

MARYLAND COMMISSION ON KIDNEY DISEASE

OPEN SESSION MEETING VIA GOOGLE MEET

Website: health.maryland.gov/mdckd

Meeting Minutes January 28, 2021

The Maryland Commission on Kidney Disease held an Open Meeting on Thursday, January 28, 2021 via Google Meet, a virtual platform.

Dr. Donna Hanes, Chairperson of the Commission, called the meeting to order at 2:06 P.M. Commissioners Dr. Adam Berliner, Dr. Jeremy Yospin, Dr. Sonal Korgaonkar, Dr. Nadiesda Costa, Dr. Sumeska Thavarajah, Susan Leon, RN, Jacqueline Hires, LCSW NSW-C, Raymond Harris, Tisha Guthrie, LMSW, Jerome Chiat and Andrene Townsend were in attendance.

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

Commission Counsel present: Leslie Schulman, AAG

Guest Presenters: Carol Manning, Chief KDP, Guy Graziano and Jamie Partridge, Bayer Pharmaceuticals

The Commission expressed their appreciation acknowledging the large number of virtual attendees representing the renal healthcare provider community.

I. RATIFY APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF October 29, 2020

Commissioner Thavarajah motioned to ratify the approval of the Public Minutes from the October 29, 2020 session. Commissioner Berliner seconded the motion and the Commission voted unanimously to ratify the approval of the Minutes of the October 29, 2020 Public Session.

II. CHAIRMAN'S REPORT

Dr. Hanes welcomed everyone to the meeting. She presented information on the Transplant Immunosuppressive Drug Coverage Act of 2019 that passed in December 2020: the status of COVID-19 as a cause of death in the US, and transplant and dialysis patients. She also talked about the allocation of vaccine, and its refusal and what can be done to overcome hesitancy. She reported that the COVID-19 is now the 3rd leading cause of death in the United States.

Ms. Guthrie noted the importance of addressing the history of vaccinations in the African American community, acknowledging the history to build trust and encouraging vaccination.

Discussion ensued. Dr. Hanes reported that Governor Hogan moved dialysis patient vaccination status to category 1C this week.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz welcomed everyone. She reported on the Department's Budget Hearings. Mrs. Schwartz noted that the Commission's budget is unchanged for FY 2022 and is relatively a small budget which is supported by the certification of dialysis facilities. The KDP budget was slightly reduced but is non-lapsing; she is confident that all bills will be paid. Mrs. Schwartz made mention that the Commission passed its Legislative Audit. She also reported that the Department wants to implement a change to the Health Boards' licensing system that would require the development of a new program; none of the Boards are in favor of the change since they would have to bear the costs for its development.

IV. NEW BUSINESS

A. **Kidney Disease Program (KDP) - Carol Manning**

Ms. Manning presented the KDP budget and statistics.

Discussion ensued. Mrs. Schwartz commented that the demographic report's oriental race would be changed to Asian.

B. **Addressing Unmet Needs in CKD**

Guy Graziano and Jamie Partridge, representatives from Bayer Pharmaceuticals, presented a comprehensive research study focused on slowing the progression of chronic kidney disease in patients with Type 2 diabetes. They also informed the Commission that Bayer has a Finerenone under a phase 3 trial that if approved by the FDA would provide an option to treating chronic kidney disease and Type 2 diabetes, as well as slow the progression of the disease down.

C. **2021 Legislation**

• **SB 72 – Open Meetings Act**

Mrs. Schwartz reported on the proposed legislation and informed the Commissioners that the Executive Directors of the Boards applauded the transparency of the Bill but oppose the requirement of posting live video or audio streaming on the Boards' websites. The Executive Directors are concerned that the video/streaming could be altered.

• **HB 513 – MD Non-Emergency Medical Transportation Fund/Study**

Mrs. Schwartz reported that the purpose of this Bill is to form a task force to study the feasibility of developing a transportation fund requiring certified dialysis facilities to pay a fee of \$20 for each transport of a patient to and from dialysis treatments to offset the costs to local operating transit systems.

Discussion ensued. It was the consensus of the Commissioners that the current language only pertained to certified facilities. Facilities could opt to not certify with the Commission in order to not participate in the transportation fund. The cost would be a huge financial burden to the dialysis facilities and may cause facilities to reject admission of patients that require public transportation. This Bill focuses only on dialysis transportation which could lead to bias against patients with kidney disease. The Commission was also opposed to the composition of the task force which lacked any patient/caregiver representation.

Dr. Hanes made a motion to oppose this Bill. Drs. Yospin and Berliner seconded the motion. The Commission voted unanimously to oppose House Bill 513. Dr. Yospin volunteered to draft oral testimony. Mrs. Schwartz noted that anyone could submit a letter of concern regarding this Bill. Ms. Markwell, VP for FMC stated that FMC will also oppose the Bill.

D. **Congress Passage of the Comprehensive Immunosuppressive Drug Coverage Bill**

Dr. Hanes reported on the passage of this important Bill that extends Medicare's coverage of immunosuppressive drugs from 3 years to the life of the transplant. See Attachment E.

E. **MBON – Certification of CNA-DTs**

Mrs. Adcock reported that, when facility surveys resumed in October 2020, she had found that some facilities were permitting staff who were not certified as CNA-DTs to care for patients independently. The facilities indicated that the Maryland Board of Nursing (MBON) had not been certifying CNA-DT applicants in a timely manner. The MBON responded that they were slightly behind in issuing initial 90-day letters but noted that delays could have been related to issues with the application and the criminal background review.

F. **Involuntary Discharge Policy**

Mrs. Schwartz directed the guests and Commissioners to Attachment G, the Commission's Involuntary Discharge Policy which is posted on the Commission's website. The Policy was presented in response to hospital complaints regarding facilities that refuse to readmit

patients who have been hospitalized or have been in rehab for more than 30 days. Facilities routinely “administratively” discharge patients but the Policy makes clear that a facility may not refuse readmission to a patient who has been hospitalized; a hospitalization does not constitute abandonment.

G. Quality Insights Renal Network 5 Report

Renee Bova-Collis, Patient Services Director of Renal Network 5, presented the Network’s report (Attachment H). She noted that facilities are now reporting COVID-19 information to NHSN. Grievances and involuntary discharge statistics were discussed. She stated that Maryland is on the low side for grievances considering population data. Ms. Bova-Collis reported that the Network is providing facilities with frequent COVID-19 updates and resources.

H. Governor’s Report

Commissioner Hanes sought a motion to approve the Governor’s Report with an amendment to update the cover page on the website to health.maryland.gov/mdckd. Commissioner Yospin motioned to approve and Commissioner Thavarajah seconded the motion; and the Commission voted unanimously to approve the Governor’s Report with the amendment.

I. New Facilities

Dr. Hanes reported that Concerto Dialysis facility had requested and received Commission certification since the October 2020 Commission Meeting.

J. Citation Free Facilities

Dr. Hanes congratulated the following facilities for great work in achieving citation free surveys:

- FMC Middle River
- FMC Wheaton
- Davita Harford Road
- IDF Calvert

K. Categories of Complaints

Dr. Hanes reported that the Commission received and resolved the following complaints been written and verbal complaints since the October 2020 meeting:

Written:

Involuntary discharges (7)

Verbal:

Facility Refusal to readmit patient after hospitalization

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

Dr. Hanes noted that the Commission received and approved the following out of state transplant prior approvals for KDP reimbursement purposes:

Hospital	Granted	Refused
MedStar Georgetown Transplant Center	1	0
West Virginia University Hospital	1	0

M. Surveys (22)**Citations**

Citations	January 2021	April - October 2020	Jan. 2020	Oct. 2019
Compliance with Federal, State and Local Laws and Regulations	0	0	0	0
Infection Control	14	9	19	12
Water and Dialysate Quality	4	5	5	9
Physical Environment	5	2	6	5
Patient Rights	0	0	0	0
Patient Assessment	0	1	3	3
Patient Plans of Care	1	2	8	8
Care at Home	0	0	0	2
Quality Assessment and Performance Improvement	1	0	0	0
Laboratory/Affiliation Guidelines	0	0	0	0
Personnel Qualifications/Staffing	13	7	11	11
Responsibilities of the Medical Director	0	0	1	0
Medical Records	1	2	4	3
Governance	1	1	3	4

Dr. Hanes expressed her concern with the continued Infection Control and Personnel Qualifications/Staffing citations. The categories and total number of citations are reported above and trended for information purposes.

N. Surveys Completed

The following 22 facilities have been surveyed since the October 2020 meeting:

FMC S. Annapolis	Davita Owings Mills
FMC QCDC	Davita Loch Raven
Davita Golden Mile	Davita Timonium
Davita Union Memorial	USRC Oxon Hill
FMC Baltimore	FMC Elkton
Davita Catonsville	Davita Rivertowne
Davita Bertha Sirk	Davita Forest Landing
Davita Harford Road	Davita Mt. Ranier
FMC Towson	FMC Wheaton
Davita Northwest	FMC Middle River
Davita Greenmount	IDF Calvert

Late Addition: Dr. Hanes reported on new Bills regarding the expansion of telehealth services. She noted that the Bills would be discussed at the April Commission meeting.

O. Commission Chairman and Vice Chairman Election

Mrs. Schwartz reported on the election of Dr. Berliner as the new Commission Chairman, Dr. Thavarajah as the new Commission Vice-Chairperson, Dr. Yospin as the new Legislative and Regulatory Committee Chairman, and Tisha Guthrie as the new Legislative and Regulatory Committee Vice Chairperson.

There being no further public business, upon motion made by Commissioner Berliner and seconded by Commissioner Hanes, the Commission unanimously voted to adjourn the Open Meeting Session at 4:07 P.M.