

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Thomson/Ferrary ORIGINAL DATE \_\_\_\_\_ LAST UPDATED \_\_\_\_\_ HB 43

SHORT TITLE Renal Dialysis Facility Requirements SB \_\_\_\_\_

ANALYST Chilton

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

No Responses Received

### SUMMARY

#### Synopsis of Bill

House Bill 43 creates a new section of the Public Health Act (Section 24-1 NMSA 1978) that charges the Secretary of Health with requiring that all renal dialysis centers provide patients receiving dialysis services with counseling on alternatives in the care of their kidney disease, including the possibility of kidney transplant.

### FISCAL IMPLICATIONS

There is no appropriation associated with this bill. The Department of Health would expend some personnel time in composing the requirement, making it known to renal dialysis facilities and enforcing this provision of the amended Public Health Act.

### SIGNIFICANT ISSUES

It is not known how many New Mexico dialysis centers fail to give information about options for end-stage kidney disease other than dialysis. The Aging and Long-Term Services Department website ([newmexico.networkofcare.org](http://newmexico.networkofcare.org)) lists 33 dialysis centers within the state. It is to be noted that end-stage renal disease is one of very few conditions that enables patients to receive Medicare coverage regardless of age, including renal dialysis and kidney transplant.

The National Kidney Foundation has prepared a booklet to be given to patients stating their rights and responsibilities. It is attached. The section of the document dealing with treatment option rights is reproduced below:

**6. Treatment Options**

You have the right to:

- Receive a full explanation of all treatment options for kidney disease, including their advantages and disadvantages.
- Receive a full explanation of the kidney transplant process, including all transplant options.
- Select the transplant center at which you desire to have a transplant evaluation after consultation with the nephrologist.
- Be informed of new advances in home care and have the opportunity to make a change to that treatment option.
- Receive educational materials about new procedures in home care. •Receive follow-up care by dietary, social work, and nursing services.
- Receive information about dialysis facilities that offer home dialysis.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Dialysis centers would give information to patients as they saw fit.

LAC/jle

# DIALYSIS PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES



National  
Kidney  
Foundation®

[www.kidney.org](http://www.kidney.org)

## Your Rights

1. Quality Care . . . . .	3
2. Information . . . . .	3
3. Individual Treatment . . . . .	4
4. Privacy and Confidentiality . . . . .	4
5. Services Without Discrimination . . . . .	4
6. Treatment Options . . . . .	5
7. Emergency Care . . . . .	6
8. Dietary Counseling . . . . .	6
9. Social Work Services . . . . .	6
10. Facility Management . . . . .	7
11. Formal Complaint Process . . . . .	7
12. Refusal, Advance Directives, and End-of-Life Care . . . . .	7
13. Medical Consultation . . . . .	8
14. Research Programs . . . . .	8
15. Treatment Costs . . . . .	9

## Your Responsibilities

1. Be Informed . . . . .	10
2. Plan and Follow a Treatment Program . . . . .	10
3. Be On Time . . . . .	10
4. Follow Facility Policies . . . . .	10
5. Be Considerate . . . . .	11
6. Fulfill Financial Obligations . . . . .	11

## Your Rights

### 1. Quality Care

You have the right to:

- Receive high-quality healthcare that meets recognized professional goals.
- Be part of the healthcare team, along with a social worker, nurse, doctor, and dietitian.
- Expect that staff members in training will be directly supervised.

### 2. Information

You have the right to:

- Receive information from your nephrologist (kidney doctor) in words that you can understand. This should include information about your medical conditions, treatment choices, test results, and possible problems. If this information cannot be given to you directly, the doctor should speak to your family or the person acting on your behalf.
- Be informed about current dialysis treatments for kidney disease.
- Receive a complete review of any test results and treatment from your doctor or a member of the healthcare team.
- Be informed of any possible side effects of medications you are taking.

### 3. Individual Treatment

You have the right to:

- Be treated with dignity, respect, and consideration.
- Suggest a change in the type of treatment.
- Expect your kidney doctor and other members of your healthcare team to listen to you when you suggest changes in your dialysis treatment.
- Expect that treatment will be tailored to your individual health needs.
- Expect that the patient-to-staff ratio at your facility conforms to state regulations.

### 4. Privacy and Confidentiality

You have the right to:

- Expect privacy when receiving medical care.
- Expect examinations and discussions about your care to be held in private.
- Expect that your personal medical information will be kept confidential.

### 5. Services Without Discrimination

You have the right to:

- Expect medical care without regard to your race, color, gender, sexual preference, religion, or national origin.

## 6. Treatment Options

You have the right to:

- Receive a full explanation of all treatment options for kidney disease, including their advantages and disadvantages.
- Receive a full explanation of the kidney transplant process, including all transplant options.
- Select the transplant center at which you desire to have a transplant evaluation after consultation with the nephrologist.
- Be informed of new advances in home care and have the opportunity to make a change to that treatment option.
- Receive educational materials about new procedures in home care.
- Receive follow-up care by dietary, social work, and nursing services.
- Receive information about dialysis facilities that offer home dialysis.



## 7. Emergency Care

You have the right to:

- Receive emergency medical care without unnecessary delay.
- Be informed by the dialysis facility about their emergency plan in case of a disaster (e.g., snow storm, fire, loss of power).
- Be informed of the facility's plan of action in case of medical/health emergencies.

## 8. Dietary Counseling

You have the right to:

- Receive counseling from a qualified dietitian according to federal and state law.
- Receive nutritional educational material and instruction.
- Receive care and counseling on a regular basis.

## 9. Social Work Services

You have the right to:

- Receive counseling from a qualified social worker according to federal and state law.
- Receive an evaluation and follow-up care, including a vocational rehabilitation review.
- Receive referrals to community services when needed.



## 10. Facility Management

You have the right to:

- Expect the dialysis facility to employ skilled staff and provide safe, clean, comfortable, and professional surroundings.
- Expect the facility to make every effort to make you comfortable and give you your treatment on time, according to a schedule that meets your special needs whenever possible.
- Expect the facility to monitor the quality of treatment and equipment according to regulations.

## 11. Formal Complaint Process

You have the right to:

- Make a complaint to your facility management and request that they try to resolve a problem.
- Ask and be instructed on your dialysis facility's grievance process.
- File a complaint with the End-Stage Renal Disease Network in the region and/or your state health department in an attempt to resolve a problem.

## 12. Refusal, Advance Directives, and End-of-Life Care

You have the right to:

- Make decisions about your healthcare based on information given to you by your kidney doctor.
- Complete an advance directive stating your wishes.
- Be informed by your kidney doctor of the possible results of refusing drugs, treatments, or procedures.

- Be informed of how the facility handles end-of-life needs.
- Refuse any drugs, treatments, or procedures offered to you.
- Indicate your refusal in writing.
- Accept full responsibility for the medical outcomes of your refusal.

### 13. Medical Consultation

You have the right to:

- Request consultation with another doctor for any kidney- or non-kidney-related medical problem.
- Know that payment for consultation may not be covered under Medicare or other healthcare coverage, and you may be responsible for payment.

### 14. Research Programs

You have the right to:

- Receive a full explanation of any research program in which you may be able to participate.
- Know that the study will not be conducted without your informed consent or the consent of the person acting on your behalf.
- Refuse or withdraw from the research study at any time.

## 15. Treatment Costs

You have the right to:

- Receive a full explanation of all charges by the facility and doctor.
- Be informed about your financial responsibilities after Medicare or Medicaid and/or other healthcare insurance coverage prior to receiving treatment.
- Obtain assistance with completing insurance forms.
- Get information about how you can pay your bill and about programs available to help you.



## Your Responsibilities

### 1. Be Informed

It is your responsibility to:

- Learn as much as you can about your kidney disease and how it is treated.
- Talk to your healthcare team about your concerns regarding your treatment.

### 2. Plan and Follow a Treatment Program

It is your responsibility to:

- Supply all information about your health that is needed to plan and carry out a treatment program that will give you the best results.
- Find out about the other services and referrals that are recommended by your healthcare team.

### 3. Be On Time

It is your responsibility to:

- Make every effort to be on time for your scheduled dialysis.
- Tell the dialysis facility ahead of time if you are unable to attend your next treatment date.
- Understand that your treatment time may be shortened if you arrive late.

### 4. Follow Facility Policies

It is your responsibility to:

- Follow the facility policies and procedures that have been developed to provide safety and quality of care for all patients.

## 5. Be Considerate

It is your responsibility to:

- Treat other patients and staff members with respect, dignity and consideration.
- Never threaten others, act in a violent manner, or cause any physical harm.

## 6. Fulfill Financial Obligations

It is your responsibility to:

- Make every effort to pay your bills for care from the dialysis facility and doctor(s).
- Obtain Medicare Part B coverage or co-insurance through a private carrier.
- Inform the facility business office of all health insurance programs and policies from which you receive direct payment for services in the treatment of kidney disease.
- Pay the dialysis facility and doctor when you receive payments from your health insurance company or medical policies.



The **National Kidney Foundation** is the leading organization in the U.S. dedicated to the awareness, prevention, and treatment of kidney disease for hundreds of thousands of healthcare professionals, millions of patients and their families, and tens of millions of Americans at risk.

Help fight kidney disease.

Learn more at **[www.kidney.org](http://www.kidney.org)**

Many thanks to the following organizations for their role in assisting with the development of the Dialysis Patients' Bill of Rights and Responsibilities

American Society of Transplantation  
Centers for Medicare &  
Medicaid Services  
ESRD Network 4  
ESRD Network 7  
ESRD Network 8  
ESRD Network 13  
ESRD Network 18  
NKF Council of Nephrology  
Social Workers

NKF Council on Renal Nutrition  
NKF Council of Nephrology  
Nurses and Technicians  
NKF Patient & Family Council  
National Renal Administrators  
Association  
Renal Physicians Association  
TransPacific Renal Network



National  
Kidney  
Foundation®

30 East 33rd Street  
New York, NY 10016  
800.622.9010

Awareness. Prevention. Treatment.

