

MARYLAND COMMISSION ON KIDNEY DISEASE
OPEN SESSION AGENDA
Thursday October 23, 2008
4201 Patterson Avenue, Room 108-109

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, October 23, 2008 at 4201 Patterson Avenue in room 108-109. The Chairman, Dr. Roland Einhorn called the meeting to order at 2:10 PM. Commission members present were: Drs. Jeffrey Fink, Dean Taylor, Ken Yim, Kulwant Modi and Luis Gimenez and William Frederick, RN, Kim Sylvester, RN, Margery Pozefsky and Anne Marie Soltis, LCSW. Commission staff present were: Eva Schwartz, Executive Director and Donna Adcock, RN, Surveyor. Commission counsel present: Leslie Schulman, AAG.

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

Guests present were:

Micki Misiaszek, Genzyme	Joan Rogers, IDF
Brian Nelson, Davita	Mary C. Johnson, Davita
Ivy Krauss-Simmons, Good Samaritan	Anthony Avrella, Good Samaritan
Kim Bales, FMC	Debbie Ferguson, FMC
Joan Guest, Davita	Pam Earll, Davita
Rick Borofski, Davita	Karen Lambrecht, Amgen
Melinda Rusznak, FMC	Teri Munoz, WMHC
Mary Harne, WMHC	Wayne Fitzgerald, WMHC
Mary Keller, DCA	Steve DeVore, Davita
Brenda Redilla, Amgen	Maribeth Sommer, Davita
Kevin Henderson, Davita	Heather Fliehm, Union Memorial
Tracey Mooney, IDF	Eileen Lynch, Davita
Troy Van Meter, Memorial Dialysis	Brenda Falcone, NKF
Cindy Bateman, Davita	Elena Balovlenkov, Davita
Toba Hausner, FMC	Towanda Maker, Davita
Chris Simon, IDF	Elaine Boyd, Davita
Heather Clark, RAI	Stephanie, RAI
Sarra Johnson, RAI	Paula Hollinger, DHMH
Sharon Bloom, DHMH	Rashidat Taiwo, FMC
Gale Bell, RCP	Judith Akoh-Arvey, FMC
Eileen Jagielski, FMC	Catherine Beers, FMC
Kelly McMahon, Davita	Perpetua Ezech, FMC
Timah Ricketts-West, FMC	Kathy Dorton, Davita
Michael Wiley, Prestige	

I. APPROVAL OF JULY 24, 2008 MINUTES

The minutes were approved as submitted.

II. CHAIRMAN'S REPORT

Dr. Einhorn welcomed everyone and noted that the ESRD Conditions for Coverage (CFC) were in effect as of October 14th. He reported that the Commission plans to cover some of the issues surrounding the new CFCs at today's meeting. He stated that this is a transitional time for the renal community and reported that the surveyors have received training regarding the new requirements. He reported that the Commission understands the community's need for time to come into compliance with the new regulations and that we will be available to answer questions and help facilities come into compliance.

Dr. Einhorn reported that the planned Medical Director's conference has been postponed/cancelled until the Commission can re-assess the physicians' need for the conference. He noted that in light of the new Federal requirements many entities have been doing a very good job of informing their medical directors of the new regulations and their responsibilities, thus a seminar covering the same material may appear redundant at this time.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz reported that the surveyors have been trained by CMS on the new CFC's. She noted that the interpretive guidance portion of the document is quite clear and very helpful. She stated that she is aware that many entities are making efforts to educate staff to achieve compliance.

Mrs. Schwartz reported that Barbara Newman and Pam Ambush-Burris from the Maryland Board of Nursing are in attendance and will be discussing the CNA-DT program and how the approved programs will need to adapt to be compliant with the new Federal requirements.

She noted that the medical director's responsibilities are highlighted in the new CFCs and that all facilities should devise a mechanism via which to inform the medical directors of the new requirements for compliance.

IV. OLD BUSINESS

A. KDP Reimbursement Issues

Chuck Lehman, Executive Director Medicaid Systems Operations, reported on the meeting with the Maryland Renal Administrators that took place prior to the Commission meeting. He noted that when the Secretary requested that he take over the oversight of the KDP program, the Secretary wanted to improve communications from KDP to the community. Mr. Lehman noted that the KDP now has a website which may be accessed via the DHMH website. There is a monitored email account available for inquiries. The email address is kdpinfo@dhmh.state.md.us. He reported that the KDP has filled three positions which have decreased the claims backlog, but that 2 positions were lost in the budget cuts. He noted that they have been working on the crossover system and that more claims are being received electronically. Mr. Lehman reported that significant payments are being made to providers. He stated that he looks forward to working with the community and providers to resolve issues.

Mrs. Schwartz thanked Mr. Lehman for attending and for meeting with the providers to answer their questions and discuss issues of interest. She assured all that we have the Department's commitment that they are working with the community to be responsive to their needs.

B. Proposed Amendments to COMAR 10.30.02

Mrs. Schwarz requested that the Commission form a work group to amend regulations to incorporate the new ESRD CFC and the new Office of Health Care Quality (OHCQ) regulations which will become effective on November 3rd.

She reported that the new OHCQ regulations define the requirements of the Facility Administrator, and provide for a waiver of those requirements if necessary. She noted that the staff to patient ratio of 1:3 remains intact but the new regulations require a free charge nurse if the facility is dialyzing more than 9 patients per shift.

Mrs. Schwartz stated that the notice of final action for OHCQ's promulgated regulations COMAR 10.05.04, will be posted in the upcoming Maryland Register.

Ms. Rogers voiced concerns regarding the public notice of the proposal of the OHCQ regulations. Ms. Schulman noted that the new regulations are not the Commission's regulations but that the community had been informed at prior Commission meetings of the updates and of the future posting of this information on the Maryland Register. Ms. Fagan reported that the OHCQ received one comment on the regulations.

V. NEW BUSINESS

A. Kidney Disease Program

Ms. Manning presented the KDP budget. The information was accepted as submitted.

B. New End Stage Renal Disease Conditions for Coverage

Mrs. Adcock provided a brief presentation on the new CFC. She reviewed the attachments included in the meeting packets, discussed the organization of the new regulations, reviewed noteworthy tags and reviewed information that will be requested from facilities during surveys.

She noted that the Commission is receiving inquiries about the every 6 month short term care plan requirement and reported that this requirement is in the OHCQ's regulations.

Ms. Fagan stated that she will discuss the requirement with the OHCQ representatives and get back to the community with an answer.

CNA-DT – Requirements for Certification

Barbara Newman, RN, from the Maryland Board of Nursing (MBON) discussed the new CFC requirement regarding National Certification for the patient care technicians and the CFC's provision for State certification programs. She noted that she and Ms. Burris, RN, have met with the Commission and OHCQ staff to discuss the CMS requirements. She reported that it appears that with minor changes the State certification for the CNA-DT's will meet CMS requirements. She noted that CMS requires no facility affiliated proctoring of the certification exam.

Ms. Newman reported that the MBON does not require a high school diploma or equivalency for CNAs but that the CMS requirement does include this provision. Ms. Adcock stated that surveyors will be surveying for this education requirement and that facilities must adhere to the CMS requirement.

Ms. Newman noted that once the proposed changes to the CNA-DT program are drafted and passed by the MBON, a letter will be sent to each MBON approved training center requesting the program's off-site testing plan, identification of the proctor and how the program will secure the exam.

Mrs. Schwartz noted that the proctor must be independent of a dialysis facility they hold employment, and that the exam site must be away from the dialysis facility.

Ms. Newman stated that the MBON will be reviewing the exam to assure that it is still current. She also requested information from the community on the CCHT and NANT exams which are recognized in the CFC but not by the MBON. She reported that these exams will not be accepted for endorsement purposes until the information is presented to the MBON and they are endorsed by the MBON. Ms. Newman reminded all that in Maryland the MBON requires that the CNA-DT be certified before working as a CNA-DT in the dialysis facility.

Ms. Adcock reported that she has requested information on the exams but has not received feed back from the group. She suggested that the community form a work group to gather the information about the exams to present to the MBON.

C. MARC Quick Tips

Mrs. Schwartz directed the guest's attention to the attachment containing the Mid-Atlantic Renal Coalition's (MARC) quick tips. She reported that MARC has been sending out "tips" weekly to providers to break down the regulations and assist with compliance. She noted that this attachment contains those tips in a collated version.

D. 2009 Commission Meeting Dates

Mrs. Schwartz noted that the dates for next year's Commission meetings are as follows.

- January 29, 2009
- April 23, 2009
- July 23, 2009
- October 22, 2009

She reported that the January 2009 meeting has been scheduled for a week later than usual.

E. Newly Certified Facilities

Dr. Einhorn announced the following newly certified facility:

- Davita – Lord Baltimore (7/21/08)

F. Complaints

Mrs. Schwartz noted the following types of complaints have been received by the Commission since the last meeting:

- Written
 - Facility complaint regarding patient verbal abuse and threatening behavior
 - Facility request to discharge a dangerous patient
 - Patient family complaint regarding transient care coordination
 - Complaint regarding patient's difficulty obtaining outpatient dialysis
- Verbal
 - Patient complaint regarding discharge from program
 - Patient complaint regarding facility's uncomfortable chairs
 - Complaint regarding facility staffing
 - Patient complaint regarding care at facility

She thanked the community for preemptively contacting the Commission with patient issues. She noted that working proactively may help to preserve the patient/facility relationship.

G. Commission Approval/Disapproval for KDP Transplant Reimbursement

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

Hospital	Granted	Refused
Washington Hospital Center	1	0
Georgetown University Hospital	1	0
Christiana Hospital Transplant Center	1	0

H. Surveys (20)

The Commissioners reviewed the results of the surveys and the deficiencies noted:

Deficiencies

Compliance with Federal, State and Local Laws and Regulations	0
Governing Body and Management	5
Medical Supervision	0
Long Term Program and Care Plan	8
Patient Rights/Responsibilities	0
Medical Records	10
Physical Environment	12
Transmissible Diseases	5
Reuse	1
Affiliation Agreements	0
Director of Dialysis Center	1
Staff of a Renal Dialysis Facility	10
Minimal Service Requirements	0
Transplant Centers/ Affiliation Agreement	0
Abusive and Dangerous Patients	0

Mrs. Schwartz noted that review of the Physical Environment citations will be more clear next meeting as Water and Dialysate have their own category in the new CFC.

I. Surveys Completed (20)

The following facilities have been surveyed since the last meeting:

IDF Calvert	FMC Waldorf
Davita Berlin	FMC Pikesville
FMC Rosedale	FMC Southern MD
Davita JHH Bond St.	DCA West Baltimore
FMC White Marsh	Davita Lanham
RAI Beltsville	Western MD Hospital Dialysis
FMC Hagerstown	Davita Elk River
Davita Whitesquare	Davita Rivertowne
FMC Camp Springs	Johns Hopkins Harriet Lane
Deer's Head	Good Samaritan – Harford Gardens

CLOSED SESSION: Pursuant to Maryland State Government Annotated “10-508”, on a motion made by Dr. Roland Einhorn, the Commission unanimously voted to close its meeting on October 23, 2008 at 3:30 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.