

MARYLAND COMMISSION ON KIDNEY DISEASE

OPEN SESSION MEETING VIA GOOGLE MEET

Website: health.maryland.gov/mdckd

Meeting Minutes April 29, 2021

The Maryland Commission on Kidney Disease held an Open Meeting on Thursday, April 29, 2021 via Google Meet, a virtual platform.

Dr. Adam Berliner, Chairperson of the Commission, called the meeting to order at 2:05 P.M. Commissioners Dr. Donna Hanes, Dr. Jeremy Yospin, Dr. Sonal Korgaonkar, Dr. Nadiesda Costa, Dr. Sumeska Thavarajah, Susan Leon, RN, Jacqueline Hires, LCSW NSW-C, Raymond Harris, Tisha Guthrie, LMSW, and Jerome Chiat were in attendance.

Commission staff present: Eva Schwartz, Executive Director and Donna Adcock, RN, Surveyor

Commission Counsel present: Leslie Schulman, AAG

MDH staff present: Carol Manning, Chief KDP

The Commission expressed their appreciation acknowledging the large number of virtual attendees representing the renal healthcare provider community.

I. RATIFY APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF January 28, 2021

Commissioner Thavarajah motioned to ratify the approval of the Public Minutes from the January 28, 2021 session. Commissioner Yospin seconded the motion and the Commission voted unanimously to ratify the approval of the Minutes of the January 28, 2021 Public Session.

II. CHAIRMAN'S REPORT

Dr. Berliner reported on inclusion of patient race in GFR estimating equations and how these calculations may be contributing to healthcare disparities. He noted that a taskforce is researching alternative GFR calculation methods. Dr. Berliner encouraged interested parties to read *Reassessing the Inclusion of Race in Diagnosing Kidney Diseases: An Interim Report from the NKF-ASN Task Force in the Journal of the American Society of Nephrology*.

Discussion ensued.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz reported that the Secretary extended the Hospital Surge Patient Transfer Executive Orders. She noted that the renal community has received many complements regarding the handling of COVID-19 including maintaining access to care for renal patients.

IV. OLD BUSINESS

- **HB 344/SB 72 – Open Meetings Act**
Mrs. Schwartz reported that this bill failed. The legislation was opposed by the Boards.
- **HB 513 – MD Non-Emergency Medical Transportation Fund/study**
Mrs. Schwartz noted that this bill was withdrawn by the sponsors after a great deal of opposition from the dialysis facilities.

V. NEW BUSINESS

A. Kidney Disease Program (KDP)

Ms. Manning presented the KDP budget and statistics. She reported that the budget has been increased by \$3.4 million to a total of \$11.2 million which should be adequate for this fiscal year which ends June 30, 2021.

Ms. Manning reported that the KPD will be changing to a new platform which will affect reports. She noted that the budget reports would be redeveloped and any changes to the current reporting system would not be possible.

B. HB 484/SB 111 Healthcare Facilities – Dialysis Treatment Services Training Effective 7/1/2022, requires MDH regulations

Ms. Schwartz reported that this legislation requires individuals providing PD or hemodialysis treatments in a healthcare facility to be trained in the type of dialysis they are providing. A healthcare facility is defined as hospitals, inpatient facilities and any freestanding medical facility. Violators would be subjected to fines up to \$5000 for each violation.

C. SB 13 – CNA – Certificate Renewal – Training Program Requirements

Mrs. Adcock reported that this legislation allows the CNA to renew their certification without the required 16 hours of active practice if they completed an approved nursing assistant refresher or training program. The Maryland Board of Nursing (MBON) must adopt regulations. The effective date is 10/1/2021. Mrs. Schwartz noted that the regulations may parallel Federal regulations. She stated that anyone with questions regarding this legislation should contact the MBON.

D. Involuntary Discharges – Dr. Jeremy Yospin

Dr. Yospin discussed involuntary patient discharges from dialysis facilities. He noted that this practice is a very unpleasant for the facilities, could have dire consequences for the patients and should be avoided. Dr. Yospin discussed the Conditions for Coverage requirements for the facility's Governing Body and the Medical Directors regarding to involuntary discharges. He reported that some facilities are discharging patients for absence from the facility for more than 30 days. Dr. Yospin noted that the regulations do not support these discharges. Any involuntary discharge from a facility requires submission of the Involuntary Discharge Packet to the Network and State survey agencies. In addition, facilities are urged to follow their own policies and procedures regarding patient discharge.

Discussion ensued. Ms. House reported that involuntary discharge numbers are up. She noted that the survey agencies do not have authority to compel a facility to accept patients. Ms. House expressed the Office of Healthcare Quality's concerns regarding patients being blackballed by providers due to involuntary discharges and the lapse in patient continuity of care.

E. Closed Facility

Dr. Berliner reported that the **Davita Ellicott Kidney Center** closed on 4/15/2021.

F. Citation Free Facilities

Dr. Berliner recognized and congratulated the following facilities for citation free surveys:

- FMC Waldorf
- Davita Ridge Road
- Davita Queen Anne Home Training
- Davita Severn River

G. Categories of Complaints

Dr. Berliner reported that the Commission received and resolved the following complaints been written and verbal complaints since the January 2021 meeting:

a. Written

- Involuntary Discharges (4)
 - Two patients transferred
- Complaint regarding care at facility resulting in hospitalization
- Complaint regarding IVD of a patient for not presenting to the facility for treatments
- Anonymous complaint regarding infection control practices at a facility

b. Verbal

- Complaint regarding patient discharge plan

- Facility complaint regarding a threatening patient

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

Dr. Berliner noted that the Commission received and approved the following out of state transplant prior approvals for KDP reimbursement purposes:

Hospital	Granted	Refused
Georgetown University Hospital	6	0

I. Surveys (20)

Citations

Citations	April 2021	January 2021	April - October 2020	Jan. 2020
Compliance with Federal, State and Local Laws and Regulations	0	0	0	0
Infection Control	11	14	9	19
Water and Dialysate Quality	5	4	5	5
Physical Environment	6	5	2	6
Patient Rights	0	0	0	0
Patient Assessment	0	0	1	3
Patient Plans of Care	1	1	2	8
Care at Home	0	0	0	0
Quality Assessment and Performance Improvement	0	1	0	0
Laboratory/Affiliation Guidelines	0	0	0	0
Personnel Qualifications/Staffing	10	13	7	11
Responsibilities of the Medical Director	0	0	0	1
Medical Records	2	1	2	4
Governance	0	1	1	3

The categories and total number of citations are reported above and trended for information purposes.

Dr. Berliner expressed his concern with the continued high number of Infection Control citations. He encouraged colleagues that if they see something say something. He noted that this may be helpful in increasing awareness of infection control practices.

J. Surveys Completed

The following 20 facilities have been surveyed since the January 2021 meeting:

Davita Queen Anne	Davita Severn River
FMC Dundalk	Davita Laurel Lakes
Davita Ridge Road	Davita Rock Creek
Davita Bel Air	USRC West Baltimore
Davita District Heights	Davita Aberdeen
FMC Fleet Street	FMC Waldorf
Davita Seton Drive	Renal Care Seat Pleasant
IDF Parkview	FMC Odenton
FMC Washington	Davita Falls Road
FMC Nashua Ct.	Davita Carroll County

Late addition: Mrs. Schwartz reported that sadly, Dr. Yospin will complete his two terms of service to the Commission after the July meeting. She virtually presented him with the Governor and Secretary Citations and thanked him for his amazing service.

There being no further public business, upon motion made by Commissioner Hanes and seconded by Commissioner Yospin, the Commission unanimously voted to adjourn the Open Meeting Session at 3:15 P.M.