

MARYLAND COMMISSION ON KIDNEY DISEASE
OPEN SESSION MINUTES
Thursday January 28, 2010
4201 Patterson Avenue, Room 108-109

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, January 28, 2010 at 4201 Patterson Avenue in room 108-109. The Chairman, Dr. Jeffrey Fink called the meeting to order at 2:10 PM. Commission members present were: Drs. Edward Kraus, Ken Yim, Kulwant Modi and Luis Gimenez and William Frederick, RN, Kim Sylvester, RN, 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, and Barbara Fagan, Program Manager, Office of Health Care Quality.

Guests present were:

Donyale Showers, FMC	Chris Simon, IDF
Judith Akoh-Arrey, FMC	Ryan Brown, FMC
Cheryl Twine, WellBound	Jun Frias, WellBound
Sharon Bloom, DHMH	Kimberly Morgan, Bon Secours
Pat Machate, Davita	Paula Hollinger, DHMH
Kyara McCollum, Nirvana Medical	Felix Oloyede, FMC
Timmah Ricketts-West, FMC	Tori Tonge, FMC
Catherine Beers, FMC	Barbara Galloway, Western MD Hospital
Linda Hunter, RAI	Terry Simon, Davita
Anne Gaffney, FMC	Charlotte Zeip, Western MD Hospital
Micki Misiaszek, Genzyme	Juathawala Harris, Liberty
Lorrie Flannery, Davita	Brenda Falcone, NKF
Stuart Lessner, Union Memorial	Ivy Simmons, Good Samaritan

I. APPROVAL OF OCTOBER 22, 2009 MINUTES

The minutes were approved as submitted.

II. CHAIRMAN'S REPORT

Dr. Fink introduced himself and welcomed everyone to the meeting. He discussed the earthquake in Haiti and the incidence of kidney failure related to crushing injuries sustained by survivors of the earthquake. He noted that dialysis is available on board the USNS Comfort and at least one of the hospitals in Haiti. He reported the Fresenius has donated dialysis supplies and the Doctors Without Borders are working in Haiti. Dr. Fink stated that the incidence of kidney failure was fairly low and that the resources in Haiti are limited.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz reported that DHMH has inquired about access for dialysis of Haitians in Maryland. The state has committed an urgent fund for these patients to cover the cost of dialysis. She reported that information regarding this fund will be posted to the Commission website.

Mrs. Schwartz stated that the charter of the Commission includes community education. She reported that the Commission is planning a fall seminar that will focus on infection control and water quality, which are recurring deficient areas on surveys. She noted that the Commission hopes to engage speakers from CMS and the CDC for the seminar. As information about the seminar is available the Commission will inform the renal community.

IV. OLD BUSINESS

A. Amendments to COMAR 10.30 – forwarded to DSD -anticipated publication date in MD Register 1/29/2010; comment period ending 3/1/2010

Mrs. Adcock noted that the Commission's revised regulations will be published on January 29, 2010 in the Maryland register and that the comment period will end March 1, 2010. The regulations should become effective in April 2010. Mrs. Schulman reported that the Maryland Register is no longer in print but is available online at the Maryland Register website.

B. Dialysis Facility Disaster Plans

Mr. Frederick reported that representatives from the Commission met with the Maryland Emergency Management Agency in October 2009. He noted that we have gathered facility information from the facilities on a spreadsheet for the FREDs system and that the information will be forwarded to John Donahue at MIEMS.

C. Veterans Administration Contact Information

Dr. Fink reported that the Baltimore VA is still working to identify a contact person within the system for vascular access referrals. He noted that if the vascular access was placed at the Baltimore VA the patient should return there for follow-up care. There are still issues surrounding patients dropping into the VA emergency room unannounced. He requested that if a veteran requires access care the nephrologist call the VA Department of Nephrology at 410-605-7000 extension 5249. This number may be used until a formal policy is created.

V. NEW BUSINESS

A. Kidney Disease Program - Stats and Budget

Ms. Manning presented the KDP budget.

- **Proposed amendments to convert KDP funding from general fund to special funding**

Mr. Lehman reported the Department is proposing legislation that would remove the KDP premium portion for eligible patients out of statute so that the Department could change the premiums without going through the Legislature. He noted that premium rates would then be set in regulation.

Mr. Lehman noted that currently the KDP budget is 100% State funded. In light of the State's \$2 billion deficit, KDP funding would be changed from general funds to a special fund program. Under the Budget Reconciliation and Financing Act, surplus funds available in the Senior Prescription Drug Assistance Program will be transferred to KDP. This program is funded by a premium tax paid by a nonprofit health service plan. This funding will be in effect for the remainder of this fiscal year and for fiscal 2011. He noted that the special fund source has been a reliable source of revenues for the past six years and provides the State an opportunity to save monies in the general fund.

Discussion ensued. Mr. Lehman also noted that these surplus funds would also subsidize the Community Health Resource Commission.

Mrs. Schwartz requested a copy of the bill when it is available.

- **Proposed amendments by KDP regarding annual fee paid by KDP beneficiaries**

Mr. Lehman reported that the Department is proposing legislation that would amend the current KDP statute to require that the amount of the annual fee paid by Program enrollees be determined in regulation by the Department, rather than in statute. The current proposal would require KDP clients above 300% of the poverty level pay a fee of approximately \$5000 per year.

B. Issues Regarding Municipalities Altering Feed Water – Bill Frederick, RN

Mr. Frederick cautioned facilities to be alert when the water suppliers are working in their areas. He reported that work near his facility caused an increase in the chlorine/chloramine levels causing the facility's carbon tanks to exhaust. He noted that there are chlorine/chloramines test strips that are available that are more sensitive than the ones currently in use at most facilities. Mrs. Adcock reminded the guests that they should have a back-up system to test treated water for chlorine/chloramines in the event that the primary testing system fails.

C. Involuntary Transfer and Discharge Guidelines

Mrs. Adcock directed everyone's attention to the attachments provided by MARC. The attachment includes a checklist and guidelines for involuntary discharges. She noted that facilities should refer to these documents when considering involuntarily discharging a patient. She noted that the documents are also posted on the Commission's website. **These guidelines should not be construed as vacating the requirement to request permission for discharges from the Commission**

D. Governor’s Report

Mrs. Schwartz presented the Commission’s Annual Report to the Governor. The Commissioner’s voted to accept the report. She noted that the report would be posted on the website and mailed to Legislative representatives, the Governor’s office, the Legislative Library and Mr. John Colmers, Secretary of DHMH.

E. MARC Goals and Recommendations for 2009-2010

Mrs. Adcock directed everyone’s attention to the attachment. She noted that these are MARC’s new goals and recommendations and that facilities should be incorporating them into their quality assessment performance improvement programs.

F. Citation Free Surveys

Dr. Fink commended FMC Waldorf for their citation free survey.

G. New Facilities

Dr. Fink noted that WellBound of Frederick opened 9/3/09. Jun Frias, Clinical Manager of the facility noted that the facility is located in Frederick and offers home hemodialysis and PD modalities.

H. Closed Facilities

Dr. Fink noted that Davita – Cottage City closed on 1/9/10.

I. Complaints

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

• **Written**

- Patient complaint that staff share privileged patient information in the dialysis unit
- Patient complaint regarding finding community services
- Patient complaint regarding her brother’s care at a dialysis facility in a nursing home
- Facility complaint regarding patient not paying for services

• **Verbal**

- Physician’s complaint regarding a patient he felt was inappropriately discharged from an outpatient facility
- Patient complaint regarding being discharged from the hospital without a dialysis facility
- Social worker’s complaint regarding a facility not accepting a patient back into their facility after hospitalization
- Patient complaint regarding his issue with pork heparin and lack of alternatives for anticoagulation
- Physician complaint regarding discharging a patient back into the community from the hospital
- Patient complaint regarding an uncertified facility
- Patient family complaint regarding affording medication
- Family member complaint regarding transplant program
- Anonymous complaint regarding lack of cleanliness at a facility and the facility’s lack of a social worker

Mr. Simon from IDF, noted that information regarding the resolution of the complaints would be helpful. Mrs. Schwartz stated that the Commission would take his request under advisement.

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	3	0

K. Surveys (22)

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	6
Water and Dialysate Quality	11
Reuse of Hemodialyzers/Bloodlines	1
Physical Environment	3
Patient Rights	0
Patient Assessment	0
Patient Plan of Care	6
Care at Home	1
Quality Assessment and Performance Improvement	3
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	14
Responsibilities of the Medical Director	1
Medical Records	0
Governance	4

Mrs. Adcock noted the high number of facilities who are cited under Personnel Qualifications/Staffing. She stated that when she reviews the medical record the printed treatment flowsheets are also reviewed. Many times patients do not receive the prescribed treatment including blood flow rates, dialysate, treatment times and medications. Review of the flow sheets often reveals that patients leave above or below their goal weight or may have low or elevated blood pressures during treatment that are not addressed by the nurse. She reported that the nurses should be reviewing the treatment sheets and assure that patients are receiving treatments as prescribed and that notes are documented as required.

L. Surveys Completed (22)

The following facilities have been surveyed since the last meeting:

Davita Lakeside	Davita Geriatric Center
FMC Camp Springs	Good Samaritan – Lorien
Davita JB Zachary	IDF Calvert
FMC Waldorf	FMC QCDC
Community Dialysis	Davita – Cedar Lane
Davita Lanham	FMC Pikesville
FMC Salisbury	Deers Head
FMC Whitemarsh	IDF Chestnut
RAI Beltsville	Davita Johns Hopkins Bond Street
Davita Elk River	Davita Whitesquare
Davita Rivertowne	Davita at Home

Late addendum- Mrs. Schwartz identified representatives from the NKF as guests. She noted that the NKF has been vocal regarding the elimination of the over the counter medications (OTC) including insulin from the KDP formulary. Mrs. Schwartz reported that the Commission and the KDP have not received complaints from patients that have been impacted by these cuts. Ms. Manning stated that the dual eligible clients are still receiving the OTCs and that prescription insulin is still covered.

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 January 28, 2010 at 2:50 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.