Health, or designee, is responsible for ensuring that an Interagency Agreement with a Data Transfer Agreement (DTA) is signed with CMS that includes a Data Transfer Agreement (DTA) that:
  - (1) Addresses the reporting of data to CMS,
  - (2) Outlines the protections for the data within each Department, and
- (3) Incorporates an inclusion whereby CMS agrees to inform VHA in writing every 3 years whether VHA data is still needed for this reporting activity.
- b. <u>Chief of the Dialysis Unit.</u> The facility Chief of the Dialysis Unit has the ultimate responsibility for:
  - (1) Contacting the appropriate ESRD Network Organization (see Att. A).
  - (2) Obtaining the required forms (see Att. B).
- (3) Ensuring that reporting is performed in accordance with privacy requirements when required by the ESRD Network.
- (4) Correcting and resolving discrepancies in data before they are reported to the ESRD Network Office.

- (5) Training all VA personnel responsible for recording and compiling VA data required by the ESRD Network.
- (6) Paper forms, created for reporting of the limited data set, are shipped by using a secure method that allows for tracking of the package with signature for receipt required to ensure chain of trust in data transfers. A list of the patient names reported in each shipped data set must be maintained in a secure and appropriate manner.
  - (7) Ensuring that any electronic forms are submitted in a secure manner.
- c. <u>ESRD Network.</u> After receipt of complete data sets received from VA sites, the ESRD Network provides VA with facility-specific reports to allow it to compare its medical care performance with the rest of the provider community.
- 5. REFERENCES: None.
- **6. FOLLOW-UP RESPONSIBILITY:** The Office of Patient Care Services, Program Director, Renal Diseases, (111A) is responsible for the contents of this Directive. Questions may be addressed to 202-273-8530.
- **7. RESCISSION:** VHA Directive 2001-024 is rescinded. This VHA Directive expires October 31, 2012.

Michael J. Kussman, MD, MS, MACP Under Secretary for Health

DISTRIBUTION: CO: E-mailed 10/5/2007

FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mailed 10/5/2007

#### ATTACHMENT A

### END STAGE RENAL DISEASE (ESRD) NETWORK PROVIDERS

ESRD NW of New England Network 1

(CT, ME, MA, NH, RI, VT) 30 Hazel Terrace

> Woodbridge, CT 06525 Phone: 203-387-9332 Fax: 203-389-9902

Email: HYPERLINK "mailto:info@nwl.esrd.net"

Network 2 ESRD NW of New York, Inc. (NY)

11 Park Place, Suite 1503

New York, NY 10007 Phone: 212-571-8500 Fax: 212-571-8509

Email: HYPERLINK "mailto:info@nw2.esrd.net"

Network 3 Trans-Atlantic Renal Council (NJ, PR, VI) Cranbury Gates Office Park

109 South Main Street, Suite 21

Cranbury, NJ 08512 Phone: 609-490-0310 Fax: 609-490-0835

Email:HYPERLINK"mailto:jsolanchick@nw3.esrd.net"

Network 4 ESRD NW 4, Inc.

40 24<sup>th</sup> Street, Suite 410 (DE, PA)

> Pittsburgh, PA 15222 Phone: 412-325-2250 Fax: 412-325-1811

Email: HYPERLINK "mailto:info@nw4.esrd.net"

Network 5 Mid-Atlantic Renal Coalition

(DC, MD, VA, WV) 1527 Huguenot Road

Midlothian, VA 23113 Phone: 804-794-3757 Fax: 804-794-3793

Email: HYPERLINK mailto:marc@nw5.esrd.net

## VHA DIRECTIVE 2007-032

**October 3, 2007** 

Network 6

(GA, NC, SC)

Southeastern Kidney Council 1000 St. Albans Drive, Suite 270

Raleigh, NC 27609 Phone: 919-855-0882 Fax: 919-855-0753

Email: HYPERLINK "mailto:info@nw6.esrd.net"

Network 7

(FL)

FMQAI: The Florida ESRDS Network

5201 West Kennedy Blvd.

Suite 900

Tampa, FL 33606 Phone: 813-383-1530 Fax: 813-354-1514

Email: HYPERLINK "mailto:info@nw7.esrd.net"

Network 8 (AL, MS, TN)

Network 8, Inc. P.O. Box 55868

Jackson, MS 39296-5868 Phone: 601-936-9260 Fax: 601-932-4446

Email: HYPERLINK mailto:jfuller@nw8.esrd.net

Networks 9 and 10 (IL, IN, KY, OH)

The Renal Network, Inc. 911 East 86th, Suite 202 Indianapolis, IN 46240 Phone: 317-257-8265 Fax: 317-257-8291

Email: HYPERLINK "mailto:sstark@nw10.esrd.net"

Network 11

(MI, MN, ND, SD, WI)

Renal Network of the Upper Midwest, Inc.

1360 Energy Park Drive, Suite 200

St. Paul, MN 55108 Phone: 651-644-9877 Fax: 651-644-9853

Email: HYPERLINK mailto:info@nw11.esrd.net

### VHA DIRECTIVE 2007-032 October 3, 2007

Network 12

(IA, KS, MO, NE)

ESRD Network #12

7505 NW Tiffany Springs Pkwy

Suite 230

Kansas City, MO 641553 Phone: 816-880-9990 Fax: 816-880-9088

Email: HYPERLINK "mailto:kdinkel@nw12.esrd.net"

Network 13

(AR, LA, OK)

ESRD NW Organization #13

4200 Perimeter Center Drive, Suite 102 Oklahoma City, OK 73116-2314

Phone: 405-948-2248 Fax: 405-942-6884

Email: HYPERLINK "mailto:pphilliber@nw13.esrd.net"

Network 14

(TX)

ESRD Network of Texas, Inc. 14114 Dallas Pkwy, Suite 660

Dallas, TX 75254 Phone: 972-503-3215 Fax: 972-503-3219

Email:

HYPERLINK "mailto:gharbert@nw14.esrd.net"

Network 15

(AZ, CO, NV, NM, UT, WY)

Intermountain ESRD Network 1301 Pennsylvania Street

Suite 750

Denver, CO 80203-5012 Phone: 303-831-8818 Fax: 303-860-8392

Email: HYPERLINK "mailto:drodgers@nw15.esrd.net"

Network 16

(AK, ID, MT, OR, WA)

Northwest Renal Network 4702 42nd Avenue, SW Seattle, WA 98116

Phone: 206-923-0714 Fax: 206-923-0716

Email:

HYPERLINK "mailto:mhanthorn@nw16.esrd.net"

#### **VHA DIRECTIVE 2007-032**

October 3, 2007

Network 17

(AS, Guam, Mariana Islands., HI, N CA)

TransPacific Renal Network

4470 Redwood Highway, Suite 102

San Rafael, CA 94903 Phone: 415-472-8590 Fax: 415-472-8594

Email: HYPERLINK "mailto:akregness@nw17.esrd.net"

Network 18

(Southern California)

Southern California Renal Disease Council

6255 Sunset Boulevard, Inc.

**Suite 2211** 

Los Angeles, CA 90028 Phone: 323-962-2020 Fax: 323-962-2891

Email: HYPERLINK "mailto:network18@nw18.esrd.net"

#### ATTACHMENT B

# DATA THAT MAY BE REQUIRED FROM VA DIALYSIS SITES BY END STAGE RENAL DISEASE (ESRD) NETWORKS

A list of the Department of Veterans Affairs (VA) Dialysis Units can be found on the following Web site at: <a href="http://www1.va.gov/kidney/docs/Dialysis\_Units.doc">http://www1.va.gov/kidney/docs/Dialysis\_Units.doc</a>.

The following forms may be required by the End Stage Renal Disease (ESRD) Networks:

- 1. Centers for Medicare and Medicaid Services (CMS) Form 2728-U3 (06/24), End Stage Renal Disease Medical Evidence Report, Medicare Entitlement and/or Patient Registration: This form is completed for all new patients within 45 days of either beginning a regular course of renal dialysis or receiving a kidney transplant.
- **2. CMS Form 2746-U3 (10/04), ESRD Death Notification:** This form is completed within 30 days for all ESRD patients who die.
- 3. CMS Form 2744 (A & B), ESRD Medical Information System ESRD Facility Survey: This form is completed annually to report the number of dialysis patients and the number of transplants performed.
- **4.** CMS Form 820 (1/27/05), In-Center Hemodialysis (HD) Clinical Performance Measures **Data Collection Form:** Currently this data is collected on all VA patients.
- **5.** CMS Form 821 (1/20/05), Peritoneal Dialysis (PD) Clinical Performance Measures Data Collection Form: Currently this information is collected on a random sample basis; however, it is expected that it will be collected on all patients beginning in 2008.

**NOTE**: Information protected under Title 38 United States Code (U.S.C.) §7332 may <u>not</u> be included or provided on the above forms unless a properly executed authorization from the patient is obtained. Contact the facility Privacy Officer if assistance is needed in obtaining an authorization from the patient.

#### ATTACHMENT C

# MEMORANDUM OF UNDERSTANDING FOR DATA SHARING AND USE FOR HEMODIALYSIS

The following is a copy of the Memorandum of Understanding between the Department of Veterans Affairs and the Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for the sharing of information regarding the Veterans Health Administration End Stage Renal Disease Program.

