

# MARYLAND COMMISSION ON KIDNEY DISEASE

Thursday May 3, 2018  
4201 Patterson Avenue

## PUBLIC SESSION MINUTES

The Public Meeting of the Commission on Kidney Disease was held on Thursday, May 3, 2018 at 4201 Patterson Avenue. Chairman, Dr. Jeremy Yospin called the meeting to order at 2:06 P.M. Commissioners Dr. Donna Hanes, Dr. Paul Segal, Dr. Nadiesda Costa, Dr. Adam Berliner, Joan Wise, RN, Denise Collins, LCSW-C, 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

MDH staff present: Barbara Fagan, Program Manager, OHCQ

### Guests present were:

Janice Wise, FMC

Joanne Seader, Davita

Michele Sesoms, ARA

Dr. Ying-Che Huang, JHU

Alice Pun, Bon Secours

Judy Jenkins, Otsuka

Chris Simon, IDF

Dr. Bernard Jaar, NCM

Ray Harris, Patient

### I. RATIFY APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF JANUARY 25, 2018

Dr. Yospin reported that in order to post the Commission meeting minutes to the website in a timelier manner, the Commissioners voted via email after the January 25, 2018 meeting to approve the meeting minutes. Commissioner Wise motioned to ratify the approval of the Public Minutes from the January 25th session. Commissioner Hanes seconded the motion and the Commission voted unanimously to ratify the approval the Minutes of the January 25, 2018 Public Session.

### II. REVIEW AND APPROVAL OF THE MINUTES OF THE CLOSED SESSION OF JANUARY 25, 2018

Dr. Yospin reported that in order to post the Commission closed meeting minutes to the website in a timelier manner, the Commissioners voted via email after the January 25, 2018 meeting to approve the closed session meeting minutes. Commissioner Hanes motioned to ratify the approval of the Minutes from the January 25th closed session. Commissioner Segal seconded the motion and the Commission voted unanimously to ratify the approval the Minutes of the January 25, 2018 Closed Session.

### III. CHAIRMAN'S REPORT

Dr. Yospin reported on dialysis facility transitional care programs. He noted that patients, new to dialysis, failed transplants and modality changes could be candidates for the programs. Dr. Yospin stated that one third of patients do not receive pre-ESRD care and are "crashing onto dialysis". He noted that dialysis presents a huge change in lifestyle for patients. The first 90 days present patients with increased risk for complications, rehospitalization and possibly death. The large dialysis organizations currently have programs to help patients with transition. The current programs offer education and phone calls to the new patients. Dr. Yospin stated that new transitional care units are being proposed. The programs would offer new patients treatment in smaller settings, often a "setting within a setting". He noted that patients would remain in the transitional setting for 3-4 weeks and receive extensive education including treatment modalities. Some programs may use home hemodialysis machines affording patients more frequent, gentler dialysis. Dr. Yospin reported that 30% more patients are choosing in-home therapy options in this type of setting.

## **V. OLD BUSINESS**

- **Discussion on Proposed Revisions to the Commission's Involuntary Discharge Packet**

Dr. Yospin reported that the Involuntary Discharge Packet Subcommittee had not as of yet convened to discuss revision of the Packet but was hopeful that the group would meet in the near future.

## **VI. NEW BUSINESS**

### **A. Kidney Disease Program**

- Dr. Yospin reviewed the stats and budget report (Attachment C) submitted by KDP. He noted that \$4.5 million is remaining until the end of the fiscal year. .

### **B. Summary of Dialysis Facility Surveys in Maryland 2012-2016 – Dr. Jaar**

Dr. Bernard Jarr, former Commission Chairman and Dr. Ying-Che Huang, a MPA student at Hopkins Bloomberg School of Public Health presented data, analysis and trend information gathered by Dr. Jaar from the Maryland Commission on Kidney Disease surveys conducted from 2012-2016. They concluded that: during those 5 years there had been a decreasing trend in deficiencies per facility between 2012 and 2016. Infection Control, Water and Dialysate Quality, Physical Environment, Patient Plans of Care and Personnel Qualifications/Staffing were the top 5 categories of deficiencies. Laboratory/Affiliation Guidelines, Responsibilities of the Medical Director, Medical Records and Governance deficiencies are the categories of deficiencies that had increased over the years of follow-up; all other categories of deficiencies either decreased or remained constant over time. Within each category of deficiencies, even though the number of deficiencies may vary from year to year, the type and pattern of deficiencies were similar in the observed period. The presentation will be posted on the Commission's website.

### **C. Refusal of Patients by Nephrology Practices**

Dr. Yospin reviewed the Network's Position Statement on Refusal of Patients by Nephrology Practice. He encouraged the guests to make their medical directors and attending physicians aware of the information. Discussion ensued. He noted that the Network's website has a link to the Decreasing Dialysis Patient-Provider Conflict - Provider Manual, which is a good resource.

### **D. Benefits of Facility Certification versus Impact of Patients in a Non-Certified Facility**

Mrs. Adcock reported that recently a patient contacted the Commission to complain that she was dialyzing in a facility that is not certified by the Commission. The patient stated that she needed KDP benefits and did not understand why the facility was not certified. Mrs. Adcock encouraged the group to assure that all their facilities are certified so the patients are not negatively impacted. Dr. Hanes requested that the list of uncertified dialysis facilities on the Commission website be updated.

### **E. Letter from MDH Regarding Opioid Overprescribing**

Dr. Yospin reviewed the attached letter and guidance from the Maryland Department of Health regarding opioid overprescribing for informational purposes.

### **F. False Negative Hepatitis B Surface Antigen Testing**

A case study from Morbidity and Mortality Weekly Report was discussed by Dr. Yospin. The case study emphasized the need for dialysis facilities to assure that their laboratories and laboratories where they accept Hepatitis B testing are using FDA approved assays that detect HBsAg mutants.

### **G. Network Update – Dialysis Event Surveillance**

Mrs. Adcock reported that the Networks are required by CMS to track facility dialysis event surveillance training. Their goal is for 90% of the facilities to have completed the training by the end of the third quarter. Facilities are required to fax the completed surveillance training certificates to the network. Each facility must have at least one person who is surveillance trained. The person will hold the Secure Access Management Services (SAMS) card. The Network recommends that more than one person per facility be trained. They have requested that the surveyors validate dialysis event surveillance training completion, speak with the facility's SAMs card holder and see their certificate of completion.

#### **H. Discussion Regarding the Assigning of an Infection Control “Officer” in a Facility**

Mrs. Schwartz briefly discussed the concept of having each facility assigning a person who would be responsible for infection control in the dialysis facility. She will elaborate further at the July commission meeting.

#### **I. Commission Newsletter**

Dr. Yospin directed the guests' attention to the Commission's annual Newsletter. He reported that the Newsletter had been distributed to the renal community and is also available on the Commission's website.

#### **J. New Facilities**

The following facilities have been certified by the Commission this quarter:

- Davita Union Memorial (Change of Ownership)
- Davita Ridge Road
- Davita Laurel Lakes
- ARA Salisbury

#### **K. Citation Free Survey**

The listed facilities were commended for achieving citation free surveys:

- Davita Greenbelt
- Davita Wheaton
- Davita Deer Creek
- Davita Downtown Home Training
- FMC LaPlata
- Davita Charles County
- IDF Garrett

#### **L. Categories of Complaints**

The Commission has received the following types of complaints this quarter:

##### **• Written**

- Patient complaint regarding Facility Administrator
- Patient complaint regarding discharge from a home program
- Facility complaint regarding patient compliance

##### **• Verbal**

- Patient complaints regarding care at facilities (2)
- Facility complaint regarding Maryland Correctional Institution in Hagerstown discharge practices
- Patient complaint regarding facility staffing
- Facility complaint regarding patient behavior

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

This quarter, the Commission has received and granted 3 out of state transplant prior approvals, for KDP reimbursement purposes.

<b>Hospital</b>	<b>Granted</b>	<b>Refused</b>
MedStar Georgetown Transplant Center	2	0
Christiana Transplant Center	1	0

**N. Surveys (26)****Citations**

Compliance with Federal, State and Local Laws and Regulations	0
Infection Control	15
Water and Dialysate Quality	4
Physical Environment	4
Patient Rights	0
Patient Assessment	0
Patient Plans of Care	3
Care at Home	0
Quality Assessment and Performance Improvement	0
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	11
Responsibilities of the Medical Director	1
Medical Records	2
Governance	3

For informational purposes, the Commission shared the results of its survey findings deficiency report for the past quarter. It was noted again that infection control and personnel qualifications/staffing are at the top of cited categories.

**O. Surveys Completed**

The following 26 facilities have been surveyed since the last meeting:

USRC West Baltimore	Davita Greenbelt Home
Davita Frederick	Davita Briggs Chaney
Davita Wheaton	Davita Annapolis
Davita Deer Creek	Davita Downtown Home Training
Davita Forestville	FMC S. Annapolis
Davita Coral Hills	Davita Laurel
Davita Catonsville North	Davita Silver Spring
USRC Silver Hill	FMC Charing Cross
FMC Leonardtown	FMC LaPlata
Davita Odenton	Davita Kidney Home
Davita Harbor Park	Davita Charles County
Davita 25 <sup>th</sup> Street	Western Maryland Regional
IDF Garrett	Davita Takoma Park

**P. Added Item- Commissioner Vacancies and Status of Terms**

Eva Schwartz reported that two Commissioners, Joan Wise and Susan Leon will be completing their first term on June 30, 2018 but are interested in continuing to serve for a second term. Additionally, Henitta Shiff's second term will be ending on June 30, 2018 and that Ray Harris will be applying for an appointment to fill that vacant consumer slot. She also noted that the layperson slot, formerly held by Barry Hargrove who passed away in late 2017, has not been filled as of yet.

There being no further public business, upon motion made by Commissioner Segal and seconded by Commissioner Wise, the Commission unanimously voted to adjourn the Public Session at 3:17 P.M.