

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"For 75 years, CDC and public health have been preparing for COVID-19, and in our big moment, our performance did not reliably meet expectations" CDC Director Rochelle Walensky announcing an overhaul of the agency

"Greater accountability for agencies that took gross advantage of the staffing shortage during the pandemic" Illinois Health Care Assn, ED Matt Hartman on the state's new law that stymies staffing agency practices

"We warned CMS that this is not the time to cut payments" LeadingAge President and CEO Katie Smith Sloan

Yogi & Boo Boo Ain't-a Gonna Protect Residents

Louisiana says most of the "unlicensed" shelters that nursing homes from hurricane-prone parishes planned to use as evacuation sites are unfit.

The state health department said hundreds of residents in southeast Louisiana may be still at risk for evacuating to inadequate or unsafe shelters this hurricane season.

During inspections in May and June, health officials concluded eight of the 12 "unlicensed" evacuation sites for nursing homes in Louisiana's 22 most hurricane-prone parishes were "not recommended."

The four remaining shelters need upgrades.

One unnamed operator even submitted plans to evacuate residents to a Yogi Bear's Jellystone Park campground.

Louisiana Illuminator, 08/12/22

Illinois Cracks Down on Agency Business Practices

Recent changes to Illinois state rules governing nurse agency staffing practices will make it easier for Illinois nursing homes to hire temporary and part-time nurses by addressing some concerns about agency practices.

The changes prohibit non-compete agreements between nurse staffing agencies and nurses or certified nursing assistants and impose additional reporting requirements.

Agencies must list wages in contracts, and pay those rates in full, with all new contracts provided to the state within five days.

Violations to the new IDOL rules could include civil penalties of \$10,000.

Ogletree, Deakins, Nash, Smoak
& Stewart, news release, 08/15/22

Nursing Homes Exhibit Slowest Revenue Growth

Although the largest total revenues, SNFs recorded the slowest revenue growth, just 17.4%, (\$110.8 billion to \$130.1 billion) between 2013 and 2021.

The U.S. Census Bureau's recently released 2020 Service Annual Survey indicates CCRCs saw their revenues grow by 41%, (\$28.6 billion to \$40 billion).

Assisted living communities saw a 34.4% increase in revenues \$25 billion to \$33.6 billion) from 2013 to 2020.

Home healthcare services experienced a 50.5% increase in revenues (\$68.3 billion to \$102.7 billion).

Adult day care, nonmedical home care/homemaker services and the like experienced a 62.1% boost (\$35.4 million to 57.4 million).

census.gov, 08/09/22

After More than a Century, It's Closing

The Mullen Home in Denver is closing. Officials with Little Sisters of the Poor, who have operated the facility for 105 years, would give no specific internal

reasons they are closing the 42-bed facility but did say reimbursement or financial concerns were not an issue in the decision.

The Little Sisters had previously said some of their homes would have to close to reallocate resources to upgrading other facilities.

Provisions are already underway to transition residents to new homes in the coming weeks and months.

McKnight's, 08/15/22

CDC Expands COVID-19 Testing Supplies to LTC

The CDC's Operation Expanded Testing (OpET) program has expanded access to free COVID-19 testing for staff and residents at long-term care communities through Dec. 31.

The Indiana Health Care Association reports free OpET testing is available to providers, who can requisition a maximum four-week supply at a time, with no limit on the number of tests that can be used.

OpET coordinates with four regional hubs to provide pooled polymerase chain reaction (or PCR) tests, including specimen collection supplies, shipping materials, laboratory testing, and results reporting. Providers must have their own staff collect specimens.

Argentum, 08/09/22

Cops: Woman Used SNF's Credit Card for Revenge

Frazer, Pennsylvania police arrested a woman they say confessed to using a company credit card to steal more than \$42,400 from the nursing home where she worked.

Jennifer L. Ward, 48, said she did it because Passavant Memorial Homes, where she worked for more than 20 years, reneged on a promise to pay her bonuses for recruiting new employees.

Police said Ward used the credit card 64 times between April 28 and June 3 to buy gift cards, food, clothing, a sewing machine and several vacuum cleaners.

Tribune-Review, 08/10/22

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

AMERICA: The U.S. seems to have hit a Covid-19 plateau, with more than 40,000 people hospitalized and more than 400 deaths a day consistently over the past month or so. It's a dramatic improvement from this winter -- there were four times as many hospitalizations and nearly six times as many deaths at the peak of the first Omicron wave - but still high numbers (*CNN*).

SAN ANTONIO, TX: Even though it's not mandatory, parents in the Southside Independent School District are choosing to have their children vaccinated against COVID-19 at Metro Health pop-up clinics. Metro Health has been promoting its pop-up clinics offering the COVID-19 vaccine and the immunizations needed for the new school year. "We have had a nonstop response from our families," a spokesman said (*KSAT-TV*).

NEBRASKA: For the first time in the Omaha metro, the Novavax COVID-19 vaccine is available for people 18 and older. Nebraska Medicine is offering the vaccine in Lincoln and in Omaha. It contains proteins with an adjuvant that stirs up the immune system to have a more profound response. Researchers also didn't use any fetal cells in the research and development of the Novavax vaccine, something that has prevented some anti-abortion advocates from getting vaccinated (*KETV-TV*).

CALIFORNIA: Los Angeles County recorded another 10,025 new COVID-19 infections over a three-day period ending last Monday, and another 26 virus-related deaths. The new cases gave the county a cumulative total from throughout the pandemic of 3,361,061, while the death toll rose to 32,948 (*City News Service*).

SOUTH AFRICA: The country's health regulator reported a causal link between the death of an individual and the J&J COVID-19 vaccine, the first time such a direct link has been made in the country. The person presented with rare neurological disorder Guillain-Barre Syndrome soon after being given J&J's Janssen vaccine, after which the person was put on a ventilator and later died (*Reuters*).

OHIO: Gov. Mike DeWine announced Ohio is putting another \$42 million in federal coronavirus aid toward giving grants to help local law-enforcement agencies reduce violent crime. The now-\$100 million program includes \$92 million given to Ohio in 2021 under the American Rescue Plan Act, passed by Congressional Democrats and opposed by DeWine himself (Cleveland Plain Dealer).

NEW MEXICO: Attorneys for Fabian Gonzales were ordered to take a rapid COVID test after Gonzales tested positive for COVID. Gonzales is on trial in Albuquerque in connection with the death of a ten year old girl. After the attorneys were cleared, Gonzales told the judge he was not willing to appear in a virtual format for his trial. The judge consulted with the state Supreme Court then ruled Gonzales will be allowed in the courtroom, double masked and inside a glass box (*KOAT-TV*).

SOUTH CAROLINA: First Lady Jill Biden has tested positive for Covid-19. She was with the President on vacation in South Carolina when the symptoms began. The first lady is double vaccinated and has been boosted twice. She is taking *Paxlovid*. She is said to have "common cold-like" symptoms (*AL.com*).

WASHINGTON, D.C.: Secretary of Defense Lloyd Austin tested positive for coronavirus. Austin, 69, credited his mild symptoms to being vaccinated and boosted (*Politico*). In the NFL, Cardinal QB Kyler Murray and Seahawks head coach Pete Carroll have also tested positive for the corona virus (*USA Today Sports*).

ALABAMA: The University of Alabama at Birmingham is now advising students to treat the virus as they would the flu or strep throat: Students should continue to get vaccinated, boosted, tested and treated if infected, officials said in an email to students Monday, but the university will no longer contact trace or report cases to faculty (*AL.com*).

BEIJING: A man has landed thousands of his neighbors in quarantine after he

ignored an order to stay at home and later tested positive for COVID-19. The

Chinese capital has ordered hundreds of thousands of residents to stay home over the last five weeks to curb its largest coronavirus outbreak since the start of the pandemic. (*CBS News*).

THE WORLD: The CDC has added Russia to its coronavirus travel warning list, classifying the country as level 3 of 4 in pandemic severity. The Philippines and Nepal were also upgraded classifying both as high in COVID-19 transmission (*The Hill*).

NORTH CAROLINA: Gov. Roy Cooper has lifted the state of emergency that gave its government extraordinary powers to address the COVID pandemic. The governor said last month he would lift the order, citing provisions in the latest state budget bill he signed that will allow providers and regulators to keep responding robustly to the virus (*MarketWatch*).

CALIFORNIA: Apple Inc. set a Sept. 5 deadline for corporate employees to be in the office at least three days a week, marking its latest return attempt after Covid-19 spikes delayed its plans several times. The company will require employees to work from the office on Tuesdays, Thursdays and a regular third day that will be determined by individual teams (*Bloomberg*).

WYOMING: The state is tied for fourth in the country with a rate of .16 deaths per 100 nursing home residents. The state ranks eighth nationwide for the highest reports of confirmed COVID-19 cases with 6.2 cases per 100 residents. And with 9.26 cases per 100 residents Wyoming ranks third in nursing home staff who have contracted COVID-19 (*WTWO Radio*).

COVID-19, 08/21/2022

Global Cases – Deaths
595,210,538 – 6,452,044

U.S. Cases – Deaths
93,625,517 – 1,041,115

223.7M – 68% of the country's population is fully vaccinated

Johns Hopkins University

Hospitals Sued by Paper Failure to Reveal SNF Funds

In a lawsuit filed by the *Indianapolis Star*, eight Indiana hospitals are violating state records laws by withholding information on how they are spending public funding they've received for their nursing homes.

Those hospitals own more than 250 of the state's 527 nursing homes.

The funds in question are supplemental Medicaid dollars distributed to hospitals and based on how many Medicaid enrollees a hospital has in its nursing home facilities. But hospitals aren't required to use the funds for nursing home services.

The funds, 50%-60% more than what private SNFs get from Medicaid, are available only to government-owned facilities.

Indianapolis Star, 08/10/22

Deadline Extended for Closure of SF Nursing Home

Laguna Honda, operated by the city of San Francisco, was set to close on Sept. 13. Officials had been ordered to discharge or transfer more than 600 patients, but several residents died after leaving the nursing home and regulators agreed to pause the transfers.

Officials have now agreed to push Laguna Honda's closure to Nov. 13 and said that CMS would continue to pay for the care of patients.

In April CMS terminated payments to Laguna Honda after two patients had nonfatal overdoses in 2021, and the state declared it to be "in a state of substandard care."

The Journal Record, 08/16/22

40 Years for Rape of Nursing Home Resident

A convicted felon has pleaded guilty to charges of raping a nursing home resident in a Canton, Mississippi nursing home.

Antwon Harris, 35, entered the Canton Manor Nursing Home early on the morning of January 13 after posing as a new hire.

He went into a room and raped a 29-year-old severely disabled female resident.

Police gathered DNA evidence from the victim's body and had a video of Harris entering the victim's room.

He was sentenced to the maximum - a total of forty years to serve day-for-day, without the eligibility for parole.

WLBT-TV, 08/16/22

DOJ Will Now Try-to-Try Esformes on Other Charges

The Justice Department is seeking to retry Florida nursing home mogul Philip Esformes although his 2019 conviction was commuted by then-President Trump.

At issue is DOJ's plan to retry Esformes on six criminal counts that jurors deadlocked on, even as they convicted him of 20 other crimes.

There is no federal statute that explicitly says prosecutors cannot retry a defendant on so-called hung counts when they have had their sentence commuted by the president for counts on which they were convicted.

DOJ, when Esformes was indicted, said the scheme involved an estimated \$1.3 billion in losses to Medicare and Medicaid.

CNBC, 08/12/22

SNF Staffing Worse in Disadvantaged Communities

The researchers' of NYU's Rory Meyers College of Nursing analyzed staffing at 12,609 nursing homes.

Compared to more well-off neighborhoods, in severely disadvantaged neighborhoods, staffing was 38% lower for physical and occupational therapists, 30% lower for RNs, and 5% lower for CNAs. LPNs were the only exception, with no disparities observed.

A further analysis revealed that in a 100-bed SNF in a severely disadvantaged neighborhood, RNs provided five hours and 36 minutes less care per day compared to a similar facility in less disadvantaged areas.

NYU news release, 08/10/22

ONE COLUMN CDC Boss Announces Revamp - Must 'Do Better'

CDC Director Rochelle Walensky said Wednesday that the agency "did not reliably meet expectations" and would overhaul its operations after an external review found shortcomings in the COVID-19 response.

The agency faced heavy criticism for its stumbles both in the early days of the pandemic and more recently, with critics pointing to confusing guidance and slow responses.

Walensky effectively acknowledged that at least some of the criticism is valid.

The CDC it is taking a number of steps to change its culture and prioritize direct public health impact over a more academic mindset.

The agency acknowledged its "guidance documents are confusing and overwhelming; the website is not easy to navigate."

It said it is considering restructuring its website and producing "plain language" guidance.

The agency also said it "takes too long for CDC to publish its data and science for decision making." It is considering steps to expedite publication.

The CDC first faced heat for its COVID-19 response in the early days of the pandemic for problems plaguing testing that left the country unaware of the full extent of the virus's spread.

But even more recently under Joe Biden, the agency has faced criticism for shifting or confusing guidance in areas ranging from masking to isolation.

The steps the CDC announced on Wednesday also include appointing former Deputy HHS Secretary Mary Wakefield to help respond to the recommendations and creating a new executive council to implement changes.

"My goal," Walensky said, "is a new, public health action-oriented culture at CDC that emphasizes accountability, collaboration, communication, and timeliness."

The Hill, 08/18/22

Administrators & DONs Are Not Happy Campers

Nearly 60% of long-term care nurse leaders and 52% of administrators have seriously considered quitting their jobs in the last three months

McKnight's fourth annual Mood of the Market survey also revealed that less than 40% of administrators and 32% of nurses reported being "very" satisfied with their jobs.

Money and workload appear to have added to dissatisfaction. Only 14% of nurse leaders and 23% of administrators said they were "very well paid" for the work they do.

About 58% of respondents said they were asked to do too much.

McKnight's, 08/15/2022

SEIU Talking Strike At 39 PA Nursing Homes

Workers from 39 Pennsylvania nursing homes put three corporate-owned chains on notice of their intent to strike over wage and working condition demands.

In a Zoom call, officials with SEIU Healthcare Pennsylvania said they will strike if their "staffing and accountability demands" are not met.

SEIU said it would file Unfair Labor Practice charges against Comprehensive-, Guardian-, and Priority-owned nursing homes.

The union contends the companies have refused to provide information about staffing and agency costs during contract bargaining, and they alleged some workplace practices have led to safety concerns.

An official strike date was not given.

WHTM-TV, 08/12/

Pressure Underreported By U.S. Nursing Homes

University of Chicago researchers examined the accuracy of self-reported pressure ulcers information in Care Compare. They found that between 2011 and 2017, nursing homes self-reported only 59.7% of hospitalized pressure

ulcers, stages 2-4 among long-stay residents.

Researchers also found that among short-stay residents, 50.4% black residents and 46.1% of Hispanic residents suffered stage 4 ulcers, while only 40.8% of white residents did.

Among long-stay residents, 45.6% of white residents, 54.2% of black residents and 48.9% of Hispanics.

The group previously looked at falls in nursing homes and found that self-reported data was also highly inaccurate.

Medical Care, 08/10/22

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Tribune-Review, 08/10/22

Receiver Now Overseeing 8 Iowa Financially Shaky SNFs

Eight Iowa SNFs with a total of about 450 beds have been placed in receivership for missing a combined \$133,000 in rent payments in July.

Representatives of the eight facilities reported they were in "dire" financial positions with only enough money to operate the facilities for 40 days. A bank said the operator have also defaulted on a loan.

The operator claimed to only have enough money to operate the facilities for 40 days, while a bank says the operator has defaulted on a loan.

Eleven other Iowa nursing homes have closed since December 2021.

Des Moines Register, 08/15/22

Briefly in the News

In Alaska, a shared room at a nursing home costs an average of \$378,140 annually or \$1,036 a day — highest in the nation. Texas and Missouri are the most affordable states for nursing homes and assisted living facilities. The annual average cost of a nursing home in Texas is \$61,503; while, Missouri ranks highest for assisted living facility affordability, with facilities in the state costing an average of \$36,000 annually (*ValuePenguin*).

Invesque continues its push to adjust its portfolio to be predominantly senior housing. So far this year the REIT has sold four skilled nursing homes, two-age-restricted communities, all its medical office buildings in Canada and one in Orlando, Florida. "I would love to be 100% seniors housing by year end," CEO Scott White said (*Senior Living*).

Another South Dakota nursing home is closing its doors - this one the Avantara-owned facility in Armour, SD. More than ten percent of licensed nursing facilities in South Dakota have closed their doors in the last five years. Providers say the closure is due to a combination of the ongoing underfunding of Medicaid, the current staffing crisis, and costs related to the COVID-19 pandemic (*DRGNews*).

American Senior Communities has settled with the feds and will pay nearly \$5.6 million in damages to resolve allegations that it violated the False Claims Act by submitting false claims to the Medicare program by improperly billing for already-covered services for hospice patients (*DOJ news release*).

Increases in four major risk factors for cardiovascular disease is projected to soar in the U.S. from 2025 to 2060. Analysts from the American College of Cardiology estimate increases in diabetes (39%), high cholesterol (28%), hypertension (25%) and obesity (18%). Stroke and heart failure will increase by 34% and 33%, respectively (*Journal of the American College of Cardiology*).

Occupancy in CCRCs increased to 86% in the second quarter in the 99 primary and secondary markets followed by NIC MAP. The rate marks a 0.5 percentage point increase compared with the first quarter (*Ziegler*).