

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"I would not be surprised if we see people get infected more than once per year" Dr. Anthony Fauci, chief medical adviser to President Biden

"Rather than reduce payments, we urge CMS to continue to provide financial support needed to support the ongoing PHE response" American Hospital Association asking CMS not to reduce payments to SNFs in FY 2023

"The concept that the Biden Administration would tie Medicare and Medicaid funding to a vaccination mandate is half-baked public policy" Brock Juarez of Florida Agency for Health Care Administration, after CMS withheld \$1.2 million for the state not enforcing the national vaccine mandate for LTC facilities

Surveyors Can Now Infect Your Facility Again

In a short, if not sweet, memo during the week, CMS dropped the requirement that surveyors be fully vaccinated.

The memo read:

"CMS is rescinding QSO 22-10-ALL. As stated in the original guidance document, "State Survey Agencies and [Accrediting Organizations] are ultimately responsible for compliance with this expectation." The federal government has explained that the guidance does not include any possibility of penalties for noncompliance, and further prohibits facilities from inquiring about surveyor vaccination status. We understand that there is nonetheless some ongoing confusion about this guidance, which we expect this rescission will resolve."

QSO-22-10-ALL, 06/16/22

You May have to Spend Most M'caid \$\$ on Residents

CMS is considering a requirement that the nation's nursing homes spend most of their payments from Medicaid on direct care for residents and limit the amount that is used for operations, maintenance, and capital improvements or diverted to profits.

Deputy administrator and Medicaid director Dan Tsai said, "The absolutely critical ingredient" for good care is sufficient staffing.

If adopted, it would be the first time the federal government insists that nursing homes devote the majority of Medicaid dollars to caring for residents.

Kaiser Health Network, 06/10/22

New CDC Booster Suggestions Worry Providers

The CDC recently announced it is recommending those over 50 should receive a second booster at least four months after their first booster.

On a recent LeadingAge call, many providers said they were concerned about having to quarantine new admissions "simply because they are over the age of 50 and have not received a second booster yet."

About 81% of nursing home residents have received a single booster dose. The change in booster recommendations also impacts routine testing of staff aged 50 and older who haven't received a second booster shot.

McKnight's, 06/10/22

SCOTUS Rules Against Gov't on Drug Reimbursement

In a case involving payments for drugs, used by Medicare patients in hospital outpatient departments, the Supreme Court ruled unanimously that the federal government improperly lowered drug reimbursement payments to hospitals and clinics serving low-income communities.

The government said certain hospitals and clinics, because of their special status serving low-income communities, can buy drugs at a deep discount and therefore should not be reimbursed at the same

rates as other hospitals, because it created an incentive to overprescribe the drugs or prescribe more expensive drugs.

The Biden administration had stood by a Trump administration decision to reduce the payments.

AP, 06/15/22

State Takes Control Of Minnesota Nursing Home

The Minnesota Department of Health has taken control of a southeastern Minnesota nursing home over concerns that financial issues after a complaint questioned the facility's finances including its ability "to meet payroll."

MDH said an investigation found resident care at the 70 bed, 52 resident SNF was "not a significant issue", but if staff were not paid, staffing levels, critical services and medications for residents could all be negatively affected.

A District Court granted temporary permission for the state to assume control of Pine Haven Care Center in Pine Island "while operations and management issues are addressed."

Minnesota Public Radio, 06/13/22

Judge Says Some SNF Records Can be Withheld

A judge ruled a New York provider does not have to turn over some resident records to the state as part of an ongoing investigation.

The AG's office was seeking resident medication and treatment records from the Van Duyn Center in Syracuse, amid an investigation related to dozens of alleged complaints of abuse and neglect.

The judge ruled that many of the records were confidential and don't have to be turned over because they are used for internal quality assurance purposes.

The facility does, however, have to turnover staff's 24-hour reports detailing changes in residents' status and additional care needs.

Syracuse.com, 06/07/22

IN THE TRENCHES – COVID-19 in the States, the SNFs, the World

CHINA: Constant testing is China's "new normal." Thousands of COVID-19 testing sites have popped up on sidewalks across Beijing and other Chinese cities in the latest twist to the country's "zero-COVID" strategy. Lines form every day, rain or shine, even when the spread of the virus has largely stopped. All are effectively compelled to get tested by a requirement to show a negative test result to enter office buildings, malls and other public places (*MSN News*).

INDIANA: Heritage Health Bloomington, an 88-bed skilled care facility. in Bloomington, IN was fined \$25,000 for failing to follow its infection control policy to prevent the spread of COVID-19 (*WMBD-TV*).

AMERICA: Moderna is seeking authorization from the FDA for an omicron-specific shot that is the company's leading candidate for a fall booster. Although preliminary data showed the new booster produced more neutralizing antibodies in response to the omicron variant that spread rapidly last winter, it is not yet known how effective the vaccine is against newer mutations of the virus that now make up 13% of the U.S. cases (*The Washington Post*).

FLORIDA: CMS has withheld \$1.2 million in funding over the state's refusal to monitor facilities ability to meet the federal COVID-19 vaccine requirement for healthcare workers. Gov. Ron DeSantis in January pledged that the state would not enforce the regulation and Florida has not reported whether providers are in compliance (*McKnight's*).

THE WORLD: Researchers are collecting samples from pets, livestock and wildlife to investigate whether the coronavirus may be mutating and evolving in animals. The virus has infected at least 20 different species of animals, including big cats, ferrets, North American white-tailed deer and great apes. So far it has been rare for a new variant to develop in another species and then infect humans, but scientists are on high alert for any dangerous new forms of the virus (*The Washington Post*).

AMERICA: In a University of South Florida study, the COVID-19 death rate in 2020 of low socioeconomic position adults — those whose education level did not go beyond a high school diploma — was five times higher when compared to high socioeconomic position adults. The mortality rate of intermediate socioeconomic position adults was two times higher. The death rate of low socioeconomic position Hispanic men was 27 times higher than high socioeconomic position white women (*The Miami Herald*).

NEW YORK: Before the COVID-19 pandemic hit in 2020, New York's Health Department managed to close its investigations into about 87% of nursing home complaints during the previous two years. Since then, the closure rate plummeted to about 51% of the 35,600 complaints filed during the pandemic's first two years (*Lohud*).

AMERICA: The America Hospital Association had urged CMS not to reduce Medicare payments for skilled nursing facilities in fiscal year 2023, citing rising cost pressures and the need for financial support to respond and recover from the ongoing COVID-19 public health emergency (*AHA news release*).

THE WORLD: The CDC has placed three new destinations – Mexico, United Arab Emirates and New Caledonia – in its Level 3 "high" risk category for COVID-19. Mexico, a favorite destination for U.S. tourists, and the UAE, the Middle East's glitzy hot spot, were at Level 2 last week. New Caledonia, renowned among scuba divers, was in the unknown category previously, meaning the CDC did not have enough data from the Pacific Ocean destination to assign a category (*CNN*).

FLORIDA: Florida is the only state in the nation that has not placed an order with the federal government for doses of the Covid-19 vaccine for young children, saying the distribution process is "convoluted." The Department of Health said it did not place an order with the federal government for vaccine doses for kids five and under in part because it doesn't advise all children get vaccinated. The deadline for placing a pre-order was

June 14 and 49 other states met the cutoff date (*Politico*).

UNITED KINGDOM: The United States isn't currently tracking Covid reinfections. However, U.K. researchers have found that the risk of reinfection – of people who had once gotten sick from the virus getting it again – was eight times higher during the omicron wave than it was in last year's delta wave (*NBC News*).

WASHINGTON, DC: Dr. Anthony Fauci, Chief Medical Advisor to the White House, who has received two vaccine boosters, himself tested positive for COVID on Wednesday, saying he has mild symptoms. Canadian Prime Minister Justin Trudeau tested positive for coronavirus days after meeting with President Biden and other world leaders (*Brighthouse*).

AMERICA: Advisers to the Food and Drug Administration recommended the use of coronavirus shots for the youngest children Wednesday afternoon. The panel voted 21-0 to authorize Pfizer shots would be available for children ages 6 months to 4 years old and the Moderna shots for children ages 6 months to 5 years old. Shots could be available as early as this week (*The Washington Post*).

LOUISIANA: Recently passed HB 933 gives the Department of Health the authority to block nursing home licenses if their emergency preparedness plans are deemed inadequate. It's in response to the botched warehouse evacuation of 800 residents from seven Louisiana nursing homes for Hurricane Ida. There was a shortage of food, staff and clean laundry at the warehouse. Five deaths are attributed to the evacuation (*Louisiana Illuminator*).

COVID-19, 06/17/2022

Global Cases – Deaths
537,993,573 – 6,316,284

U.S. Cases – Deaths
86,058,521 – 1,012,647

221.69M – 67% of the country's population is fully vaccinated

Johns Hopkins University

More Testing Helps But Vaccine Still Works Best

A research team at the University of California developed a model that simulated the spread of COVID outbreak in a SNF with 172 residents and staff.

In a scenario that called for personal protective equipment mandates and weekly testing facilities, the model showed the disease infected 29% of people, and it took an average of 106 days to stop the COVID outbreak eliminate it from the facility.

The attack rate dropped to 17% when the model included a three-day testing schedule.

With the implementation of the vaccine the time to elimination and stop the COVID outbreak decreased by about 39 days.

McKnight's, 05/20/22

Folks Moved During Pandemic Small Towns Grew the Most

Major cities including Chicago, Los Angeles, New York, Philadelphia and San Francisco lost population between 2020 and 2021, according to census estimates, mostly from people moving out.

Where did they go? The postal data suggests they went to some lesser-known places that were more comfortable for remote work, with less crowded conditions.

In Alabama, new residents tripled from previous years in Daphne, across the bay from Mobile. New residents also tripled in Bend, Oregon. There were similar sudden influxes in Martinsburg, West Virginia; Kalispell, Montana; Elkhorn, Nebraska; and Lee's Summit, Missouri.

Stateline,

Proposed Laws May Reduce Immigration Roadblocks

The Immigrants in Nursing and Allied Health Act, would create a grant program to help cover the costs of licensing, training and education for immigrants seeking employment in healthcare and open eligibility for the National Health Service Corp. to non-US citizens.

The International Medical Graduate Assistance Act, would incentivize states to create temporary licensing programs for immigrants with medical degrees and establish guaranteed medical residency slots for them.

Finally, the Professional's Access to Health Workforce Integration Act, would provide training and counseling opportunities to internationally trained health professionals that are US citizens and immigrants legally residing in the country.

McKnight's, 06/14/22

An Avenue to Reopen CNA Training Programs

A bill reintroduced in the U.S. Senate would give operators access to the national background check system.

But what may be more interesting is that it would allow them to more quickly reinstate their certified nurse aide training program after being hit with a \$10,000+ CMP.

The CNA training program could be reinstated if the deficiencies did not result in resident harm, weren't the result of abuse or neglect and have been corrected; and there was not a repeat deficiency in the preceding two years.

McKnight's, 06/15/22

AMA Supports Public Listing Of SNF Medical Directors

The American Medical Association adopted a resolution calling for public listing of medical directors for all of the country's nursing homes.

Nursing homes are required by law to engage a physician medical director, but no national listing of medical directors exists, and few states require their nursing homes to report the names and credentials of their medical directors.

The AMA's Reference Committee only heard testimony supporting the resolution; the supporters noted that the listing is important for continuity of care as well as for addressing quality issues in a timely fashion.

ANDA news release, 06/14/22

ONE COLUMN

Cash Influx May Help Survey Woes

The Covid-19 deaths of more than 200,000 nursing home residents and staff have magnified the urgency of conducting both standard and complaint surveys on time. But the annual appropriation for state surveys has remained at about \$397 million since FY2015.

The Administration's budget calls for hiking that amount by nearly \$97 million to \$494.3 million in FY2023. Nearly \$322 million would go for the Medicare portion of nursing home inspections in FY2023, up from around \$309 million in FY2022.

The extra money would fund an estimated 83,000 initial, recertification, and complaint surveys at nursing homes in FY2023, up from a projected 80,000 in FY 2022. CMS estimates in FY2023, long-term care facilities will make up more than 90% of the CMS' complaint surveys.

In addition, CMS projects that states will need to conduct about 3,000 infection-control inspections at nursing homes in FY 2023 with the CARES Act providing at least \$100 million to help meet increased inspection costs due to Covid-19.

But that funding expires at the end of FY 2023 and in its budget request, CMS said it expects states will "need to maintain this workload and retain the level of their trained workforce, even after the CARES Act funding is exhausted."

CMS evaluates state survey agencies each year and can impose a number of remedies, including corrective action plans and financial penalties for poor performance.

A January study by the HHS OIG Office called for better federal oversight of state survey agencies.

But as CMS Administrator Chiquita Brooks-LaSure pointed out in her response, "further restricting funds would be counterproductive."

CMS does impose "a one-time monetary adjustment" to state who don't get it.

Bloomberg, 05/13/22

Report Supports Proposal to Cut Base Pay for SNFs

In a report from the Kaiser Family Foundation, Medicare spending on skilled nursing facilities increased by \$1.1 billion between 2019 and 2020, a 4.4% increase despite the fact that fewer beneficiaries used the services in 2020.

At the same time, the number of traditional Medicare beneficiaries that received SNF services declined from 1.5 million in 2019 to 1.3 million in 2020.

The average length of stay was 26.3 days in 2020, compared to 24.7 days in 2019.

Researchers also found that SNF spending per user increased by 16.3% – rising from \$16,670 in 2019 to \$19,394 in 2020.

Kaiser Family Foundation report, June 2022

Staffing Problems? Invest in Your People First

Providers must “invest in people” working in their facilities before the industry can begin to eliminate its ongoing workforce shortage.

That was the message from a panel of experts during McKnight’s Workforce Development Forum recently.

Waiting on rescue from the federal level before tackling local staffing issues would be a major mistake for providers, said one panelist, Brent Willett, president and CEO of the Iowa Health Care Association.

Willett predicted true workforce solutions won’t be found through increased federal reimbursements, but rather in solutions crafted at the state level. He cautioned against providers “waiting around for a federal [fix].”

McKnight’s, 06/13/22

Nurse Pleads Guilty – Stole 600+ Pills from Residents

An LPN has pleaded guilty to the theft of 638 pills from patients at Georgiana Health and Rehabilitation in south Alabama. The pills included Hydrocodone, Oxycodone, Tramadol

and Lorazepam and were taken during 2020 and 2021.

Samantha Noel Kelley, 32, was indicted on four counts of second-degree theft of property last year.

Kelley’s sentencing has been set for July 7. She faces one to 10 years in prison and up to a \$15,000 fine for each of the four convictions.

AL.com, 06/09/22

Assessments and Sensors Keep Seniors at Home

Researchers at the University of Missouri found most of the residents in a senior living facility were able to stay healthier longer and age in place because RN care coordinators were able to quickly diagnose illnesses and provide residents with appropriate care.

RNs performed assessments every six months related to cognitive function, depression, completing daily tasks and fall risks, which reduced transfers to nursing homes for more intensive care.

Some residents chose noninvasive sensors to track levels of activity changes of which could red-flag illnesses like pneumonia and UTIs early so interventions could begin as early as possible.

Home Care, 06/01/22

MRSA Just Isn’t Going Away – Not Easily

Environmental screening of single-occupancy rooms in a nursing home found high levels of circulation and persistence of methicillin-resistant *Staphylococcus aureus* (MRSA) and vancomycin resistant *Enterococcus* (VRE).

Researchers screened five high-touch surfaces in a cluster of nine single-occupancy rooms at a nursing home three times a week for 34 weeks.

Screening revealed that all rooms were contaminated with VRE, and eight of nine were also contaminated with MRSA.

U. of Minn., CIDRAP 05/17/22

Briefly in the News

The California Long Term Care Insurance Task Force is working to create a new long-term care insurance program that could include government funding, enrollee premiums and private long-term care coverage. The group is charged with producing a feasibility report by Jan. 1, 2023, and an actuarial report by Jan. 1, 2024 (**Think Advisor**).

Welltower has acquired a 25-property senior apartment portfolio from Calamar Inc. for \$502 million. The REIT said it already is the largest U.S. owner of moderately priced age-restricted and age-targeted rental housing, with the new deal bringing the total number of units to almost 10,000 and “significant future growth expected through additional capital deployment opportunities, including development” (**Welltower news release**).

Social isolation is tied to a 26% increased risk of dementia. A study followed more than 460,000 older adults for nearly 12 years prior to the pandemic. About 9% of participants reported being socially isolated; 6% reported feeling lonely. Overall, 4,998, or about 1.1%, developed dementia. Loneliness was not strongly correlated with developing dementia. But when compared with their socially connected peers, those who reported social isolation were more likely to receive a dementia diagnosis (**Neurology**).

Respiratory viruses such as those that cause the flu and the common cold have been acting strangely during the pandemic. Respiratory viruses that cause the common cold and typically surge during fall and winter have been unexpectedly sending children to the hospital in the spring and summer instead. Scientists are investigating what is causing a shift in the seasonal patterns of common viruses – and they’re looking at the coronavirus’s possible role as well as changes in behavior such as mask-wearing and social distancing (**The Washington Post**).