



# CDC Report

Board Meeting ~ Los Angeles

November 2008

## In this issue

**Presentation from Dr. Arthur  
Lurvey, Contractor Medical  
Director · Palmetto GBA - J1 MAC**

**LEGISLATIVE REPORT**

**REGULATORY REPORT**

**FEDERAL ISSUES ~ UPDATE**

**PATIENT ORGANIZATIONS  
REPORT**

**ESRD NETWORK REPORT**

**MEDICARE REPORT**

**MEDI-CAL REPORT**

**PROGRAM REPORT**

**NEXT BOARD MEETING**

**Presentation from Dr.  
Arthur Lurvey, Contractor  
Medical Director · Palmetto  
GBA - J1 MAC**

Below is a report from the California Dialysis Council's Board Meeting held November 21, 2008 in Los Angeles, California.

## • LEGISLATIVE REPORT

Mike Arnold delivered the legislative report. The legislator was called back into session by the Governor for a "lame duck" special session with hope for agreeing on one of his proposals. The legislative analysis noted that if we fail to do nothing within the next twenty months we will have a budget deficit in the region of \$23B. The Governor's proposal includes about \$4.5B in cuts and about \$4.5B in revenue enhancements. Also, proposed is a 1½ % increase in the sales tax over a three-year period of time and the extension of the sales tax to other services such as vehicle repairs, amusement and sport venues. The next legislative session is scheduled for Tuesday, November 25th. After that time the new legislation will come back on Monday, December 1st the Governor has already indicated that at that point in time he will call a new special session to work on the State's financial issues.

Mike reviewed the issue of complaints from our members of receiving late fees for licence renewal when the original invoice had not been sent to the clinic. A sample of draft legislation has been prepared and will be contemplated for future introduction based on resources and other urgency issues.

Dr. Lurvey introduced two of his five

educators/ombudsmen Catalina Jovarne and Ruby Reed-Knighton. He gave some background information on Palmetto GBA (Government Business Administration), <http://www.palmettogba.com/J1A> services 34 states, with 3,000 employees and numerous contracts. There are two Medical Directors, Dr. Lurvey and Dr. Harry Feliciano in South Carolina. The transition from UGS to PalmettoGBA has gone very smoothly for Jurisdiction 1 (J1), all of the policies were moved over and he sees nothing in his path that would adversely change anything that ESRD providers currently do. All claims will now go to Augusta, GA and written communications now go to J1 MAC - Palmetto GBA General Correspondence PO Box 669 Augusta, GA 30903-0669. Dr. Lurvey addressed some of the issues on the Part B side concerning physician reimbursement. In spite of numerous communications and seminars as of September 3rd more than 26,000 physicians have not registered for a NPI number causing claims to be rejected. Dr. Lurvey reminded those present to use the Palmetto website (listed above) to check "Alerts" for any problems or issues that they may have or feel free to contact himself at (805) 367-0509 or via email at: Arthur.Lurvey@PalmettoGBA.com or Ruby via email at: ruby.reedknighton@PalmettoGBA.com.

*Medi-Cal Reimbursement Cuts:* There are still a number of lawsuits winding their way through the courts. There is no change in the current status with the preliminary Temporary Restraining Order (TRO) that went into effect on August 18, 2008 eliminating the 10% cut until March 1st 2009. At that time a new 1% cut will go into effect, unless the courts stay that cut. While the legislature has not currently been talking about any cuts in Medi-Cal reimbursement, there has been consideration to reduce beneficiary services, such as adult dental, chiropractic, optometry and acupuncture, etc.

As a reminder the Legislative Report is available on CDC website at: [www.caldialysis.org/status\\_report.htm](http://www.caldialysis.org/status_report.htm) to view the current Legislative Status Report. A click on the bill number will bring up a copy of the bill.

## • REGULATORY REPORT

*CfC Interpretive Guidelines ~ Re: Patient Care Technician Certification:* The Board reviewed a draft of proposed legislation that would provide an alternative pathway for certification of California hemodialysis technicians. It is hoped that it would allow CMS to recognize California as having a State certification program that complies with the new CfC with respect to hemodialysis technicians. After lengthy review of the draft legislation and making the necessary corrections the Board approved CDC moving forward by meeting with the California Department of Public Health and sharing the draft legislation and seeking their technical assistance in making this alternative pathway for California patient care technicians become a reality. The PCT Certification Committee will reconvene via telephone conference call prior to the January 16th 2009 Board meeting.

Mike Arnold addressed the DPH "All Facilities" letter AFL 08-30 dated November 3, 2008 that addresses hemodialysis technician training and certification. He has prepared a draft memorandum to be sent to all California dialysis facilities to clarify the current situation and explain the proposed legislation previously discussed. Karen Dyer will review the memorandum prior to its distribution.

Dr. Peter Crooks raised the issue of the provision of dialysis services in Skilled Nursing Facilities (SNFs) and a recent interpretation

---

## Our Corporate Partners



[Visit Abbott's Website](#)

---



[Visit Amgen's Website](#)

---



[Visit Watson's Website](#)

---

## Quick Links...

- [Our Website](#)
- [Meeting Information](#)

that dialysis in a SNF is consider "Home" dialysis. This appears to come from references to the California Home Dialysis law (The law can be found in General Provisions, Chapter 11, Section 1794.01-1794.29 of the California Health & Safety Code ~ hyperlink:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=01001-02000&file=1794.01-1794.29>) A discussion ensued regarding the elimination of this unused law so as not to confusion the issue with dialysis in SNFs. Dr. Crooks made a motion seconded by Debra Punch that Mike Arnold seek legislation to eliminate Section 1794.01-1794.29 of the California Health and Safety Code. Majority approved.

Mike Arnold discussed the current status of the "Access to Care" letter. DPH has received no further clarification of this issue from CMS. Mike has requested that DPH arrange for the conference call between CDC, DPH and CMS to obtain the clarification required.

## • FEDERAL ISSUES ~ UPDATE

Mike Paget reiterated that fact earlier stated that we now have a new Administration coming into power with a Healthcare Reform Agenda. We have seen the appointment of former Senate Majority Leader Tom Daschle as Health & Human Services (HHS) Secretary. Senator Daschle recently wrote a book on his proposals to improve healthcare. Further on November 12th Senator Max Baucus Chairman of the Senate Finance Committee has release a "White Paper" Call To Action - Health Reform 2009. Anyone who wishes to receive a copy of the 96 page document and a 6-page analysis should email the CDC office at [mail@caldialysis.org](mailto:mail@caldialysis.org).

*CROWNWeb*: 481 stakeholders participated in a CMS Open Door Forum conference call on Wednesday, November 19th. In spite of what had been heard during meetings with KCP and NRAA, it seems that CMS is not prepared to delay implementation of CROWNWeb even recognizing the concerns of the ESRD providers and particularly the undue and inequitable financial burdens placed on small and mid-size providers who are not currently allowed to batch enter data into the CROWNWeb system. A number of concerns were also raised as to the accuracy and validity of any data being collected in a manual data entry system and

the fact that this data maybe used for pay-for-performance calculations. CMS is offering a CROWNWeb help desk for dialysis providers, as well as training on the system in January. The helpdesk is available at 888.ESRD.HD1. Additional questions on CROWNWeb can be sent to [ocsqbox@cms.hss.gov](mailto:ocsqbox@cms.hss.gov).

## • PATIENT ORGANIZATIONS REPORT

Mike Paget reported for Lori Hartwell who unfortunately could not be in attendance as she traveling to South Africa on a speaking engagement. She has been invited to speak to dialysis patients over the Thanksgiving week at several venues in South Africa by their largest dialysis provider.

Mike reported that Renal Support Network (RSN) met with AKF, NKF and DPC representatives in Philadelphia, PA during the ASN meeting. They discussed the 2009 agenda that the patient organizations would like to pursue either individually or as part of a KCP Workgroup. Lori and Mike also met with Kim Bruttner acting Executive Director of the American Association of Kidney Patients (AAKP) who has temporarily replaced Kris Robinson who resigned unexpectedly a couple of months ago after eighteen years of service. (It has since been learned that unfortunately Kris passed away on November 17th.) While at the ASN meeting, RSN convened several of their patient leaders who attended a number of the symposia, toured the exhibit area and met with many industry leaders including Judith Kari from CMS. Following the ASN meeting the patient leaders met all day Sunday to develop a legislative agenda for 2009.

## • ESRD NETWORK REPORT

Vickie Peters, Network 18 reported that they have included a number of tools and resources on their web site <http://www.esrdnetwork18.org/> to assist in the implementation of the new Conditions for Coverage (CfC). The Network will also be offering CROWNWeb training in January and noted that the SIMMS program will be shut down. Vickie stated that the Network will be having a short Network Annual during the CDC's Annual Educational Conference in Palm Springs on the afternoon of Friday, April 17, 2009. Vickie also notified the CDC Board that for personal reasons she will be leaving Network 18 at the end of December

Email: [mail@caldialysis.org](mailto:mail@caldialysis.org)  
Web site: <http://www.caldialysis.org>

Tel: 928-717-1156

2008.

- **MEDICARE REPORT**

Misha Palecek reported that DaVita and probably FMC have been looking at the implications of a bundled reimbursement model and suggested that the CDC should also start thinking about this issue. Mike Paget suggested that maybe CDC should come up with a position statement on the various implementation issues so as to be prepared when they are proposed or introduced by the administration. Misha will report back early in 2009.

- **MEDI-CAL REPORT**

Dr. Tom Paukert reported that while on a statewide basis the budget is of great concern, there are potentially a number of local issues that maybe of concern. Medi-Cal has a variety of different payors across the state, the county organized health systems of which there are five, along with a number of private insurers such as Blue Cross that are contracted with Medi-Cal. To some degree each of these appear to be independent and are developing their own policies. If anyone is having problems please let Tom know by emailing him at [nvcd@sbcglobal.net](mailto:nvcd@sbcglobal.net).

- **PROGRAM REPORT**

Dr. Peter Crooks reported that the meeting program has been finalized and speakers are being confirmed. We are now looking for meeting dates for 2010.

- **NEXT BOARD MEETING**

January 16, 2009 ~ Oakland

NOTE: As customary, there will be no CDC Board Meeting in the month of December.

**ENJOY THE HOLIDAYS**

For more information and registration forms, please visit our web site at:

[www.caldialysis.org/next\\_meeting.htm](http://www.caldialysis.org/next_meeting.htm)

[Forward email](#)