



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

Ref: S&C-10-17-ESRD

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

Memorandum Summary

- **PCT Certification Deadline: April 15, 2010:** Centers for Medicare & Medicaid Services (CMS) regulations require certification of PCTs by April 15, 2010, 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.
- **Condition level non-compliance:** Facilities should be cited at the Condition level if most of 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 the deficient practice. CMS will use administrative sources to verify that a plan of correction will be implemented.
- **Attachments to Memo:** Two appendices are attached to this memorandum. **Appendix A** is a compilation of the Frequently Asked Questions (FAQs) about PCT certification which 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 which should be used in making survey decisions. **Appendix B** is an optional Surveyor Worksheet which may be used by surveyors to collect the information about the certification status of the PCTs.

Background:

The new ESRD Conditions for Coverage, published on April 15, 2008, require that PCTs who have been employed since October 14, 2008, must be certified by either a CMS-approved State or National dialysis technician certification program by April 15, 2010. PCTs hired after

October 14, 2008, must be certified within 18 months of their date of hire. Any surveys of ESRD facilities conducted after April 15, 2010, must include review of the certification of PCTs.

Refer to S&C-09-01, dated October 3, 2008, for the text and Interpretive Guidance to the ESRD Conditions for Coverage. Refer to S&C-10-03-ESRD, dated October 30, 2009, for detailed information regarding the definition of a PCT, additional requirements in the ESRD Conditions for Coverage for PCT qualifications, and State and National PCT certification programs which are currently approved by CMS.

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 limitations on 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 ask the facility administrative staff for 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. The optional survey Worksheet for Verification of Dialysis Patient Care Technician Certification which is attached to this memorandum can be given to the facility to complete.
- **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 potential PCT-related issues, including name(s) of the individual PCT involved. 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 that represent discrepancies between the current staff work schedule and the information provided by the facility (e.g., Worksheet for Verification of Dialysis Patient Care Technician Certification). 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 10/14/2008. Compare the facility-provided information (e.g., Worksheet) to personnel files for the sample selected to verify the accuracy of the information and identify deficient practice. You may need to look at assignment records and time records to see 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 if concerns are identified, to determine the extent of non-compliance.

- **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.

- **Task 15-Decision Making:** Discuss the findings with the survey team (if applicable) to determine what to cite and the level of citation, and if further interviews, reviews, or observations are indicated. The following general guidelines apply to deficiency determinations for uncertified PCTs:
 - **Standard level 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 most of the applicable PCTs were not certified as required. If the facility’s QAPI program did not fully address any of the three areas listed above under Task 13, cite this at the Condition level at V625. CMS will use administrative sources to verify that a plan of correction will be implemented.

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
Worksheet for Verification of Dialysis Patient Care Technician Certification
(optional)