

The Nephrologist As Medical Director

A Clash of Cultures or Evolving History?

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FOR

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Q. What do Shana Alexander and Shep Glazer have in common?

A. Both played a role in the
creation of the Medicare
ESRD program.

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Shana Alexander

In 1962 Shana Alexander authored a Life Magazine story "They Decide Who Lives, Who Dies – Medical miracle and a moral burden of a small committee."

The article outlined the Seattle committee who made life and death selections of patients worthy of dialysis -- the beginnings of medical bioethics.

The article highlighted the dilemma of a society that had life saving technology that was unavailable to all citizens due to costs.

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Shep Glazer

Nine years later, in 1971, Shep Glazer was a patient who dialyzed in the hearing room before the House Ways and Means Committee to demonstrate the need for federal support of this life saving technology.

Afterwards an ESRD amendment to HR 1 (establishing the Medicare program) was adopted with 30 minutes discussion. Minor modifications were made in joint resolution (reducing the waiting time from 6 months to 3 months) with 10 minutes discussion.

The entire complex bill was signed by President Nixon in October 1972.

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The Regulation Years

Payment for services started in 1973 and were followed by years of regulations detailing requirements for every aspect of the program. All are contained in 42 CFR Ch IV Subpart U.

To receive Medicare reimbursement, each dialysis provider must be in compliance with all requirements in Subpart U regulations.

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Subpart Who??

Subpart U regulations (42 CFR IV) set forth conditions for Medicare certification as an ESRD provider.

The so called "Conditions of Coverage"

These regulations state that there must be a physician medical director who has had at least 12 months experience or training in care of patients at an ESRD facility.

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Physician Medical Director

The physician medical director need not devote full time as Director but is responsible for planning, organizing, conducting, and directing the professional ESRD services and must devote sufficient time to carrying out these responsibilities.

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Dialysis Units

- Dialysis units are outpatient health care centers devoted exclusively to providing safe and effective dialysis to patients with ESRD.
- Dialysis units are licensed by Medicare and supervised by federal and state certification bodies.

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Dialysis Units

- Dialysis units are also governed by a "Governing Body" which provide the legal authority over activities in the facility.
- Governing body:
 - Can be on a facility level or regional level
 - Reviews and approves all appointments to the facility (admitting privileges, staffing levels, etc...)
 - Provides oversight of processes to safeguard the health and safety of patients, visitors, and staff. (approval of P&P)
 - Responsible for overseeing professional staff activities and enforcing by-laws.

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Governing Body

The medical director is considered part of the governing body and as such has additional responsibilities with other members of the governing body (such as the chief executive officer).

These include participation in the development and oversight of patient care policies that address:

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Patient Care Policies

- Scope of services provided by facility
- Admission and discharge policies
- Medical supervision and physician services
- Patient long term programs, care plans and methods of implementation
- Care of patients in medical emergencies
- Pharmaceutical services

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Patient Care Policies

- Medical records
- Administrative records
- Use and maintenance of the physical plan and equipment
- Consultant qualifications, functions and responsibilities
- Provision of home dialysis support services (if applicable)

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Contractual Relationship

- Dialysis unit has no contractual relationship with attending nephrologist. They attend based on successful credentialing with privileges for admitting patients to the facility
- Contractual relationship with Medical Director:
 - Historical basis.
 - On hourly basis (ER physician rates).
 - On basis of "Fair Market value".
 - No relationship to number of patients.
 - Usually includes a "non-compete" clause, for paid relationships with competing entities, (excluding practice of medicine).

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The Dialysis Unit ...NOT

- Dialysis units are not "mini-emergency" rooms.
 - No access to "blood gases, CXR, dopamine drips, etc..."
 - No access to meds other than routine meds (Epo, Vit. D, Iron) and selected (P&T approved) antibiotics.
 - Cannot keep patients in dialysis chairs while waiting for attending visit.
 - Patients are not "seen" or examined every treatment (unlike in-patient dialysis)

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Medical Director Duties & Responsibilities

- The Medical Director as an independent contractor is responsible to the Chief Medical Officer of Fresenius Medical Care.
- Three components of the duties:
 - Administrative
 - Medical
 - Technical

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Medical Director Duties & Responsibilities

- Administrative Participation
 - Actively participate in facility Quality Improvement programs.
 - Assure written policies & guidelines re: P&P, communicable disease control, medical records, patient & staff education, emergency preparedness, responsibilities of each category of personnel.
 - Review Quality indicator & patient satisfaction data
 - Assure compliance with FMCNA and regulatory mandates
 - Review incident reports, complaints and disciplinary action.
 - Document performance of duties with a written log on a monthly basis

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Medical Director Duties & Responsibilities

- Medical Oversight
 - Coordinate renal health team to ensure quality care
 - Suitability of patients admitted to the facility
 - Implementation patient care P&Ps
 - Appropriateness of dialysis prescriptions
 - Administration of medications per the Facility Drug Inventory
 - Administration of vaccines for patients and staff
 - Supervise implementation of both short term care plans and long term programs
 - Supervise implementation of written policies outlining options for treatment modalities
 - Ensure patient consultation with dietitians, social workers, etc.
 - Use reasonable efforts to cause attending physicians to comply with facility policy on patient care

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Medical Director Duties & Responsibilities

- **Technical Oversight**
 - Participate in the selection of cost-effective treatment modalities and supplies
 - Review & approve P&Ps that ensure adequate training of nurses & technicians
 - Provide availability for medical & technical questions to the staff
 - Supervise dialysis water standards policy & monitoring
 - Supervise dialyzer reuse policy including monitoring
 - Supervise the administration of intradialytic medications policy

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Thank You !

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