

**GOVERNOR'S ANNUAL REPORT
2017**

**MARYLAND COMMISSION ON KIDNEY DISEASE
and
TRANSPLANTATION**

**4201 PATTERSON AVENUE
BALTIMORE, MD 21215
Phone number 410-764-4799
Website: mdckd.org**

Dr. Jeremy Yospin, Chairman

Dr. Paul Segal, Vice-Chairman

Eva Schwartz, M.S., M.T. SBB (ASCP), Executive Director

Donna Adcock, RN, Health Facilities Surveyor

Leslie Schulman, Assistant Attorney General, Commission Counsel

**MARYLAND COMMISSION ON KIDNEY DISEASE
REPORT TO THE GOVERNOR**

January 1, 2017 - December 2017

“The Commission shall adopt physical and medical standards for the operation of dialysis and renal transplant centers...”

“The Commission shall adopt reasonable medical standards for acceptance of patients into the treatment phase of the Program...”

“The Commission shall annually evaluate the entire Kidney Disease Program. An annual report of such evaluation shall be made to the Governor...”

“The Commission shall survey periodically dialysis and transplant facilities...”

“The Commission shall evaluate patient complaints, including cases of verbally and Physically abusive patients...”

“The Commission shall collect an annual certification fee from the facilities in order to meet its mandated responsibilities...”

Annotated Code of Maryland
Health-General Article, Title 13, Subtitle 3 and Title 16, Subtitle 2

MEMBERSHIP

Jeremy Yospin, M.D. - Chairman
Paul Segal, D.O. - Vice Chairman
William Rayfield II, M.D.
Henita Schiff
Denise Collins, LCSW-C
Joan Wise, R.N.
Susan Leon, R.N.
Donna Hanes, M.D.
Sumeska Thavarajah, M.D.
Nadiesda Costa, M.D.
Adam Berliner, M.D.
Reverend Barry Hargrove (deceased)
Bernard Jaar, M.D. (end of service 9/2017)
Edward Kraus, M.D. (end of service 9/2017)

STAFF

During the calendar year 2017, Eva H. Schwartz, M.S., M.T. (ASCP) SBB held the position of Executive Director of the Commission. Leslie Schulman served as the Assistant Attorney General assigned as Counsel to the Commission, and Donna Adcock, R.N. served as the Commission Surveyor of the dialysis and transplant centers.

COMMISSION MEETINGS

The Commission met in January, April, July and October, 2017.

PHYSICAL AND MEDICAL STANDARDS COMMITTEE

The Physical and Medical Standards Committee reviews on-site inspections, and approves facilities requesting certification by the Commission on Kidney Disease for reimbursement purposes by the Kidney Disease Program of Maryland (KDP). The Committee is responsible for research, recommendation and presentation of physical and medical issues affecting the renal community and investigation of patient complaints in an expeditious manner. The recommendations for complaint resolution cases are then voted on by the full Commission and appropriate corrective action is implemented and enforced. **If necessary, a facility will be resurveyed because of non-compliance with its own submitted Plan of Correction (POC).**

During the 2017 calendar year, the following **new** facilities were approved for certification by the Commission for KDP reimbursement purposes:

<u>Facility</u>	<u>Address</u>	<u>Medical Director</u>
Davita Kidney Home Downtown	200 St. Paul Street, Ste. 5 Baltimore, MD 21202	Anita Pasumarthy, M.D.
Davita Briggs Chaney	13875 Outlet Drive Silver Spring, MD 20904	Promod Duggal, M.D.
Davita Friendly Farms Home	10905 Ft. Washington Rd. Fort Washington, MD 20744	Roopali Gupta, M.D.
Davita Odenton	1360 Blair Drive, Ste. L&M Odenton, MD 21113	Kenneth Yim, M.D.
Davita Largo Town Center	1101 Merchantile Lane, Ste. 104 Largo, MD 20774	Anand Desai, M.D.
Davita Greenbelt Home Training	10210 Greenbelt Road, Ste. 100 Lanham, M.D. 20706	Promod Duggal, M.D.
Davita Mt. Rainier	2303 Varnum Street Mt. Rainier, MD 20712	Dr. Aroti Hegde

Additional responsibilities of the Commission are to conduct on-site surveys of the dialysis and transplant facilities throughout the State of Maryland. The Commission surveys the dialysis and transplant facilities to meet the regulatory standards as promulgated by the Commission. An annual certification fee collected by the Commission is an additional requirement of the facilities for certification with the Commission and eligibility for reimbursement from the KDP. Enclosed is the roster of all certified dialysis and transplant centers in Maryland. This informational roster is available upon request from the Commission, and is posted on the **Commission's website:** dhmh.maryland.gov/mdckd.

COMMISSION ACCOMPLISHMENTS

- The Commission reviewed **twenty-one** (21) complaints between patients and facilities. Additionally, the Commission surveyed **ninety-one** (91) facilities for compliance with standards of care, and addressed all corrective action plans that emerged from such surveys. Surveys are scheduled based on need related to compliance of the facilities and transplant centers with submitted corrective plans and in response to patient complaints.
- The Commission reserves the right to schedule surveys to administer and manage the program as statutorily mandated and according to budgetary allowances and available funds.

<ul style="list-style-type: none">• The Commission maintains an active and up to date website (dhmh.maryland.gov/mdckd) for the latest information in the renal field as well as references the Commission's activities and community education accomplishments.
--

- In calendar year 2017 the Commission surveyed **ninety-one** (91) dialysis facilities and transplant centers. Through the Corrective Action Plan process, all Federal and State regulations were enforced by the Commission, thus the Commission has met its mandate. By enforcing compliance with State, Federal and Commission regulations, the quality of care rendered to the ESRD population in the state of Maryland was enhanced and its citizenry protected.
- The Commission continues to work with the Office of Healthcare Quality (OHCQ) to foster communication between the two offices. Presently, a wonderful cooperation between the Commission and OHCQ enables both entities timely responses to complaints, and therefore patients' welfare and safety is addressed through immediate intervention.
- Commission representatives participated in the Mid-Atlantic Renal Coalition quarterly teleconferences. The teleconferences provide a forum for Network staff to foster communication with the Commission and OHCQ and to discuss any facility issues.
- The Commission provides invaluable resources to the Renal Community and the State. The Commissioners offer a wealth of information and experience regarding the care of End Stage Renal Disease patients.
- The Commission completed and distributed a newsletter to the renal community. The newsletter is a tool to inform the community about the Commission's activities, and to provide educational information. Each published Newsletter is available on the Commission's website.

- The Commission meetings are forums to inform and educate the renal community. Facilities are encouraged to participate in the meetings and present best practice scenarios. All Open Session minutes are posted on the Commission's website and available for review by the renal community, all dialysis facilities and their staff.
- The Commission addressed ongoing issues surrounding dialysis facilities' discharge practices and continuity of care issues. The Commission is working collaboratively with the Mid-Atlantic Renal Coalition to review facility discharge requests.
- The Commission in collaboration with the Maryland Board of Nursing (MBON) continues to enforce the licensure requirement that only Certified Nursing Assistants with a DT (dialysis technician) specification are permitted to provide care for dialysis patients.
- The Commission collaborated with the Maryland Board of Nursing (MBON) staff to ensure that the MBON's proposed amendments to the CNA-DT certification regulations are aligned with current ESRD facility practice.
- The Commission in collaboration with the MBON educated the Renal Community regarding CNA-DT training program requirements specifically the requirement for the Registered Nurse to act as the CNA-DT candidates' preceptor. A registered nurse that has been approved by the MBON is responsible for overseeing the didactic and clinical components for the CNA-DT training programs.
- The Commission continues to provide the Kidney Disease Program (KDP) with expert medical advice including ongoing review of the new ICD-10 codes.
- The Commission reviews out of state transplant center requests for KDP reimbursement as well as evaluates requests for inclusion of new medications in the KDP pharmaceutical formulary.
- Commission meetings provide a forum for Renal Community education regarding KDP policies and requirements.
- The Commission continues to work with local hospitals to locate difficult to place patients in community dialysis facilities.
- The Commission meets with the medical and management leadership of facilities that are cited with concerning deficiencies. The meetings serve as an educational tool and encourages enforcement of compliance with the Commission's COMAR.
- The Commission met with Stakeholders regarding nursing ratios in dialysis facilities. Facility representatives were educated on current staffing requirements, reviewed nearby State requirements and common survey findings.
- The Commission provided information regarding the new CMS Emergency Preparedness Final Rule as it pertains to the outpatient dialysis facilities. A CMS representative presented the information during the July 2017 meeting.

PATIENT GRIEVANCES

During the year 2017, the Commission resolved to the satisfaction of the patients and the dialysis facilities **twenty-one** (21) complaints. The Commission and staff have availed themselves to the renal community to expeditiously resolve problems arising between patients and facilities. Additionally, the Commission has mandated improvement in the quality of care provided at the facilities cited for deficiencies and violations during the End Stage Renal Disease (ESRD) Survey. These goals were accomplished to the satisfaction of the Commission, thus protecting the safety and welfare of this vulnerable patient population.

COMMUNITY EDUCATION

This past year the Commission on Kidney Disease helped to support and organize both patient and provider conferences. The Commission partnered with the NKF of Maryland to hold the 10th annual Beyond Dialysis Conference dedicated to individuals on dialysis. The event provides an opportunity for dialysis patients to learn about different options for home dialysis and transplantation, to meet with other dialysis patients, and to empower them to take a more active role in their healthcare. Attendees value the information as well as the feeling of being a part of the dialysis community. The event this year was held on May 7, 2017 and was attended by 200 dialysis patients and their family members. The venue was the Hilton Garden Hotel in White Marsh that was chosen based on availability, handicap access, and accessibility via public transportation. Patients were also able to secure transportation through MTA mobility. The program was opened by the vice chair of the Commission who spoke on the role of the Commission and how it serves those patients with end stage renal disease. This was followed by a key note address by a patient with history of end stage renal disease and 2 failed transplants. He spoke about how he has dealt with his diagnosis and how he continues to remain active in his community. This was followed by a session on home dialysis modalities, a session on transplant workup, and ended with a 90 minute panel discussion by a transplant surgeon, transplant nephrologist, and transplant coordinator. The participants were engaged in the discussions asking good questions and also providing each other with words of encouragement and reviewing their own experiences.

Annually the Commission has supported programs for provider education. This year a program was developed with a target audience of dialysis technicians in July 2017. The content of the program was accredited by the American Nephrology Nurses Association to award 3.25 hours of continuing education credits. Topics included infection control practices in dialysis units, dialysis access complications, and hepatitis B and C. These topics were chosen based on areas of frequent citations noted on surveys of dialysis units in the Maryland area. The material was well received and presented in a case based format to allow for engagement of the audience. Dialysis technicians of varying years of experience were in attendance and felt the material to be useful and would impact on practice. 25 dialysis technicians were enrolled and we anticipate a larger audience with next year's program.

Additionally, the Commission has fulfilled its community education responsibilities by surveying and educating facilities according to the promulgated regulations by the Commission on Kidney Disease, COMAR 10.30.01. The Commission, public member volunteers, and patient advocates have addressed numerous groups in the renal community regarding sources for reimbursement for renal care, prevention of renal disease, transplantation criteria, and methods for reimbursement for life saving medications.

STATUS OF THE KIDNEY DISEASE PROGRAM

The purpose of the Kidney Disease Program (KDP) is to provide financial assistance to certified beneficiaries for the treatment of ESRD (end stage renal disease). This stage of renal impairment is almost always irreversible and requires dialysis or kidney transplantation to maintain life. As a payer of last resort, the Program may provide financial assistance only after all other medical and federal insurance coverage has been pursued. Covered services include chronic maintenance, in-center and home dialysis, renal transplantation, approved inpatient and/or outpatient hospital care, physician and laboratory fees, and medications specified on the KDP Reimbursable Drug List and certain ancillary services which are directly attributable to the beneficiaries' ESRD.

PROGRAM STATISTICS

In Fiscal Year, 2017, the Kidney Disease Program provided coverage to approximately 1727 beneficiaries. KDP net expenditures for FY 2017 totaled \$ 9,201,879. The KDP recovered \$285,209 in premiums and \$669,056 in provider refunds. Drug Rebate Recoveries totaled \$1,787,288 in FY 2017. These recoveries are projected annually and are incorporated into the Program's reimbursement budget.

FISCAL YEAR 2017 ACCOMPLISHMENTS

The Kidney Disease Program (KDP) enhanced the Program's website with information and updates relative to the Program. The address of this website is <https://mmcp.health.maryland.gov/familyplanning/Pages/kidneydisease.aspx>. This website includes helpful information, such as: KDP notices of updates/changes, information resources, web links, phone numbers, e-mail address for questions about KDP, billing instructions, KDP COMAR regulations and the KDP drug formulary. This website will undergo continuing development in an effort to provide the renal community with the most up to date information available with regard to the Kidney Disease Program. Enhancements and system developments to the KDP electronic claims management system (eCMS) and the Conduent pharmacy point-of-sale system (POS) continue in an effort to provide more efficient and timelier processing of claims. These systems continue to allow KDP to accept and return HIPAA compliant transactions from Medicare trading partners and all participating providers.

ESRD providers of service continue to be granted access to the KDP Portal. Approval of the required User Agreements, necessary to grant access, has improved to a 48 hour or less processing window. The website, to gain access to the KDP portal is www.dhmheclaims.org. This portal allows providers to verify claims' status and view detailed payment information, which includes, check numbers, check dates and voucher numbers. This information assists providers in maintaining an accurate and up to date accounts receivable system and minimizes duplicate billing. In addition, providers of service may access up to date eligibility information for all ESRD patients certified with the Kidney Disease Program of MD.

The Board of Public Works (BPW) approved the first option period for TPL on June 8, 2016 to include KDP in Medicaid's HMS (Health Management Services) contract to gather third party information in an effort to maximize collection efforts and ensure that KDP is truly a payer of last resort. The current period expires on June 30, 2018. Work has initiated to modify the KDP eligibility file, develop a resource file and develop a COB Connect document to effectively transmit and receive records in the proper format to HMS.

Santeon upgraded the entire eCMS platform to be compatible with newer Windows version and .Net frameworks. This upgrade has improved the security of the system. Upgrading the entire eCMS platform improved the security, reliability and performance of eCMS thus enhancing the efficiency and productivity of the system.

KDP, along with BCCDT and MADAP, has obtained a sole source contract with Santeon, the current KDP claims processing vendor, to continue the KDP claims functioning processes, financial payments and recoveries, in addition to reporting requirements. This 5 year contract covers the period of FY 2016 to FY 2021.

Customer service in the areas of patient certification, accounts payable and accounts receivable continues to improve. KDP personnel strive to assist KDP recipients, in processing applications as quickly and efficiently as possible, adjudicate claims in a timely manner, provide assistance with program participation fees, and provide education to members of the renal community to assist them in receiving the most accurate information possible. Training sessions have been held with Free Standing Dialysis Unit (FSDU) social workers and Senior Health Insurance Program (SHIP) personnel in an effort to educate the ESRD personnel and community in the KDP patient certification process, advise those personnel of KDP, Medicare and Medicaid regulations, and address frequent problems and concerns occurring with those processes.

PROJECTIONS FOR THE KIDNEY DISEASE PROGRAM

The Kidney Disease Program continues to work with our contractor, Santeon, and data processing analysts and programmers to ensure compliance with federally mandated requirements. Santeon is upgrading the KDP Portal which will allow the portal to be a more user friendly information access system for providers of service, in addition to automating the KDP user agreement process. The portal upgrade is scheduled to be completed in FY 2018. KDP will continue to work with its colleagues in defining the best possible route to obtaining a new Maryland Medicaid Information System (MMIS III). Future plans are for the KDP electronic claims processing system to be incorporated into the new MMIS III. In addition, the Kidney Disease Program will continue to work with the Commission on Kidney Disease to provide quality service to the end stage renal disease (ESRD) patients in the State of Maryland and the ESRD community.