

GOVERNOR'S ANNUAL REPORT 2023

MARYLAND COMMISSION ON KIDNEY DISEASE and TRANSPLANTATION

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Sumeska Thavarajah, M.D., Chairman

Sonal Korgaonkar, M.D.,

Vice-Chairman

Eva Schwartz, M.S., M.T. SBB (ASCP), Executive Director

Donna Adcock, RN, Health Facilities Surveyor through 07/2023

Alice Pun, RN, MSN, CDN, Health Facilities Surveyor 11/2023-

Leslie Schulman, Assistant Attorney General, Commission Counsel

**MARYLAND COMMISSION ON KIDNEY DISEASE
REPORT TO THE GOVERNOR**

January 1, 2023 – December 31, 2023

“The Commission shall adopt physical and medical standards for the operation of dialysis and renal transplant centers...”

“The Commission shall adopt reasonable medical standards for acceptance of patients into the treatment phase of the Program...”

“The Commission shall annually evaluate the entire Kidney Disease Program. An annual report of such evaluation shall be made to the Governor...”

“The Commission shall survey periodically dialysis and transplant facilities...”

“The Commission shall evaluate patient complaints, including cases of verbally and physically abusive patients...”

“The Commission shall collect an annual certification fee from the facilities in order to meet its mandated responsibilities...”

**Annotated Code of Maryland
Health-General Article, Title 13, Subtitle 3 and Title 16, Subtitle 2**

MEMBERSHIP

Sumeska Thavarajah, M.D. – Chairman

Sonal Korgaonkar, M.D. -Vice- Chairman

Jeremy Yospin, M.D Legislative Committee Chair through 7/23.

Adam Berliner, M.D.

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Susan Leon, R.N.

Nadiesda Costa, M.D.

Raymond Harris through 7/23

Tisha Guthrie, LMSW

Andrene Townsend, R.N.

Jacqueline Hires, LCSW, NSW-C

Jerome Chiat

Arul Vigg, M.D., effective 7/23

Maurice Davis, effective 7/23

STAFF

During the calendar year 2023, Eva H. Schwartz, M.S., M.T. (ASCP) SBB held the position of Executive Director of the Commission. Leslie Schulman, AAG, served as Counsel to the Commission. Donna Adcock, R.N. served as the Commission Surveyor of the dialysis and transplant centers through July 1, 2023. Alice Pun, RN, MSN, CDN, commenced the Health Facilities Nurse Surveyor position effective November 2023. The website manager is Oladunni Akinpelu, Boards and Commission IT specialist.

COMMISSION MEETINGS

The Commission met virtually in January 2023, April 2023, and July 2023, complying with regulatory mandates.

PHYSICAL AND MEDICAL STANDARDS COMMITTEE

The Physical and Medical Standards Committee reviews on-site inspections, and approves facilities requesting certification by the Commission on Kidney Disease for reimbursement purposes by the Kidney Disease Program of Maryland (KDP). The Committee is responsible for research, recommendation and presentation of physical and medical issues affecting the renal community and investigation of patient complaints in an expeditious manner. The recommendations for complaint resolution cases are then voted on by the full Commission and appropriate corrective action is implemented and enforced. **If necessary, a facility will be resurveyed because of non-compliance with its own submitted Plan of Correction (POC).**

Additional responsibilities of the Commission are to conduct on-site surveys of the dialysis and transplant facilities throughout the State of Maryland. The Commission surveys the dialysis and transplant facilities to meet the regulatory standards as promulgated by the Commission. An annual certification fee collected by the Commission is an additional requirement of the facilities for certification with the Commission and eligibility for reimbursement from the KDP. Enclosed is the roster of all certified dialysis and transplant centers in Maryland. This informational roster is available upon request from the Commission, and is posted on the Commission's website: health.maryland.gov/mdckd.

COMMISSION ACCOMPLISHMENTS

- The Commission investigated and resolved complaints between patients and facilities. Additionally, the Commission surveyed fifty-one (51) facilities for compliance with standards of care, and addressed all corrective action plans that emerged from such surveys. Surveys are scheduled based on need related to compliance of the facilities and transplant centers with submitted corrective plans and in response to patient complaints.
- The Commission reserves the right to schedule surveys to administer and manage the program as statutorily mandated and according to budgetary allowances and available funds.

The Commission maintains an active and up to date website (health.maryland.gov/mdckd) for the latest information in the chronic kidney disease field and transplantation, as well as references the Commission's activities in the community through educational sources and accomplishments.

- In the calendar year 2023, the Commission surveyed fifty-one (51) dialysis facilities through the Corrective Action Plan process (POC); all Federal and State regulations were enforced by the Commission, thus the Commission has met its mandate. By enforcing compliance with State, Federal and Commission regulations, the quality of care rendered to the End Stage Kidney Disease (ESKD) population in the state of Maryland was enhanced and its citizenry protected.
- The Commission continues to work with the Office of Healthcare Quality (OHCQ) to foster communication between the two entities. The collaborative relationship between the Commission and OHCQ enables both entities timely responses to complaints relating directly to patients and facility events, and therefore patients' welfare and safety is addressed through immediate intervention.
- Commission representatives participated in the Quality Insights (Mid-Atlantic Federal Network 5) quarterly teleconferences. The teleconferences provide a forum for Network staff to foster communication with the Commission and the OHCQ, to discuss any facility issues and provide updates on Network projects. The Network is involved in an educational process concerning Involuntary Patient Discharges (IVD) from dialysis facilities.
- The Commission provides invaluable resources to the Renal Community and the Maryland Department of Health (MDH), by providing patients tips concerning the diabetic and End Stage Kidney Disease patients. Such educational information is posted on the Commission and MDH website, respectively. The Commissioners offer a wealth of information, experience and expertise, regarding the care of End Stage Kidney Disease patients. **The Commission membership is comprised of extremely dedicated and talented volunteers.**
- The Commission reports as applicable, on legislative efforts that affect the renal community.
- The Commission completed and distributed a Newsletter to the Renal Community. The Newsletter is a tool to inform the community about the Commission's activities, and to provide educational information. Each published Newsletter is available on the Commission's website.
- Commission meetings are forums for Community Education. Commissioners present educational topics at each Commission meeting. This year's educational topics included: kidney transplant allocation, home renal fellowship programs, Xenotransplantation, the impact on care due to nursing staff shortage, bed bug recommendations for dialysis facilities, strategies for decreasing involuntary patient discharges (IVD), and recommended best practices.
- The Commission meetings are forums to inform and educate the Renal Community. Facilities are encouraged to participate in the meetings and present best practice scenarios. All Open Sessions are accessible via videoconference or telephonically, and the meetings' minutes are posted on the Commission's website for public consumption.
- The Commission addressed ongoing issues surrounding dialysis facilities' discharge practices and continuity of care issues. The Commission utilizes the Involuntary Discharge Packet and the process for handling and conducting investigations of complaints. The Commission works collaboratively with the Quality Insights Network to review Involuntary Patient Discharges, concerning these actions initiated by facility discharges.

- The Commission supported HB 218. This bill repealed the requirement for a dialysis technician to be a Certified Nursing Assistant (CNA) and established a separate certification for a Certified Dialysis Technician (CDT). The legislation passed, and BON and the Commission, through multiple meetings, were continuously engaged in the process of drafting and promulgating the regulations, to achieve compliance with the new law.
- The Commission in collaboration with the Maryland Board of Nursing (MBON) continues to enforce the licensure requirement that only Certified Nursing Assistants with a DT (dialysis technician) specification are permitted to provide care for dialysis patients. Commission staff and stakeholders and representatives from the dialysis facilities, have met with the Board of Nursing (BON) regulatory staff, to work collaboratively in addressing changes in the requirements to become a Certified Dialysis Tech (CDT), instead as presently identified as a Certified Nursing Assistant- Dialysis Tech (CNA-DT). At this time in reporting, the proposed changes in the existing regulations governed by BON are in progress in Draft format.
- The Commission continues to provide the KDP with expert medical advice, as well as the professional review and update of the KDP Pharmaceutical Formulary.
- The Commission reviews out of state transplant center requests for KDP reimbursement as well as evaluates requests for inclusion of new medications in the KDP Pharmaceutical Formulary.
- Commission meetings provide a forum for Renal Community education regarding KDP policies and requirements.
- The Commission continues to work with local hospitals to assist with the placement of difficult patients in community dialysis facilities.
- The Commission communicates with the medical and management leadership of facilities that are cited with concerning deficiencies. The discussions serve as an educational tool and encourage enforcement of compliance with the Commission's COMAR.
- The Commission remains vigilant regarding nursing and staffing ratios in dialysis facilities. Facility representatives are educated on current staffing requirements; including the requirement of the facility's Governing Body to assure staffing in the facilities meet the needs of the patients. **The Commission urges facility Administrators, Medical Directors, and Governing Bodies to routinely evaluate the monitoring staffing ratios as well as the adequacy of RN staffing per shift, commensurate with the number of actively run treatment stations, to assure that facilities' staffing meet the needs of their patients, in order that compromises in patients' health and safety may be avoided.**
- The Commission initiated a new electronic payment system for Commission certification and certification renewals.
- The Commission updates the renal community regarding National Kidney Foundation educational and fund- raising opportunities.

PATIENT GRIEVANCES

During the year 2023, the Commission resolved to the satisfaction of the patients and the dialysis facilities more than twenty six (26) complaints. The Commission and staff have availed themselves to the renal community to expeditiously resolve problems arising between patients and facilities. Additionally, the Commission has mandated improvement in the quality of care provided at the facilities cited for deficiencies and violations during the ESKD Commission Surveys. These goals were accomplished to the satisfaction of the Commission, thus protecting the safety and welfare of this vulnerable patient population.

COMMUNITY EDUCATION

The Commission has fulfilled its community education responsibilities by surveying and educating facilities according to the promulgated regulations by the Commission on Kidney Disease, COMAR 10.30.01. The Commission, public member volunteers, and patient advocates have addressed numerous groups in the renal community regarding sources for reimbursement for renal care, prevention of renal disease, transplantation criteria, and methods for reimbursement for life saving medications.

STATUS OF THE KIDNEY DISEASE PROGRAM

The purpose of the Kidney Disease Program (KDP) is to provide financial assistance to certified beneficiaries for the treatment of ESRD (end stage renal disease). This stage of renal impairment is almost always irreversible and requires dialysis or kidney transplantation to maintain life. As a payer of last resort, the Program may provide financial assistance only after all other medical and federal insurance coverage has been pursued. Covered services include chronic maintenance, in-center and home dialysis, renal transplantation, approved inpatient and/or outpatient hospital care, physician and laboratory fees, and medications specified on the KDP Reimbursable Drug List and certain ancillary services which are directly attributable to the beneficiaries' ESKD.

PROGRAM STATISTICS

In Fiscal Year 2023, the Kidney Disease Program provided coverage to approximately 1,270 beneficiaries. KDP net expenditures for FY 2023 totaled \$ 9,307,451. KDP recovered \$ 305,483.73 in premiums and \$ 135,246.31 in provider refunds. Drug Rebate recoveries totaled \$ 478,315 in FY 2023. These recoveries are projected annually and are incorporated into the Program's reimbursement budget.

FISCAL YEAR 2023 ACCOMPLISHMENTS

The Kidney Disease Program (KDP) enhanced the Program's website with information and updates relative to the Program. The address of this website is:

<https://mmcp.health.maryland.gov/familyplanning/Pages/kidneydisease.aspx>

This website includes helpful information, such as: KDP notices of updates/changes, information resources, web links, phone numbers, e-mail address for questions about KDP, billing instructions, KDP COMAR regulations and the KDP drug formulary.

This website will undergo continuing development to provide the renal community with the most up to date information available regarding the Kidney Disease Program. The KDP Brochure has also been updated. The brochure may be viewed at <https://mmcp.health.maryland.gov/familyplanning/Documents/KDP.pdf> Enhancements and system developments to the KDP electronic claims management system (eCMS) and the Conduent pharmacy point-of-sale system (POS) continues to provide more efficient and timelier processing of claims. These systems continue to allow KDP to accept and return HIPAA compliant transactions from Medicare trading partners and all participating providers.

ESKD providers of service continue to be granted access to the KDP Portal. User agreements must be submitted online through the updated portal. Approval of user agreements has improved to a 48 hour or less processing window. To gain access to the current KDP Provider Portal, users must utilize their username and password to log into www.mdeclaims.health.maryland.gov. The KDP portal allows providers to verify claims' status and view detailed payment information, which includes, check numbers, check dates and voucher numbers. This information assists providers in maintaining an accurate and up to date accounts receivable system and minimizes duplicate billing. In addition, providers of service may access up to date eligibility information for all ESKD patients certified with the Kidney Disease Program of MD.

The Kidney Disease Program is successfully transmitting a KDP recipient eligibility file, resource file and a COB Connect document to HMS (Health Management Services) on a monthly basis to gather patients' third-party insurance information to maximize collection efforts, update the KDP eligibility file with accurate TPL information and ensure that KDP is the payer of last resort. KDP is working with HMS under a new contract, to continue maximizing the State's collection efforts and ensure cost effectiveness among all MDH programs.

KDP has transitioned to working with MD Think to implement a new workflow automation system using the Salesforce platform. This platform will include a Patient Enrollment and Case Management system, Recovery and Recoupment capabilities, Premium Management system, Online Provider and Patient Portals and additional functionalities. The scheduled go live date was May 16, 2023.

KDP, along with MD Medicaid, BCCDT and MADAP, has secured a new contract with Conduent for a pharmacy point-of-sale electronic claims management system (POSECMS). The new contract went into effect October 31, 2022. This enhanced system provides updates and adds compliance to the existing pharmacy point-of-sale claims processing system.

KDP, along with BCCDT and CMS, contracts with Santeon, the current KDP electronic claims processing (eCMS) vendor, to continue the KDP claims functioning processes, financial payments, and recoveries, in addition to reporting requirements. This contract has been extended through FY 2023.

Customer service in the areas of patient certification, accounts payable and accounts receivable continue to improve. KDP personnel strive to assist KDP recipients, in processing applications as quickly and efficiently as possible, adjudicate claims in a timely manner, assist with explaining the calculation and billing of program participation fees, and provide guidance to members of the renal community to assist them in receiving the most accurate information possible. Training sessions have been held with Free Standing Dialysis Unit (FSDU) social workers and Senior Health Insurance Program (SHIP) personnel to educate the ESKD personnel and community in the KDP patient certification process, advise those personnel of KDP, Medicare and Medicaid regulations, and address frequent problems and concerns occurring with those processes.

PROJECTIONS FOR THE KIDNEY DISEASE PROGRAM

The Kidney Disease Program continues to work with our contractors, Santeon, HMS, Conduent and MD Think, in addition to data processing analysts and programmers, to ensure compliance with State and Federal mandated requirements. The Kidney Disease Program will strive to deliver the best services possible to ensure that each KDP recipient continues to receive quality medical care and efficient customer service from KDP staff.

KDP will continue to work with its colleagues in defining the best possible route to obtaining and developing a new KDP electronic claims processing system and completing the development of the Patient Enrollment, Case Management and Premium Management systems. In addition, the KDP will continue to work with the Commission on Kidney Disease to provide quality service and education to End Stage Kidney Disease (ESKD) patients in the State of Maryland and the ESKD community.