



CDC ~ REPORT

Closed Board Meeting ~ Palm Springs

April 2009

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Below is a report from the California Dialysis Council's Closed Board Meeting held just prior to the Annual Educational Conference on April 16, 2009 in Palm Springs, California.

• LEGISLATIVE REPORT

Mike Arnold delivered the legislative report and focused on the two CDC sponsored bills.

SB 221 - repeals the previously enacted home dialysis agency licensure law, as this law has caused confusion due to interpretations from State agencies that dialysis in nursing homes could only be performed by entities licensed pursuant to this law. This is first attempt to pave the way for possibly sponsoring new legislation in 2010 in regards to dialysis in Nursing Homes. If passed, it will be possible to start with a clean slate and not deal with making amendments to an old law put on the books during the time when different reimbursement policies were in place. It is expected that SB 221 will be signed into law by September.

SB112 - SUMMARY: An urgency measure which revises existing requirements for the certification of hemodialysis technicians under the Hemodialysis Technicians Training Act.

By sponsorship of SB 112, the CDC is attempting to enable the California hemodialysis technician certification to be approved by CMS so that CHTs in California will have an alternative pathway for certification that qualifies under the new Conditions for Coverage adopted by CMS.

Phase one of this CDC effort will be getting the bill

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passed. Phase two will be making sure the State implements the new law as soon as possible, so that the 5,000 California CHTs can have time to be re-certified prior to the deadline of April 15, 2010. After discussion, it was agreed that we will add a provision to define the term "standardized." Mike Arnold will explore the possibility of obtaining support from the University of California system, since we are planning to work with UCLA to achieve compliance with the CMS requirements for a "standardized test."

Mike Paget spoke with Judith Kari, CMS, who feels that once the test is deemed 'standardized' CMS will add California to the matrix of approved tests.

A provision has been added that was recommended by California Department of Public Health (CDPH) that allows an expired certification to be renewed within two years.

The California Budget is faced with an 8-10 billion dollar deficit and if Prop1A does not pass, is expected to increase to more than 21 billion dollars. Most likely we will be faced with proposals for additional Medi-Cal cuts.

There are bills (SB26 & SB486) that are targeting disposal of medical waste generated in the home environment. It is important for you to look at the language contained in these bills to see if they would affect your home programs.

The Legislative Status Report is available on the CDC website at: www.caldialysis.org/status_report.htm Accessing in this manner allows you to link directly to the whole bill.

• REGULATORY REPORT

There are no updates to the 'Access of Care' letter since the meeting with CMS Regions IX March 4, 2009.

Misha Palacek reported that DaVita had a meeting with Scott Vivona CDPH on how to speed up the initial survey process and discussed the Access to Care letter. A clarification was received that this letter is needed to put the facility on the "bottom of the list" and not "off" the list (referring to Tier 3). In summary it comes down to a state appropriation issue of needing more surveyors. Once again the possibility of contracting with an outside agency to perform the surveys was raised.

Mike Arnold discussed several options to assist with more timely surveys - one being to develop a Senate Joint Resolution or Assembly Joint Resolution sending a message to the federal government that the California State Legislature would like these issues addressed.

Mike will be working on this matter.

Marc Chow discussed the process in Texas where L&C surveys for new ESRD facilities have stopped. He will forward the letter that was developed by the Texas Legislature for review.

• **PATIENT ORGANIZATIONS REPORT**

Lori Hartwell presented the report and discussed the following items:

All patient organizations worked to promote World Kidney Day on March 12, 2009 to increase awareness of kidney disease. RSN's play "Who Lives" that is based on the dialysis "life and death committees" was well attended with the last weekend being sold out. The Los Angeles Times gave it an excellent review. Several proclamations' were presented in cities across California. Numerous CKD screenings by a number of organizations were held around the country to help the public find out if they are at risk.

The Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009 was introduced in the House (H.R, 1428) and Senate (S.565) and patients are very supportive of this bill. See <http://www.govtrack.us/congress/bill.xpd?bill=h111-1458> for more information. Also, the Living Organ Donor Tax Credit Act of 2009 (Introduced in House) that will provide a non refundable personal credit to individuals who donate certain lifesaving organs. For more information see:

<http://www.govtrack.us/congress/bill.xpd?bill=h111-218>

An independent patient petition is being distributed via the internet campaigning for reimbursement for more dialysis called "Every Other Day Dialysis" that would increase the number of routinely reimbursed hemodialysis treatments from three per week (156/year) to every other day (183/year).

• **GRASSROOTS REPORT**

Marc Chow reported that the Sacramento Legislative Day held in March had an excellent turnout. He recommended that all members should continue to have members/staff come to the facilities - seeing that the process of dialysis is different from just being told about it.

• **MEDICARE REPORT**

Dr. Carol DiRaimondo and Dr. Paukert attended the Palmetto Carrier Advisory Committee last month. The ESA coverage policy will state that ESAs will be reimbursed as long as the goal is to maintain HGB levels

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between 10-12 g/DL and did not set limits for when it should be started. This language is expected to be effective December 5, 2009 and covers both Part A and B.

- **PROGRAM REPORT**

Mary Brattich reported that there are well over 200 attendees pre-registered for this year's Annual Educational Conference.

Next year's conference will held in Palm Springs on April 20-22, 2010 at the Hotel Zoso.

- **NEXT BOARD MEETING**

May 15, 2009 ~ Oakland

For more information and registration forms, please visit our web site at: www.caldialysis.org/next_meeting.htm

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