

MARYLAND COMMISSION ON KIDNEY DISEASE
OPEN SESSION MINUTES
Thursday January 20, 2011
4201 Patterson Avenue
Room 108-109

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, January 20, 2011 at 4201 Patterson Avenue. The Executive Director, Eva Schwartz, called the meeting to order at 2:07 PM. Commission members present were: Drs. Edward Kraus, Matthew Weir, Kulwant Modi, Luis Gimenez, Bernard Jaar and Paul Light and William Frederick, RN, Kim Sylvester, RN and James Stankovic, Margery Pozefsky and Belinda Lindsay, LGSW. Commission staff present were: Eva Schwartz, Executive Director and Donna Adcock, RN, Surveyor. Commission counsel present: Leslie Schulman, AAG.

DHMH staff present: Carol Manning, Chief KDP, Barbara Fagan, Program Manager, Office of Health Care Quality and Maria Kransnansky, RN, Surveyor, Office of Health Care Quality

Guests present were:

Chris Simon, IDF	Kim Zuber, PA
Brenda Falcone, NKF	Naomi Elcock, Community Dialysis
Kim Clarkson, FMC	Katie Ingram, Davita
Genevieve Agusta, Star Maintenance	Christine Wright, RN, WMHC
Yollette Cox, Bon Secours	Michael Przwara, Davita
Judith Akoh-Arrey, FMC	Catherine Beers, FMC
David Kaplan, Davita	Heather Weirich, IDF
Johny Niles, Holy Cross	Monifa Kopano, Community Dialysis
Katheryn Williams, RAI	Jeannette Essix, RAI
Elena Balovlenkov, CMS	Susanne Talbott, RAI
Dianna Burns, RAI	

I. EXECUTIVE DIRECTOR'S REPORT

• **Commission Officers Election**

Mrs. Schwartz welcomed everyone and noted that Drs. Fink and Yim have served their terms on the Commission and that Drs. Light and Jaar have been appointed by the Governor to replace them. She noted that the completion of service on the Commission by Drs. Fink and Yim has left the Commission without a Chairman and Vice Chairman. Dr. Gimenez was nominated as Chairman and William Frederick, RN, was nominated as Vice Chairman. The Commissioners voted to accept these nominations.

Mrs. Schwartz noted that there have been recurring citations for infection control violations during surveys. She noted that the same findings have been reported nationally according to Nephrology News and Issues. She stated that the Commission would like to help the facilities overcome these types of citations. Mrs. Schwartz deferred further discussion on Infection Control until later in the meeting when survey citations would be discussed.

Mrs. Schwartz reported that some issues with the CNA-DT certifications have been noted during surveys. She noted that the non-licensed staff must be appropriately certified as a CNA-DT. Mrs. Schwartz stated that she has been in contact with the Maryland Board of Nursing regarding the issues and that they admitted problems with their software. She reported that Michele Molesworth at the BON may be a good contact when the CNA-DT's certification is not displayed correctly on the MBON website.

Mrs. Schwartz reported that it is a violation of statute and regulations for staff to work without appropriate credentials. She stated that it is the Administrator's responsibility to assure that staff licenses/certifications are correct, appropriate, Active, and in good standing.

Mrs. Schwartz also stated that in the state of Maryland health care professionals who have unpaid taxes cannot be issued licenses, nor can their license be renewed.

II. CHAIRMAN'S REPORT

Dr. Gimenez thanked everyone for coming and noted that he was honored to be new chairman of the Commission.

III. APPROVAL OF November 4, 2010 MINUTES

The minutes were approved.

IV. OLD BUSINESS

Nothing to report.

V. NEW BUSINESS

A. Kidney Disease Program - Stats and Budget

Ms. Manning presented the KDP budget.

Mrs. Schwartz reported that the Governor would be releasing his budget tomorrow and there will probably be cuts. She noted that the Department is a strong supporter of the Kidney Disease Program but that if there are cuts the Commission may have to convene to discussion options. She promised to inform the community if there were any significant cuts to the program.

B. Commission Educational Offerings

Mrs. Schwartz reported that the Commission would like to include more Community Education opportunities this year. She requested topics from the guests.

A discussion ensued.

Ideas included opportunities for administrators to meet and share ideas, topics surrounding the most cited categories, documentation, heparinization, emergencies (clinical aspects) and water treatment. Ms. Ingram and Ms. Clarkson volunteered to help with this effort.

C. Patient Behavior Contracts

Mrs. Adcock reported that Renee at the Network recommends that facilities that present behavior contracts to patients review the contract every month for three months and then review them quarterly. The Commission endorses this recommendation as many times facilities contact the Commission with a request to discharge a patient who has a contract that may be a year old, and without any further documentation supporting the continuation of the abusive and threatening behavior. Discussion ensued.

Mrs. Schwartz noted that facilities need to improve documentation of staff and nephrologists intervention, when assisting a patient in trying to achieve behavior modification, as a change from abusive and threatening behavior.

D. Initial CNA-DT certifications – Online Requirement

Mrs. Adcock directed the guests' attention to the attachment from the Maryland Board of Nursing. The attachment outlines the requirement for the initial applications for CNA certification, including CNA-DTs, be completed and submitted online effective January 10, 2011 with the last day for the board to accept paper applications to be March 1, 2011.

E. Governor's Report

Mrs. Schwartz noted that once approved the Governor's Report would be forwarded to the Department of Legislative Services Library, to the Maryland General Assembly members, to Dr. Sharfstein and to other entities of interest.

The Commissioners voted to accept the Governor's Report as submitted.

F. Revised Dates for 2011 Commission Meetings

- January 20, 2011
- April 21, 2011
- July 28, 2011
- October 27, 2011

Mrs. Schwartz directed everyone's attention to the revised dates for this year's Commission meetings. She requested that the Commissioners let her know in advance if they could not attend any of the meetings.

G. Categories of Complaints

Mrs. Schwartz reported that the Commission has received the following types of complaints since the last meeting:

- **Written**
 - Complaint regarding lack of supplies, infection control, patient bleeding times and staffing
 - Complaint regarding discharge of an abusive and threatening patient
 - Complaint regarding a physician assistant's decision to report a patient to the MVA regarding the patient's ability to safely drive
 - Complaint regarding a discharge for non-compliance
- **Verbal**
 - Complaint regarding the room temperature at a facility
 - Anonymous complaint regarding the temperature in the facility
 - Complaint regarding staffing and transportation issue

Mr. Simon requested more information about the complaints including how the complaint was resolved and the disposition of the complaint.

Ms. Schulman noted that the plans of corrections submitted to the Commission are not part of the public record and therefore they could not be disclosed. Mrs. Schwartz reported that complaint specifics including resolutions and dispositions are discussed in the Executive Meeting. She stated that the Commission would discuss Mr. Simon's request for more information in the Executive Meeting.

H. Commission Approval/Disapproval for KDP Out of State Transplant Reimbursement

The following hospitals have requested and been granted out of state transplant approvals:

Hospital	Granted	Refused
Inova Fairvax	1	0
Christiana Hospital	3	0
Washington Hospital Center	1	0

I. Surveys (18)

The Commissioners reviewed the results of the surveys and the deficiencies noted:

Citations

Compliance with Federal, State and Local Laws and Regulations	0
Infection Control	11
Water and Dialysate Quality	8
Reuse of Hemodialyzers/Bloodlines	0
Physical Environment	8
Patient Rights	0
Patient Assessment	0
Patient Plan of Care	6
Care at Home	0
Quality Assessment and Performance Improvement	2
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	13
Responsibilities of the Medical Director	0
Medical Records	1
Governance	0

Mrs. Adcock reported on the high number of citations for Infection Control and Personnel Qualifications/Staffing violations. She noted that during Commission surveys, staff are observed especially during change over, that they do not commonly change gloves between clean and dirty activities; or that ledges and counters contain clean and dirty items stored together; that the dialysis machine priming buckets are not disinfected between patients; that staff touch machines with bare hands; that catheter care is not performed according to facility policy, and that blood is noted at patient chairsides and transducers are wet

with blood. She suggested that facilities perform infection control audits on a regular basis and provide staff with immediate feedback.

Mrs. Adcock reported that during the Commission surveys facilities are required to print out treatment flow sheets. Review of these sheets often reveals that patients are discharged above or below their goal weight. Additionally, hypotensive or hypertensive episodes during treatment are not documented by the nurse, and patients are not monitored according to facility policy. She noted that the **Nurse Manger** is cited for these findings, because she **IS** responsible for nursing care delivered at the facility. To help improve this situation, Mrs. Adcock suggested that **as part of the QAPI program post treatment sheets be printed and reviewed.**

J. Surveys Completed (18)

The following facilities have been surveyed since the last meeting:

FMC Camp Springs	Advanced Renal Easton
Davita Easton	Davita JB Zachary
Davita Greenspring	Bon Secours
Davita Largo	Davita Towson
Davita Dundalk	FMC Dundalk
Davita Berlin	Davita Cambridge
Davita Silver Spring	Davita Mercy
RAI Silver Hill	DCA N. Baltimore
Holy Cross	Davita Downtown

With no further business, the Public Session of the meeting ended at 3:17 P.M.

CLOSED SESSION: Pursuant to Md. Code Ann. State Government §§10-503 and 10-508(a), on motion made by Dr. Luis Gimenez, the Commission unanimously voted to close it's meeting on January 20, 2011 at 3:17 p.m., for the purpose of discussing confidential and genuine sensitive matters involving individual complaints and investigations pending before the Commission.