

**MARYLAND COMMISSION ON KIDNEY DISEASE**  
**OPEN SESSION MEETING MINUTES**  
**Thursday July 23, 2009**  
**4201 Patterson Avenue, Room 108-109**

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, July 23, 2009 at 4201 Patterson Avenue in room 108-109. The Vice-Chairman, Dr. Kenneth Yim called the meeting to order at 2:10 PM. Commission members present were: Drs. Jeffrey Fink, Kulwant Modi and Luis Gimenez and Kim Sylvester, RN and Sarah DeCerbo. Commission staff present were: Eva Schwartz, Executive Director and Donna Adcock, RN, Surveyor. Commission council present: Leslie Schulman, AAG.

**DHMH staff present:** Carol Manning, Chief KDP, Chuck Lehman, Executive Director of Medicaid Systems Operations, and Barbara Fagan and Maria Krasnansky, RN, Office of Health Care Quality.

**Guests present were:**

Karen Lambrecht, Amgen	Sylvia Romero, Davita
Steve Devore, Davita	Rhonda Witte, Deers Head
Elena Balovlenkov, Davita	Laura Gaylor, Deers Head
Paula Hollinger, DHMH	Jaime Baker, Davita
Lorrie Flannery, Davita	Joan Guest, Davita
Sharon Bloom, DHMH	Bonnie Kaiser, Davita
Mary Keller, Davita	Debbie Ferguson, FMC
Tamara Plunkett, FMC	Lisa Grubb, Union Memorial
Kim Clarkson, FMC	Amy Schmidt, Johns Hopkins
Tara Matthews, Davita	Timah Ricketts, FMC
Susan Humphreys, Johns Hopkins	Donyale Showers, FMC
Pam Pacheco, DC	Brenda Falcone, NKF
Ivy Simmons, Good Samaritan	Bryan Barshick, Johns Hopkins
Stephanie Barkley, RAI	Sarrah Johnson, RAI
Renee Garnett, Davita	Stuart Lessner, Union Memorial
Joan Guest, Davita	

**I. APPROVAL OF April 23, 2009 MINUTES**

The minutes were approved as submitted.

**II. EXECUTIVE DIRECTOR'S REPORT**

• **Repayment of Cash Advances from the KDP**

Mrs. Schwartz deferred to Mr. Lehman who updated the group on the status of provider repayment of the cash advances. He noted that the Department is working with the providers to assure claims are being paid. The KDP has recovered about half of the cash advances. He noted that the budget is in pretty good shape and the KDP did not suffer any cuts during yesterday's budget meeting. He reiterated that the KDP would need the cash advances returned.

Mrs. Schwartz noted that the facilities must meet their commitments to the State so patients are not adversely affected.

• **Facility Certification Renewals**

Mrs. Schwartz commended everyone for their outstanding job paying the Commission recertification fees. She noted that the fees and facility updates were received in a very timely manner.

Mrs. Schwartz noted that there would be a turnover in Commission membership. Commission members serve for up to eight years and many of the Commissioners have completed their service. She introduced Sarah DeCerbo as a new consumer member and noted that Dr. Matthew Weir has been appointed from Med Chi, Dr. Edward Krauss has been appointed from the NKF, Belinda Lindsay will replace Anne Marie from the CNSW, James Stankovic will serve as a consumer and that Drs. Modi and Gimenez have been reappointed.

**III. OLD BUSINESS**

**A. Proposed Amendments to COMAR 10.30**

Mrs. Schwartz noted that the Commission has received the draft amendments back from the Department with mark-ups for stylistic changes. She proposed that the Commission form a committee to review the draft and noted that the proposed regulations will be posted in the Maryland register and that the Community will have an opportunity to comment at that time. Mrs. Guest volunteered to serve on the committee.

#### **B. CNA-DT – Requirements for Certification**

Mrs. Adcock noted that the Commission and Board of Nursing are still waiting to hear official word from CMS regarding the approval of the CNA-DT program in lieu of National Certification for the PCTs. She noted that preliminarily a CMS representative has noted that there are concerns with the current CNA-DT program regarding the small number of required CEUs, the grand fathering of staff that was allowed several years ago and the integrity of the test. Mrs. Adcock reported that it does not appear at this point that the program will be approved so entities should be preparing their PCTs to take one of the National exams. She reminded everyone that CMS requires that staff present in the facility on October 14, 2008 be Nationally certified by April 15, 2010. Staff hired after October 14, 2008 have 18 months after their date of hire to obtain national certification.

#### **C. Dialysis Facility Disaster Plans**

Mrs. Adcock reported that she and Mr. Frederick would meet with the Preparedness Advisory Committee in August to discuss the needs of the dialysis facilities in an emergency/disaster. She noted that the Commission's Disaster Planning Committee had hoped that the dialysis facilities would be included in the Facility Recourse Emergency Database System or FREDS.

### **IV. NEW BUSINESS**

#### **A. Kidney Disease Program - Stats and Budget**

Ms. Manning presented the KDP budget. She noted that many claims have been processed and that there is a deficit of \$4.6 million. She reported that the patient certification process is currently under 40 days and that the KDP staff continue to pull problematic applications to assist with certifications. Ms. Manning stated that she does not have the appropriation for 2010 at this time. Mr. Lehman noted that the appropriation would probably be approximately \$10 million.

#### **B. Commission FY 2010 Budget Appropriation**

Mrs. Schwartz noted that the current Commission budget does not incorporate all salaries so a budget amendment will be necessary. She noted that the revenue received supports the operation of the Commission.

#### **C. Disposition of Patients With Involuntary Discharge – Dr. Yim**

Dr. Yim discussed the issue of patients discharged from dialysis facilities being managed in the emergency rooms. He noted that this is a growing population and that some patients are being discharged for being “no shows” at their dialysis facilities. He reported that these patients become “blackballed” and essentially no outpatient facility will accept them. He discussed the importance of patients being given a second chance especially psych patients who are treated and medicated. He noted that patient's behavior could change especially when they realize that they don't have a facility for routine dialysis. He requested that the community reconsider some of these patients who have been compliant in the emergency room settings.

Mr. Devore noted that the Downtown facility accepts many of these types of patients but that the general well being of all patients and staff must be considered.

Discussion ensued.

Mrs. Schwartz requested that the facilities reconsider and reevaluate, utilize their social workers and behavior contracts. She noted that early and constant intervention is helpful and that patient's should not be “blackballed”.

#### **D. Every Diabetic Counts – Thomas Pianta**

Thomas Pianta, Project director with the Delmarva Foundation presented their new program which targets the underserved hemodialysis patients with diabetes. He noted that the program hopes to improve diabetes management and patient outcomes.

Dr. Fink requested program content information. Mr. Pianta committed to demonstrating the program at the next Commission meeting.

#### **E. CMS Water and Dialysate Questions and Answers**

Mrs. Adcock directed the guest's attention to the attachment from CMS regarding concentrate preparation and required testing. She noted that staff who prepare concentrates must have documented training for preparation of the concentrates and appropriate documentation and testing of the final products must be complete. Ms. Krasnansky reported that she just surveyed a facility where the bicarb mixer was broken for weeks and that staff were not following the manufacture's directions for mixing the bicarb. She noted that the facility lacked a policy for mixing the bicarbonate solution.

#### F. New Facility

- **Davita Calverton (pending)**

Mrs. Schwartz announced that the Commission certification of this facility is pending the OHCC licensure.

#### G. Closed Facility

- **Davita Howard Street (notified 5/21/09)**

Mrs. Schwartz announced that the Commission has been made aware of this facility's closure.

#### H. Complaints

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

- **Written**

Patient's family complaint regarding placement of the patient in an outpatient facility

Patient complaint regarding disrespectful treatment from a dialysis provider

Patient complaint regarding lack of generators in dialysis facilities

- **Verbal**

Patient family complaint regarding patient acceptance at dialysis facility after hospitalization

#### I. Commission Meeting Dates for 2010

Mrs. Schwartz noted that the tentative Commission meeting dates for next year are as follows:

- January 28, 2010
- April 22, 2010
- July 22, 2010
- October 28, 2010

#### J. Commission Approval/Disapproval for KDP Transplant Reimbursement

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

Hospital	Granted	Refused
Washington Hospital Center	6	0
Christiana Hospital	1	0
Allegheny General Hospital	1	0

#### K. Surveys (21)

The Commissioners reviewed the results of the surveys and the deficiencies. Dr. Yim noted the large number of citations for Infection Control, Water and Dialysate Quality and Personnel Qualifications/Staffing. Mrs. Krasnansky noted that staff that are not appropriately licensed are reported to their licensing board.

Discussion ensued regarding infection control issues and staff not following the dialysis prescriptions.

Mrs. Schwartz reported on the responsibilities of the Medical Directors emphasized that they are responsible and will be held accountable, as they should be active members of the team.

#### Citations

Compliance with Federal, State and Local Laws and Regulations	0
Infection Control	9
Water and Dialysate Quality	10
Reuse of Hemodialyzers/Bloodlines	2
Physical Environment	8
Patient Rights	0
Patient Assessment	6
Patient Plan of Care	3
Care at Home	0
Quality Assessment and Performance Improvement	4
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	10
Responsibilities of the Medical Director	1
Medical Records	3
Governance	1

**L. Surveys Completed (21)**

The following facilities have been surveyed since the last meeting:

Davita N. Rolling Rd.	FMC Robinwood
Davita Germantown	Frederick Renal
Union Memorial	Davita Dundalk
Davita Carroll County	Davita Greenspring
Bon Secours	Davita Towson
Cromwell Center	Davita Catonsville
Renal Care of Seat Pleasant	Davita Glen Burnie
Davita Largo	FMC Dundalk
Davita Silver Spring	Davita Mercy
RAI Silver Hill	Davita 25 <sup>th</sup> Street
FMC Greater Baltimore	

**CLOSED SESSION:** Pursuant to Maryland State Government Annotated “10-508”, on a motion made by Dr. Kenneth Yim, the Commission unanimously voted to close its meeting on July 23, 2009 at 3:05 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.