

MARYLAND COMMISSION ON KIDNEY DISEASE

Thursday January 23, 2020

4201 Patterson Avenue

PUBLIC SESSION MINUTES

The Public Meeting of the Commission on Kidney Disease was held on Thursday, January 23, 2020 at 4201 Patterson Avenue. Chairman, Dr. Donna Hanes called the meeting to order at 2:10 P.M. Commissioners Dr. Adam Berliner, Dr. Jeremy Yospin, Dr. Sonal Korgaonkar, Susan Leon, RN, Dr. Nadiesda Costa, Dr. Sumeska Thavarajah, Raymond Harris, Jacqueline Hires, LCSW NSW-C, Andrene Townsend, RN and Tisha Guthrie, LMSW 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) representatives present: Evidelia House, Office of Health Care Quality (OHCQ), and Carol Manning, Chief of the Kidney Disease Program (KDP).

Guests Present:

Kim Sylvester, IDF

Kelly Morgan, AZ

Samantha Larkin, JHH

Pam Earll, Davita

Cathy Negley, Davita

Heather Weirich, IDF

Gladys Happi

I. RATIFY APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF October 24, 2019

Commissioner Thavarajah motioned to ratify the approval of the Public Minutes from the October 24, 2019 session. Commissioner Berliner seconded the motion and the Commission voted unanimously to ratify the approval of the Minutes of the October 24, 2019 Public Session.

II. RATIFY APPROVAL OF THE MINUTES OF THE CLOSED SESSION OF October 24, 2019

Commissioner Korgaonkar motioned to ratify the approval of the Closed Minutes from the October 24, 2019 session. Commissioner Berliner seconded the motion and the Commission voted unanimously to ratify the approval of the Minutes of the October 24, 2019 Closed Session.

III. CHAIRMAN'S REPORT

- **Presentation - How Can We Help With Statewide Initiatives?**

Dr. Hanes reported that she was contacted by Secretary Neall to attend a meeting regarding the statewide diabetes's initiative.

Dr. Hanes summarized the information presented at the meeting. She noted that Maryland is one of the states with the highest number of adults with prediabetes. Secretary Neall reported at the meeting that Maryland is under a unique contract with CMS to provide cost savings to Medicare.

Discussion ensued. Dr. Yospin questioned how the initiative relates to the Commission's mission. Ms. Schulman noted that one of the Commission's statutory miscellaneous powers and duties requires the Commission to institute and supervise education programs for health providers and the public on the prevention and treatment of chronic kidney disease; the Commission may use existing programs and groups for this purpose.

The Commissioners noted that members have contact information that may be beneficial to the initiative. They acknowledged that the Commission's resources are limited and that further endeavors would be evaluated for feasibility as they are presented.

IV. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz reported that the Boards and Commissions' budget would be discussed Friday in Annapolis. She noted that the Department has been inquiring about Mobility patient rides to the dialysis facilities. She stated that a bill, which does not currently have a number, would be introduced by Delegate Krimm. The bill would require the dialysis facilities to share costs for Mobility transportation to their facilities. Ms. Schwartz reported that the Commission is neutral on this legislation but suggested that the facilities be prepared to present their position.

Mrs. Schwartz also reported that Commission survey deficiencies and observations indicate that many times there are too few nurses per shift to provide safe, adequate care to the patients on dialysis. She urged the facilities to provide adequate nursing coverage in order to deliver safe care to the patients; increase staff retention; and improve patient outcomes and satisfaction.

Last, Mrs. Schwartz reported on proposed legislation related to Telehealth that will be introduced by Delegate Rosenberg. She stated that interested parties could contact her for more information.

V. NEW BUSINESS

A. Kidney Disease Program (KDP) - Carol Manning

- Stats and Budget

Ms. Manning presented the KDP budget and statistics. She reported that, although the remaining budget balance for FY 2020 is approximately \$3 million dollars, the Program is an entitlement program and would be supplemented if necessary. She stated that the Prevention and Health Promotion Administration has been extremely supportive of the Program.

B. Legislative Bills Proposed for the 2020 Session

Mrs. Schwartz reported that the renal community and prescribers should be aware of the following proposed legislation:

1. SB 166 Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances
2. HB 316 Public Health – Schedule II Controlled Dangerous Substances – Partial Filing of Prescriptions
3. HB 317 Mental Health – Involuntary Admissions – Procedures

Discussion ensued. Dr. Costa voiced her concerns about electronic prescriptions for controlled drugs. She noted that once patients become aware that they wouldn't need a paper prescription they would not want to be seen in the office and would pressure prescribers to send over prescriptions without appropriate in person follow-up care. Mrs. Schwartz encouraged Dr. Costa to write a letter of concern that could be submitted to the Department if all of the Commissioners concur.

C. Governor's Report

Commissioner Yospin motioned to approve the Governor's Report with amendments. Dr. Yospin's name will be added and changes to page 7 of the KDP report, as requested by Ms. Manning, will be made. Commissioner Thavarajah seconded the motion and the Commission voted unanimously to approve the Governor's Report with amendments.

Ms. Schwartz reported that the report would be forwarded to the Governor, Secretary, Chief of Staff and the Legislative Library as well as to several key legislators. The report will also be posted on the Commission's website.

D. Citation Free Survey

Dr. Hanes congratulated **FMC - White Marsh** for achieving a citation free survey.

E. New Facilities

Dr. Hanes reported that the following facilities have requested and received Commission certification:

- Davita Loch Raven (7/1/19)
- Davita Caroline County (7/1/19)
- Davita Livingston Village (10/21/19)

F. Categories of Complaints

Dr. Hanes reported the Commission has received and addressed the following complaints in the last quarter:

Written:

- Facility requests to involuntarily discharge patient – 5
- Patient complaint that a facility is not certified by the Commission
- Complaints regarding dialysis at Jessup Correctional Center – 2
- Facility complaint regarding a threatening patient
- Complaint regarding facility staff(ing)

Verbal:

- Patient complaint regarding care at a facility

G. 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	8	0
Inova Fairfax Transplant Center	1	0
George Washington Transplant Center	1	0

H. Surveys (21)

Citations

Citations	Jan. 2020	October 2019	July 2019	May 2019
Compliance with Federal, State and Local Laws and Regulations	0	0	0	0
Infection Control	19	12	14	16
Water and Dialysate Quality	5	9	10	6
Physical Environment	6	5	8	2
Patient Rights	0	0	0	1
Patient Assessment	3	3	0	2
Patient Plans of Care	8	8	4	6
Care at Home	0	2	1	0
Quality Assessment and Performance Improvement	0	0	0	0
Laboratory/Affiliation Guidelines	0	0	0	0
Personnel Qualifications/Staffing	11	11	14	12
Responsibilities of the Medical Director	1	0	0	0
Medical Records	4	3	0	2
Governance	3	4	5	2

Dr. Hanes reported that the Commission surveyor surveyed 21 facilities since the October 2019 meeting. The categories and total number of citations are reported and trended for informational purposes. She noted that Infection Control remains problematic for the facilities.

I. Surveys Completed

The following 21 facilities have been surveyed since the October 2019 meeting:

Davita Coral Hills	Davita Odenton
Davita Silver Spring	Davita Kidney Home
Davita Harbor Park	Davita Cambridge
Davita Easton	USRC Silver Hill
Davita 25 th Street	Davita Cedar Lane
Davita Charles County	Davita Howard County
USRC Old Alexandria	Davita Ellicott Kidney
Advanced Easton	Davita Brandywine
ARA Adelphi	IDF Chestnut
Holy Cross Dialysis	FMC White Marsh
FMC Rockville	

Late Addition: Ms. Guthrie reported that she recently visited Davita's Midtown dialysis facility located in the building's 4th floor. She reported that the elevator was out of service and that patients had reported to her that the elevator is often inoperable. Ms. Guthrie inquired whether there should be mandates as to where facilities are located. Mrs. Schwartz requested that the concern be submitted in writing so that it could be further investigated as a complaint.

There being no further public business, upon motion made by Commissioner Yospin and seconded by Commissioner Berliner, the Commission unanimously voted to adjourn the Public Session at 3:12 P.M. and move into a Closed Session in accordance with the Open Meetings Act, Md. Code Ann., General Provisions Section 3-1-3(a)(1)(i) for the purpose of discussing internal protocols for the nomination and election of Commission Chair and Vice-Chair positions, and Out of State transplant reimbursement services matters.