

August 22, 2023

Honorable Chiquita Brooks-LaSure
Administrator, Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
P.O. Box 8010
Baltimore, MD 21244-1850

Submitted electronically at www.regulations.gov

Re: Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals With Acute Kidney Injury, End-Stage Renal Disease Quality Incentive Program, and End-Stage Renal Disease Treatment Choices Model [CMS-1782-P]

Dear Administrator Brooks-LaSure:

The American Nurses Association (ANA) appreciates the opportunity to comment on fiscal year 2024 End-Stage Renal Disease (ESRD) Prospective Payment System proposed rule. ANA applauds the work of the Centers for Medicare & Medicaid Services (CMS) to continue improving the ESRD program. ANA offers comments on 1) Staffing to ensure patients have adequate access to nurses qualified in nephrology care; and 2) the importance of proposed health equity focused measures and modified COVID-19 vaccination for healthcare personnel measure in the ESRD Quality Incentive Program (QIP).

ANA is the premier organization representing the interests of the nation's over 5 million registered nurses (RNs) through its state and constituent member associations, organizational affiliates, and the individual members. ANA advances the nursing profession by fostering high standards of nursing practice, promoting a safe and ethical work environment, bolstering the health and wellness of nurses, and advocating on health care issues that affect nurses and the public. RNs serve in multiple direct care, care coordination, and administration leadership roles, across the full spectrum of health care settings. RNs provide and coordinate patient care, educate patients and the public about various health conditions including essential self-care, and provide advice and emotional support to patients and their family members. ANA members also include the four APRN roles: nurse practitioner, certified nurse midwife, clinical nurse specialist, and certified registered nurse anesthetist. ANA is dedicated to partnering with health care consumers to improve practice, policies, delivery models, outcomes, and access across the health care continuum.

1. Nephrology nurses are essential to patient safety care quality in the ESRD program.

Nephrology nurses play a critical role in patient education and closing gaps in access to quality ESRD care. CMS' Conditions for Coverage require RNs to lead the training of patients and their caregivers on in-home dialysis care. As CMS works to address the nurse staffing crisis, ANA urges the continued enforcement of this requirement. Nephrology nurses are necessary in this role because of their professional expertise in setting up in-home dialysis care and troubleshooting, educating patients and caregivers, and providing overall care coordination. Especially as CMS continues to prioritize in-home dialysis and the End-Stage Renal Disease Treatment Choices (ETC) model, replacing nephrology nurses with unqualified personnel would risk patient safety. Nephrology nurses' training and education are not

transferable, and their role in the program ensures the quality and consistency of care required for successful patient outcomes. ANA recommends CMS coordinate with the American Nephrology Nurses Association (ANNA) and their Home Dialysis Therapies Task Force to ensure investment in the nephrology nursing profession when addressing workforce shortages.

2. The proposed health equity focused measures and modified COVID-19 vaccinations for healthcare personnel measure are important for the QIP.

ANA strongly supports CMS' proposal to adopt the Facility Commitment to Health Equity Reporting Measure, Screening for Social Drivers of Health, and Screen Positive Rate for Social Drivers of Health measures in the QIP. As CMS notes in the proposed rule, health disparities persist in the U.S. causing worse health outcomes for marginalized communities, especially communities of color who face disproportionate risk for kidney disease.¹ Providing equitable care to patients has long been an ethical imperative for the nursing profession and nephrology nurses are critical to closing care and education gaps for communities who face many barriers to kidney disease care and prevention. Nephrology nurses cultivate trust and communication with patients and their caregivers which is critical for addressing health disparities. Nurses can be key partners in CMS' effort to ensure that health equity focused measures truly capture the needs of patients, the impact of nursing care on patients, reflect the role of the nurse in identifying and addressing health disparities, all while balancing administrative burden.

ANA continues to encourage CMS to examine recommendations contained in the National Academy of Medicine's Future of Nursing 2020-2030 report, *Charting a Path to Achieve Health Equity*.² Some of the recommendations in the report call on government agencies and other stakeholders to take action that allow nurses to comprehensively address social determinants of health across care settings, allow nurses to practice to the top of their license, support the mental well-being of nurses and ensure a robust and diverse workforce ready for future challenges, and implement payment strategies that support addressing patients' social needs and health equity challenges. The report also specifically calls on CMS, with other federal agencies, to convene nurses and other key stakeholders to work together to identify research areas and other evidence-based approaches that examine the impact of nursing services on patients' health and nurses' well-being.

Additionally, ANA continues to support COVID-19 vaccinations for healthcare personnel as immunizations for preventable diseases protect public health and follow nursing professional and ethical obligations.³ Consistent vaccination is an important tool to respond to current and future infectious threats. Yet uptake of COVID-19 boosters among healthcare personnel remains low. By modifying the COVID-19 Vaccination Coverage Among Healthcare Personnel measure to track "up to date" vaccination status as defined by CDC guidance, uptake of boosters will be encouraged. This is critical for nurses who are at higher risk of exposure to infectious diseases due to their frontline patient care positions and continued tracking of vaccination status of healthcare personnel will allow facilities to better prepare for the future.

¹ National Kidney Foundation. *Race, Ethnicity, and Kidney Disease*. 2020. Available at: <https://www.kidney.org/atoz/content/minorities-KD>.

² National Academy of Medicine. *The Future of Nursing 2020-2030: Charting a Path to Achieve Health Equity*. 2021. Available at: <https://nam.edu/publications/the-future-of-nursing-2020-2030/>.

³ American Nurses Association. *Position Statement: Immunizations*. Updated November 23, 2021. Available at: <https://www.nursingworld.org/~4afdf9/globalassets/docs/ana/practice/official-position-statements/immunizations-position-statement-nov-2021.pdf>.

Thank you for the opportunity to submit comments on this proposed rule. If you have any questions, please contact Tim Nanof, Vice President, Policy and Government Affairs, at tim.nanof@ana.org or (301) 628-5166.

Sincerely,



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