

IN THE NEWS

**News for LTC Professionals
in 100 Words-or-Less**

09/25/2022

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Vol 6

No 39

They said it

"State surveyors are the eyes and ears ensuring quality care is delivered" U.S. Senator Bob Casey in a letter to state survey agencies request information on staffing needs and survey delays

"The issues our members report with payment are not value-based contracting terms that drive quality care; they are merely mechanisms to pay providers less" LeadingAge's Nicole Fallon commenting on the current state of Medicare Advantage Plans

"I am who I am, but I think the cancer thing has made me a better physician; the pandemic has made me a better physician. The events — and it's not about me — but they've made me a better person" Dr. Erik Geibig, the emergency department director at Fort Loudoun Medical Center, who worked during the height of the pandemic after being diagnosed with stage four prostate cancer

In Healthcare the Number Of NPs Will Explode

The Bureau of Labor Statistics estimates the occupation with the highest projected percent change of employment in the U.S. between 2021 and 2031 is nurse practitioner, growing by 46% from 246,700 to 359,400.

Other healthcare occupations among the 20 with the highest projected percent change of employment in the U.S. between 2021 and 2031 are:

- Medical and health services managers (28%)
- Physician assistants (28%)
- Physical therapist assistants (26%)

Overall, the bureau estimates employment in healthcare occupations will grow 13% by 2031, resulting in about 2 million new jobs over the decade.

Becker's Hospital Review, 09/13/22

CMS/GAO: Revamp Needed for Infection Preventionists

In a report on the physical and mental health of nursing home residents during the pandemic, one of the GAO's main points was that infection control needed to improve.

The GAO made three recommendations to CMS to improve infection control practices in nursing homes.

That included adding specific standards for the recently mandated infection preventionist position.

CMS agreed but said it would only "consider" a recommendation to collect infection preventionist staffing data in order to determine whether current staffing requirements are sufficient.

The report was part of a CARES Act mandate that GAO monitor the federal pandemic response.

McKnight's, 09/15/22

Man Arrested for Threatening to Shoot Up SNF

A 20-year-old man is in custody after he allegedly threatened to shoot up his 19-year-old girlfriend's workplace, a nursing home near Rochester, NY.

Police said the man called the nursing home, 15 to 20 times the morning of Friday, Sept. 16, 2022, and threatened to use an AR-15 to fire into the building unless she was sent home.

He made multiple threats against the business, which law enforcement heard while the man was on speaker phone.

Post Bulletin, 09/15/22

Irma Charges Dropped Four will Testify vs One

Prosecutors dropped manslaughter charges Thursday against three defendants stemming from the post-Hurricane Irma deaths of 12 nursing home residents five years ago in Hollywood, FL.

The defendants, former employees at the Rehabilitation Center of Hollywood Hills, agreed to testify against a fourth defendant, Jorge Carballo, the former chief administrator of the facility.

All four were accused of failing to properly care for residents after Hurricane Irma knocked out air conditioning for three days in September 2017, as temperatures in the building reached triple digits. The twelve, 57 to 99 years old, died of heat stroke.

USA Today, 09/22/22

Pick Your Privacy Security Guy for CMS Data Platform

CMS has said it will launch its new, more secure data-reporting process – Internet Quality Improvement and Evaluation System (iQIES) – platform for skilled nursing providers early in 2023.

In the meantime, US providers are facing a deadline to appoint a privacy security official who will control access to the platform, through which CASPER and MDS transmissions, validation and reporting will be done.

It also will be the primary system through which CMS communicates with providers about survey and certification activity. All privacy security officers must submit their Social Security Number and have a background check run through Experian to validate identity.

McKnight's, 09/20/22

20 Years for Running A Care Home That Wasn't

A woman convicted of operating an unlicensed personal care home received a 20-year prison sentence on neglect and exploitation charges.

An investigation found that Michelle Oliver, former owner and operator of Miracle One Care Center in Hiram, Georgia left residents on their own in "dirty duplexes" with little to no furniture, no air conditioning, broken fixtures, and little in the way of clean clothing."

A cook was hired to provide a meal in the morning before leaving for the day.

Residents were found begging from neighbors and at nearby stores on a daily basis.

Senior Living, 09/20/22

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

AMERICA: On 60 Minutes last Sunday president Biden said, “The pandemic is over. We still have a problem with Covid. We’re still doing a lot of work on it. It’s – but the pandemic is over.” The US government still designates Covid-19 a Public Health Emergency, and the World Health Organization says it remains a Public Health Emergency of International Concern. But the President’s comments follow other hopeful comments from global health leaders (**CNN**).

NEW YORK STOCK EXCHANGE:

While the pandemic may be nearing its end, demand for COVID vaccines could continue for years to come. However, COVID-19 vaccine stocks plunged after President Joe Biden said the pandemic “is over.” Shares of Moderna, BioNTech, and Novavax all fell as much as 9% in Monday’s trading session (**Business Insider**).

AMERICA: Anthony Fauci, the White House’s top medical adviser warned in an interview with the *Financial Times* that a broad refusal of vaccines against Covid-19 may undermine efforts to immunize children and contain future illness outbreaks. “If you fall back on vaccines against common vaccine-preventable childhood diseases, that’s where you wind up getting avoidable and unnecessary outbreaks” (**Bloomberg**).

THE WORLD: COVID-19 cases and deaths worldwide remain at the lowest levels since June with an 11% weekly drop in infections to around 475,000 daily and a 10% decline in fatalities to about 1,550 each day – about 1/10 of the record highs (**UPI**).

CALIFORNIA: In Los Angeles County, more people died of COVID between May and July this year than during the same months last year at the height of the pandemic. The virus claimed the lives of nearly 800 people in L.A. County in those months this year, compared with less than 500 last year. Elderly people bore the brunt of that increase, with a death rate that tripled among people at least 80 years old (**The Los Angeles Times**).

FLORIDA: The state has sent a number of migrants to other so-called “sanctuary states” recently. How were those flights paid for? Florida Gov. Ron DeSantis (R) used interest earned on Florida’s coronavirus aid to pay for migrant flights out of his state (**The Washington Post**).

CAPITOL HILL: Wisconsin Sen. Tammy Baldwin has tested positive for COVID-19. She becomes the fourth Democratic senator to test positive for the virus since the Senate returned from its August recess. Sens. Jacky Rosen (NV), John Ossoff’s (GA) and Bob Menendez (NJ) also tested positive (**The Washington Examiner**).

DENMARK: Queen Margrethe of Denmark has tested positive for COVID-19 for the second time this year. The 82-year-old head of state, who has been on the throne for half a century, attended Queen Elizabeth’s funeral in London on Monday (**Reuters**).

ARKANSAS: Despite a recent decline in new coronavirus cases, the state’s death toll topped 12,000 on Tuesday as the number of people hospitalized in the state with the virus rose for the third day in a row. After not changing the previous two days, the death toll rose Tuesday by 24, to 12,017. It was the largest increase in deaths reported in a single day since March 25 (**Arkansas Democrat Gazette**).

WASHINGTON state: State employees would get \$1,000 bonuses for receiving a COVID-19 booster shot under a tentative agreement between the state and the Washington Federation of State Employees. It includes 4% pay raises in 2023, 3% pay raises in 2024 and a \$1,000 retention bonus for current employees who remain employed on July 1, 2023 (**The Seattle Times**).

AMERICA: The FDA says its response to the ongoing infant formula shortage was slowed by delays in processing a whistleblower complaint and test samples from the nation’s largest formula factory. The report highlights several key problems at the regulatory agency. Those include unclear procedures for vetting whistleblower complaints about company

violations. The agency also noted that it had to reschedule its initial inspection of the Abbott plant due to cases of COVID-19 among company staff (**Capradio**).

JAPAN: Researchers from the University of Tsukuba found that caregivers working in nursing homes have been faced with the exceptional challenge of attempting to keep residents safe while also protecting themselves from illness. As a result, many healthcare workers have experienced psychological distress and concern regarding the potential deterioration of their mental health (**Dementia and Geriatric Cognitive Disorders**).

ALASKA: After one resident of the Yukon Kuskokwim Elders Home in Bethel, Alaska tested positive for COVID-19 all residents were tested. Three additional residents tested positive. Two positive cases were identified in staff. Two of the COVID-positive residents were transferred to the YKHC Emergency Department where one died (**Yukon-Kuskokwim Health Corporation news release**).

ALABAMA: A lawsuit filed by four Christian former employees of Westminster Village, a CCRC in Spanish Fort, Alabama, alleges religious discrimination, harassment, wrongful termination and creating a hostile work environment. The four workers claim they were fired for refusing to comply with the facility’s COVID-19 vaccine mandate (**Senior Living**).

AMERICA: Former HBO health production adviser Georgia Hesse is suing the network alleging coronavirus testing fraud. The lawsuit claims she was wrongfully terminated after alerting HBO about a testing vendor administering rapid tests instead of lab-based PCR tests (**The Washington Post**).

COVID-19, 09/16/2022

Global Cases – Deaths
614,710,714 – 6,536,012

U.S. Cases – Deaths
96,056,075 – 1,056,372

225.0 - 69% of the country’s population is fully vaccinated

Johns Hopkins University

Pandemic - House Report Attacks, Providers Fight Back

In a scathing report, House Subcommittee on the Coronavirus Crisis investigators last week singled out five large for-profit nursing home chains describing “dire” conditions caused by alleged lack of preparation and mismanagement in the first three months of the pandemic.

Early in the pandemic about 35% of the COVID-19 deaths were among nursing home residents and staff. The report said some of the deaths could have been averted had facilities had better infection control in place.

Companies disagreed, arguing that researchers were selective in their reporting, had skewed data and generally revealed a lack of perspective.

McKnight's, 09/22/22

Everyone is to Blame For Poor COVID Response

A new Lancet Commission report on the international COVID-19 pandemic response spares no one the responsibility for millions of preventable deaths and a backslide in progress made toward sustainable development goals in many countries.

The commission said, “This staggering death toll is both a profound tragedy and a massive global failure at multiple levels.

“Too many governments have failed to adhere to basic norms of institutional rationality and transparency, too many people – often influenced by misinformation – have disrespected and protested against basic public health precautions, and the world's major powers have failed to collaborate to control the pandemic.

CIDRAP, Univ. of Minnesota, 09/15/22

Feds Say These Guys Ripped Off Kid's Pandemic Meals

The DOJ has indicted 47 defendants for their alleged roles in a \$250 million fraud scheme that exploited a federally funded child nutrition program during the COVID-19 pandemic. The 47 defendants are charged with conspiracy, wire fraud, money laundering, and bribery.

The defendants allegedly carried out a massive scheme to defraud the Federal Child Nutrition Program. by obtaining, misappropriating, and laundering millions of dollars in program funds that were intended as reimbursements for the cost of serving meals to children.

The DOJ said defendants exploited changes in the program intended to ensure underserved children received adequate nutrition during the pandemic.

DOJ news release, 09/20/22

Shuttered SNF Sued for Not Paying its Bills

Healthcare Services Group (HCSG) has sued the trust that owns a now-closed Sioux City (Iowa) nursing home for thousands of dollars in unpaid bills and wants the trustees and beneficiaries held personally responsible for repayment.

HCSG, says Indian Hills of Sioux City, which operated as Touchstone Healthcare Communities, continued to contract services from vendors while having no intention or ability to pay.

HCSG sued for breach of contract and unjust enrichment, saying Indian Hills failed to pay 75 outstanding invoices totaling more than \$344,000 for housekeeping and dining services provided.

The facility closed in July.

Sioux City Journal, 09/13/22

COVID Telehealth Fraud Cost Medicare \$128M in First Year

Telehealth visits spiked during the pandemic as Americans sought care remotely.

But a new report indicates some providers engaged in potential fraud or wasteful billing, costing Medicare \$128M in the first year of the COVID pandemic.

As a result, regulators are urging the Biden administration to tighten oversight in order to ensure millions of Americans can access remote care while safeguarding taxpayer dollars.

USA Today, 09/12/22

ONE COLUMN Studying Staffing Costs Won't Matter if Pay Doesn't Add Up

Cost analysis will be “an important part” of a final report on federal minimum staffing standards, the head of a national study assured nursing home stakeholders Monday.

“We'll know from the other analyses ... what the benefits of increased staffing are in terms of better quality and better resident outcomes, that sort of thing. Bringing in the cost analysis kind of allows us to understand how those benefits are balanced against the costs that nursing homes would incur to increase staffing to whatever level CMS might specify.”

And potential costs of a mandate expected next year are weighing heavily on providers' minds, as evidenced by comments during a listening session hosted by CMS. They pleaded with Abt and CMS to be mindful of the true costs of an unfunded — or underfunded — new staffing rule.

Sarah Dobson, senior director of public policy and advocacy for Lutheran Services in America noted the situation is already a crisis. Further, she said “the new proposals with no additional funding would exacerbate the current crisis and make it more difficult to hire needed staff.”

Dobson urged CMS to increase reimbursement rates for nursing home care, and said providers wanted to work with the agency on expanding the workforce and improving training and retention efforts.

Reier Thompson, representing Missouri Slope nursing home in Bismarck, ND, said the mandate would be a true threat as even much higher wages haven't been enough to create a steady supply of job candidates.

“This needs to have more strategic collaboration from other departments of the government outside of CMS in order to develop creative solutions that will increase the supply, specifically of nurses and CNAs into the healthcare industry,”

McKnight's, 08/30/22

Nurses: Workforce Crisis Hasn't Improved

Two-and-a-half years into the pandemic, nurses in the skilled nursing say their situation has not improved— more than half have seen an increase in med errors as a result of lower staffing.

A study of 450 nursing across the country by IntelyCare indicates this is the “new normal.”

“There are a whole bunch of people out there – not nurses – making decisions about long-term care, about nursing care,” said Rebecca Love, chief clinical officer for IntelyCare, “but there are very few nurses involved in that conversation; that needs to change.”

Skilled Nursing News, 09/14/22

Buttoned Up SNF Selling 2/3 of Its Beds

Closed since 2021 due to a lack of staffing, the Island Nursing Home on Deer Isle announced it is selling the licenses of 2/3 of its beds to Northern Maine Medical Center in Fort Kent for approximately \$700,000.

The board hopes the sale will give the home some much needed revenue to explore potential ways to reopen, though several local officials think the move will only lead to a permanent closure of the facility.

The remaining 1/3 could be used either for either 18 skilled beds, 36 residential beds or a combination of the two.

Bangor Daily News, 09/15/22

Tennessee SNF Closing Lost CMS Certification

A Farragut, Tennessee nursing home has lost its certification from CMS forcing residents to find a new home.

Summit View of Farragut's Medicare provider agreement HHS was terminated September 1 due to the facility's “failure to attain substantial compliance with Medicare's health and safety requirements.”

Previously, a Tennessee Health Facilities Commission investigation at the facility. According to a notice from the

commission, the investigation found violations of licensure statutes and regulations in the nursing home that are likely “detrimental to the health, safety, or welfare of the residents.”

All residents must be out by October 1.

WATE-TV, 09/01/22

Med-Ad Insurance Companies' Windfall is About to Fall

As part of pandemic relief, CMS relaxed how it calculated Medicare Advantage star ratings for 2021 and 2022, resulting in a record number of insurers gaining higher scores on the program's five-point scale, and a corresponding increase in federal revenue.

From 2020 to 2022, 21% of plans experienced a one-point increase; 56% gained half a point. Six insurers increased by at least one-and-a-half stars. One insurer's rating grew two stars.

Now that the COVID-19 flexibilities have ended, these companies could see big decreases in their ratings, which would translate to less Medicare Advantage revenue.

Modern Healthcare, 09/12/22

Telehealth Just May Be here to Stay

The Advancing Telehealth Beyond COVID-19 Act of 2022 passed the U.S. House by an overwhelming margin (416-12) and is now in a Senate committee.

The bill would extend telehealth flexibilities until 31 Dec. 2024.

The bill would allow continued virtual care provided by occupational therapists, physical therapists, speech-language pathologists, audiologists and behavioral health services. It also delays implementation of in-person evaluation requirements for mental health telehealth services until 1 Jan. 2025.

Fierce Healthcare, 09/02/22

VA Nurses Protest Staffing Shortages

Department of Veterans Affairs nurses in four cities are protesting conditions they say have led to staffing shortages and mandatory overtime that could potentially risk patient safety.

Military News, 08/31/22

Briefly in the News

The Health Resources and Services Administration disbursed \$60 million in Phase 4 PRF funds to 293 providers, leaving approximately \$1.6 billion still to be given out. About 1% of Phase 4 applicants are yet to be reviewed. The agency has added a fifth reporting period for some beneficiaries of the Provider Relief Fund to detail how they used the money (*McKnight's*).

Working together for the first time, LTC Properties and PruittHealth are entering into a joint venture to purchase three Florida nursing homes for \$62 million. The three facilities were constructed between 2018 and 2021 with a combined licensed bed count of 299 – primarily offering private rooms (*Skilled Nursing News*).

NAHCA and KARE have partnered on CareAcademy training for more than 50,000 frontline caregivers. KARE and NAHCA will offer no cost CareAcademy courses to all caregivers in their networks. The goal is to open doors for career growth; increase confidence in their skill sets; and, ultimately, to provide the best care to meet patient and resident needs (*EIN Presswire*).

In New Zealand, The Health and Disability Commission has found a retirement village failed to provide health services with "reasonable care and skill", following an elderly woman's fall. The HDC found the retirement home's care of the woman during this occasion was "inadequate" with procedures unclear to staff and its training and monitoring of practice "insufficient." The Selwyn Foundation has made multiple changes to its procedures and processes and undertaken further training for its independent living Residential Services staff (*Newshub*).

In a study at the Karolinska Institute in Sweden older adults who were treated for acute infection in youth or middle age have a higher risk of developing Alzheimer's disease (16% higher) or Parkinson's disease (4% higher). Prior research has linked neurodegenerative disease to infections. Another recent study has found that risk of being diagnosed with Alzheimer's disease nearly doubles for older adults in the year following a bout with COVID-19 (*PLOS Medicin*)