

CDC Report

Closed Board of Director's Meeting

Thursday, May 10, 2001

Palm Springs, California

This report covers the short closed Board Meeting held during the Annual Meeting in Palm Springs

Nominations: The Board approved the recommendation of the nomination's committee to appoint Dennis Kogod of Gambro Healthcare to serve the remaining term of Dr. Rodriguez'. Dennis accepted this position and joined the Board for the rest of the meeting. Sandra Wilson, R.N. was also appointed and will serve the remaining term of Debra Punch.

Ballots were counted for the Board positions that were up for renewal or vacant. Mary Brattich, R.N., John De Palma, M.D., and Sue Vogel, R.N. will each serve another three (3) year term. Nancy Ann James, R.N. and Sean Graham are newly elected and will serve their first three (3) year terms.

Legislative Report: Michael Arnold handed out a status review on pending legislation and provided the following report:

A \$13.3 billion bond issue for energy passed the State legislature by simple majority vote on May 9th. All of the legislative resources at this time are being directed into the energy crisis. Since the bond issue did not pass by a 2/3 majority, it is not considered "urgent" and will not become effective for 90 days. AB1X, as described in the March 2001 minutes, was deemed "defective" and failed. As a result of all of this, there will be a deficit instead of a surplus in the State budget.

The Medi-Cal rate increase efforts from last year will not move forward this year. Jan Anderson shared that the California Healthcare Association (CHA) sued the State for not having set Medi-Cal reimbursement rates at a reasonable level related to hospital costs. The CHA won the suit but apparently it cost a great deal of money to pursue and may be appealed by the State. Michael Arnold stated that he believes the CHA has some doubts that in the end they will have come out ahead as a result of the legal action.

The Medi-Cal Non-Emergency Medical Transportation effort may also fail as a result of the budget deficit.

With regard to the rolling blackout issue, Michael Arnold has investigated the potential for a collective exemption for dialysis facilities. He has been advised by the California Public Utilities Commission (CPUC) that this is not feasible and that individual dialysis facilities should apply for an exemption to the "Rotating Outages" using the process outline in the CDC Alert emailed to facilities on May 22, 2001 or as distributed with this report via fax or regular mail. Tom Paukert asked if sharing the experience of facilities that have gone through blackouts would be helpful for other facilities. Jan Anderson shared her experience but stated that the event itself is too unpredictable to be of help. Peter Crooks said perhaps we should pursue better communication for advance notification and negotiate for that instead of an exemption. Mike will follow up on this suggestion.

LVN Issue: LVNs administering limited IV medications and accessing catheters, Michael said the proposed regulations went to public hearing and received approximately 250 supportive responses and 17 negative. The LVN Board has said they will be sure that the issue of initiating and discontinuing dialysis via catheter is included in the final language and they will include a "blood withdrawal certification." This is as an effort to respond to the BRN criticism that the proposed regulations are not within the scope of practice for an LVN. The Office of Administrative Law (OAL) will determine if the LVN Board has the authority to make these regulatory changes. The BRN feels that a legislative remedy is necessary.

Regulatory Report: Jan Anderson presented regulatory highlights as follows:

Issues:

1. DHS Survey Process. Northern California facilities are having difficulties. An example is that a Sunnyvale facility had its licensure visit on December 18, 2000 and, to date, has not had its certification visit. Several CDC members are planning to attend the June 7th Licencing & Certification Workshop at HCFA Region IX.
2. Network 17 Standards of Care Document. Jan Anderson raised concerns about this new document. Carol DiRaimondo described, from her perspective as a Network 17 Board Member, the reasons for development of the document. Jan will discuss her feelings with Arlene Sukolsky and Carol will report back to both Boards
3. LVN Scope of Practice. Sue Vogel reported that the BRN must respond to the comments made regarding the regulatory changes in LVN scope of practice. If they do make comments on the changes, there will be another 15-day comment period for the community and the LVN Board will want community support again.

NRAA Report: Jan Anderson reported as follows:

1. Effective May 8, Amgen has increased its Epogen® prices by 3.9%.
2. The Centers for Disease Control & Prevention have released a new set of guidelines for infection control in dialysis facilities. Information and copies of the document can be obtained from the CDC web site at <http://www.cdc.gov/mmwr> and <http://www.cdc.gov/mmwr/PDF/rr/rr5005.pdf>
* Recommendations for Preventing Transmission of Infections Among Chronic Hemodialysis Patients at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5005a1.htm>
One new issue in the guidelines is semi-annual screening for hepatitis C. NRAA has been working with HCFA concerning their policy of no payment for "screening." There currently is a draft LMRP document for hepatitis C testing. Carol DiRaimondo has requested that FI payment policy be consistent with Centers for Disease Control & Prevention recommendations.
3. NRAA is working on the following issues at this time:
 - restore the exception process.
 - enable facilities to be paid for 4th hemodialysis treatment for patients who weigh 80Kg or more, for pediatric patients, and for patients with documented fluid overload.
 - attempt to get a 2.6% increase in composite rate reimbursement.
 - attempt to have automatic annual increase for inflation.

Annual Conference: The Board discussed the length the format for the 2002 Annual Meeting and decided to change to 1½ days (Friday and ½ day on Saturday) to make the meeting more attractive. It was suggested that focused meeting format be used with breakout sessions. The committee will negotiate with the Palm Springs Marquis for the meeting dates of April 18-20, 2002. The ANNA meeting is in May and in Orlando, Florida so there should not be a conflict next year.

Membership Report: Sue Vogel reported there are currently 149 facility memberships (5 not renewed), 107 associate memberships, 11 corporate memberships (3 not renewed), 7 individual memberships (4 not renewed), and 15 physician memberships (3 not renewed). Debra Punch, again thanked both the large corporations and smaller companies for their support of the CDC. CDC membership now includes 256 dialysis facilities of a statewide total of approximately 375.

Web Site: The Board gave Mike Paget the go ahead to produce a California Dialysis Council website. The purpose of the web page would not be to compete with other renal organizations, but to provide California specific information. Classified ads (at cost to the advertiser) might also be included. The cost of operating the site will be offset by the elimination of the toll free 800 number telephone line.

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NOTE ! the above area code will change to (928) effective June 23, 2001

**The next Open CDC Board Meeting will be held at the
Ramada Plaza Hotel - LAX North • Los Angeles on June 15, 2001**

***** **ALERT** *****

The California Public Utilities Commission (CPUC) is accepting applications from non-residential customers of PG&E, Southern California Edison and San Diego Gas & Electric to be considered for inclusion in their "Essential Use Customers" classification. This classification is normally exempt from rotating outages.

The California Dialysis Council (CDC) is pursuing the possibility of a collective application for all dialysis providers in the State of California. However, initial contact with the agency collecting applications on behalf of the CPUC, did not think this feasible and suggested individual applications.

While the CDC is pursuing a collective application, it is recommended that dialysis corporations or individual dialysis facilities should consider making their own application as the deadline for this process is 5:00 p.m. PDT, June 1, 2001.

Applicants are strongly encouraged to complete an electronic form on the CPUC's website at <http://www.rotating-outages.com>. Those applicants without internet access should call the toll-free information line at 1-888-741-1106.

General information can be found at http://www.cpuc.ca.gov/static/announcements/outage_exemptions.htm and <http://www.cpuc.ca.gov/PUBLISHED/RULINGS/7302.htm>

After you have reviewed the CPUC's website, please feel free to contact the CDC's Administrative Office via reply email of tel: (520) 717-1156 should you have any questions.

Regards,

Mike Paget

Michael Paget
Executive Director