



CDC Report

Board Meeting ~ Oakland

May 2009

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Below is a report from the California Dialysis Council's Board Meeting held May 15, 2009 in Oakland, California.

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• LEGISLATIVE REPORT

Mike Arnold delivered the legislative report. The Governor released the May Budget Revision yesterday so voters can see the impact if the ballot propositions pass or fail. The move appears to have had the opposite effect - those who were already mad are even madder and it is believed that all Propositions will fail except for F which freezes legislative salaries in times of a budget deficit. Such a failure will increase the deficit by at least \$5 billion.

The May Budget Revision contains no Medi-Cal cuts for dialysis provider or Non-Emergency Medical Transportation Providers. However, a 10% cut for private hospital providers is estimated to provide \$20 million in savings. It will be important to continue to be vigilant to ensure that rates do not get cut, as employee organizations are very powerful and in lieu of cutting jobs, a momentum could develop to cut Medi-Cal funding instead of jobs.

It was recommended to watch a proposal that has been developed to save \$47.9 million by forming a Medi-Cal anti-fraud initiative which would add 32 new employees. Their job would be to discover fraud to save the program money.

There is a provision to save \$125 million by reducing services for newly qualified legal immigrants and for those permanently residing under Color of Law. Full scope benefits would change to emergency services only.

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SB 221 - This is a CDC sponsored bill. The measure repeals the previously enacted home dialysis law as this has only caused confusion in interpreting the language with regulatory bodies. If passed, it will be possible to start with a clean slate and not deal with making amendments to an already confusing bill. It is expected that this bill will cross the Governor's desk by late August and be signed into law by September. The Senate Health Committee analysis of the bill included a very clear outline of the situation that must exist in order to provide dialysis in a SNF setting. Once we get rid of the confusing "home dialysis agency law" we may not need to introduce a future bill that specifically allows dialysis in a SNF.

SB 112, is also sponsored by the CDC. This is an urgency measure which revises the existing requirements for the certification of Hemodialysis technicians under the Hemodialysis Technicians Training Act so that California may receive approval for an alternative pathway for certification for our CHTs which will comply with the federal Conditions for Coverage. Mike Arnold and Kristi Foy continue to work with representatives of the Department of Public Health in an effort to be sure that the Administration will not oppose the enactment of our bill.

Meanwhile, Debbie Punch is working with her committee of six to develop the test using a template that delineates knowledge, application and comprehension, factors which will help University of California to evaluate the tests. The current time line requires that the questions be completed and submitted to Debbie by June 8. To further validate the tests, they will be taken by two CHTs who have already passed a national test. There are various places where the process could slow down, but we shall continue to work diligently on these matters to provide an option for our PCTs to obtain certification in compliance with the new Conditions for Coverage.

AB 998 addresses Medi-Cal coverage for transplant anti-rejection medications. CDC will go on record as supporting this bill although most likely it will not be enacted as it will generate more cost for the State.

The Senate Joint Resolution that was developed to address the delay in Licencing and Certification (L&C) of new dialysis facilities was reviewed and recommended changes incorporated. CMS has a pool of money available for a one time payout to assist states to provide surveys to clinics who have been waiting for an extended period of time, but a request for such funds must be made by June 1, 2009. After motioned and

seconded, Mike Arnold was given the approval to move forward with the Joint Resolution. A matrix of waiting facilities was provided by California Department of Public Health (CDPH) although it does not appear up to date. An updated matrix will be requested to have as backup.

Anyone with an interest in specific pieces of legislation can go to the CDC website by [clicking here](#) to view the current Legislative Status Report. A click on the bill number will bring up a copy of the bill.

• REGULATORY REPORT

Karen Dyer discussed California Privacy law changes that became effective January 1, 2009. A summary of AB211 and SB541 can be found on our web site by [clicking here](#).

• PATIENT ORGANIZATIONS ~ REPORT

Lori Hartwell stated all patient groups initiated various messages to promote Organ Donation for the Month of April. Currently over 75,000 people are waiting for a kidney transplant. In addition, a discussion ensued about trust issues between patients and providers and recommended some sort of forum to bring these issues out for discussion by both parties. Allison Kregness (Network 17) agreed that this is an issue and she is hearing the same things RSN is hearing. The group agreed that this needs to be addressed.

• FEDERAL ISSUES ~ REPORT

Mike Paget and Marc Chow presented the report. As previously stated, 2009 was expected to be a quiet year as far as healthcare legislation goes. However, there are now several Healthcare Reform bills about to be introduced. Even if these bills do not make it to the Presidents' desk, there will be a need for a Medicare bill to address the physician fee fix. This would open up the door for other Medicare issues.

Kidney Care Partners (KCP) met with CMS regarding MIPPA implementation but did not get a lot of direct feedback. The Notice of Proposed Rule Making is expected to be published by early summer. A vote is coming up on Equity for Patients issue to eliminate the prohibition to enroll in Medicare Advantage plans. Some of the issues discussed are that there are many types of plans available often with additional co- pays and plans can switch to different vendors with very little notice. Medicare Advantage plans will be subject to cuts of 14% this year and these cuts will most likely be passed on to the members. The Board directed the CDC representative to vote no on the issue.

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- **NETWORK REPORT**

Allison Kregness reported that a conference call was held for all Network 17 facilities on the topic of the H1N1 flu outbreak. To date, no dialysis patients have been infected. Network 17 is offering seating for the National PCT test in September. CMS audited Network 17 and they received 100%. There is an open position for a Social Worker. CMS will now be surveying the outlying Pacific Islands instead of CDPH. The Network staff is in process of planning a meeting for Medical Directors to be held in September. The topic is to discuss their role as outlined in the CfC and will be held in South San Francisco.

- **GRASSROOTS REPORT**

Marc Chow presented the report. He recommended that all members continue to have legislative members/staff come to visits at the facilities. Seeing the process of dialysis is different from just being told about it. If any bills are introduced with further cuts, the Grassroots Committee will become more active.

- **MEDICARE REPORT**

Misha Palacek reiterated that first comments on how MIPPA will be rolled out are expected to be out in July. Dr. Carol DiRaimondo is not aware as to when the next Palmetto Carrier Advisory Committee meeting will be held. The final ESA coverage policy is not out. Carol will invite Dr. Art Lurvey to the next Board Meeting in Los Angeles.

- **PROGRAM REPORT**

This year's Annual conference had a total 247 registered attendees. Evaluation results were very positive in nature.

Dates for next year are April 20-22, 2010 at the Hotel Zoso in Plam Springs. The Planning Committee will begin calls in September.

- **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. This change will proceed as a trial.

A Communication Committee has been developed whose goal is to provide guidance on way the Council should communicate with the membership and ESRD

community. A discussion of the current CDC Report was presented. It has been structured to provide information presented during the meeting, but by the time it is distributed, is often 'old' news.

- **NEXT BOARD MEETING**

June 19, 2009 ~ Los Angeles

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

www.californiadialysis.org/next_board_meeting.html

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