

MARYLAND COMMISSION ON KIDNEY DISEASE
Thursday January 22, 2015
4201 Patterson Avenue
Room 108-109

PUBLIC SESSION MEETING MINUTES

The Public Meeting of the Commission on Kidney Disease was held on Thursday, January 22, 2015 at 4201 Patterson Avenue. Chairman, Dr. Luis Gimenez called the meeting to order at 2:08 P.M. Commissioners' Dr. Kulwant Modi, Dr. Paul Light, Dr. Bernard Jaar, Dr. William Rayfield, Dr. Edward Kraus, Henita Schiff, Belinda Lindsay, LGSW, Kim Sylvester, RN and Vice Chairman, William Frederick, RN were also present.

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

Commission Counsel present: Leslie Schulman, AAG

DHMH staff present: Roslyn Tyson, RN, Coordinator and June Bowman, RN, Surveyor from DHMH's Office of Health Care Quality (OHCQ) and Carol Manning, Chief KDP.

Guests present were:

Pam Earll, Davita	Ginny Jacob, Davita
Tracey Sease, WMHC	Towanda Maker, NxStage
Allison Brown, JHH	Chris Simon, IDF
Jessica Quintilian, NKF	Kim Phillips-McNair, Davita
Kimberly Morgan, Bon Secours	Jackie Smith, DSI
Joan Wise, IDF	Susan Leon, Bon Secours
Linda Hunter, DSI	Georgia Stewart-Echol, DSI
Tina Stern, UMMC	

**I. REVIEW AND APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF
October 23, 2014**

Mr. Frederick motioned to approve the Public Minutes from the October 23, 2014 session. Dr. Light seconded the motion and the Commission voted unanimously to approve the Minutes of the October 23, 2014 Public Session.

II. CHAIRMAN'S REPORT

Dr. Gimenez discussed the CMS Star Rating Program. He noted that the dialysis community continues to engage CMS regarding the validity of the assigned ratings and whether the ratings are a true reflection of the quality of care delivered at the facilities. He urged the community to continue to provide CMS with feedback regarding this program.

Discussion ensued. Ms. Wise noted that the assigned star ratings do not consistently correlate with the facility's Quality Incentive Program (QIP) scores. She reported that a patient advocacy group is challenging the validity of the Star Rating Program.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz commented on the January 21, 2015 Baltimore Sun's article, entitled "MTA Sued by Riders with Disabilities over Paratransit Access, Reliability." She reported that attorneys for the Maryland Disability Law Center and AARP Foundation have filed a federal class action lawsuit against the MTA, on behalf of thousands of riders with disabilities, alleging the agency's federally mandated paratransit service is unreliable and inaccessible. The lead plaintiff is a Baltimore resident and who is in end-stage renal failure. Ms. Schwartz reminded the Commission that last year, after it had received a patient complaint related to a denial for MTA Mobility recertification, the Commission in its attempt to investigate the complaint and resolve the matter, had representatives from MTA Mobility attend several Commission meetings to publicly discuss their plans to improve service and to hear from the concerns of the dialysis community. She stated that the Commission will follow the court process closely, and is hopeful that the case results in disabled patients being accommodated in a better fashion.

IV. OLD BUSINESS

- **Request to add Belatacept**

Mrs. Schwartz reported that she had been unable to contact the physician from UMMS that made the request to add Belatacept to the KDP formulary.

Dr. Kraus reported on the use of Belatacept for transplant patients. He noted the addition of this drug to the formulary would not be duplicative of other agents because of its unique class. Belatacept is used for maintenance immunosuppression; unlike other pill agents, the drug is infused once per month. The drug would replace Tacrolimus and Cyclosporin for patients with side effects from these drugs. Dr. Kraus noted that the Commission would need to evaluate cost information and stated that he could only recommend adding the drug if it was "cost neutral."

Ms. Manning noted that KDP does not pay for any intravenously (IV) administered drugs except for some limited drugs with prior authorization. She reported that KDP would need to add the new therapeutic class and explore whether the drug is already on the Maryland Medical Assistance formulary. She requested the NDC number for Belatacept.

Dr. Kraus reiterated that the Commission should explore the cost and suggested that KDP regulations may need to be updated regarding IV administered drugs. He also indicated that he would not anticipate seeing a huge demand for Belatacept.

- **Proposed Action on COMAR 10.30.01 and 10.30.02**

Mrs. Schwartz thanked the stakeholders and everyone who made comments to the regulations during the drafting stage. She noted that the amendments are consistent with the Office of Health Care Quality ESRD regulations.

Mrs. Schulman noted that the regulations were formally published in the Maryland Register and that comments are due by February 9, 2015. Written comments should be directed to Michele Phinney at DHMH, with a copy to the Commission's offices.

V. NEW BUSINESS

A. Kidney Disease Program - Carol Manning

- **Stats and Budget**

Ms. Manning presented the KDP statistics and budget. She noted that last quarter there was an increase in freestanding unit expenditures and a decrease in enrollment.

Discussion ensued. Ms. Manning noted that the KDP budget allocation is based on enrollment and utilization and that no budget cuts are slated for the KDP at this time.

B. Community Outreach Topics

Mrs. Schwartz discussed the Commission's possible partnering with the NKF of Maryland regarding Community education.

Discussion ensued. Dr. Gimenez noted that the Commission's role should be to enhance the quality of patient care, compliance and adherence with treatment.

Chris Simon and Jessica Quintilian committed to submitting information regarding the NKF's Beyond Dialysis Program and budgetary needs.

C. Budget Hearings: House, Feb 5, Senate, Feb 9

Mrs. Schwartz reported on the Budget Hearing dates in Annapolis.

D. CPR Certification/Recertification

Mrs. Adcock noted that during a few recent surveys she has noted CPR certification cards that do not include the CPR skills assessment. She directed the guests' attention to the attached email from CMS regarding facility staff CPR certification. CMS clarified that the CPR skills proficiency is required.

E. Network Update

Mrs. Adcock reviewed MARC's update that included review of Grievances, Involuntary Discharges, Failure to Place, Healthcare Associated Infections, Transplant Referrals, Quality Incentive Program, and Continuing Education.

F. CMS Final Rule for Quality Incentive Program - 2015-2018

Mrs. Schwartz directed the guests' attention to the informational attachment, C-1. Dr. Kraus reviewed the new CMS Quality Improvement Program requirements for transplant centers.

G. Governor's Report

Dr. Rayfield motioned to approve the 2014 Governor's Report. Mr. Frederick seconded the motion and the Commission voted unanimously to approve the Governor's Report.

Mrs. Schwartz stated that the mandated report will be forwarded to the several State agencies, libraries, the Governor and certain legislators. The report will also be posted on the Commission's website.

H. Citation Free Surveys

Dr. Gimenez commended the following facilities for achieving citation free surveys:

- Western Maryland Hospital Center
- Davita Largo

I. Categories of Complaints

Dr. Gimenez, for informational purposes, reported that the Commission has received and resolved the following types of complaints since the last meeting:

- **Verbal**
 - Patient complaint regarding lack of communication regarding social worker leaving facility employment and patient's KDP application
 - Nursing home complaint regarding placement of a patient with a trach
 - Patient complaint regarding on-going water issues at the dialysis facility
 - Patient complaint regarding change of dialysis schedule for the holidays and transportation issues
 - Patient family complaint regarding KDP
 - Patient complaint that facility is not allowing him to transfer

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

Dr. Gimenez noted that in the past quarter, the following hospitals have requested and been granted out of state transplant approvals:

Hospital	Granted	Refused
Washington Hospital Center	10	0
Georgetown University Hospital	2	0
Inova Fairfax	1	0

K. Surveys (20)

For informational purposes, the Commission shared the results of its Survey Findings Deficiency Report for the past quarter. Dr. Gimenez encouraged facility staff to keep working on the infection control and personnel issues including adherence to facility policies and procedures.

Dr. Kraus discussed his concerns regarding findings involving infection control, water and personnel citations. He noted that some of the citations are frightful and may place patients in imminent risk. He recommended having a mechanism for accelerated review by a subcommittee of Commissioners who would give direction to staff.

Discussion ensued. Mrs. Schwartz noted that facility representatives are made aware of survey findings during the exit interview. She reported that many times the Commission requires accelerated plans of correction. Mrs. Schwartz requested timely responses and direction from the Commissioners after the surveys are submitted for approval.

The Commissioners formed a subcommittee including Dr. Jaar, Dr. Rayfield and Mr. Frederick to address survey responses including levels of severity. In the interim, Ms. Adcock will flag survey reports with critical findings.

Citations

Compliance with Federal, State and Local Laws and Regulations	0
Infection Control	13
Water and Dialysate Quality	2
Reuse of Hemodialyzers/Bloodlines	1
Physical Environment	2
Patient Rights	0
Patient Assessment	1
Patient Plans of Care	2
Care at Home	2
Quality Assessment and Performance Improvement	0
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	14
Responsibilities of the Medical Director	0
Medical Records	0
Governance	0

L. Surveys Completed (20)

The following facilities have been surveyed since the last meeting:

- | | |
|----------------------------------|---------------------|
| Western Maryland Hospital Center | FMC Baltimore |
| USRC N. Baltimore | FMC Ft. Foote |
| Renal Care Seat Pleasant | Charing Cross |
| Davita Southern Maryland | Davita Towson |
| FMC Princess Anne | FMC N. Salisbury |
| Davita Calverton | Bon Secours |
| Davita Lanham | Good Sam Coldspring |
| Davita Germantown | Davita Frederick |
| Davita Largo | Davita Mercy |
| Davita Catoclin | Davita Windsor |

Late Addition – Mrs. Schwartz reported that the Commission had been contacted by Department of Health and Mental Hygiene representatives for assistance in placing a hospitalized patient who has been impossible to place in the community for outpatient dialysis. She noted that the State is working on obtaining appropriate housing, transportation and a sitter for the patient. Mrs. Schwartz urged facilities not to categorically deny admission of challenging patients.

There being no further public business, upon motion made by Commissioner Kraus and seconded by Commissioner Frederick, the Commission unanimously voted to adjourn the Public Session 3:55 pm.