



CDC Report

Board Meeting ~ Oakland

August 2009

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Below is a brief report from the California Dialysis Council's Board Meeting held August 21, 2009 in Oakland, California. For **CURRENT NEWS** regarding the ESRD community, please visit our web site news page at: <http://www.californiadialysis.org/news.html>

• LEGISLATIVE REPORT

Mike Arnold delivered the legislative report. The Legislature is back in session after the summer recess. Mike presented a chart that predicts another State cash flow crisis in April 2010. Because of this, CDC will continue to be alert to proposed cuts or payment delays that could affect our industry.

A structural deficit of \$10-15B remains. The Legislature continues to carry this instead of proposing solutions to eliminate. It appears they are hoping to just buy time for the economy to rebound which will provide an increase in personal income tax revenues. A commission on 21st Century Finance has been created and will produce a report on how to change the system so that the budget is not dependent on the fluxing source of personal income tax revenue. While this is being developed, other groups are proposing solutions such as sponsoring a proposition for a part time legislature, a constitutional convention to rewrite the California Constitution, and a package to change term limits, district lines, etc., all relating to California governance.

Our Corporate
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Summary - We have come out better than previous similar situations when Medi-Cal was the main target for cost savings probably due to court cases and lobbying not to go in that direction. We need eternal vigilance to ensure that Medi-Cal cuts do not surface in the future.



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The following update on CDC sponsored bills was given:

SB112 - (to create an alternative pathway for technician certification). This bill is now through the Senate, through the Assembly Policy and Fiscal Committees and is on the floor of the Assembly. One set of final amendments needs to be dropped in to clarify some points, which will be done on Monday, August 24th. Hopefully, this bill will be on the Governor's desk by the middle of September.

SB 221: repeals the previously enacted "home dialysis agency law" as this has only caused confusion in connection with dialysis in long term care settings. Elimination of this old law should avoid future confusion by administrative agencies. Adopted by Legislature and signed by Governor.

Mr. Arnold brought up proposed legislation AB 818 which addresses tubing connection ports. The Board and members present agreed that it does not relate to dialysis tubing and CDC should not need to follow this bill.

The Legislative Status Report is available on the CDC website at:

www.californiadialysis.org/legislative_status.html.

Accessing in this manner allows you to link directly to the whole bill.

• REGULATORY REPORT

Electronic Health Records: Karen Dyer reported that dialysis facilities that use Electronic Health Records (EHR) must allow state surveyors to have access to the system.

Attention for the newly licensed facilities: A new facility will go through two inspections. The first is the licensing process, followed by the certification process. The DPH offices are now supposed to have a Life Safety inspection along with your certification visit. Some DPH offices are doing the Life Safety inspection months after the certification inspection. The issue is that the participation coverage effective date is not the certification visit date but the Life Safety inspection date if it is separate. Be aware not to start anymore patients until you have your Life Safety inspection.

The CMS form HS 328 states, "All federal health and safety standards must be met." Any questions, please email Debra Punch at debapunch@aol.com for further details.

Dietician Scope of Practice issue was discussed. There

has been survey activity citing Renal Dietitians (RDs) for following protocols and writing orders to be co-signed by a physician. Allison (from Network 17) will check with the local survey organization to elicit comments on details regarding this issue. After discussion, the decision was made to limit involvement in this issue but we will collect more data on the background and discuss at the September meeting.

Discussion took place about the mechanics of offering the CDC PCT test as an alternative to the National Certification tests. There is consideration to form a separate entity, removing this from the CDC, and providing its own governance, budget, and liability, since it is difficult to justify alignment with the current CDC mission. A committee was formed to discuss cost and other issues relating to providing the test.

Committee members are: Sean Graham, Chair, Misha Palecek, Co-Chair, Michael Arnold, Lynn Ann Lohner, Michael Paget and Debra Punch

• **FEDERAL ISSUES REPORT**

Marc Chow presented the report. Health Care Reform continues to be a major issue with a national focus during Congress' summer recess.

The lifetime extension of the Immunosuppressive Drug Coverage benefit for kidney transplant patients is currently in the House version of the bill (HR3200). However, there is some controversy within the ESRD community as to what should be the "pay for" for this extension in coverage. The House has suggested including oral medications in the ESRD payment bundle, while others in the industry have suggested the extension of the Medicare Secondary Payor (MSP) provision.

A number of patient organizations are pushing for the availability of Medigap coverage in all states for ESRD patients under 65 years of age. Currently Medigap coverage for this patient group is only available in 26 states.

Kidney Care Partners (KCP) has sent their comments to CMS in response the Proposed Rule for Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for Calendar Year (CY) 2010. This included comments on the Kidney Disease Patient Education Services benefit.

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• **PATIENT ORGANIZATIONS REPORT**

Mike Paget reported for Lori Hartwell and presented the report and discussed the following items:

Patient groups continue to advocate for the lifetime

Immunosuppressive drug bill. The benefit, if approved should be less expensive as scored as all immunosuppressant drugs are now available as generic equivalents. The House version of the healthcare reform bill had language that included this provision.

Renal Support Network (RSN) is holding a patient leadership meeting for their patient leaders to be prepared to comment on the MIPPA Proposed Rule on bundling when it is published.

All (AAKP, AKF, DPC, NKF and RSN) patient groups have sent a joint letter requesting that CMS hold an open door forum on the Proposed Rule.

• NETWORK REPORT

Allison Kregness delivered the report. Connie Laurenz, the new Patient Services Coordinator, was introduced by Allison. The full release of CROWNWeb is scheduled for December 2, 2009. Currently there are ten facilities (five LDOs and five independents) in each ESRD Network on line. The system remains very slow and not particularly user friendly. Original entry takes about 45 minutes per patient.

Allison stated that CMS is watching the results of the PCT testing process. So far, there is a high failure rate and infection control questions seem to be challenging. This is for the US as a whole. Anecdotal evidence is that the pass rate among California PCTs is in the 75-80% range.

• MEDICARE REPORT

Dr. Tom Paukert attended the most recent Palmetto Carrier Advisory Committee (CAC) meeting, but nothing was discussed regarding the final ESA coverage policy for EPO. The next meeting is in October. This will be open and anyone can attend and voice issues.

• PROGRAM REPORT

The dates for the 2010 Annual Educational Conference were confirmed as April 22-24, 2010 at the Palm Spring Hotel Zoso. The Planning Committee will begin calls in September.

Mike is working with the committee on dates and sites for the 2011 and 2012 conferences.

• COMMUNICATIONS REPORT

Bryan Wong presented the report. Two conference calls and one face to face meeting prior to this Board Meeting have been held by this newly formed committee. A number of areas of the web site

were identified for review, development and updating. The Renal Links and Sponsors pages are in the process of review and updating. Seven categories of resources were identified and assigned to committee members to populate. Mike Paget will work on setting up these new pages and revising the menu structure. To visit the new web site [click here](#).

- **OTHER BUSINESS**

Future Board Meeting materials will be emailed to registered participants the Wednesday before the meeting. Only the agenda will be provided on site. Options exist to print and bring paper copies or bring a personal computer and review the documents during the meeting. This will cut down on the copies, many of which are just left on the table after the meeting.

- **NEXT BOARD MEETING**

September 18, 2009 ~ Los Angeles

For more information, on-line registration and hard copy registration forms, please visit our web site at: www.californiadialysis.org/next_board_meeting.html

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