

# CDC Report

Friday, February 15, 2002

Held via Telephone Conference

## **Legislative Report:**

Michael Arnold distributed a summary of legislative activity electronically in advance of the conference call and presented the following legislative review:

- February 22, 2002 is the deadline for the introduction of legislation. The Legislature is currently distracted by the March primary and there will probably be a “crush” of legislation introduced next week.
- SB1344 - A bill introduced by a conservative Orange County Senator, Haynes, would prohibit a licensed facility or practitioner from refusing to provide treatment to a person on the basis that such treatment is futile or inappropriate- punishable as a criminal offense. The definition of futile or inappropriate is offered in the bill. Dr. Carol DiRaimondo was very concerned about the possible effect on dialysis facilities and/or physicians. She stated that, as an example, a patient with untreatable cancer or dementia, whose family was unwilling to consider not dialyzing the patient, might be required to be dialyzed. Michael Arnold originally believed this bill should have a “watch” position. However, as a result of Carol’s input, the Board voted that Carol and Michael Arnold should draft a letter in opposition to the legislation.

## **Regulatory Report:**

Michael Arnold reported that the regulations for change in the LVN scope of practice are still in process. Some facilities are putting their LVNs into a patient care technician training program so they can be certified and, thus, continue to function at the same professional level. Mary Brattich stated that Ann Shuman, with the BVNPT, said she was disappointed that Melissa Reyes made the statement regarding LVNs and administration of heparin. She felt the statement was in opposition to the agreement between DHS and the BVNPT. Mary said that FMC will not be making changes until they see the information in writing; she further stated that one of her facilities has been surveyed since the January CDC meeting and the issue of LVNs and heparin was not mentioned.

Michael Arnold suggested that since nothing has come down in writing, facilities should make their own decisions regarding how they will handle this. Michael will continue to pursue the issue from a regulatory perspective.

Apparently several facilities, upon DHS survey, have received “recommendations” that no cleaning of the dialysis machine or station is initiated until the patient has left the area. This is purportedly for infection control (recontamination) reasons. No written deficiencies have been received at this time.

## **Medicare Report:**

- Mike Paget is expecting information from Ellen Allen with UGS regarding future changes in the reimbursement policy for Carnitor®. Apparently UGS does not reimburse for Carnitor® as do other fiscal intermediaries such as TrailBlazers in Texas.
- Some of the Eastern fiscal intermediaries have initiated protocols (LMRP) requiring the use of oral Vitamin D prior to approving IV Vitamin D. UGS has indicated that they have no plan at this time to adopt such a policy. Dr. Carol DiRaimondo stated that since Medicare does not reimburse for oral medications, this might be a cost-saving measure by the fiscal intermediary. She further stated that she sees it as an access to care issue.

- Gerald Rogan, Medical Director for NHIC (Medicare Part B carrier for California), has adopted all of the changes Carol submitted for EPO reimbursement for part B patients. (Part B covers pre-ESRD, Oncology, AIDS, etc.). Michael Arnold offered a special thanks to Carol for her work in this area. He stated that Dr. Rogan respects her and she has been very effective in presenting necessary information.

### **Medi-Cal Report:**

Sean Graham reported as follows:

- Not a lot has changed since the January CDC meeting. A meeting with Mike Brown of Amgen was cancelled due to health issues. Dr. Richard Sun of DHS, expects that the V-codes affecting Medi-Cal dialysis reimbursement will be eliminated by June 2002.
- Michael Arnold reported that a conference call was conducted between various dialysis provider representatives, Dr. Tom Paukert, Mike Paget and himself to define key legislative and regulatory issues that the CDC should focus on. Medi-Cal dialysis billing was highlighted as a key issue. A document containing a listing of “Medi-Cal Billing Issues” was subsequently produced. The Board also approved that Mike Arnold set up a meeting with DHS/Medi-Cal to discuss the possibilities of rectifying the issues defined on the list.

### **Membership Report :**

Mike Paget delivered the membership report. There are 52 facility memberships (8 not renewed), 6 corporate memberships (6 not renewed), and 7 individual memberships (2 not renewed). The following reflects large corporate membership:

Gambro: renewed 50% of California facilities (paid in full)

FMC: renewed 50% of California facilities (paid in full)

DaVita: Pending

**Annual Conference:** Sandra Wilson reported that the brochures have been sent out in the mail. Special efforts are being put into the reception honoring the 20<sup>th</sup> anniversary of the CDC. It has been suggested that we invite the previous Presidents. Lori Hartwell and Sandra are working together on the Silent Auction, the theme will be “birthday party”. Donations for the silent auction are being accepted- either in actual gifts or in monetary form. Lori Hartwell can be contacted at [lorihartwell@aol.com](mailto:lorihartwell@aol.com).

The board approved another Northern California education meeting in November. Despite the fact that CDC lost money at the same meeting in 2001, it was felt that the PR and exposure in the Northern California community was worthwhile. There will be a Board Meeting in the morning and an educational session in the afternoon. A box lunch or buffet will be served separate from the meeting. Suggestions for speakers were:

- A speaker on the topic of difficult or abusive patients/ workplace violence.
- Barry Straube- CMS overview
- HIPAA Privacy.

The meeting will be held on Friday, November 15, 2002.

Tom Paukert raised the issue of the 2003 Annual Meeting. The board felt that CDC tradition dictates a Palm Springs venue and voted to continue to meet in Palm Springs. Mike Paget stated that he felt better about a Southern California venue since we are having the Northern California education meeting in November.

**Web Site:**

Mike Paget reported for Brian Wong. To date there have been no paid classified advertisements on the web site. The news section continues to be up-dated and now includes a link to the OIG web site for "Clinical Performance Measures for Dialysis Facilities." The address is: <http://www.caldialysis.org>.

**Next Board Meeting:**

Due to the difficulty hearing and discerning the speaker during Board Meeting conference call, the Board voted to have all such meetings be closed. The next closed Board Meeting via conference call will be held at 10:00 a.m. on Friday, March 15, 2002.

**The next Open CDC Board Meeting will be held at the  
Holiday Inn Oakland Airport on June 21, 2002**

**MARK YOUR CALENDARS FOR THE  
CDC ANNUAL MEETING - APRIL 18-20, 2002  
PALM SPRINGS MARQUIS RESORT**