

# **IN THE NEWS**

News for LTC Professionals  
in 100 Words-or-Less

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## **They said it**

*"I think we need to just say, 'Stay home when sick,' and leave it at that. Don't say, 'Stay away from each other if you're well.' If you're well, please go, please be around each other*

*Monica Gandhi, MD, MPH, a professor of medicine and associate division chief of the Division of HIV, Infectious Diseases, and Global Medicine at UCSF*

*"The present guidelines are being revised in light of sustained declining COVID-19 trajectory and significant advances being made in COVID-19 vaccination coverage both globally as well as in India*

*Indian government announcement that arriving travelers will no longer have to submit self-declaration form detailing vaccinations*

*"We have seen, in some regions, RSV numbers starting to trend downward. Flu numbers are still on the rise. And we are concerned that after holiday gathering, lots of people coming together, that we may see increases in COVID-19 cases as well"*

*Dr. Rochelle Walensky*

## **Association Wants 4-Month Notice on End of PHE**

NAMD, the association of Medicaid directors, in a letter to Congress asked for 120 days' notice before the end of the public health emergency when COVID-era federal funding and allowances will cease or be phased out.

NAMD further asked for a guarantee that federal guidance on the redetermination period won't change.

The group also urged Congress for maintenance of the current 6.2 percentage point Federal Medical Assistance Percentage enhancement through the first quarter of

redeterminations and phasing the enhancement down over 12 months after this quarter.

*McKnight's, 11/22/22*

**Vaccinations - White House Pushes - Providers Push Back**  
See **ONE COLUMN** page 3

## **Required Employment After Sale – Providers Unhappy**

Nursing home and other healthcare provider advocates are not pleased with a new New Jersey law that preserves employment for four months for workers whose facilities change ownership.

Opponents say its unintended consequences could include facilities closing, less access to care and fewer jobs.

Non-governmental healthcare entities must offer eligible workers continued employment for at least four months following a change in control without any reduction in their wages and benefits. That includes paid time off, healthcare, retirement, and education benefits.

The Health Care Association of New Jersey and LeadingAge New Jersey & Delaware opposed the law.

*McKnight's, 11/23/22*

## **Fight Over Minimum Wage Yields a Split Decision**

An expensive fight over health worker pay in two Southern California cities appears to have ended in a draw, with each side claiming a victory and a loss.

Inglewood residents were poised to approve a ballot measure that would boost the minimum wage to \$25 at private hospitals, psychiatric facilities, and dialysis clinics.

The latest vote count showed Measure HC leading 54% to 46%. In Duarte, roughly 35 miles away, voters were on track to decisively reject a similar proposal – Measure J – 63% to 37%.

Los Angeles County election officials plan to release final results in December.

*Kaiser Health News, 11/17/22*

## **Nurse Amputated Foot - SNF Gets Three IJs**

Spring Valley Health and Rehabilitation Center in western Wisconsin, where a nurse has been charged with amputating a resident's foot, has received five deficiencies for the incident including three Immediate Jeopardies (IJs).

The state said Spring Valley didn't immediately report the incident and failed to complete an investigation.

RN Mary K. Brown is facing felony charges for allegedly severing the necrotic foot of a severely frostbitten resident.

The 62-year-old resident, who has not been identified, had been receiving hospice care at the nursing home. He died on June 2, six days after losing his foot.

*The Milwaukee Journal Sentinel, 11/22/22*

## **SCOTUS Says No – COVID Case Remains in State Court**

Lawsuits against nursing homes for allegedly failing to treat residents properly during the pandemic are more likely to be heard in state, not federal courts, after the US Supreme Court declined to consider the case of *Saldana v Glenhaven Healthcare*.

The family of Ricardo Saldana sued Glenhaven for not doing enough to protect him after he died of COVID-19 in 2020. Glenhaven tried to move the case to federal court to take advantage of immunity under the PREP Act.

Two federal courts and now SCOTUS rejected the provider's attempt to move the case out of state court.

*McKnight's, 11/22/22*

## **Dementia in U.S Has Declined Since 2000**

Among older adults, dementia declined from 12.2% in 2000 to 8.5% in 2016.

In men, the prevalence of dementia decreased from 10.2% to 7%, whereas decreases were larger among women, dropping from 13.6% to 9.7%.

The annual economic cost of dementia is estimated at \$200 billion in the U.S. and \$600 billion worldwide – the most expensive of all medical conditions.

*National Academy of Sciences, 11/07/22*

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

**AMERICA:** For the week ending Nov. 19, the CDC estimates that BQ.1 and BQ.1.1 were causing about half of all new COVID-19 cases in the U.S. But so far, they've risen to predominance without much impact. Cases, hospitalizations and deaths have remained flat for the past four weeks (*CNN*).

**THE WORLD:** Reports of irregular menstruation after vaccination have been a major source of vaccine hesitancy among young women. Early on, such reports were often dismissed as natural cycle variation. But new data suggests that, while the effects are only temporary, vaccination can indeed have a short-term impact on the cycles of some women (*Newsweek*).

**WASHINGTON, DC:** Retiring public health expert Dr. Anthony Fauci, demonized by the Trump wing of the GOP, Tuesday called out the “tireless” spreaders of COVID vaccine disinformation and said he had no problem defending his record in promised hearings before the soon-to-be Republican House. Fauci is leaving government after 54 years at the National Institute of Health, the final 38 running the National Institute of Allergy and Infectious Diseases (*MSN News*).

**AMERICA:** Throughout the coronavirus pandemic, American Indians and Alaska Natives have had some of the highest COVID-19 vaccination rates across the country. Now the Indian Health Service has announced all tribal members covered by the federal agency will be offered a vaccine at every appointment when appropriate, under a new vaccine strategy (*MSN News*).

**AFRICA:** The head of Africa's top public health institute is urging authorities across the continent to step up COVID-19 testing amid a concerning rise in new cases in some countries. The continent of 1.3 billion people saw a 37% rise in new cases over the past week and 11% in the last four weeks (*AP*).

**AMERICA:** Estimates vary, but research suggests that between 5 percent and 30 percent of those who had COVID-19 may

have Long COVID symptoms, and roughly one million people are out of the workforce at any given time due to Long COVID. This figure equates to approximately \$50 billion annually in lost salaries (*HHS news release*).

**NEW MEXICO:** Gov. Lujan Grisham returned from a trip to Egypt on Tuesday and promptly tested positive for the coronavirus. The governor was experiencing mild symptoms and is isolating. She excluded herself from Thanksgiving Day celebrations and urged people to consider testing before gathering for the holidays. It is the second time Gov. Grisham has tested positive this year (*KOB-TV*).

**CHINA:** The government made 20 revisions of pandemic control and prevention measures that somewhat ease the burden on its weary, frustrated population. Changes include cutting required stays in designated quarantine facilities from 7 days to 5 days for international travelers, ending contact tracing, and restricting mass testing to situations. China's daily Covid cases have hit a record high since the beginning of the pandemic (*Science*).

**AMERICA:** Roughly one in seven parents did not discuss vaccines with their child's primary care provider in the last two years, according to the C.S. Mott Children's Hospital National Poll on Children's Health. Results showed that 82% of parents discussed school-required vaccines with their child's doctor during the pandemic, 68% discussed the influenza vaccine, and 57% discussed the COVID-19 vaccine; and 3% avoided going to the doc altogether so they didn't have to have the conversation (*MedPage Today*).

**NEW YORK:** Oswego County's COVID-19 community level has been reduced to “low,” according to the Centers for Disease Control and Prevention (CDC). The number of new cases dropped again last week when 106 residents tested positive for COVID-19 from Nov. 14 through Nov. 20., including both lab-confirmed and at-home tests (*Palladium Times*).

**INDIA:** International travelers flying into India are no longer required to submit the COVID-era self-declaration form detailing vaccinations and travel history. As per the amended rules, passengers showing symptoms of COVID-19 during travel can be isolated, including wearing a mask, and physical segregation from other travelers before being taken for medical examination (*Alarabiya News*).

**EUROPEAN UNION:** Recent uptake of COVID-19 vaccine booster doses in the European Union has been “rather disappointing,” amid concerns that protection against severe cases of the disease could weaken during the winter. The European average rate of re-vaccination, or receiving booster doses, was only 29% in the groups of people considered to be at highest risk (*Reuters*).

**LOS ANGELES:** The LA County Department of Public Health is once again strongly recommending the public to mask indoors. The recommendation comes in response to a jump in COVID-19 cases and hospitalizations. A week ago, there were 86 COVID-19 cases per 100,000 people. That rate is now over 100 cases per 100,000 people. If you're at an event with 200 people, the chance of someone getting infected could be as high as 60% (*Spectrum News*).

**HOLLYWOOD:** Ice Cube will not get the COVID-19 vaccine – not even for \$9 million. On a new episode of the “Million Dollar Worth of Game” podcast, the rapper and actor revealed he passed up a \$9-million movie deal because he refused to get vaccinated against the coronavirus. “I turned down a movie because I didn't wanna get the motherf— jab,” Ice Cube said (*Los Angeles Times*).

### **COVID-19, 11/25/2022**

**Global Cases – Deaths**  
640,629,255 – 6,620,309

**U.S. Cases – Deaths**  
98,542,542 – 1,079,104

228.2 = 70% of the country's population is fully vaccinated

*Johns Hopkins University*

## Here Comes Another One What is the XBB Variant?

XBB is one of the “new class” of Omicron variants that are spreading fast says Thomas Russo, M.D., professor and chief of infectious disease at the University at Buffalo in New York. That includes BQ.1.1, BQ.1, BQ.1.3, BA.2.3.20, and XBB, he says.

“XBB is a hybrid version of two strains of the BA.2 form of Omicron,” explains Amesh A. Adalja, M.D., a senior scholar at the Johns Hopkins Center for Health Security. It’s currently “spreading efficiently in Singapore.”

The variant was first detected in August 2022 in India and has been detected in more than 17 countries since then.

MSN.Com, 11/23/22

## Many Americans Expect To Be Care Givers – but Few Plan

Nearly half of Americans surveyed (47%) are adult caregivers or expect to take on a caregiving role in the next three years.

But research from Lincoln Financial Group indicates only 16% of Americans say they are very familiar with the features and benefits of solutions that can help cover the cost of long-term care.

Additionally, fewer than one in five Americans have begun to plan for their own long-term care and just one in 10 have a plan for how to pay.

Insurance News Net, 11/18/22

## Half of Americans Over 50 Are Now Caregivers

In the University of Michigan's *National Poll on Healthy Aging*, 54% of respondents over age 50 said they'd helped an older adult with "care tasks" in the past two years, usually helping with appointments or talking to medical advisers.

However, roughly one in six helped with personal care – bathing and dressing; and half of those caring for people with dementia assisted with five or more tasks.

Respondents also assisted with home repairs, yard work, grocery shopping, meals, and finances.

About 50% said the responsibilities were more difficult than expected, yet 96% reported positive experiences, like feeling a sense of purpose.

U.S. News & World Report, 11/17/22

## Like Everywhere Mass. SNFs are Searching for Staff

The nursing home sector in Massachusetts says its worker shortage remains at "historic highs," as senior care facilities struggle to find and retain people qualified to care for the state's most vulnerable residents.

Massachusetts Senior Care Association reported that its recent quarterly survey, taken over the summer, showed that 6,900 RN, LPN and CNA positions were open at nursing facilities.

More than half (3,900) of the unfilled jobs were CNA positions.

In the latest survey, 62% of respondent facilities reported they have recently limited admissions due to staffing shortages, although that's down from 83% in January.

WBUR, 11/03/22

## Report: Health Care Needs Defense from Cyber Attacks

In a report, Sen. Mark Warner (D-VA) recommends the federal government enhance its cybersecurity leadership within the health care sector and protect health care research and development from cyberattacks. He also suggested the government mandate a regular process to improve the HIPAA regulations to address cyber threats.

Warner, chairman of the Senate Intelligence Committee, said the government should incentivize and require all health care organizations to adopt minimum cybersecurity practices to mitigate threats that could jeopardize patients' health and safety.

Further, Warner advocates health care organizations have an emergency plan in place and train staff to respond to such attacks.

The Hill, 11/03/22

## ONE COLUMN Vaccinations - White House Pushes - Providers Push Back

The Biden administration on Tuesday announced a six-week \$475 million campaign to raise the COVID-19 vaccination rate among nursing home residents.

The White House announcement singled out nursing homes in the context of federal enforcement of guidelines to educate staff and residents and offer vaccinations to residents.

Several direct threats were leveled at nursing home operators amid the White House's multi-pronged plan to increase booster shot awareness and vaccination accessibility.

“CMS will make clear that nursing homes with low vaccination rates will be referred to state survey agencies for close scrutiny” the White House statement said. It further threatened “enforcement actions”

The White House is enlisting governors to increase pressure on providers.

CMS will also share data with states and health plans to highlight “the poorest performing nursing homes to help them encourage action” to increase vaccination uptake.

AHCA/NCAL and LeadingAge promptly pushed back with a special, combined statement in defense of providers.

“Nursing homes have done a remarkable job at vaccinating residents, but we have work to do with the most recent booster,” AHCA/NCAL President and CEO Mark Parkinson and LeadingAge President and CEO Katie Smith Sloan said in a rare joint statement.

The associations noted “43% of residents are up to date on their COVID vaccinations, which is nearly four times higher than the dismal 11% rate among the general population.”

“We believe we can continue to increase that booster rate and to do so requires a shared commitment from the government and other health care providers” (hospitals).

McKnight's, 11/23/22

## Debt-Ridden SNF May Stay Open for Awhile

A struggling nursing home that owes millions in state fees will likely be able to remain open, thanks to Iowa's reconsideration of a bankruptcy strategy.

QHC Facilities, which filed for bankruptcy in 2021, owes the state more than \$3.9 million. But State officials recently dropped efforts to be among the first paid when QHC's assets are liquidated.

QHC was cited for 184 regulatory violations in the past 22 months and owes at least \$5 million to state and federal taxpayers through unpaid fines and fees.

*McKnight's, 11/03/22*

## New Hampshire Latest to Take on LTC Problems

The New Hampshire Commission on Aging says strengthening the LTC direct care workforce – in which helps people with disabilities and older adults manage daily tasks like meals, housekeeping and bathing – should be a top priority.

Local advocates and an outside expert who recently testified before the commission what LTC organizations have been preaching that solving the problem will require higher wages and increases in state funding.

According to PHI, the median direct care worker in New Hampshire earned \$21,500 in 2020; a third of direct care workers relied on some form of public assistance.

*New Hampshire Public Radio, 11/22/22*

## Tough to Find a LTC Bed in Minnesota

In a survey, Minnesotans' access to LTC is low. Most of the state's nursing homes are turning away new admissions.

Among the results from the 163 nursing homes responding:

~ 80% placed a hold on admissions during the pandemic.

~ 90% of facilities in 7 of 8 regions turned down more admissions from hospitals than before the pandemic

~ More than one-third reported turning down at least 21 admission referrals in October.

~ Top three criteria for admissions decisions were insufficient staffing, inability to meet specific needs, and difficulty of weekend admissions to staff to and process.

*LeadingAge Minnesota, 11/22*

## Genesis Loses a Really Big One in Court

National Fire and Marine Insurance took Genesis to court this year acknowledged that Genesis purchased coverage for losses over \$3 million that it incurred while defending or satisfying cases "arising from a single healthcare event."

But the definitions of "single event" were different. The insurer said it meant each individual case of COVID-19.

Genesis said it meant the pandemic.

Genesis lost in court.

The judge ruled that Genesis must satisfy the \$3 million self-insured retention for each individual illness before National Fire is obligated to provide coverage for the underlying lawsuits and pre-suit claims and potential claims.

*McKnight's, 11/21/2022*

## A Health Policy Rand Paul & Elizabeth Warren Agree On

In a bipartisan letter last week, nearly half the Senate (46 Senators) asked leadership to address looming Medicare payment cuts to providers before the new year, when they would take effect.

The letter came a day after CMS released its final rule confirming the required-by-law cuts. Providers had been pushing for Congress to act even before CMS published its final rule.

The Senators are looking for a quick fix, but also sustainable change. "Going forward, we support bipartisan, long-term payment reforms to Medicare in a fiscally responsible manner," the senators wrote.

*Politico, 11/02/22*

## Briefly in the News

Members of the California Nurses Association reached a tentative agreement with Kaiser Permanente, averting a planned two-day strike by more than 21,000 registered nurses and nurse practitioners in Northern California. The four-year tentative deal boosts wages for Northern California nurses by 22.5% over the life of the contract (*Becker's Hospital Review*).

Presbyterian Homes has named COO Nadim Abi-Antoun its new president and CEO, effective Jan. 1. He succeeds Todd Swortzel, who previously announced his retirement after 12 years of leadership but will continue to serve as an executive advisor (*Senior Living*).

Montana has a law prohibiting businesses and governments from discriminating against people who are not vaccinated. A lawsuit has now been filed by a man who was required to show proof of vaccination to attend a meeting in Browning, the largest community on the Blackfoot Indian Reservation in northwestern Montana. The issue is whether the state can enforce the law on the Blackfoot reservation over the tribe's right to administer its own rules to protect the health of its people as a sovereign nation within the borders of the United States (*KHN*).

Enrollment in Affordable Care Act marketplaces is on pace to set a record, Health Secretary Xavier Becerra revealed during the week. Subsidies that Congress renewed through 2025 are softening the blow of premium increases. Nearly 3.4 million people signed up for individual coverage between Nov. 1 to 19 – a 17% increase from last year. The number of new enrollees is also up 40% (*AXIOS*).

The federal government has suspended for two years its sale of long-term care insurance policies to its employees. Federal Long Term Care Insurance Program was halted when John Hancock Life & Health Insurance Company, the carrier that operated the program, warned the federal Office of Personnel Management that current premiums are unsustainable and it likely would have to request significant rate hikes (*Forbes*).