



Board Meeting ~ Los Angeles

September 2008

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Below is a report from the California Dialysis Council's Board Meeting held September 19, 2008 in Los Angeles, California.

#### • **LEGISLATIVE REPORT**

Mike Arnold delivered the legislative report. The background of events leading up to the current \$15.2 B budget deficit were explained. The budget compromise presented accelerates tax collection and mentions the "rainy day" fund. Governor Schwarzenegger vowed to veto this budget as well as veto all bills that come across his desk. An alternate deal has been hammered out to create a revised budget which will replace the accelerated tax collection with penalties on corporations and provide a real "rainy day" fund that can't be touched in the future. ([Update: The Governor signed the 2008-2009 budget bill on September 23.](#))

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Medi-Cal Cuts: The U.S. District Court issued a preliminary Temporary Restraining Order (TRO) on 8/18/2008 to halt certain portions of the 10% payment reduction affecting various providers under the Medi-Cal program. Since the law providing for cuts took effect July 1st 2008, the State Attorneys have argued that the TRO was not effective 7/1/08 - 8/17/08. As well they argue that only the particular plaintiff in the case (SNF and pharmacy) be exempt from the cuts, not all providers.

Once the budget is passed, check runs will begin, but it is unclear at this point what formula will be used for reimbursement. Possibilities include:

- 7/1/08 - 8/17/08 will be 10% less. Effective 8/18/08, rates will be restored.
- The State's Attorneys are petitioning courts that all



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other providers should be excluded that did not provide immediate jeopardy until such evidence is provided.

- The State's Attorneys are petitioning courts that all other providers should be excluded that did not provide immediate jeopardy until such evidence is provided.

Update: Courts have included dialysis clinics in the TRO. Thus, the 10% cut applies 7-1-08 through 8-17-08. Rates are restored until 2-28-09. On March 1, 2009 a 1% cut will be applied, unless stopped by the courts or changed by the Legislature. Thus, much depends upon future court action at this time.

The Legislative Status Report dated 9/16/2008 was reviewed and discussed. Mike Arnold pointed out that members may want to explore the following bills in more detail: AB 1183 - AB 1781 - AB 2440 and AB 3000.

Anyone with an interest in specific pieces of legislation can go to the 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

Mike Arnold discussed the current status of the "Access to Care" letter. A letter dated 9/8/2008 from DPH to CMS was distributed. While no clarification of this issue is currently available, it is hoped that CMS will clarify this issue for DPH.

CfC Interpretive Guidelines: It has been clarified that isolation rooms are not required for the facilities operating on October 14, 2008. If expansion or construction is undertaken at the facility after that date, an isolation room will be required.

In regards to the national patient care technician certification process - California CHT certification does not meet all the new Federal requirements. The deficiency is in the standardized test requirement and the need for a proctored outside of the dialysis facility test. Revisions to the Hemodialysis Technician Training Act were discussed to update the current law to meet the new Federal regulations. A letter was sent to CMS from CDC requesting to grandfather the existing California CHTs. This request was denied.

Discussions took place regarding the issue of submitting legislation to bring California law into compliance. Mike Arnold to explore with DPH what the process/time line would be. A small subcommittee will be formed to work with Mike Arnold to present specifics prior to the October meeting.

- **FEDERAL ISSUES ~ UPDATE**

Mike Paget reviewed the MIPPA implementation strategies and issues for the coming years - the actual 16 page document can be found on our web site at :  
[http://www.caldialysis.org/News\\_Docs/2008/MIPPA\\_Implementation.pdf](http://www.caldialysis.org/News_Docs/2008/MIPPA_Implementation.pdf)

- **NETWORK REPORT**

Vickie Peters, Network 18 Executive Director was asked to give an update on the implementation of CMS CROWNWeb particularly as it related to the issue of batch data entry (see: ~ [CROWNWeb issue for non-Large Dialysis Organizations \(LDOs\)](#)) Data entry will take facility staff 30 minutes to fill out each CPM form for the sample of about 5%. Besides the time factor, the system has not been found to be particularly user friendly. There will be only 300 available slots nationally at any one time to be used. Network 18 is working to overcome some of these obstacles. Due to these issues, a motion was made to submit a letter to CMS to work with the LDO data first and work out bugs before non LDOs are brought on-line. Motion seconded.

- **PROGRAM REPORT**

Mary Brattich presented the following report: The planning for the 2009 Annual Educational Conference met for the first time in September and have developed an extensive list of topics and potential speakers. As always, recommendations for additional topics and speakers are welcomed. Contact Mary at: [mary.brattich@fmc-na.com](mailto:mary.brattich@fmc-na.com).

- **NEXT BOARD MEETING**

October 17, 2008 ~ San Francisco

NOTE: This meeting is being held in conjunction with the Western Pacific Renal Network (Network 17). The CDC Board Meeting will be held in the morning from 10:00 a.m. until 12:00 noon and the Network 17 Symposium will start with lunch at noon and run until 5:00 p.m.

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)

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