

MARYLAND COMMISSION ON KIDNEY DISEASE
OPEN SESSION MEETING MINUTES
Thursday April 22, 2010
4201 Patterson Avenue, Room 108-109

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, April 22, 2010 at 4201 Patterson Avenue in room 108-109. The Chairman, Dr. Jeffrey Fink called the meeting to order at 2:13 PM. Commission members present were: Drs. Edward Kraus, Ken Yim, Kulwant Modi and Luis Gimenez and William Frederick, RN, Kim Sylvester, RN and James Stankovic, 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 and Chuck Lehman, Executive Director of Medicaid Systems Operations, Dee Spanos, RN, Medicaid Eligibility, Barbara Fagan, Program Manager, Office of Health Care Quality and Maria Kransnansky, RN, Surveyor, Office of Health Care Quality

Guests present were:

Micki Misiazek, Genzyme	Stuart Lessner, Union Memorial
Anne Smith, Renal Advantage	Brenda Falcone, NKF
Joan Rogers, IDF	Kim Zuber
Sharon Bloom, DHMH	Paula Hollinger, DHMH
Ivy Simmons, Good Samaritan	Chris Simon, IDF
Jeanne Jendrek, Good Samaritan	

I. APPROVAL OF January 28, 2010 MINUTES

The minutes were approved as submitted.

II. CHAIRMAN'S REPORT

Dr. Fink welcomed everyone. He noted that the solicitation notice for VA contracts has been sent out. Dr. Fink reported that this is a national initiative for the VA. He stated that he could be contacted if anyone has questions regarding the solicitation.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz discussed the prevalence of facilities with infection control citations. She stated that many of the dialysis facilities are older, have not been maintained and that some appear dirty. She stressed the importance of making the facilities welcoming and clean for the patients. Mrs. Schwartz noted that the surveyors are looking at environmental issues during the surveys.

IV. OLD BUSINESS

A. Dialysis Facility Disaster Plans – William Frederick, RN

Mr. Frederick noted that there is nothing new to report and that a summary of this effort is reported in the Commission's newsletter.

B. Veterans Administration Contact Information – Dr. Jeffrey Fink

Dr. Fink reported that the VA patients are still presenting at the VA emergency room unless they have been assigned or referred to a VA physician. He requested that the dialysis facilities send as much information about the patient and their dialysis as possible with the patient. Dr. Fink noted that he would provide better VA contact information when it is available.

C. COMAR 10.30 – Effective April 5, 2010

Mrs. Schwartz noted that the Commission's updated regulations became effective April 5th. She reported that the Commission would be sending out printed versions in the future but that in the interim the regulations are on the website: www.mdckd.org.

V. NEW BUSINESS

A. Kidney Disease Program - Stats and Budget

Ms. Manning presented the KDP budget.

- **Budget Reconciliation and Financing Act**

Mr. Lehman directed the guests' attention to the attachment and noted that the KDP funding has changed from general funds to special funding from the Senior Prescription Drug Program. He stated that prescription rebates must to be monitored to enhance and assure adequate program funding.

Discussion regarding the rebate program ensued. Mr. Lehman noted that the manufacturers or labelers are billed for rebates and Ms. Manning stated that the rebate formulas for each drug are the same.

Ms. Zuber questioned how the CMS proposed bundling would affect the KDP budget. Mr. Lehman reported that the effect of bundling on the KDP budget has not yet been projected.

B. Network Training In Reported Problematic Surveys

Mrs. Schwartz noted that the Commission and the Office of Health Care Quality could report problematic surveys to the Network who may require facilities to attend WebEx training focused on specific areas of need. Mrs. Fagan stated that the Office of Health Care Quality has utilized this program.

C. National Certification for CNA-DTs

Mrs. Adcock stated that as of April 15th CMS regulations require that all CNA-DTs with 18 months or more experience be nationally certified. Mrs. Schwartz requested that facilities be proactive and not let new employees wait until the 18 month deadline to start taking the national exams. Staff should allow time for retesting and facilities must assure that all staff maintain appropriate certifications.

D. Life Safety Code

Mrs. Adcock directed everyone's attention to the attachment provided. The fire and safety survey report will be utilized by Life Safety Code (LSC) surveyors. She noted that the LSC currently applies to new or relocated facilities and facilities that have LSC complaints. Existing facilities are reported to start to be surveyed for LSC December 2010. Mrs. Fagan noted that the State Fire Marshall's office would be conducting these surveys and she stated that she would review CMS guidance on the effective date and report next meeting.

E. Paid Leave for State Organ Donors

Ms. Falcone reported that different states have benefits for organ donors. She noted that State of Maryland employees are entitled to up to 7 days of paid leave for bone marrow donation and up to 30 days for organ donation. She stated that many State employees are not aware of this benefit.

Discussion ensued regarding how to best communicate these benefits to State employees and other benefits to potential donors.

Mrs. Schwartz committed to contacting the Department of Budget Management to determine if a mass email could be sent this month to State employees since April is National Donor Month.

F. Tips for Dialysis Facilities in Emergency/Snow Events

Mrs. Adcock directed everyone's attention to the attachment. She noted that upon request, facility staff shared their suggestions of what worked during the February 2010 snowstorms. The suggestions were compiled into the list.

Discussion ensued about issues that arose during the snowstorms and regarding facility emergency plans. Mr. Simon noted that an emergency transportation meeting was taking place today and a follow-up meeting was scheduled for July. Dr. Fink commended facility staff for efforts made during this unprecedented storm.

G. Newsletter

Mrs. Adcock directed everyone's attention to the Commission's Newsletter. She noted that the Newsletter was emailed, is available on the Commission's website and would be mailed to each facility.

H. Change of Ownership

Dr. Fink reported that the Commission has been notified that Davita Elk River was purchased on February 1, 2010 by FMC, and will be named hence forth FMC-Elkton.

I. Complaints

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

- Facility complaint regarding transportation of patients during the snowstorms
- Patient complaint during the snowstorm regarding lack of communication from her dialysis facility
- Patient complaint regarding noise level and staff not answering dialysis machine alarms timely at a facility
- Facility complaint concerning a patient who broke a door
- Complaint regarding outpatient placement of a patient with a tracheotomy

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

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

Hospital	Granted	Refused
Washington Hospital Center	5	0
Christiana Hospital	4	0

K. Surveys (21)

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	13
Water and Dialysate Quality	7
Reuse of Hemodialyzers/Bloodlines	2
Physical Environment	5
Patient Rights	0
Patient Assessment	3
Patient Plan of Care	6
Care at Home	1
Quality Assessment and Performance Improvement	4
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	7
Responsibilities of the Medical Director	1
Medical Records	1
Governance	5

L. Surveys Completed (21)

The following facilities have been surveyed since the last meeting:

DCA Chesapeake	Davita District Heights
Adventist Dialysis	FMC Baltimore
Davita Owings Mills	FMC Rosedale
Davita Landover	Johns Hopkins Harriet Lane
Davita Chestertown	FMC Washington
IDF Arundel	DCA Chevy Chase
Davita Pikesville	Western MD Hospital Dialysis
FMC Hagerstown	FMC Prince Georges
Davita Falls Rd.	Davita Wheaton
FMC Rockville	Davita Harbor Park
Community Dialysis	

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-508", on a motion made by Dr. Jeffrey Fink, the Commission unanimously voted to close its meeting on April 22, 2010 at 3:15 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.