



CDC Report

June 2011

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Board Meeting ~ Los Angeles

Below is a brief report from the California Dialysis Council's Board Meeting held in Los Angeles on June 17, 2011. For **CURRENT NEWS** regarding the ESRD community, please visit our web site news page [for more information...](#)

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Our Corporate Partners



Legislative Report

Michael Arnold

Michael Arnold delivered the legislative report. The proposed budget was vetoed by the Governor. However, the budget bill that was submitted did not contain further Medi-Cal cuts. Arnold and Associates will continue to ensure that efforts aren't refocused on taking more money out of the Medi-Cal budget to any extent possible.

Regarding the soft limit on physician visits, Mike Arnold would like to work directly with the department to try to secure an exclusion for dialysis patients from the documentation requirement.

Discussion then took place regarding the proposed increase in license fees for FY 2011-2012. Legal review needs to be done. Perhaps this is not legal under Proposition 26 that a fee increase cannot be passed without a 2/3 vote. In addition to this, other statutory requirements have not been followed and it is unclear exactly what this means. 'Projected' workload and costs are examined in coming up with these fees. Further research will take place and be reported back at the August meeting.

Regarding redistricting based on the 2010 census, the districts are being finalized and will be in place by the 2012 election. This will include Senate, Assembly and Congressional districts.

CDC comments on the CMS Notice of Public Rule Making (NPRM) letter was sent and a response was received stating that further guidance was needed. After proposed and seconded, the letter distributed to the Board in the meeting handouts will be sent to CMS. Comments are due by July 5, 2011. A final decision should be made by September.

The CDC effort to block the 10% Medi-Cal provider payment reduction is on two tracks: CMS and the courts. We are asking CMS to reject the cut. If CMS does not block the cut, then it is likely that members of the Alliance for Patient Care (APC) will file suit. However, the potential for success with legal action appears to be low. If CMS does not reject the cuts, when given the opportunity to do so in the State legislation making the cuts (AB 97), that sets a high bar for the court to overcome. Further, a court case involving the 2008 rate cut

Legislative Report

Continued...

is now before the U.S. Supreme Court. That case will be argued in the fall session of the Court. The issue in that case is whether any party other than the Secretary of HHS has legal standing to sue to enforce compliance with federal law. The Obama Administration has come down on the side of HHS/CMS by arguing that federal officials have better resources than judges for determining when access to care does not meet the requirements of the Social Security Act.

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

http://www.californiadialysis.org/legislative_status.html.

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

Renaissance Palm Springs Hotel



*“Save the date for the
30th CDC Annual Educational
Conference”
April 12 ~ 14, 2012*

Regulatory Report

Karen Dyer

Karen Dyer presented the report. Electronic Data interchange (EDI) 5010 testing is taking place. All covered entities have to be fully compliant on January 1, 2012.

FDA has issued new Enforcement Discretion letters for Aranesp® and Epogen® (dated June 2, 2011) related to the Medication Guide distribution. In summary, for patients without cancer, providers only need to provide the medication guide at the initiation of therapy or when the guide is materially revised or updated. It would appear the oncologist who is treating the patient with cancer continues to be responsible for additional notification. A copy of these letters can be found on the CDC website at:

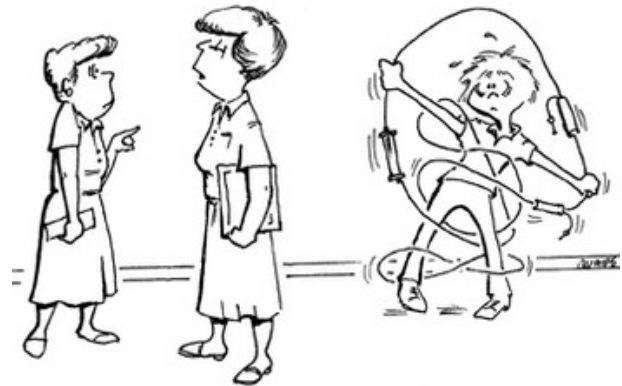
http://www.californiadialysis.org/Docs/Resource/Regs/ESA/REMS_Update_6-2-11.pdf

On Thursday, June 16th, CMS released its Final Decision Memo for ESAs for Treatment of Anemia in Adults with CKD Including Patients on Dialysis and Patients not on Dialysis.

In summary, the Agency states that: "Given the totality of the currently available evidence, **CMS will not issue a national coverage determination at this time** for Erythropoiesis Stimulating Agents (ESAs) for Treatment of Anemia in Adults with CKD Including Patients on Dialysis and Patients not on Dialysis (CAG-00413N)."

A copy of the 77 page memorandum can be found on the CDC website at:

http://www.californiadialysis.org/Docs/Resource/Regs/ESA/NCD_ESA_Final_Memo.pdf



*Don't worry, she's new.
She'll get the hang of it soon.*

*In Memory of Peter Quaife
Dec1943 ~ June 2010
Kidney Patient/Cartoonist*

PCT Exam Report

Mike Paget

Mike Paget reported that an exam session was offered yesterday (June 16, 2011) with 150 exams being administered. Mike also stated that PCTs continue to call the CDC office inquiring about the issuance of their State Certification, not realizing that they must apply directly to the State to obtain this. It would appear that a number of hemodialysis technicians are working without being State Certified.

The FAQ section of the web site continues to be updated to highlight the California requirements. Visit the CDC web site at: http://www.californiadialysis.org/CHT_FAQ.html.

Patient Organizations Report

Lori Hartwell

Lori Hartwell presented the report. Patient letters have been sent in response to the proposed rule regarding ACOs. Currently, only primary physicians can participate. The patient groups asked that CMS consider a Pilot program through the innovations center for ESRD patients. Letters are available on patient organizations website to learn more. We are also working on the impact of Healthcare Exchanges that will take effect in 2014 and how they will impact people with CKD. Lifetime immunosuppressant medication bill for transplant recipients will be introduced soon by Senator Durbin and congressman Burgess. Members will be asked to contact their representatives to support this very important bill to help ensure patient do not lose their transplant due to lack of access to medication. National Quality Forum comments have been submitted by patient organizations regarding End-Stage Renal Disease Proposed and Endorsed Quality Measures. www.ExploreTransplantation.org has been launched for dialysis patient care staff to learn more about transplantation. This initiative was partially supported by the Health Resources and Services Administration. In addition to online materials, CEU programs in the form of in-services will be offered. Lori discussed the fact that currently there are cases where living organ donors are now deemed to have a 'pre-existing condition' due to the donation, and sometimes excluded from getting insurance. RSN is working on trying to figure out ways to stop this practice. RSN is sponsoring a poker tournament on October 29, 2011 at the Commerce Casino, which will be attended by many local newscasters and celebrities. Visit Poker lessons will be provided. Visit www.rsnhope.org/poker for more info.

ESRD Network Report

Shean Strong

Shean Strong presented the report. Network 18 is the 4th ranking Network for fistulas. Projects have been completed with those clinics that had less than 55% of patients with fistulas. A project to remind nephrologists of KDOQI recommendation for TSAT and ferritin levels (1200ng/mL) seems to have altered anemia algorithms to improve TSATs. Lab drawing procedures regarding transplant specimens were examined, finding improvement was needed. CROWNWEB – phase II expansion and phase III (26 facilities) are underway. Master Account holders have been assigned. A Disaster Preparedness seminar will be held again this fall at the Braille Institute in LA. There will be more information to come from Network 18 regarding this offering.

California Dialysis Council

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Next Board Meeting

August 19, 2011 ~ Oakland
Open to Members and Guests

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