



Center for Clinical Standards and Quality/Survey & Certification Group

Admin Info: 17-28-Transplant

DATE: September 08, 2017

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Complaint Investigations-Transplant Centers

Memorandum Summary

- Recently, all complaints received against an approved transplant program have been triaged by the Survey and Certification Group (SCG) in Central Office (CO), and associated investigations have been performed by a Federal contractor.
- These complaints have predominantly addressed concerns about the care a patient received from the hospital staff during the post-operative period. The investigations indicated a need for an assessment of the Hospital Conditions of Participation (CoPs) rather than the Transplant Center CoPs. The Federal contractor is unable to assess the Hospital CoPs.
- Therefore, in order to ensure that these complaints are investigated properly and the necessary approvals for investigation of deemed facilities occurs, SCG will transfer all responsibility for triage and complaint investigation for Transplant Centers back to the State Survey Agencies (SAs).

Background

Since 2013, SCG has maintained a Federal contractor to perform all Transplant Center survey activities nationwide. This survey activity has included any complaints registered against an approved Transplant Center. However, SCG conducted an analysis and learned that the vast majority of these complaints involved care provided by the hospital staff during the post-operative period rather than transplant specific concerns.

Discussion

Since the majority of the Transplant Center complaints have involved Hospital CoPs rather than Transplant Center CoPs, the Federal contractor has not been able to conduct these complaint investigations completely and effectively. The contractors are not authorized to cite deficient practice based upon the Hospital CoPs. Complicating the situation further is the fact that most hospitals with Transplant Centers are deemed based upon an Accrediting Organization (AO) recommendation. Therefore, the CMS Regional Office (RO) must approve any investigation of the Hospital CoPs.

A Transplant Center is an integral part of the hospital and must, per their own CoPs, meet all the standards of the Hospital CoPs. The two entities share most operations including nursing staffing and nursing administration, rules for the operating room, credentialing and quality of patient care. While the Transplant Center CoPs do include specific requirements for evaluation for transplant, wait-listing and allocation of organs, the requirements for many of the shared services are covered in the Hospital CoPs rather than the Transplant Center CoPs. Also, we found, through our analysis of past complaints, that patients are more likely to express concern about the shared services rather than the transplant specific services. SA hospital surveyors are trained and experienced in the investigation of hospital complaints and, as such, are the most appropriate surveyors to conduct Transplant Center complaint investigations.

Beginning immediately, all complaints registered by or on behalf of a patient who received or is receiving transplant services from a Medicare approved Transplant center will be referred to the applicable SA for triage and investigation by the hospital survey staff.

Contact: All inquiries regarding this memorandum should be forwarded to SCG_TransplantTeam@cms.hhs.gov.

Effective Date: Immediately. This information should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/
David R. Wright

cc: Survey and Certification Regional Office Management