



# Dialysis & Nephrology DIGEST

A monthly report by Benesch on the Dialysis & Nephrology Industry

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July 15, 2024

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## 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

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AUGUST 14–17, 2024

**AMP: The Amputation Prevention Symposium**

Chicago, IL

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

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SEPTEMBER 16–18, 2024

**ANNA: Nephrology Nursing Summit**

Atlanta, GA

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

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SEPTEMBER 18–20, 2024

**RHA 2024 Annual Conference**

Las Vegas, NV

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

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SEPTEMBER 27–28, 2024

**RPA Advocacy Weekend**

Washington, DC

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

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SEPTEMBER 28, 2024

**2024 Renal Physicians Association PAL Forum**

Washington, DC

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

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OCTOBER 23–27, 2024

**ASN Kidney Week 2024**

San Diego Convention Center

San Diego, CA

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

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FEBRUARY 7–9, 2025

**ASDIN: 21st Annual Scientific Meeting**

Grapevine, TX

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

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FEBRUARY 16–19, 2025

**American Venous Forum: Annual Meeting**

Atlanta, GA

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

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MARCH 29–APRIL 2, 2025

**SIR: 2025 Annual Scientific Meeting**

Nashville, TN

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

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APRIL 3–6, 2025

**Renal Physicians Association 2025 Annual Meeting**

Las Vegas, NV

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

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MAY 1–3, 2025

**OEIS 12th Annual National Scientific Meeting**

Orlando, FL

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

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MAY 1–4, 2025

**ANNA: 2025 National Symposium**

Portland, OR

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

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NOVEMBER 5–9, 2025

**ASN Kidney Week 2025**

Houston, TX

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

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## Nephrology and Dialysis

# Dialysis & Nephrology DIGEST



JULY 11, 2024

### **Pulse on AI + Healthcare: An Introduction to Healthcare AI Innovation in an Evolving Regulatory Landscape**

The expansion of artificial intelligence (“AI”) applications in healthcare (“Healthcare AI”) has made recent headlines, from the transformation of clinical diagnostics with increased accuracy, to use of personalized medicine with the potential for life-changing preventative care, and hope to remedy, in some degree, the pervasive healthcare workforce shortage. AI is certain to continue its healthcare delivery revolution; by 2028, the growth of the Healthcare AI market share is expected to reach approximately \$102.7 billion USD. Despite the perception that AI is a futuristic concept, one of the earliest applications of AI was a 1950s checkers-playing computer program that was enabled for self-learning—a precursor to modern applications. Healthcare AI presents vast opportunity for innovation, but also carries considerable risk for providers, patients and other industry stakeholders if such risks are not mitigated prior to its use.

**SOURCE: Benesch**

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July 15, 2024

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## Dialysis & Nephrology DIGEST

### Nephrology and Dialysis (cont'd)

#### **FTC Investigates Major Dialysis Providers Over Anticompetitive Practices**

The Federal Trade Commission (FTC) is investigating DaVita and Fresenius Medical Care, the largest U.S. dialysis providers, for potentially using noncompete agreements to stifle competition and limit treatment options, particularly for home dialysis. This probe reflects the Biden administration's efforts to curb corporate concentration. Both companies dominate the market, controlling 70% of outpatient clinics.

**SOURCE: POLITICO Pro**

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JUNE 28, 2024

#### **OJM publishes multi-media playbook for doctors**

The Wealth Strategies for Today's Physician: A Multi-Media Playbook is designed specifically for physicians and offers a combination of tactics and multi-media resources to help them achieve financial success. The playbook offers advice on:

- Financial Planning: Including the importance of creating a multi-disciplinary plan to meet goals and tactics to get on track early in a career;
- Asset Protection: Safeguarding wealth from potential liabilities with time-tested tools and tactics;
- Tax Reduction: Offers effective methods to minimize tax liabilities and maximize savings;
- Investment Tactics: How to make informed investment choices that can help build long-term wealth;
- Insurance Planning: Advice on understanding the insurance policies needed to protect a physician's income and assets;
- Retirement Planning: Preparing for a comfortable retirement with strategies tailored to a physician's needs; and
- Practice Management/Entrepreneurship: Insights specifically for practice owners and doctorpreneurs.

**SOURCE: OJM Group**

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JUNE 28, 2024

#### **PBS releases medical malpractice documentary**

Rhode Island PBS published a documentary examining the impact of medical malpractice on patients, doctors, and society. The film depicts three stories told from the perspectives of patients and doctors who have been directly impacted by medical malpractice. It also features interviews with experts discussing the root causes of medical malpractice and proposing solutions for reforming the current malpractice system.

**SOURCE: YouTube**

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July 15, 2024

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## Nephrology and Dialysis (cont'd)

JUNE 12, 2024

### Lawmakers may revive century-old laws to prevent private consolidation in healthcare

Over a century ago, federal and state legislators passed laws to limit corporate ownership of physician practices, responding to a trend of monopolistic trusts hiring doctors for the main purpose of maximizing profits. The intervening decades have seen a slow erosion of those statutes, with PE acquisitions increasing seven-fold in the decade ending in 2021, while UnitedHealth Group's Optum directly or indirectly employs 10% of the nation's doctors. This re-consolidation of medical practices is catching the eye of modern-day politicians, who believe it may be time to revisit the old laws. One target may be closing a loophole known as a professional corporation-management services organization (PC-MSO) in which physicians sign agreements with MSOs, which are in turn controlled by a PE or other corporate firm. A legal scholar suggests that although the old laws worked in their time, they're not the panacea to stop corporate influence in the medical profession. Erin Fuse Brown of Georgia State University College of Law is working on legislative language that could be applied to bills at the state and federal levels by next year.

**SOURCE: Modern Healthcare (sub. rec.)**

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MAY 30, 2024

### CA: 309 workers being laid off as FMC moves manufacturing jobs to Mexico

Fresenius Medical Care (FMC) is undertaking a series of cost-cutting moves in its first year of as a standalone company, looking to recoup value lost during the pandemic. It's filed notice a manufacturing facility for dialysis equipment in the Bay Area will be closed and operations moved to Reynosa, Mexico, on the TX border. The layoffs are scheduled to begin in Aug. and continue until mid-2025. Some employees who worked remotely or can be transferred within FMC will be retained.

**SOURCE: MedTech Dive**

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# Dialysis & Nephrology DIGEST

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July 15, 2024

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## Dialysis & Nephrology DIGEST

### Nephrology and Dialysis (cont'd)

JUNE 12, 2024

#### **FMC's march to net-zero includes five vPPA agreements for renewable electricity**

Fresenius Medical Care's goal is to halve GHG emissions by the end of the decade and be carbon neutral in its operations by 2040. CEO Helen Giza reports five virtual power purchase agreements (vPPA) were signed with wind and solar energy project developers in the U.S. and Germany for 580 GWh of renewable power, equivalent to 46% of its global consumption. The five sites will go online this year and next and all of the vPPAs are for 10 years.

**SOURCE: Fresenius Medical Care**

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MAY 31, 2024

#### **FMC extends contract with Norwegian company to supply ultrasound devices for U.S. dialysis centers**

Medtech firm [Observe Medical](#) subsidiary [Biim](#) makes a wireless, pocketable ultrasound device. Its partnership with Fresenius Medical Care (FMC) to supply the device to FMC's U.S.-based dialysis centers began in 2021 and was due to run out this year. Biim delivered 285 units to selected FMC test clinics, but the two-year extension positions the company to provide devices to all 3,000 dialysis clinics in the U.S.

**SOURCE: Observe Medical**

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MAY 29, 2024

#### **Evergreen Nephrology collaborating with KY-based nephrology practice on VBC model**

[Western Kentucky Kidney Specialists](#) (WKKS) provides kidney care services to patients in western KY and southern IL. Nashville's [Evergreen Nephrology](#) agreed to deliver its value-based kidney care model to WKKS clients with CKD. The collaboration will be based on the following tenets:

- Delaying disease progression;
- Shifting care to the home; and
- Addressing social determinants of health.

Evergreen claims its approach to kidney care has been adopted by over 700 provider partners across 17 states.

**SOURCE: Evergreen Nephrology**

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## Nephrology and Dialysis (cont'd)

JUNE 6, 2024

### **DaVita extends pilot with medtech for filtration system until end of Aug.**

**Nuwellis** says the extension of the supply and collaboration agreement with the dialysis provider is to continue testing of its Ultrafiltration with Aquadex SmartFlow **system** in patients suffering from congestive heart failure and related conditions in the U.S. Once the pilot ends Aug. 31, DaVita may extend the supply agreement for Nuwellis' inpatient and outpatient ultrafiltration services for up to 10 years.

**SOURCE: Nuwellis**

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MAY 14, 2024

### **DaVita Community Care Report contains patient care, healthy community highlights**

DaVita **says** the 2023 Community Care Report acknowledges progress made last year in the following five areas:

1. Patient care - over 8,000 patients received a kidney transplant, while over 37,000 participated in DaVita's kidney disease education program;
2. Teammate engagement - over 49,000 staff are taking part in the company's career pathways program and over 2,300 employees completed their nursing degree;
3. Environmental stewardship - U.S. operations are 100% powered by renewables and water efficiency initiatives saved over 100 million gallons of water;
4. Healthy communities - the 2023 DaVita Health Tour provided free kidney health screenings and education to thousands of Americans; and
5. Integrity and accountability - virtually all employees completed annual compliance training.

**SOURCE: DaVita**

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July 15, 2024

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## Nephrology and Dialysis (cont'd)

MAY 29, 2024

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### **Baxter reports expanded hemodialysis lowers mortality in CKD patients 25% vs. high-flux hemodialysis**

Over a four-year period, the company followed 533 patients who received high-flux hemodialysis (HF HD) and 559 patients who underwent expanded hemodialysis (HDx) at 11 Baxter Renal Care Services Centers in Colombia. Factoring out for deaths caused by COVID, the study finds patients who received HDx, enabled by Baxter's [Theranova](#) membrane technology, had a 25% lower incidence of death relative to those treated with HF HD.

**SOURCE:** Baxter

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JUNE 4, 2024

### **NV court asked to separate antitrust, wire fraud indictments against nurse staffing agency exec**

The defendant's petition [contends](#) the antitrust count should be severed from five wire fraud charges brought in a superseding indictment. The original charge alleges the staffing executive colluded with other healthcare staffing agencies to depress the wages of nurses between 2016 and 2019. The wire fraud counts maintain he hid the original investigation from a buyer when he sold his staffing business in 2021. The defendant argues the two sets of charges involve separate sets of events and involve different sets of people in different places at different times.

**SOURCE:** Law360 (sub. rec.)

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JUNE 11, 2024

### **Humana: VBC results in fewer unnecessary hospital admissions, lower medical expense ratios**

The health insurer [reports](#) among its MA members, those in value-based care (VBC) arrangements made 5% fewer unnecessary trips to the hospital than those in fee-for-service care strategies. Since 2019, when VBC became more popular for patients with CKD, Humana finds the medical expense ratio decreased by 12% under those arrangements. Meanwhile, researchers at the University of Michigan [suggest](#) patients on long-term dialysis being treated at accountable care organizations (ACO) spent \$143 less per quarter. Savings by ACO-aligned beneficiaries under the supervision of a primary care physician amounted to \$235 per quarter.

**SOURCE:** Fierce Healthcare

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# Dialysis & Nephrology DIGEST

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July 15, 2024

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## Dialysis & Nephrology DIGEST

### Nephrology and Dialysis (cont'd)

JUNE 7, 2024

#### **Bipartisan Congressional caucus urges development of recommendations for screening kidney diseases**

Forty members of Congress from both sides of the political divide [say](#) a federal screening recommendation for people at high risk of CKD would provide healthcare providers and patients with guidance as to expectations from such a program. The American Society of Nephrology (ASN) states less than 30% of people with cardiovascular diseases and diabetes are screened for kidney diseases, while overall, 90% of kidney diseases remain undetected before they reach the chronic stage. The ASN points out that the federal government is responsible for CKD care delivery, so screening recommendations should lead to patients learning about their ailment sooner, permitting earlier clinical interventions that delay kidney failure onset, reduce costs and improve outcomes.

**SOURCE: Kidney News Online**

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JUNE 14, 2024

#### **Renalytix reports Medicare approves CKD test for reimbursement**

London-based [Renalytix](#) says the Medicare price for the kidneyintelX.dkd protocol is \$950 per test, effective Aug. 1. The government agency [issued](#) a final local coverage determination for the test, which assigns risk ratings for Stage 1-3B CKD and Type 2 diabetes.

**SOURCE: Renalytix**

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JUNE 12, 2024

#### **KCP's Hill Day 2024 reiterates support for legislation supporting organ donors, early screening**

Kidney Care Partners' (KCP) Hill Day 2024 [highlighted](#) the organization's advocacy activities on Capitol Hill, including the following developments:

- [Recommending](#) that Congress delay incorporating oral drugs into the ESRD prospective payment system;
- [Supporting](#) the newly introduced Restore Protections for Dialysis Patients Act in the House; and
- [Providing](#) input for bills introduced in the House and the Senate regarding early education and screening for kidney diseases.

**SOURCE: Kidney Care Partners**

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## Nephrology and Dialysis (cont'd)

JUNE 12, 2024

### **AKF launches advocacy initiative for patients with rare conditions**

The [Rare Kidney Disease Action Network](#) (RKDAN) is designed as an advocacy lobby for federal- and state-level policy for patients with rare kidney ailments. The American Kidney Fund (AKF) reports in the first year, the focus will be on IgA nephropathy (IgAN). AKF says the network includes over 60 patients with a rare kidney disease, who'll share their unique insights and receive education and advocacy training to turn their experiences into policies.

**SOURCE: American Kidney Fund**

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JUNE 12, 2024

### **Somatus claims value-based care model got high marks for quality from CMS rating program**

[Somatus](#) says the ratings, across 22 [CMS Medicare Advantage Star](#) metrics rose from 2.5 stars out of five at the beginning of the 2023 measurement year to four out of five by the end. The value-based kidney care company states that quality of care ratings for the industry typically fall in the two-star range due to the complexity of treatment and the disproportionate effects of kidney disease on disadvantaged groups. Somatus claims that compared with national averages:

- Black patients using its care model have 63% higher rates of nephrologist specialist care and four times higher rates of kidney disease delaying medication use; and
- Hispanic patients using its care model have 65% higher rates of nephrologist specialist care and three times higher rates of kidney disease delaying medication use.

**SOURCE: Somatus**

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# Dialysis & Nephrology DIGEST

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## Nephrology and Dialysis (cont'd)

MAY 29, 2024

### **ASN requests MA data from CMS; includes accurate number of enrollees**

The American Society of Nephrologists (ASN) identifies six categories under MA requiring better data, noting they're required to establish quality metrics for value-based care models as well as for research and policy planning purposes. ASN highlights the following themes in relation to MA data:

1. Missing data on enrollment: CMS expected 83,000 ESRD patients would join MA plans in the first two years of the 21st Century Cures Act but the increase was estimated to be at least 51% higher than that. ASN wants CMS to publish the number and ratio of patients with ESRD who enroll and withdraw annually;
2. Transparency issues: ASN wants MA program data to be as transparent as that provided by the Medicare FFS program;
3. Medicare Special Needs plans (SNP): ASN demands data to show the impact of SNPs meant for patients with specific healthcare needs;
4. Network adequacy: Refers to the sufficiency and accessibility of providers within MA networks. ASN claims that while MA plans provide the data to CMS, it isn't readily available;
5. Equity: MA plans disproportionately enroll beneficiaries from the Black and Hispanic communities and/or patients of low income. ASN says poor data can exacerbate inequities in kidney care delivery; and
6. Prior authorizations: ASN is concerned some MA plans have implanted prior authorization requirements for receiving dialysis services and limited data about the issue can hamstring researchers, policymakers and caregivers.

**SOURCE: American Society of Nephrology**

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# Dialysis & Nephrology DIGEST

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**July 15, 2024**

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## **Nephrology and Dialysis (cont'd)**

JUNE 3, 2024

### **Donated organs will be allowed back in airliner cabins under new federal law**

Before 9/11, donated organs could be transported in commercial airliner cabins, with a transplant professional who could accompany the organ through airport security without a boarding pass. After 9/11, those individuals were no longer allowed on aircraft without a ticket and the organs had to be stored in the cargo hold. That resulted in many organs being damaged and unusable. The bipartisan law governing FAA operations **signed** by President Biden authorizes the formation of a committee to draft regulations for best practices on transporting donor organs in the main cabins of commercial airliners.

**SOURCE: Healio (sub. rec.)**

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JUNE 16, 2024

### **Canadian experts say climate change disasters require emergency plans for dialysis patients**

The likelihood of more disasters, including wildfires and droughts, has nephrologists calling for better emergency planning across Canada to ensure dialysis patients have access to treatment. A McGill transplant nephrologist believes **BC Renal**, a network in B.C. that plans and coordinates care of patients with kidney diseases, could serve as a model as it offers resources to patients to prepare for an emergency. The network is unique because it works with the province's five regional health authorities in planning for emergencies so dialysis patients can be sent out of their home community if an evacuation order is issued.

**SOURCE: The Canadian Press**

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# **Dialysis & Nephrology DIGEST**

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July 15, 2024

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## Dialysis & Nephrology DIGEST

### Nephrology and Dialysis (cont'd)

JULY 10, 2024

#### **CMS publishes proposed 2025 payment rates for OBL services; suggests 2.2% increase for dialysis providers**

CMS plans to update OPPS payment rates for hospitals that meet quality reporting requirements by 2.6%. This represents a projected market basket increase of 3.0% for hospitals, with 0.4 percentage points removed via a productivity adjustment. Medical supply company, [Margin](#), says the proposed changes won't affect all services uniformly, estimating:

- PADs in OBLs are expected to decrease between 5% and 6%;
- PADs in ASCs are proposed to increase between 3% and 7%;
- Venous ablations in OBLs are likely to decrease between 2% and 6%;
- Dialysis access is proposed to drop between 3% and 5% in the OBL but is proposed to increase in the ASC site of service;
- Embolization cases in OBL are expected to decrease between 4% and 5% in the OBL; and
- Cardiac catheterization (coronary) is proposed to increase 1% in ASCs.

Meanwhile, CMS is [proposing](#) a 2.2% fee increase for ESRD facilities, increasing the base rate to \$273.20. Hospital-based facilities would see a higher boost in overall Medicare payments at 3.9%, while freestanding facilities are slated for a 2.1% increase.

**SOURCE: CMS**

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July 15, 2024

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## VAC, ASC and Office-Based Labs

JUNE 12, 2024

### [Radiologist expresses optimism for Senate's Medicare Part B provider payment reform](#)

Dr. Richard Heller, the SVP of Health Policy at [Radiology Partners](#) and the Radiological Society of North America's board liaison for public information and corporate relations, says a white paper by the Senate Committee on Finance on reforming physician reimbursement policies [hits](#) a lot of right notes. Heller notes the Medicare fee schedule includes payments for office-based care, but unlike other services like hospital outpatient care and MA plans, physician reimbursements aren't tied to inflation. While spending on physician fee schedule increased since the turn of the century, in real terms, payments are 13% lower than in 2001. Heller adds per beneficiary spending is also up due to the volume and intensity of tests, but this shouldn't be interpreted as contributing to practices' profit margins but rather as another cost for providers. He has the following recommendations for the committee:

- Medicare should provide a complete inflation adjustment to the conversion factor and remove budget neutrality requirements; and
- Fee schedule reform should run in parallel with value-based payment reforms, including a complete repeal or scaling back of the Merit-based Incentive Payment system.

**SOURCE: The Hill**

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MAY 29, 2024

### [Reimbursements for nephrology services fell by one-third between 2021, 2023: AHA](#)

The American Hospital Association (AHA) [compared](#) the changes in reimbursements for providing care at inpatient and outpatient facilities between 2021 and 2023 and found the largest decreases in inpatient care were in:

- Behavioral health (34.3%);
- **Nephrology (34.1%);** and
- Burns and wounds (24.1%).

Among outpatient services, the same specialties were at the bottom, but in slightly different order:

- Burns and wounds (42.9%);
- **Nephrology (32.3%);** and
- Behavioral health (31.7%).

The AHA notes the drop in reimbursements wasn't confined to Medicare and Medicaid, with consistent declines below cost for all payer types. Those costs are being exacerbated by staffing shortages, disruptions in supply chains and high inflation.

**SOURCE: Becker's Hospital Review**

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# 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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