



Dialysis & Nephrology DIGEST

A monthly report by Benesch on the Dialysis & Nephrology Industry

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April 10, 2024

Dialysis & Nephrology DIGEST



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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Calendar of Events

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 24–25, 2024

RHA: 2024 Virtual Spring Meeting

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

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

MAY 6–7, 2024

RHA Annual Day on the Hill

Washington, DC

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

MAY 14–18, 2024

NKF: Spring Clinical Meetings

Long Beach, CA

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

MAY 31, 2024

ANNA: 2025 National Symposium

Portland, OR: Call for Proposals Deadline

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

JUNE 9, 2024

National Kidney Foundation of Illinois 25th Annual Walk for Kidneys Presented by Baxter

Diversey Harbor, Chicago, IL

Register [here](#).

AUGUST 14–17, 2024

AMP: The Amputation Prevention Symposium

Chicago, IL

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

SEPTEMBER 20–24, 2024

ANNA: Nephrology Nursing Summit

Atlanta, GA

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

OCTOBER 23–27, 2024

ASN Kidney Week 2024

San Diego Convention Center

San Diego, CA

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

MAY 1–4, 2025

ANNA: 2025 National Symposium

Portland, OR

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

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Benesch Healthcare+ Fourth Annual Nephrology and Dialysis Conference

Thursday, June 13, 2024

8:00 A.M. –5:30 P.M.

Cocktail reception to follow

Union League Club of Chicago

65 W. Jackson Blvd. | Chicago, IL 60604

Please join us for this full-day conference addressing business and legal issues facing nephrology and dialysis providers. Hear from industry leaders discussing current and future trends in care delivery, business and payment models and legal and regulatory issues.

Click [HERE](#) to register.

A block of guest rooms has been reserved for attendees at the Union League of Chicago at \$249/night + a 20% service charge. Please email the Club Services Department at clubservices@ulcc.org or contact them directly at 312.427.7800 by May 27, 2024.

Please contact MEGAN THOMAS, Director of Client Services (mthomas@beneschlaw.com) for more information about this event as well as exhibitor and sponsorship opportunities.

**No CME or CLE available.*

AGENDA

8:00–8:45

Registration and Breakfast

8:45–9:00

Introductory Remarks

SCOTT DOWNING AND JASON GREIS, Partners,
Benesch Healthcare+

9:00–9:45

News from the Hill: Renal Physicians Association Dialysis Legislative Update

ROB BLASER, Director of Public Policy,
Renal Physicians Association

9:45–10:30

Is Bigger Really Better? Exploring Physician Integration Strategies (Mergers, CINs, IPAs, ACOs and MSOs)

Moderator:

JASON GREIS, Partner, *Benesch Healthcare+*

Presenters:

M. CARNEY TAYLOR, JR., M.D., M.B.A., Co-President,
Eastern Nephrology Associates

DAVID MAHVI, M.D., Chief Executive Officer, *Carolina Kidney
Partners*

MARTIN SEROTA, M.D., *Nephrology Specialty IPA*

JEFFREY GOODMAN, M.D., President, *Nephrological
Associates, a division of Northeast Kidney Care*

(continued on next page)

AGENDA

Benesch Healthcare+ Fourth Annual Nephrology and Dialysis Conference

10:30–10:45 **Break**

10:45–12:00

VBC Models, What's Working Well and What's Not

Moderator:

SCOTT DOWNING, Partner, *Benesch Healthcare+*

Presenters:

TIM PFLDERER, M.D., Chief Medical Officer,
Evergreen Nephrology

JOE KIMURA, Chief Medical Officer, *Somatus*

BEN KUHN, Senior Vice President of Provider Solutions,
Strive Health

AASHISH SHAH, Chief Growth Officer, *Monogram*

DAVID ARRIETA, Vice President of Physician Solutions,
Interwell Health

NIRAV VAKHARIA, M.D., Chief Medical Officer,
Panoramic Health

ALEX PORTET, Co-Chief Operating Office, *US Renal Care*

ASHLEY SNYDER, Group Vice President, *DaVita Nephrology
Practice Solutions*

12:00–1:15 **Lunch**

1:15–2:00

Optimizing VBC Models between Nephrologists and Primary Care Physicians

Moderator:

NESKO RADOVIC, Counsel, *Benesch Healthcare+*

Presenters:

KELLEY CONROY, Principal, *Pinnacle Healthcare Consulting*

JONAH BROULETTE, Principal and Consulting Actuary,
Milliman

ALEXANDER LIANG, M.D., President, *Dallas Nephrology
Associates*

2:00–2:45

A Brave New World: Chronic Care Management and Remote Patient Monitoring

Moderator:

LAURI COOPER, Of Counsel, *Benesch Healthcare+*

Presenters:

GAURAV JAIN, M.D., Executive Vice President/Chief Medical
Officer, *MayaMD*

DAVID KURAGUNTLA, Chief Executive Officer, *Alio Medical*

NABEEL KAUKAB, Chief Executive Officer, *Jaan Health
(Phamily)*

2:45–3:00 **Break**

3:00–3:45

Noncompete Update and Case Study

Moderator:

JAKE CILEK, Partner, *Benesch Healthcare+*

Presenters:

CHARLES LEUIN, Partner, *Benesch*

J. SCOTT HUMPHREY, Partner, *Benesch*

3:45–4:15

Tax Planning for All Seasons, What Physicians and Industry Executives Should Know

Moderator:

CHRIS DEGRANDE, Counsel, *Benesch Healthcare+*

Presenters:

DAVID MANDELL, JD, MDA, Partner, *OJM Group*

4:15–5:15

What's Next? Companies to Know

MANDAR GORI, Chief Marketing Officer, *AWAK
Technologies*

ROBERT PROVENZANO, M.D, Chief Executive Officer,
Innocura

NEAL PATEL, Chief Executive Officer, *Elixia*

DAVE FIRDAUS, Chief Executive Officer, *Gold Kidney
Health Plan*

TAMMY ELZY, *NephMD Recruitment*

DAVID KURAGUNTLA, Chief Executive Officer, *Alio Medical*

FARRUKH USMAN, Founder and Chief Executive Officer,
Byonyks Medical Devices, Inc.

5:15–6:30 **Cocktail Reception**

Please contact MEGAN THOMAS, Director of Client Services (mthomas@beneschlaw.com) for more information about this event as well as exhibitor and sponsorship opportunities.

Exhibitor and Sponsorship Opportunities
**Benesch Healthcare+ Fourth Annual
Nephrology and Dialysis Conference**

Thursday, June 13, 2024

8:00 A.M. –5:30 P.M. Cocktail reception to follow

Union League Club of Chicago

65 W. Jackson Blvd. | Chicago, IL 60604

Conference Registration \$250

Please register and pay [HERE](#).

Break Sponsorships..... \$2000 (two slots)

- Logo
- Spotlight
- 4 free registrations
- List of attendees week before

Exhibitor Space..... \$1000

- Logo
- Overview of company within handout
- 2 free conference registrations
- List of attendees week before

Breakfast Sponsor \$3500

- Logo
- Spotlight with free plug
- 8 conference registrations
- List of attendees week before

Lunch Sponsor..... \$3500

- Logo
- Spotlight with free plug
- 8 conference registrations
- List of attendees week before

Cocktail Reception Sponsor..... \$6000

- Logo
- Spotlight with free plug
- Decorate space with signage
- 8 conference registrations
- List of attendees week before

For more information or to sign up for an exhibitor space or sponsorship, please contact:

MEGAN THOMAS
Director of Client Services
mthomas@beneschlaw.com

April 10, 2024

Dialysis & Nephrology DIGEST

Nephrology and Dialysis

MARCH 5, 2024

DaVita acquires portfolio of Fresenius' South American operations for \$300M

DaVita says the deal for Fresenius' dialysis centers in Chile was finalized, while regulatory approvals for acquisitions in Brazil, Colombia and Ecuador are likely this year. Combined with DaVita's existing portfolios in Brazil and Colombia, it'll have over 270 clinics in South America, making it the largest dialysis services provider on the continent. Fresenius is divesting from non-core assets like dialysis to focus on its pharmaceutical and hospital lines of business. It says **proceeds** from the sale in South America will pay down the company's debt.

SOURCE: DaVita

MARCH 11, 2024

DaVita contributing \$1.5M to ADA initiatives for individuals with diabetes, CKD

Over 38 million Americans have diabetes and one-in-three adults with diabetes also have CKD. American Diabetes Association (ADA) programs targeting people with both chronic ailments will be bolstered by DaVita's donation. Among the initiatives being undertaken are:

- Creating a digital home with educational materials that are accessible to patients and healthcare professionals;
- Piloting a registered dietitian (RD) program providing greater access to diabetes education and resources to keep RDs better informed; and
- Sponsoring events in high-priority markets where DaVita and ADA leaders discuss important topics facing their shared patient populations.

SOURCE: DaVita

MARCH 26, 2024

Federal judge agrees two class-actions against Fresenius over unpaid wages can continue simultaneously

The dialysis provider was hoping a proposed class-action lawsuit **filed** in MA would be suspended or stopped pending the conclusion of a separate case file in CA. In both cases, an employee is accusing Fresenius of failing to pay wages for all hours worked. The federal judge in MA disagreed with the defendants' argument the cases were too similar to proceed simultaneously, saying both can continue.

SOURCE: Bloomberg Law (sub. rec.)

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April 10, 2024

Dialysis & Nephrology DIGEST

Nephrology and Dialysis (cont'd)

MARCH 19, 2024

Fresenius develops AR teaching tool for ICU nurses providing kidney replacement therapy

With the augmented reality (AR) glasses, nursing staff in ICUs are trained in the use of acute dialysis machines. Fresenius says the tech streams visual and acoustic recordings as users interact with the machine, providing an immersive learning experience. The AR glasses are integrated with digital learning modules, allowing self-guided learning on how to set up a dialysis machine, how to activate the citrate pump or how to manipulate system components.

SOURCE: Fresenius Medical Care

MARCH 13, 2024

FMC appoints global head of legal, compliance; extends contract of CFO

[Jorg Haring](#) will join the company's management board on June 1 and in addition to his duties as global head for legal, compliance and HR, he'll assume the role of labor director. He was chief legal and assurance officer and general secretary at Spanish energy company [Cepsa](#) the past two years. Fresenius Medical Care also [extended](#) Sara Hennicken's contract as CFO to 2027. She was appointed to the position in 2022 and her term was supposed to end next year.

SOURCE: Fresenius Medical Care

FEBRUARY 29, 2024

Evergreen Nephrology appoints former Humana exec, Renal Care Associates president to leadership roles

Since 1993, [Dr. Timothy Pflederer](#) was president of Peoria-based [RenalCare Associates](#) when it brought Evergreen Nephrology's value-based kidney care model to its operations in IL and IA in 2022. Pflederer, the past-president of the Renal Physicians Association, will become the CMO at Evergreen on Apr. 1. [Philip Cooksey](#) became managing partner at PLC Ventures of Louisville, KY last year after eight years at Humana, where he was SVP and CFO. He's also a former VP at Goldman Sachs. Cooksey was named CFO at Evergreen.

SOURCE: Evergreen Nephrology

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April 10, 2024

Dialysis & Nephrology DIGEST

Nephrology and Dialysis (cont'd)

MARCH 5, 2024

Strive Health partnering with Humana to deliver value-based kidney care to three more states

With Humana, [Strive Health](#) was already providing value-based kidney care to Medicare Advantage HMO and PPO members in IN and KY. The partnership is being expanded to reach more patients in both of those states but will also cover Humana members in IL, MI and northwest NC. Among the services being offered by Strive are:

- Medication management;
- Care management;
- Dialysis access planning;
- Transplant coordination; and
- Social services.

SOURCE: Humana

FEBRUARY 29, 2024

Monogram Health providing in-home kidney care to MA members following Aetna deal

CVS Health Ventures provided a VC investment to support expansion of [Monogram Health](#) last year. Aetna, a CVS Health company, is using the Nashville-based kidney care company to provide in-home services to Medicare Advantage members who have CKD and ESRD. Monogram explains Aetna members can access virtual specialty provider appointments with nurse practitioners, under the direction of nephrologists and other specialists. Through the partnership, patients are also encouraged to take advantage of preemptive referrals for kidney transplant evaluation.

SOURCE: Monogram Health/LinkedIn

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April 10, 2024

Nephrology and Dialysis (cont'd)

MARCH 26, 2024

Interwell Health adds WV practice to value-based kidney care network

Located in the state with the highest mortality rate for CKD, nephrologists at [WVU Medicine](#) will join the [Interwell](#) network and implement its population health approach to kidney care. Interwell employs a holistic care team of nurses, dietitians, social workers and care coordinators to support patients with CKD to slow disease progression. WVU Medicine will also have access to Interwell's predictive models which identify patients most at-risk of progression and hospitalizations, while a specialized care team conducts outreach post-discharge to avoid readmissions.

SOURCE: Interwell Health

MARCH 19, 2024

Panoramic Health brings integrated kidney care model to Cincinnati nephrology practice

The [Kidney and Hypertension Center](#) (KHC) refers to itself as the largest independent nephrology practice in Cincinnati. It'll integrate [Panoramic Health](#)'s value-based kidney care model to provide comprehensive and tailored services to over 4,000 patients with late-stage CKD or ESRD. For AZ-based Panoramic, the deal with KHC represents its first exposure to the OH market.

SOURCE: Panoramic Health

MARCH 7, 2024

Panoramic Health unveils scientific advisory board to guide clinical research division

[Panoramic Health](#), a value-based kidney care company headquartered in the Phoenix area, says the six-member panel includes three members of its senior management team and three leaders in nephrology and clinical research. Dr. Rajiv Poduval, a co-founder and CEO at Panoramic, explains the advisory board's function is to uncover innovative treatments for patients with kidney diseases that can be integrated into a holistic care model. He notes cutting edge therapies that lower the cost of care will be a primary focus.

SOURCE: Panoramic Health

Dialysis & Nephrology DIGEST

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April 10, 2024

Nephrology and Dialysis (cont'd)

MARCH 4, 2024

Baxter mulling sale of kidney care segment to PE investors

The medtech company was proposing spinning out Vantive, its renal care and acute therapies business and even named a CEO for the standalone company. However, in an SEC filing, Baxter [indicates](#) it's seeking PE investors to acquire Vantive. Last year, the unit brought in \$4.45 billion in sales, about 30% of Baxter's total revenue. Regardless of how it's done, the firm vows to hive off Vantive before year's end.

SOURCE: Fierce Biotech

MARCH 20, 2024

House committee decision to delay adding oral-only medications to ESRD payment bundle earns KCP approval

Kidney Care Partners (KCP) was concerned about access to oral phosphate-binding medications if CMS forged ahead with its plan to add the drug class to the ESRD Prospective Payment System beginning next Jan. 1. Patients with kidney failure often require several doses of oral phosphate-binding medications daily and can obtain them from their local pharmacies. KCP's worry is that CMS hasn't issued implementation guidance for the change, which not only puts patient access to the drugs in doubt, but could impact "the ability of providers to establish the infrastructure needed to support this policy."

SOURCE: Kidney Care Partners

Dialysis & Nephrology DIGEST

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April 10, 2024

Nephrology and Dialysis (cont'd)

APRIL 1, 2024

Benesch: WA law's narrow focus on consumer health data could hide broader impacts

Unlike other state laws which regulate nearly all forms of personal data, legislation in effect in WA has a narrower scope in that it only covers consumer health data. However, Benesch Law points out with no threshold triggers, any business operating in the state collecting or processing any amount of health data would be subject to the law. That stipulation also implies it may apply to the health data of visitors to the state, giving the legislation extra-territorial scope. A scenario where this could come into play is if certain jurisdictions decide to extend abortion bans to procedures performed out-of-state. Benesch Law also points out:

- What's considered consumer health data is broader in the WA context, with biometric and geolocation information, not normally considered by health providers, falling within its purview;
- The law mandates prior consent before consumer health data is permitted to be collected or processed; and
- Companies are barred from geofencing, defining the term as technology within a virtual boundary surrounding a health facility which could identify individuals seeking care or be used to gather personal health data.

Benesch Law adds the private right of action in the WA legislation may lead to "a new, robust litigation space to grow as courts grapple with the depth and breadth of the new law."

SOURCE: Benesch Law

APRIL 3, 2024

Benesch: NV consumer health data law has no private right of action

The NV law is similar to the one that went into effect in WA in that there are no threshold triggers and doesn't apply to organizations governed by HIPAA. However, Benesch Law points out, the NV law generally has no provision for a private right of action. Another difference with the law in WA is that businesses must have a separate privacy notice dealing solely with the collection and use of health data and have sufficient security measures to protect that information. As well, prior to collecting and disclosing personal health data, businesses must receive express consent from clients via a separate, opt-in process. Benesch Law states the similarity of legislation in NV and WA indicates state legislatures are taking the protection of personal health data seriously, so organizations in the U.S. need to be cognizant of this changing legal landscape.

SOURCE: Benesch Law

Dialysis & Nephrology DIGEST

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Dialysis & Nephrology DIGEST

VAC, ASC and Office-Based Labs

MARCH 21, 2024

[Azura facing class-action after data breach which affected 348K people](#)

The Malvern, PA-based company operates 70 outpatient clinics and ASCs across 25 states. [Azura Vascular Care](#) became aware last Nov. of the cybersecurity incident, which likely occurred two months previously. The personal information of 348,000 people may have been comprised, including names, mailing addresses, dates of birth, Social Security numbers, insurance policies, diagnoses and treatment information, as well as other demographic and contact information. In a PA court, a proposed class action was **filed** against Fresenius Vascular Care, doing business as Azura Vascular Care, for its failure to secure and safeguard personally identifiable information and personal health information. On behalf of the proposed class, the plaintiff is seeking actual damages, statutory damages, punitive damages, restitution and disgorgement.

SOURCE: [ClassAction.org](#)

MARCH 28, 2024

[American Vascular Associates names veteran healthcare exec as CEO](#)

[Michael Licata](#) was most recently Chief Strategy Officer at addiction therapy provider [Pinnacle Treatment Centers](#) but earlier spent 13 in various senior management positions at advanced wound care company, [Healogics](#). As CEO of Tampa Bay-based [American Vascular Associates](#), Licata says the company is “poised to drive innovation and elevate standards of care” for its patients. American Vascular operates 21 centers in 10 states.

SOURCE: [American Vascular Associates](#)

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April 10, 2024

VAC, ASC and Office-Based Labs (cont'd)

MARCH 28, 2024

Avanza: Hospitals must adapt as momentum for care in outpatient settings isn't letting up

Avanza says the increased use of outpatient settings for non-urgent care isn't a new phenomenon, however, it's clear to the Chicago-based healthcare delivery adviser the hospital-dominated health delivery model is being replaced. It notes in 2005, 65% of hospitals' profits were driven by inpatient care, but just nine years later, the figures flipped and outpatient services were responsible for 65% of hospitals' profits. Avanza concludes with hospitals providing fewer care services, they and other traditional providers must adopt health delivery models that match the outpatient-focused paradigm.

SOURCE: Avanza Healthcare Strategies

APRIL 9, 2024

Specialist known for PAH procedure closes MI vascular clinics; relocates to FL

The physician performed atherectomies at clinics in Grand Rapids and Lansing on patients with peripheral artery disease (PAH). The procedure is designed to reduce plaque in patients' vascular systems to improve circulation and ultimately prevent limb amputation. The number of atherectomies performed nationally doubled in the past decade, however, The New York Times reports device companies and VACs are enriching themselves off the surgery while providing little or no health benefits to their patients. Between 2018 and 2021, the MI clinics billed Medicare \$18 million for 2,600 atherectomies. However, state authorities determined dozens of instances of unnecessary procedures, while Blue Cross Blue Shield of Michigan documented 45 cases of patients who lost limbs over the four-year period. The MI clinics were closed without explanation, with the owner indicating he already found work at a practice in Ocala, FL.

SOURCE: *The New York Times* (sub. rec.)

April 10, 2024

Dialysis & Nephrology DIGEST

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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Scott Downing

sdowning@beneschlaw.com | 312.624.6326

Jason Greis

jgreis@beneschlaw.com | 312.624.6412

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lluna@beneschlaw.com or (216) 363-6199.

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