

40.3 – Waiver to Enroll Individuals with ESRD

(Rev. 123, Issued: 08-19-16, Effective: 08-19-16, Implementation: 08-19-16)

Pursuant to section 1851(a)(3)(B) of the Act, MAOs are not permitted to enroll individuals with ESRD. However, a SNP may enroll individuals with ESRD if it has obtained a waiver from CMS to be open for enrollment to individuals with ESRD under 42 CFR 422.52(c). MAOs should request this waiver as part of the SNP application. The ESRD waiver is available to all types of SNPs. CMS's decision to grant an ESRD waiver is conditional upon the SNP arranging access to services specifically targeted to individuals living with ESRD (e.g., nephrologists, hemodialysis centers, and renal transplant centers).

SNP applicants requesting an ESRD waiver must complete an upload document as part of the SNP application. This document must include:

- A description of how the applicant intends to monitor and serve the unique needs of the ESRD enrollees, including their care coordination.
- A list of any additional service(s) provided to enrollees with ESRD, including a description of how/why these services are relevant to ESRD enrollees. Additional benefits may include, but are not limited to:
 - Transportation;
 - Support groups (e.g., enrollee, family, caregiver); and
 - Self-care education (e.g., nutrition, wound care).
- A description of the interdisciplinary care team's role in the assessment and delivery of services needed by enrollees with ESRD.
- A list of the contracted nephrologist(s) that meets the current CMS-required health services delivery (HSD) access criteria.
- A list of the contracted dialysis facility(ies) that meets the current CMS-required HSD access criteria.
- A description of the dialysis options available to enrollees (e.g., home dialysis, nocturnal dialysis).
- A list of the contracted kidney transplant facility(ies).
- A description of enrollee access to contracted kidney transplant facility(ies), including the average distance enrollees in each county served by the SNP must travel to reach a contracted kidney transplant facility.

SNPs that did not initially elect to enroll ESRD individuals at the time of application must submit a new SNP application if they wish to begin enrolling individuals with ESRD. Refer to section 30 of this chapter for further guidance on the SNP application process. Once CMS approves the ESRD waiver, the SNP must allow all eligible ESRD individuals to enroll, in accordance with the Medicare Advantage Enrollment and Disenrollment Guidance.