



Dialysis & Nephrology

DIGEST

A monthly report by Benesch on the
Dialysis & Nephrology Industry

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February 8, 2024

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Calendar of Events

FEBRUARY 6, 2024

OEIS Legal Webinar: Putting a Stethoscope to the Heart of Your Practice and Remediating Compliance Concerns

For more information, please click [here](#).

FEBRUARY 23–25, 2024

ASDIN: 20th Annual Scientific Meeting

New Orleans, LA

For information, please click [here](#).

MARCH 3–6, 2024

American Venous Forum: Annual Meeting

Tampa, FL

For information, please click [here](#).

MARCH 23–27, 2024

2024 Society of Interventional Radiology Annual Scientific Meeting

Salt Lake City, UT

For information, please click [here](#).

APRIL 11, 2024

RPA Seminar: 2024 Nephrology Coding and Billing Workshop

For more information, please click [here](#).

APRIL 11–14, 2024

RPA 2024 Annual Meeting

Baltimore, MD

For information, please click [here](#).

APRIL 14–17, 2024

ANNA: National Symposium

Orlando, FL

For more information, please click [here](#).

APRIL 25, 2024

OEIS Marketing Strategy Workshop

Las Vegas, NV (Concurrent with 2024 OEIS Annual Meeting)

For more information, please click [here](#).

APRIL 25, 2024

2024 OEIS Technology Forum

Las Vegas, NV (Concurrent with OEIS Annual Meeting)

For more information, please click [here](#).

APRIL 25–27, 2024

OEIS: 11th Annual National Scientific Meeting

Las Vegas, NV (Annual Meeting Agenda)

For information, please click [here](#).

MAY 14–18, 2024

NKF: Spring Clinical Meetings

Long Beach, CA

For information, please click [here](#).

SEPTEMBER 20–24, 2024

ANNA: Nephrology Nursing Summit

Atlanta, GA

For more information, please click [here](#).



Please contact us if you would like to post information regarding your upcoming events or if you'd like to guest author an article for this newsletter.

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Dialysis & Nephrology DIGEST

Learn more about Benesch's Immigration Practice [here](#).

Benesch
Benesch's Immigration Practice

The Pain Points

- As more businesses require skilled professional and technical employees from throughout the world, experience is required to navigate the procedures relating to U.S. immigration laws.
- Advance planning is critical to successful outcomes in immigration sponsorship and to avoiding issues related to compliance matters.

Our Experience

- Assisting multi-national corporations seeking to employ or transfer international personnel to the United States
- Helping local and international organizations obtain the appropriate visas, work authorizations, permanent residency and citizenship. Our Immigration team has a proven track record of advising clients and obtaining visas in the most complex and time-sensitive situations.
- Facilitating employment of foreign nationals through the appropriate work visa, including preparing applications for professionals, religious workers, investors, skilled and unskilled laborers, intercompany transferees and outstanding and extraordinary outstanding individuals
- Preparation of immigrant visa "green card" petitions, applications for adjustment of status and derivative applications
- Handling immigration-related appeals before the U.S. Department of Labor
- Handling all aspects of employment of foreign medical graduates and nurses, including having secured approval of health professional shortage areas (HPSA)
- Preparing waivers for nonimmigrant and immigrant visa applications, including hardship, no objection, and state and federal J-1 visa waivers
- Preparing waivers for nonimmigrant and health systems
- Acting as immigration counsel for numerous start-up and established technology and web hosting companies, including addressing all inbound and outbound immigration needs and compliance issues
- Acting as immigration counsel for numerous start-up and established technology and web hosting companies, including addressing all inbound and outbound immigration needs and compliance issues
- Assisting with outbound immigration of U.S. employees to and employing foreign nationals in countries such as Canada, Mexico, Schengen Area, Australia, China, the Philippines and India

Representative Matters

- Reprimanding former Fortune 500 polymer company in the placement of its personnel in the U.S. and internally through both immigrant and nonimmigrant visa filings, including labor certifications
- Secured the successful designation of several hospitals as Health Professional Shortage Area facilities, thereby enabling them to recruit and retain foreign-born physicians to expand and grow its services
- Created I-9 audit program for a Top 10 United States commercial daily review and guidance on I-9 issues
- Successfully secured EB-1A (E11) extraordinary ability permanent residency approvals without PER for scientific authority, and a research and development chemist
- Successfully transferred foreign operation personnel to the U.S. affiliate of economics corporation, a world leader in web hosting and e-commerce services
- Defeated large mold builder against ICE audit of company records and employer work status, avoiding imposition of any penalties or fines for unauthorized I-9 violations
- Reinstated Country Music Association award-winning broadcaster from Canada, obtaining employment and permanent residency in the U.S. through designation as a person of extraordinary ability in the arts

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Benesch Healthcare+ Fourth Annual Nephrology and Dialysis Conference

We want to hear from you as we begin to plan our Fourth Annual Nephrology & Dialysis Conference set to take place in June, 2024.

Please click [HERE](#) to take a short survey

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Nephrology and Dialysis

JANUARY 17, 2024

DaVita agrees to \$2M settlement of class action over retirement plan fees

The plaintiffs alleged the company failed to properly monitor its \$2.6-billion 401(k) and was paying higher-than-necessary administrative fees, thus lowering the value of the retirement plan. Under the terms of the [proposed settlement](#), the four named plaintiffs would each receive \$10,000, while approximately 56,000 DaVita employees who were plan members between 2016 and the date the court order was issued may also be eligible for awards.

SOURCE: Law360 (sub. rec.)

JANUARY 10, 2024

CA court ruling grants DaVita, Fresenius partial victory in suit over anti-steering law

The dialysis providers sued the state government over the law [passed](#) in 2019, saying it violated their First Amendment rights. AB 290 was intended to prohibit providers and third parties from steering, directing or advising dialysis patients toward more expensive health insurance options to pay for their treatment. A federal judge [ruled](#) the state failed to show “any restriction on speech be narrowly tailored to serve a compelling governmental interest.”

SOURCE: Bloomberg Law (sub. rec.)

JANUARY 23, 2024

FDA issues warning letter to Fresenius for slow response to hazardous chemicals in dialysis equipment

The FDA notes Fresenius was aware of potentially harmful chemicals known as NDL-PCBAs leaching into the silicone tubing cured with chlorinated peroxide in its dialysis machines in 2020, but waited two more years before taking corrective action. It adds it was another year after that, in Oct. 2023, that an official recall was posted. In its [latest warning](#) letter, the FDA says an inspection last summer found in addition to problems relating to the two-year delay in corrective action and the failure to investigate the health impacts of PCBA leaching, Fresenius started using a platinum-cured silicone tubing in its machines without formal notice to the FDA. The company claims no research linking PCBAs to health risks was found in its investigation but it’s “fully committed to addressing the Agency’s observations.”

SOURCE: MedPage Today (sub. rec.)

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Dialysis & Nephrology DIGEST

Nephrology and Dialysis (cont'd)

JANUARY 8, 2024

Fresenius Medical Care: 2023 divestitures will net firm \$544M

Fresenius Medical Care (FMC) restructuring process so far included the sale of its National Cardiovascular Partners outpatient cardiovascular clinics business in the U.S. plus exiting the Argentinian market and selling an Australian hospital group. FMC estimates those actions will net \$544 million, which will be applied to its accumulated debt. FMC says it'll continue exiting unsustainable markets, divesting non-core and dilutive assets as it focuses on sectors with the best growth and profitability potential. Among the company's future strategies is to turn over the day-to-day operation of its dialysis business to another firm while retaining its one-third stake.

SOURCE: Fresenius

JANUARY 11, 2024

NDAC providing accreditation services to FL-based dialysis provider

Miami-based [ARC Dialysis](#) markets itself as the largest provider of inpatient dialysis in South FL, with 11 facilities. It also has acute, outpatient and in-home therapy options. Engaging with [NDAC](#) to provide accreditation services for its outpatient clinics "provides the fastest route to Medicare certification," which should expedite the opening of new facilities, ARC states.

SOURCE: National Dialysis Accreditation Commission

JANUARY 8, 2024

Monogram Health signs multi-year VBA for renal care with FL-based physician organization

[Millennium Physician Group](#) includes over 800 providers throughout the Southeast. It'll incorporate [Monogram Health's](#) value-based kidney care model, focused on in-home, integrated provider services for patients with ESRD and CKD and their comorbidities. Millennium explains Monogram's capabilities in specialized clinical resources and support services, complex case and disease management, utilization management/quality assurance and medication therapy management were factors in entering into the partnership.

SOURCE: Monogram Health

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Nephrology and Dialysis (cont'd)

JANUARY 16, 2024

Point32 expanding collaboration with Monogram on value-based kidney care model

Boston-based [Point32 Health](#), the parent company of Tufts Health Plan and Harvard Pilgrim Health Care, began using Monogram Health's kidney care platform for some of its members in 2022. The program is being expanded to include patients covered under the [Tufts Health Direct](#) plan. It's designed for individuals and small groups, with a focus on preventative care options such as doctors' office visits and checkups, as well as hospital stays, X-rays and lab tests. Under the expanded collaboration, Monogram Health will assume full financial risk for Tufts Health Direct members with kidney disease, delivering in-home specialty care services.

SOURCE: Point32 Health

JANUARY 9, 2024

InterWell Health adds eight practices to EHR platform

The kidney care management company merged with Acumen in 2022. InterWell says the company's integrated EHR platform, [Acumen Epic Connect](#), was extended to over 450 providers in the past year. InterWell claims Acumen enables nephrology practices to participate in value-based care agreements with government and private payers. The platform accomplishes that by identifying opportunities to improve quality of care provided to individual patients, while measuring the effects of value-based initiatives. The latest practices implementing Acumen include:

- [Dallas Nephrology Associates](#);
- [Kidney Care of Oregon](#);
- [Knoxville Kidney Center](#) in TN;
- Lafayette Kidney Care in LA;
- [Metrolina Nephrology Associates](#) in NC;
- [Nevada Kidney Disease and Hypertension Center](#); and
- [Northwest Renal Clinic](#) in OR.

SOURCE: InterWell Health

Nephrology and Dialysis (cont'd)

JANUARY 16, 2024

Health plan management firm Renalogic forms partnership with analytics intelligence platform provider

[Springbuk](#), based in Indianapolis, developed the [Activate](#) partner marketplace, providing health intelligence and analytics for employers and benefits advisors to keep costs under control. Among the 11 initial partners for the platform is Chicago's [Renalogic](#), which will integrate the technology into its cost containment and transparency programs meant to prevent members from progressing to dialysis, including:

- [ImpactIQ](#) to identify and stratify hidden risks among members;
- [ImpactCare](#) to stop the progression of CKD and improve member health;
- [ImpactAdvocate](#) to navigate members to effective, lower-cost options;
- [ImpactProtect](#) to reduce dialysis costs using proprietary claims repricing; and
- [ImpactClarify](#) to navigate multiple accountable parties (MAP) claims.

SOURCE: Renalogic

JANUARY 17, 2024

Research determines socially disadvantaged dialysis facilities disproportionately penalized by ETC model

In 2021, CMS' [End-Stage Renal Disease Treatment Choices](#) (ETC) model gave a random sample of dialysis facilities bonuses of up to 4% and penalties of up to 5%, depending on their rates of home dialysis, patients waitlisted for transplantation and actual transplants. In a study of 2,191 facilities, 22% had two or more social risk features, while 49% had none. Social risk features included:

- The top quintile of patients who were Black or Hispanic;
- Living in a highly disadvantaged neighborhood; or
- Uninsured or covered exclusively by Medicaid at dialysis initiation.

A comparison of dialysis facilities with two or more social risk features versus those with none shows mean performance scores (3.4 versus 3.6) and use of home dialysis (14% versus 16%) were lower for the former. Dialysis facilities in socially disadvantaged areas had higher rates of financial penalties (18% versus 12%) and were more likely to face a payment cut of 5% (2.4% versus 0.7%) compared with advantaged dialysis facilities, while none achieved the highest payment bonus of 4%, compared with 2.7% of those in the most advantaged areas. Dialysis facilities in the top quintile of uninsured or Medicaid patients (17% vs 13%) or Black patients (18% vs 13%) received significantly more financial penalties than all other dialysis facilities.

Related: [End-stage renal disease treatment choices \(ETC\) model: Second annual evaluation report](#) — Lewin Group/CMS

SOURCE: Renal + Urology News

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Nephrology and Dialysis (cont'd)

JANUARY 17, 2024

VA: Telehealth increases Veterans' access to kidney care

The agency initiated the TeleNephrology service for members with kidney issues in 2020 and over 1,500 Veterans are participating. The program links patients with kidney specialists across the country, enabling Veterans to connect with specialists at their VA community-based outpatient clinic. One of the strengths of the program, the VA notes, is that over 90% of members continue using telehealth for follow-up visits. The VA has providers in Boston, New Haven, CT, Indianapolis and Little Rock, AR and is looking to expand to VA facilities with limited access to nephrology care.

SOURCE: VA

JANUARY 24, 2024

VA's Million Veteran program led to possible breakthrough in kidney care

The federal department reached its goal of enrolling one million veterans in the program last year. The Million Veterans initiative provides a large sample size of data for medical research. Program director, Sumitra Muralidhar, says the program is already bearing fruit, with a [study](#) identifying a genetic marker in the Black population which may protect against kidney disease. Black patients are four times more likely to develop a kidney illness, but a variant of a gene that carries a high-risk of damaging kidney cells reduces the risk of developing CKD or ESKD in carriers. While the variant is rare, Muralidhar says it opens a pathway to the development of drugs that can mimic the gene's cellular activity.

SOURCE: Precision Medicine (sub. rec.)

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Nephrology and Dialysis (cont'd)

JANUARY 17, 2024

Nephrology well-positioned to use AI in diagnosis, management of diseases

It's well-established nephrology relies on several data points so specialists can determine kidney function. That, and the chronic nature of renal ailments, lends itself to incorporating AI into disease diagnosis and management, say researchers from the University of Alabama. Other roles for the technology in nephrology include:

- Strategic dataset management, including large datasets such as the U.S. Renal Data System and the United Network for Organ Sharing;
- Patient and medical education research; and
- Decreasing physician burden with scribing, billing and coding.

As well, generative AI programs can be used in patient education for diet, dialysis treatment options and living kidney donation, as well as making medical information more accessible to laypeople. The researchers consider data privacy and how that data is leveraged to be important considerations for AI adopters. They explain the lack of standardized data across health systems can lead to a common malfunction known as dataset shift, while biases baked into an organization's dataset could produce results more concerned with financial health than patient health.

SOURCE: Healio (sub. rec.)

JANUARY 23, 2024

AKF: Survey about healthcare experiences of POC points to issue of timely kidney interventions

Only 3% of white patients reported to KFF researchers they felt unfairly treated by the healthcare system. That's lower than what was cited by Black (18%), Hispanic (11%), Asian (12%) or American Indian/Alaska Native (10%) patients. Across all racial and ethnic groups, of those who experienced discrimination in their daily life in the past year, 79% had at least one adverse effect of worry and stress in the healthcare system, compared to 47% for adults who rarely or never experienced discrimination in the past year. The American Kidney Fund (AKF) says the results show how racism and discrimination negatively impact care delivery. Patients with kidney diseases benefit from early interventions, but the AKF states for POC, worry about coming forward may delay treatment and produce poorer outcomes. To mitigate the issue, the AKF introduced the Kidney Health for All program to address equity concerns in kidney care.

SOURCE: American Kidney Fund

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Nephrology and Dialysis (cont'd)

JANUARY 16, 2024

Survey suggests high levels of support for living kidney donations, but better education needed

The department of surgery at NYU-Langone finds 87% of adults would at least consider becoming a living kidney donor. That willingness comes with caveats, as many respondents have concerns surrounding uncertainty. Potential donors are worried about health risks associated with the surgery, as well as the cost of medical expenses. In fact, researchers cite an increase in the public's willingness to participate in living organ donations when informed of the safety of the procedure and that costs wouldn't be borne by the donor.

SOURCE: Healy (sub. rec.)

VAC, ASC and Office-Based Labs

JANUARY 9, 2024

Avanza Healthcare Strategies names veteran healthcare leader as Executive in Residence

Based in the Chicago suburbs, [Avanza Healthcare Strategies](#) has worked with more than 150 healthcare organizations in the past two decades, supporting the planning, development and operation of over 500 ASCs and outpatient clinics. It named [Mark Garvin](#) as Executive in Residence to engage clients on strategic and operational planning as they develop ASC and ambulatory strategies. Garvin is a former VP of operations at Surgical Care Affiliates and spent 20 years as COO at United Surgical Partners International.

SOURCE: Avanza

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For more information regarding our nephrology, dialysis
and office-based lab experience, or
if you would like to contribute to the newsletter, please contact:

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