

MARYLAND COMMISSION ON KIDNEY DISEASE
OPEN SESSION MEETING MINUTES
Thursday November 4, 2010
1450 S. Rolling Road
Baltimore, MD 21227

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, November 4, 2010 at 1450 South Rolling Road, Catonsville, MD. The Chairman, Dr. Kenneth Yim called the meeting to order at 2:10 PM. Commission members present were: Drs. Edward Kraus, Matthew Weir, Kulwant Modi and Paul Light and William Frederick, RN, Kim Sylvester, RN and James Stankovic, Margery Pozefsky 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, Barbara Fagan, Program Manager, Office of Health Care Quality and Maria Kransnansky, RN, Surveyor, Office of Health Care Quality

Guests present were:

David Smith, Davita	Chris Simon, IDF
Brenda Falcone, NKF	Brenda Redilla, Amgen
Kim Clarkson, FMC	Katie Ingram, Davita
Genevieve Agusta, Star Maintenance	Tracey Mooney, IDF
Glenda Miller, IDF	Joan Rogers, IDF
Lorrie Flannery, Davita	Yollette Cox, Bon Secours
Cathy Springfield, Davita	Michael Przywara, Davita
Michael Walker, Davita	Jeannie Jendrek, Good Samaritan
Barbara Galloway, WMHC	Anne Gaffney, FMC
Jaime Baker, FMC	Shannon Green, Community Dialysis
Renee Morant, Davita	Alfredo Sagisi, Good Samaritan
Kim Zuber, PA	Naomi Elcock, Community Dialysis

I. APPROVAL OF July 22, 2010 MINUTES

The minutes were approved as submitted.

II. CHAIRMAN'S REPORT

No report.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwarz welcomed everyone to the meeting and requested introductions from the representatives. She welcomed new commissioner, Dr. Paul Light, representing the University of Maryland School of Medicine. She noted that Dr. Light replaces Dr. Fink. She stated that Dr. Patricia Nay, Medical Director for the Office of Health Care Quality and Tracey Mooney, CPA, IDF were both scheduled to present information later in the meeting.

Mrs. Schwarz discussed the large number of citations for infection control violations noted on surveys. She discussed the charge nurse's role in enforcing infection control practices in the dialysis facilities and suggested that other staff should be included to assist with surveillance and audits. Mrs. Schwarz noted that staff is responsible for protecting the patients and themselves from cross contamination and exposure.

IV. OLD BUSINESS

• **KDP Formulary Recommendations – Dr. Kraus**

Dr. Kraus reported that he and a group of pharmacists from the University of Maryland School of Pharmacy have been reviewing the KDP formulary for safety and cost effectiveness.

Mrs. Schwarz noted that currently the group is brainstorming, evaluating the formulary and suggesting cost savings for the KDP in the event of budget cuts. She noted that the Commission wants to be proactive and prepared and reported that the final product would be shared.

V. NEW BUSINESS

A. Kidney Disease Program - Stats and Budget

Ms. Manning presented the KDP budget.

Mr. Lehman reported that the Department was going through the budget process currently and that in fiscal year 2012 the KPD funding would revert back to general funds from special funds. He noted that the Department was asked to look closely at their budget, as federal stimulus money would expire in fiscal year 2011.

Ms. Mooney inquired about KDP application processing timeliness. Ms. Manning noted that they are currently in compliance, well under the required 45 days.

B. Medical Orders for Life Sustaining Treatment Options (MOLST) – Dr. Patricia Nay

Dr. Nay presented the MOLST form information. She noted that form would be introduced in the upcoming legislative session and would replace the other two forms currently in place. The form would be honored in all health care settings, even if the physician that signed the form was not on staff. She stated that the form could be completed by a physician or nurse practitioner and would standardize end of life decision-making documentation. Dr. Nay reported that the form would be posted on the Office of Healthcare Quality's website and comments were welcome.

Dr. Modi noted that the form does not require a witness. Dr. Nay reported that currently physician orders are not witnessed and that the patient does not have to sign the form.

Dr. Kraus inquired about the addition of tissue and organ donation to the form. Dr. Nay stated that she would take that request back to the committee.

Dr. Light questioned whether the form would be available in an electronic record. Dr. Nay noted that they are currently working on the electronic issue but are facing barriers. For now, if passed, the paper form would be required.

C. Bundle Payment System for ESRD Facilities – Tracey Mooney

Ms. Mooney presented information on the CMS Bundle Payment System. She noted that CMS reported that 98% of providers have opted into the bundle for 2011. Included in the presentation was the inclusion of IV medications and the 53 laboratory tests included in the bundle. Ms. Mooney noted that the average payment would be approximately \$246 per treatment.

Discussion ensued including the fear that patients requiring higher costs for treatments may not be readily accepted into the facilities, how bundling would affect Medicaid costs and that bone indices would not be included in the Quality Incentive Program.

D. Approval for KDP Reimbursement for Out of State Transplants

Mrs. Schwarz reported that the Commission is responsible for evaluating the criteria for KDP coverage of out of state transplant approvals. She noted that currently the approvals are based upon geographic proximity and continuity of care. Mrs. Schwarz stated the KDP only pays in-state rates to the out of state transplant centers.

Dr. Kraus stated that the transplant centers encourage patients to list with multiple centers and that KDP patients should be afforded that opportunity.

Discussion ensued and this topic was tabled to the Executive Session.

E. Bed Bugs/Infection Control in the Dialysis Setting

Mrs. Adcock reported that the Commission has received two inquires regarding patients in the facilities with bed bugs. She noted that the CDC has been contacted and that contact isolation was recommended. Mrs. Adcock reported that bed bugs were not a reason for facilities to discharge patients. Facilities should identify the problem and work with the patients to resolve the issue and protect other patients.

Mrs. Schwartz suggested that facilities develop policies and procedures for dealing with this issue.

F. MARC Webex's Providing Staff Training for Patient Conflicts

Mrs. Adcock reported that the Mid Atlantic Renal Coalition offers web ex training for staff for dealing with difficult and abusive patients. Mrs. Adcock noted that the Commission receives multiple requests for help with these types of patients including requests for discharge of some patients who are very unruly. She noted that CEUs may be available for the training and the facilities are encouraged to take advantage of the training.

G. Patient Plans of Care- CMS Ruling

Mrs. Adcock reported that CMS has decided to allow physician extenders to participate in and sign the patient plans of care in lieu of the nephrologist. She noted that the physician extenders should assure that their scope of practice permits this practice.

H. Commission Meeting Dates for 2011

Dr. Yim reported that the meeting dates for 2011 are scheduled as follows:

- January 27
- April 28
- July 28
- October 27

I. Change in Facility Status

Dr. Yim noted that the following facility has notified the Commission of their withdrawal as a CMS approved out patient hemodialysis provider:

- University of Maryland Outpatient Dialysis – Voluntary withdrawal from program (10/1/10)

J. Change in Ownership

Dr. Yim reported that the following facility would change ownership on December 1st:

- Adventist Dialysis Services sold to Genesis HealthCare d.b.a. – New Hampshire Avenue Dialysis (12/1/10)

K. Citation Free Surveys

Congratulations were offered to the following facility for their citation free survey:

- Johns Hopkins Hospital Transplant

L. Categories of Complaints

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

- **Written**
 - Facility complaints regarding abusive and threatening patients
 - Facility complaints regarding patients who are not fully insured
 - Facility requests to discharge patients who are absent from the facility for >30 days without hospitalization
 - Patient complaint regarding staff refusal to call 911
 - Anonymous complaint regarding a facility's lack of supplies, infection control practices, patient bleeding times and staffing
- **Verbal**
 - Anonymous complaints regarding facility staffing
 - Facility complaint regarding a patient who pulled a gun on another patient at the facility
 - Complaint from a hospital regarding a facility's refusal to take a patient back who has a history of bed bugs
 - Patient complaint regarding availability of home hemodialysis services

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

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

Hospital	Granted	Refused
Cleveland Clinic	1	0
Georgetown University Hospital	1	0
Inova Fairfax	1	0
Christiana Hospital	1	0
Washington Hospital Center	3	0

Surveys (24)

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	14
Water and Dialysate Quality	4
Reuse of Hemodialyzers/Bloodlines	4
Physical Environment	4
Patient Rights	0
Patient Assessment	1
Patient Plan of Care	6
Care at Home	0
Quality Assessment and Performance Improvement	8
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	17
Responsibilities of the Medical Director	0
Medical Records	3
Governance	2

Dr. Yim commented on the high number of infection control and Personnel Qualification/Staffing citations.

N. Surveys Completed (24)

The following facilities have been surveyed since the last meeting:

DCA Rockville	University of Maryland Transplant
FMC Ft. Foote	FMC Leonardtown
FMC LaPlata	IDF Parkview
Davita Southern Maryland	Johns Hopkins Transplant
FMC Anne Arundel	Davita Catonsville
Davita Carroll County	Davita Dundalk
Frederick Renal	Renal Care Seat Pleasant
IDF Allegany	Western MD Regional Dialysis
IDF Garrett	Davita Germantown
Davita Seton Drive	Good Samaritan at Cromwell
FMC Adventist	FMC Greater Baltimore
Davita Frederick	Davita 25 th Street

Mrs. Schwartz reported that this is Dr. Yim's last Commission meeting; she personally thanked him for his many years of service and reported that Dr. Bernard Jaar has been appointed to fill Dr. Yim's position.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-508", on a motion made by Dr. Kenneth Yim, the Commission unanimously voted to close its meeting on November 4, 2010 at 3:40 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.