



# CDC Report

Board Meeting ~ Oakland

January 2009

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Below is a report from the California Dialysis Council's Board Meeting held January 16, 2009 in Oakland, California.

### • **LEGISLATIVE REPORT**

Mike Arnold delivered the legislative report. The 2008- 2009 budget bill was the latest budget in California history. The Legislature and the Governor faced a \$42 billion budget deficit by 2010 if some action is not taken by the legislator. Negotiations continue with both parties and the Governor's Office to reach a compromise before the state will be unable to pay its fiscal obligations.

Mike Arnold confirmed the 2009 CDC Legislative Day as Tuesday, March 17, 2009. More information will be forthcoming with information on the talking points and how to make your appointments with your legislators. All bills will be introduced by the beginning of March and CDC will probably have two bills that we will be sponsoring. One, a bill to repeal the existing Home Hemodialysis Law which has cause problems with the interpretation of regulations pertaining to dialysis in Skilled Nursing Facilities (SNFs). The second, will be a bill that would revise the existing Hemodialysis Technician Training Law to provide an alternative pathway for California Patient Care Technicians to comply with the new federal regulations

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

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up a copy of the bill.

## • REGULATORY REPORT

*CfC Interpretive Guidelines ~ Re: Patient Care Technician Certification:*

Karen Dyer opened by giving some background as to the purpose for the need to introduce a bill to revise the current California Hemodialysis Technician Training Act so that it would meet the requirements of the new federal ESRD Conditions for Coverage. Among other things the bill would include a state- sponsored exam that PCTs could take in lieu of the three national exams. Members of the CDC Technician Certification Committee met on January 8th with the State Department of Public Health (SDPH) and discussed in general terms the proposed language of the new bill. While the department cannot officially take a position on a bill that has not been introduced, they did read the bill language and offered constructive comments. It was made clear that any changes must be budget neutral. The CDC committee members came away from the meeting encouraged. The following day, the group met via telephone conference with Glenda Payne of Centers for Medicaid & Medicare Services (CMS). Glenda explained to the group the requirement of the PCT testing process. She recognized that we would probably be able to provide that appropriate environment for the testing, i.e., proctored in a non- facility location, but was not sure we would be able to provide the very expensive "standardize" test. She further explained that there are national certification organizations that certify/validate standardized tests at a cost of around \$500,000 and any test (s) that California develops must meet this criteria. Needless to say this information was somewhat discouraging. However, she did inform the group that there are currently two states, Maryland and New Mexico that have state-sponsored exams. CMS is currently deciding whether or not to recognize these two exams that were sponsored by local state universities. That decision is like to be made before the end of the month. Based on that determination the CDC will know whether or not to move forward in developing a state standardized test.

Karen Dyer reiterated that patient care technicians should study in preparation to take the first available test in their area. A discussion ensued related to the availability study guides. Allison Kregness from Network 17 suggested the possibility of approaching NANT with the idea of purchasing several thousands of copies at a significantly reduced price for California patient care technicians. In determining the number required it was pointed out that the two LDOs and even the MDOs were probably already gearing up to provide

their own PCT training and study guides so the actual number required may not be that significant. Allison will follow up with NANT to see what discounts maybe available. Network 17 will schedule a conference call with the LDOs and MDOs to see if they would be interested in such a program.

Mike Arnold reported that he hopes to have an author for our Certified Hemodialysis Technician Training bill by the end of the month. It will be introduced as an urgency bill, which means that it can be heard right away and if approved will go into effect as soon as it is signed by the Governor as apposed to regular bills that take effect on January 1st of the following year. The Board proceeded with a final review of the proposed bill language and by consensus requested that Mike Arnold move forward with the introduction of the bill.

*Access to Care Letter:* Mike Arnold discussed the current status of the "Access to Care" letter. A meeting between CDPH and Steven Chickering, Director of CMS Region IX and the California Dialysis Council has been requested to further discuss this issue. The meeting is currently scheduled for March 4, 2009. Initial facility surveys have improved in general, but there are still problems with delay in Los Angeles, Riverside and San Bernardino counties.

## ● **PATIENT ORGANIZATIONS ~ REPORT**

Mike Paget reported for Lori Hartwell who unfortunately could not be in attendance as she and all of the RSN staff are in the final preparation stages for Sunday's 10th Annual Renal Teen Prom being held at Notre Dame High School in Sherman Oaks.

Both RSN and NKF representatives are serving on various Kidney Care Partners (KCP) MIPPA implementation workgroups with a focus on the Patient Education Benefit (six sessions for Medicare CKD 4 patients, starting in 2010). The workgroup's four sub groups are working to make recommendations to CMS on how the benefit should be structured.

The Renal Support Network is producing a play called Who Lives? to open in Los Angeles at the Pico Playhouse on March 12, 2009 for World Kidney Day. The play will run from March 12 - 29, 2009. This production will serve as a platform for discussion, education and outreach on the importance of prevention of chronic kidney disease, the miracle of dialysis and organ donation awareness. [Buy Tickets Now](#)

- **FEDERAL ISSUES ~ REPORT**

Mike Paget reported on the recent MedPAC meeting of January 8th where they recommended a 1% increase in the composite rate for 2010. Mike reviewed some of the points from the MedPAC analysis's presentation to the commissioners namely: The Medicare margin for composite rate services and dialysis drugs was 5.8% in 2005, 5.9% in 2006, 4.8% in 2007 and is projected to be only 1.2% in 2009. The Medicare margins in 2007 varied across provider types as follows: DaVita & FMC = 68% of Medicare spending with a 6.9% margin, other providers = 32% of Medicare spending with a 0.2% margin.

Mike Paget briefly reviewed the KCP priorities for 2009 distributing a one page summary to those present. The main priority is that of the MIPPA implementation.

Marc Chow who has been working on both KCP and NRAA CROWNWeb committees reported that CROWNWeb is still a major problem for the non- LDOs that are not allowed to batch submit data to CMS. These providers are still having a number of logistical problems such as logging into the system and getting into training sessions that are full. A number of groups are still lobbying congress to delay the implementation of CROWNWeb until some of the issues can be resolved. **SEE THE NETWORK REPORT BELOW FOR AN UPDATE!**

- **NETWORK REPORT**

Allison Kregness reported that she had just got off of an urgent CMS telephone conference call regarding CROWNWeb. CMS announced that it will now roll-out CROWNWeb using a modified phase-in approach. Specifically, a select group of dialysis facilities in different parts of the country will submit data through CROWNWeb. See the email news release from our web site by [clicking here](#).

- **GRASSROOTS REPORT**

Mark Chow reported that this will be a busy year for CDC with the potential of two bills being introduced in the state legislature as previously discussed. There are a number of new legislators that need to be educated about the ESRD program. This can be done locally or during our Legislative Day on March 17th. More information on how to participate in these events will be distributed to the membership.

## ● MEDICARE REPORT

Misha Palecek reported on the recent coding changes for nephrology services in 2009. These are changes from the temporary "G" codes to the permanent CPT codes. A chart listing the code changes and be found on the Renal Physicians Association's web site at: [http://www.renalmd.org/documents/re\\_visedNEWCPTCODE.pdf](http://www.renalmd.org/documents/re_visedNEWCPTCODE.pdf)

Cindy LaMunyon reported that the Centers for Medicare & Medicaid Services (CMS) has updated their PC Pricer web page to include the updated ESRD PC Pricer with the rates for 2009. The PC Pricer is located in the Downloads section of the web page. See our email news release by [clicking here](#)

## ● PROGRAM REPORT

Dr. Peter Crooks reviewed the highlights of the finalized program indicting that the Conference Brochure will be emailed out to everyone next week and posted on the [CDC web site](#).

## ● NEXT BOARD MEETING

February 20, 2009 ~ Los Angeles

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)

Email: [mail@caldialysis.org](mailto:mail@caldialysis.org)

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