

MARYLAND COMMISSION ON KIDNEY DISEASE
Thursday October 25, 2018
4201 Patterson Avenue
Room 110

PUBLIC SESSION MINUTES

The Public Meeting of the Commission on Kidney Disease was held on Thursday, October 25, 2018 at 4201 Patterson Avenue. Chairman, Dr. Jeremy Yospin called the meeting to order at 2:13 P.M. Commissioners Dr. Donna Hanes, Dr. Paul Segal, Dr. Adam Berliner, Dr. William Rayfield, Joan Wise, RN, Raymond Harris and Susan Leon, RN were also present.

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

Commission Counsel present: Leslie Schulman, AAG

Maryland Department of Health (MDH) staff present: Barbara Fagan, Office of Health Care Quality (OHCQ) Program Manager, Kim Lang, Associate Director of Health Occupation Boards and Commissions, and Carol Manning, Chief of Kidney Disease Program (KDP)

Guests present were:

Kelly Morgan

Debbie Taylor, USRC

Pam Earll, Davita

Jessica Quintilian, NKF

Georgianna Lecompte, Advanced Dialysis

Mary Keller, USRC

Chris Simon, IDF

**I. RATIFY APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF
July 26, 2018**

Commissioner Wise motioned to ratify the approval of the Public Minutes from the July 26th session. Commissioner Segal seconded the motion and the Commission voted unanimously to ratify the approval the Minutes of the July 26, 2018 Public Session.

**II. RATIFY APPROVAL OF THE MINUTES OF THE CLOSED SESSION OF
July 26, 2018**

Commissioner Hanes motioned to ratify the approval of the Closed Minutes from the July 26th session with amendments correcting spelling typos. Commissioner Wise seconded the motion and the Commission voted unanimously to ratify the approval the Minutes of the July 26, 2018 Closed Session with amendments.

III. CHAIRMAN'S REPORT

Dr. Yospin welcomed everyone and introductions were made. He reported that the Commission election of Chairman and Vice-Chairman would be deferred until the January 2019 meeting to accommodate Commissioners not in attendance at today's meeting.

IV. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz raised a topic of concern that of repeated findings of deficiencies in infection control and staffing. She requested community input from someone who has been successful in maintaining infection control in their facility and to have them share their best practices success story at the January 2019 Commission Meeting. She noted anyone interested should contact her or Mrs. Adcock.

Mrs. Schwartz also reported that the Commission receives requests from the Kidney Disease Program to approve ICD codes related to End Stage Renal Disease for KDP reimbursement purposes. She noted that in the past the Commission's KDP Formulary Committee Chairman would be responsible to track and report upon these types of requests. She requested a volunteer from the Commission to serve in this capacity and Dr. Berliner accepted. Mrs. Schwartz will contact Dr. Berliner to discuss the role and responsibilities.

V. OLD BUSINESS

- **Change in Commission Membership Qualifications for Governor's Appointment Purposes**

Mrs. Schwartz reported that the proposed legislation is currently on hold. She noted that the proposal would remove the restriction for individuals to be appointed to serve on the Commission if they have a direct ownership in renal dialysis facilities and would reduce the minimum number of submitted names required per position from 3 to 2. Mrs. Schwartz stated that it is uncertain if the proposed legislation would move forward this legislative session.

VI. NEW BUSINESS

A. Kidney Disease Program

Ms. Manning presented the KDP statistics. She noted that the budget information was not available for the meeting but would be forwarded to the Commission office when available.

Ms. Manning reported that prescribed Oral B Complex Vitamins have been removed from the KDP formulary because they have been determined by First Data Bank to be available as over-the-counter drugs which are not covered by KDP. She also noted that these drugs had not been widely reimbursed by the KDP.

Ms. Manning reported that the manufacturer of Procrit decided that it would no longer provide the required rebate to KDP and, therefore, Procrit was removed from KDP's formulary. She noted that, after consultation with the Commission, Aranesp was deemed comparable to Procrit and has been added to the KDP formulary as a substitute for Procrit.

Ms. Manning also presented the revised KDP brochure to the Commission. The brochure provides answers to commonly asked questions about KDP and the Program's governing State regulations, COMAR 10.20.01. She noted that the booklets are on order from the printer and that the information is also available on the KDP website.

B. Monitoring for Nocturnal HHD Patients

Ms. Adcock reported on her findings at a facility regarding nocturnal home hemodialysis (HHD) patients and raised her concern that patients are not required to check their vital signs during their nocturnal treatment. She stated that the patients document only their pre-treatment and post-treatment vital signs. The patient's typically dialyze 8 – 10 hours. Discussion ensued.

The Commissioner nephrologists noted that this is typical behavior for the nocturnal HHD patients. They stated that these patients normally start on HHD during the day and are only moved to nocturnal HHD if they are stable. Patients prefer nocturnal dialysis so that they can sleep during their treatment and waking up to take vital signs would interrupt their rest.

C. Facility Notice to the Commission for Involuntary Patient Discharges

Dr. Yospin reported that facility notice to the Commission regarding immediate and 30 day discharges often comes too late for the Commission to intervene on the patients' behalf. Dr. Yospin stated that the Commission reviews each involuntary patient discharge for merit and to assure that the facility followed its own discharge policies and has adhered to the Commission's regulations. He encouraged the Community to submit timely notice which would allow the Commission help avert some patients from being discharged without being transferred to another dialysis unit and to intervene before patients are sent to emergency rooms for treatment.

D. Facility Staffing

Mrs. Adcock and Ms. Fagan reported on survey findings regarding facilities that are not staffed according to State requirements. Ms. Fagan noted that she has been receiving calls from patients and their families concerned for their well-being at facilities due to low staffing levels including those facilities having only one nurse at the facility. She noted that in the

past 6 months OHCQ has cited staffing deficiencies at a greater rate than infection control deficiencies. Discussion ensued. Ms. Adcock and Ms. Fagan noted that facility Governing Bodies are being held accountable for the lack of staffing.

E. ANNA Meeting – November 11, 2018

Commissioner Leon reported that the American Nephrology Nurses Association (ANNA) educational meeting will be held at Good Samaritan Hospital on November 11, 2018 and referred the guests to Attachment D reflecting the Agenda for the meeting.

F. Inquiry about Dietetic Practice

Mrs. Schwartz reported that the Commission has received an inquiry regarding dietitians writing orders. She noted that the Boards are not permitted to interpret the regulations; however, the Director for the Board of Dietetic Practice provided an excerpt from its regulations and suggested that facilities develop a written policy for this practice. She advised that dietitian’s orders must pertain to the practice of dietetics and may not exceed the practice of dietetics.

G. Tentative Dates for 2019 Commission Meetings

Dr. Yospin reported that in 2019 Commission will meet on the following dates: January 24, April 25, July 25 and October 24.

H. Citation Free Survey

Dr. Yospin congratulated the following facilities for achieving citation free Commission surveys:

- ARA Salisbury
- ARA Ellicott City
- UMMS Transplant
- NxStage Baltimore North

I. New Facilities

Dr. Yospin noted that since the last Commission meeting the following facilities have applied and been certified by the Commission:

- Davita Gaithersburg
- Davita Edgewood

J. Categories of Complaints

Dr. Yospin reported that since the last meeting the Commission has received and resolved the following types of complaints:

Written

- Anonymous complaint regarding facility operations
- Hospital complaint regarding facility refusal to readmit patient
- Facility requests to involuntary discharge patients (2)

Verbal

- Facility complaint regarding patient behavior
- Patients complaints regarding care at facilities
- Hospital complaint regarding facility discharge of noncompliant patients

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

This quarter, the Commission has received and granted 9 out of state transplant prior authorizations for KDP reimbursement purposes.

Hospital	Granted	Refused
MedStar Georgetown Transplant Center	7	0
George Washington University Transplant	1	0
Inova Fairfax Transplant	1	0

L. Surveys**Citations**

Compliance with Federal, State and Local Laws and Regulations	0
Infection Control	13
Water and Dialysate Quality	12
Physical Environment	7
Patient Rights	0
Patient Assessment	1
Patient Plans of Care	6
Care at Home	0
Quality Assessment and Performance Improvement	1
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	12
Responsibilities of the Medical Director	0 (cited under Governing Body)
Medical Records	2
Governance	8

For informational purposes, the Commission shared the results of its Survey Findings Deficiency report for the past quarter. It was noted that infection control, water and dialysate quality, and personnel qualifications/staffing continue to be areas of great concern. Facility Governing Bodies are being held accountable for facility management issues.

M. Surveys Completed

The following 23 facilities have been surveyed since the last meeting:

Davita Glenarden	ARA Ellicott City
FMC Anne Arundel	UM Transplant
ARA Salisbury	Davita Berlin
FMC QCDC	Davita Pikesville
Davita Union Memorial	Davita Landover
IDF Arundel	Davita Dundalk
USRC Oxon Hill	FMC Baltimore
FMC Elkton	Davita Owings Mills
Davita Rivertowne	Davita Pasadena
Davita Forest Landing	Davita Falls Road
Davita Mercy	NxStage North
Davita Mt. Ranier	

There being no further public business, upon motion made by Commissioner Wise and seconded by Commissioner Rayfield, the Commission unanimously voted to adjourn the Public Session at 3:30 P.M.