

**MARYLAND COMMISSION ON KIDNEY DISEASE**  
**Thursday July 24, 2014**  
**4201 Patterson Avenue**  
**Room 110**

**PUBLIC SESSION MEETING MINUTES**

The Public Meeting of the Commission on Kidney Disease was held on Thursday, July 24, 2014 at 4201 Patterson Avenue. Chairman, Dr. Luis Gimenez called the meeting to order at 2:04 P.M. Commissioners' Dr. Kulwant Modi, Dr. Edward Kraus, Dr. Paul Light, Dr. Bernard Jaar, Dr. Matthew Weir, Henita Schiff, William Frederick, Kim Sylvester and were also present.

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

Commission Counsel present: Leslie Schulman, AAG

DHMH staff present: June Bowman, RN, Surveyor from DHMH's Office of Health Care Quality (OHCQ) and Carol Manning, Chief KDP.

**Guests present were:**

Kim Phillips-McNair, Davita	Christine Wright, WMHC
Brenda Efaw, Davita	Jouohn Belle, Holy Cross
David Frushour, Davita	Jessica Quintilian, NKF
Chris Simon, IDF	Anita Collins, Davita
Tracey Mooney, IDF	Terri Jenkins, Advanced
Towanda Maker, Nx Stage	Anita Lipman, Nx Stage
Paula Hollinger, DHMH	Elena Balovlenkov, CMS
Cosette Jamieson, FMC	Elwin Bustos, FMC

**I. REVIEW AND APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF  
April 17, 2014**

Dr. Jaar motioned to approve the Public Minutes from the April 17, 2014 session. Dr. Kraus seconded the motion and the Commission voted unanimously to approve the Minutes of the April 17, 2014 Public Session.

**II. REVIEW AND APPROVAL OF THE MINUTES OF THE EXECUTIVE SESSION OF APRIL  
17, 2014**

Mrs. Adcock publicly read the minutes. Mr. Frederick motioned to approve the Executive Minutes from the April 17, 2014 session. Dr. Jaar seconded the motion and the Commission voted unanimously to approve the Minutes of the April 17, 2014 Executive Session.

**III. CHAIRMAN'S REPORT**

Dr. Gimenez welcomed the guests to the meeting. He reminded everyone that the hot summer months increase the chance of infection among the catheter patients as they sweat and soil their catheter dressings. He reported that the Commission had seen an increase in infection control citations during the past quarter. He also urged everyone to be vigilant with infection control efforts, including assuring appropriate patient catheter care.

**IV. EXECUTIVE DIRECTOR'S REPORT**

Mrs. Schwartz welcomed everyone and noted that she will defer her report until later during the new business discussion.

**V. OLD BUSINESS**

- **Home Hemodialysis at the Bedside**

Mrs. Adcock reported that the Office of Healthcare Quality's (OHCQ) committee addressing bedside dialysis had not met since March 2014. She noted that the OHCQ is in the process of drafting regulations to promulgate for proposal related to this modality of care.

## **VI. NEW BUSINESS**

### **A. Kidney Disease Program - Carol Manning**

- Stats and Budget  
Ms. Manning presented the KDP statistics and budget.

### **B. CMS Five Star Rating on Dialysis Facility Compare**

Ms. Balovlenkov, CMS Dialysis Facility Compare - Public Reporting Lead and Health Insurance Specialist, presented an overview of the CMS new five star rating system. She reported that facilities are able to review their data and scores now. She also encouraged facilities to send comments and concerns to CMS via [dialysisdata@umich.edu](mailto:dialysisdata@umich.edu). The roll out is expected to occur in October 2014 on the Dialysis Facility Compare website.

Discussion ensued. The concerns voiced by guests regarding this type of rating system ranged from the following: this rating system would result in facilities "cherry picking" patients; inequities regarding the QIP scores versus the star ratings; the transfusion measure; and issues with the ESRD 2728 form. Ms. Balovlenkov instructed facilities to be sure that their ESRD 2728 form is accurately documented to include all applicable comorbid conditions.

### **C. Network Update**

Mrs. Adcock directed everyone's attention to the Network's Update. The update includes the following: review of grievances; involuntary discharges; failure to place; Healthcare Associated Infections (HAI) and educational opportunities related to the HAI; the Quality Incentive Program; Crownweb and continuing education.

### **D. Request to Decertify Facility Based on Nonpayment**

Mrs. Schwartz reported that a few facilities have not paid their recertification fees. Fees were due before June 30<sup>th</sup>. She requested that delinquent facilities assure that the fees are paid as soon as possible so that patient KDP coverage is not compromised. Ms. Manning noted that KDP is holding payments for non-renewed facilities.

### **E. Maryland Medical Assistance Transportation Issues**

Mrs. Schwartz noted that the Commission has received complaints regarding the Medical Assistance Transportation (MAT) system. She reported that these concerns were discussed with Jacquelin Duvall-Harvey, PhD, Deputy Commissioner, Baltimore City Health Department and Medical Assistance Transportation Program. Dr. Duvall indicated to Mrs. Schwartz that the MAT system has been struggling since the death of the previous supervisor. Dr. Duvall stated that the MAT system will be bringing in a new computer system that will work with the contractor's current system. Mrs. Schwartz noted that a representative from the MAT system will attend the October Commission meeting. Mr. Simon reported to the Commission that it was his understanding that the MAT system has hired a new supervisor and a new phone system had been installed.

### **F. Draft Proposed Amendments to Chapters 01 and 02 of Commission Regulations**

Dr. Gimenez directed everyone's attention to the attachment included in the packets. He reported that the Commission has drafted regulations to incorporate nocturnal dialysis into the Commission's regulations. These amendments affect Commission regulations, COMAR 10.30.01 and 10.30.02.

Mrs. Adcock noted that the draft regulations include updated definitions, nocturnal dialysis, quality assurance, and transplant language.

Dr. Gimenez requested feedback on the proposed amendments prior to September 1, 2014. He noted that the regulations would be voted upon at the October 2014 Commission meeting, and that written comments would also be requested at that time.

Mrs. Schwartz requested that comments be emailed to the Commission.

### **G. UNOS Ruling – Kidney Transplant Wait List**

Dr. Kraus provided a brief update on the changes in the UNOS rules that apply to wait times for a deceased donor transplant. He noted that the changes have not been officially

published at this time and that he would have more information to report at the October Commission meeting.

**H. Undocumented Patients in Outpatient Centers**

Commissioner Frederick queried the meeting attendees about the issue of undocumented and uninsured patients requiring dialysis. He noted that there has been an increase in the number of these types of cases at Holy Cross Hospital.

Discussion ensued regarding issues related to hospitals entering into agreements to pay outpatient centers for the dialysis; the use of peritoneal dialysis for these patients; and the burden resulting from the phase out of the Maryland Health Insurance Program.

**I. New Facilities**

Dr. Gimenez reported that the following new facility has certified with the Commission:

- ARA Ellicott Kidney Center (7/8/14)

**J. Citation Free Surveys**

Dr. Gimenez commended the following facilities for achieving a citation free survey:

- Davita Falls Road
- Davita Forest Landing

**K. Categories of Complaints**

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

- **Written**
  - Patient complaint regarding care at his facility.
  - Facility requests to discharge patients for non-payment
  - Facility requests to discharge patients for dangerous/threatening behavior
  - Patient request for special length fistula needles
- **Verbal**
  - Hospital/Physician concerns regarding patients that were lost to follow up from their outpatient facility
  - Facility concern regarding dialyzing a patient with acute renal failure
  - Hospital complaint regarding a patient who is presenting to the hospital for dialysis after being discharged from their out patient facility for non-payment
  - Patient complaint regarding their EPO dosing
  - Patient complaint regarding put on times, staff issues and insensitive staff at their facility
  - Complaint regarding a nursing home dialysis facility's policy of discharging the patients from the dialysis facility after they are discharged from the nursing home
  - Patient complaint regarding numerous issues at their dialysis facility: staffing, physical environment and late treatment starts
  - Complaint regarding facility's policy of allowing visitor into the isolation area

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

Dr. Gimenez noted that in the past quarter, the following hospitals have requested and been granted out of state transplant approvals:

<b>Hospital</b>	<b>Granted</b>	<b>Refused</b>
Christiana Transplant Center	2	0
Washington Hospital Center	2	0
Georgetown University Hospital	2	0

**M. Surveys**

For informational purposes, the Commission shared the results of their Survey Findings Deficiency Report for the past quarter. Dr. Gimenez reiterated the need for redoubling and focusing on improvement in the areas of infection control and personnel qualifications/staffing.

<b>Regulations</b>	<b>Citations</b>
Compliance with Federal, State and Local Laws and Regulations	0
Infection Control	17
Water and Dialysate Quality	1
Reuse of Hemodialyzers/Bloodlines	0
Physical Environment	8
Patient Rights	0
Patient Assessment	1
Patient Plans of Care	4
Care at Home	1
Quality Assessment and Performance Improvement	2
Laboratory/Affiliation Guidelines	0
Personnel Qualifications/Staffing	17
Responsibilities of the Medical Director	0
Medical Records	1
Governance	1

**N. Surveys Completed (24)**

The following facilities have been surveyed since the last meeting:

Davita Rivertowne	Davita Falls Road
FMC Wheaton	Davita Forest Landing
Davita Pasadena	Davita Takoma Park
Davita 25 <sup>th</sup> Street	Davita Rock Creek
Davita Bertha Sirk	Davita Aberdeen
Davita Harbor	FMC Rockville
Davita BelAir	Davita Harford Road
FMC Washington	Davita Howard County
Davita Bowie	Good Samaritan at Manor Care
FMC Hyattsville	Davita Dundalk
Davita Middlebrook	Davita Northwest
FMC Ft. Washington	FMC Middle River

**There being no further public business, upon motion made by Commissioner Modi and seconded by Commissioner Frederick, the Commission unanimously voted to adjourn the Public Session 3:24 pm and move into Executive Session.**