

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"It's been quite a while since we needed to have COVID wards. It's making a clear comeback" Phoenix ER doctor Nicholas Vasquez

There have been 13 billion doses of a COVID-19 vaccine that have been distributed worldwide, hundreds of millions in the United States. And there's robust safety monitoring systems that are in place. And clearly, an extensive body of information clearly indicates that they're safe - Dr. Anthony Fauci

Nurse Finally Has Headstone - Died Saving Residents

It started on March 30, 1953, when news clips and eyewitness accounts reported nurse Gertrude Warnick running in and out of a burning nursing home.

She rescued at least one resident from the fire at the Littlefield Nursing Home in Largo, Florida.

Thirty-three people died that night, including Warnick – an orphan with one sister, no other family.

She was forgotten for 69 years, buried in an unmarked grave, until an amateur historian found the newspaper story last year.

In April the *Tampa Bay Times* shared her story.

In October Warnick got a donated headstone.

The inscription reads: "A nurse hero."
U.S. News & World Report, 11/27/22

Observation Overuse Undercuts Readmission Rates

Major strides in reducing hospital readmissions were actually overstated when taking into account the rising use of observation stays.

Researchers from the University of Washington and Washington University in St. Louis found that improvements were inflated because hospital readmission measures don't include observation stays where patients are not technically admitted.

SNFs can be fined for above-average readmission rates.

Nursing homes became subject to readmissions metrics as part of value-based purchasing efforts. The worst nursing homes were subject to a 2% penalty, while the best were supposed to receive incentive payments, which have been on hold for two years.

McKnight's, 11/30/22

Residents In 'Inhumane' Conditions – Owners Charged

New York Attorney General Letitia James filed a lawsuit against Ephram "Mordy" Lahasky and fellow owners of the Villages, a 120-bed facility near Rochester.

The lawsuit accuses Lahasky and twelve co-owners of siphoning \$18.6 million in public funding meant to improve resident care while understaffing and neglecting residents.

The suit also charges poor care allegedly caused patients to die. Residents developed life-threatening infections and gangrene from bedsores that were allowed to fester and from deficient care.

The awful conditions were exacerbated during the pandemic, with management trying to hide COVID cases and not enforcing proper quarantine and isolation protocols.

New York Post, 11/29/22

Congress May Give 2-Year Relief on Physician Fee Cuts

Congress appears to be ready to soften proposed Medicare physician pay cuts

and might make it good for two years instead of one.

"We're hearing the Hill is open to helping providers but not any more than (the 3%) they did last year," said Cynthia Morton, Executive Vice President of Advion.

Morton's comments came the same day as a letter to Congress from provider advocates pleading that it prevent the PAYGO statute from taking effect, which would cut another 4% in reimbursement.

McKnight's, 12/01/22

Feds Are Playing Hardball with HCBS

The feds are giving states and providers an ultimatum to make progress on meeting the requirements of the home- and community-based services settings final rule that goes into effect next spring.

CMS last month reminded states that if they were anticipating problems complying with the requirements, there was a – now gone – Dec. 1 deadline to submit corrective action plans to bring the programs into compliance.

The agency also reiterated that it is sticking to its March 17 compliance deadline for the rule and that pandemic-related complications – workforce shortages, are not a justification for "failing to meet basic civil rights."

Senior Living, 11/29/22

Teleconferencing – Where There's a Will, There's a Way

The parking lot of a fast-food restaurant might not seem like the ideal location for an appointment, but that's where some patients are seeing their physicians these days.

They sit in their car, video-conferencing with their physician, their device connected to the restaurant's public Wi-Fi.

Because they don't live in the state in which their physician's practice is located - now required - they can't stay home for the appointment. To avoid the hassle of driving a long distance and paying for parking to attend an in-person visit, they cross the border into their physician's state for a telemedicine visit.

JAMA Network, 11/29/22

GEORGIA: The state's senior living providers had until Dec. 1 to complete the necessary paperwork through the Georgia Governor's Office of Planning and Budget to apply for up to \$100,000 per community through the American Rescue Plan Act COVID-19 Mitigation Grant Program. The \$47 million grant program supports assisted living communities and personal care homes with 25 or more beds that provide services to prevent and mitigate COVID-19 (*Senior Living*).

AMERICA: A year after omicron began its assault on humanity, the ever-morphing coronavirus mutant drove COVID-19 case counts higher in many places just as Americans gathered for Thanksgiving. It was a prelude to a wave that experts expect to soon wash over the U.S. For example, Phoenix-area emergency physician Dr. Nicholas Vasquez said his hospital admitted a growing number of chronically ill people and nursing home residents with severe COVID-19 this month (*AP*).

FLORIDA: With the third largest population among the states, Florida has the fourth lowest rate in the country for adults getting the updated COVID-19 booster shot. Rates for kids and teens are well below the national average as well. As of Nov. 16, just over 20% of Florida seniors had received a bivalent booster shot from Pfizer or Moderna, which the FDA first authorized at the end of August. Only Louisiana, Mississippi and Alabama have lower rates than Florida (*Health News Florida*).

CALIFORNIA: Working from home for some portion of the week has become the new normal for a large segment of Californians. The data shows high-income employees with college degrees are more likely to have access to this hybrid work model, while lower-income employees stay the course with on-site responsibilities and daily commutes. At a basic level, that means low-wage workers will continue to shoulder greater risks of infection and serious illness as new covid variants sweep through job sites (*The Sacramento Bee*).

NEW YORK CITY: Each dollar invested in New York City COVID-19 vaccine efforts generated \$10.19 in savings by lowering infection and death rates, productivity loss, and healthcare use. Researchers from the Yale School of Public Health led the study of COVID-19 cases in NYC from Dec 14, 2020, to Jan 31, 2022. They estimated the direct and indirect Direct and indirect savings approached \$28 billion (*JAMA Network Open*).

OHIO: COVID-19 cases again appear to be on the rise in Northeast Ohio. The CDC said six counties are now all at "orange" or a "high" community level for the coronavirus, meaning they continue to see higher than normal caseloads or hospitalizations (or both). The center's guidelines now recommend people in those areas wear face masks in indoor public spaces, regardless of vaccination status (*WKYC-TV*).

AMERICA: The updated Covid-19 boosters increase people's protection against symptomatic infection from the coronavirus up to 56%, according to some of the first estimates of how the shot is performing in the real world and in people, not just in lab experiments. CDC's results are based on more than 360,000 symptomatic adults tested for Covid at pharmacies nationwide from Sept. 14 to Nov. 11 (*Roll Call, NBC, STAT*).

NEW JERSEY: Gov. Phil Murphy's administration has launched a long-awaited review of how New Jersey's state government responded to the COVID-19 pandemic, two years and eight months after Murphy started promising one. Murphy announced last Monday that the state hired two outside firms to conduct an independent inquiry. Work will begin immediately, but a final report isn't expected until 2023 (*NJ.com*).

JAPAN: Shionogi's experimental COVID-19 treatment Xocova won emergency approval in Japan, becoming the third oral treatment available in the country and the first to be developed locally. Japan's health ministry authorized the emergency use of the therapy for COVID-19 patients 12 years old and older

after a panel of experts recommended the treatment (*The Japan Times*).

WYOMING: The rate of COVID-19 cases and deaths inside Wyoming SNFs rose during the four-week period ending October 23. Wyoming's rate of nursing home resident cases (6.0/100) residents - the third-highest rate in the nation - is up from the 4.5/100 of the previous four-week period. Only New Hampshire (10.12/100) and Maine (9.16/100) have higher rates of cases. Three nursing home residents died due to COVID-19 over the period, which equates to 0.17 per 100 residents - the sixth highest in the nation (*AARP Dashboard*).

AMERICA: A new study by the CDC links the antiviral drug *Paxlovid* with reducing the risk of hospitalization by more than half for people infected with COVID-19. U.S. adults with mild to moderate COVID who got *Paxlovid* within five days of diagnosis had a 51% lower hospitalization rate than those who did not take the drug (*San Francisco Chronicle*).

MASSACHUSETTS: The vast majority of residents — even in highly vaccinated Massachusetts — have not exactly rushed to get the new omicron boosters since they became available in September. But now, the state is upping the ante with over 200 walk-in vaccination clinics across the state offering \$75 gift cards to anyone who gets their shot through the holiday season (*WBUR Radio*).

WASHINGTON, D.C.: A Washington Post article noted that the CDC said an average of more than 300 people are dying daily from COVID-19, most of them 65 or older. In other words, nearly 9 in 10 COVID deaths are in people 65 or older, the highest rate ever (*Washington Post*).

COVID-19, 12/04/2022

Global Cases – Deaths
644,689,561 – 6,639,906

U.S. Cases – Deaths
98,962,019 – 1,081,412

228.4 = 70% of the country's population is fully vaccinated

Johns Hopkins University

Audits Reveal Millions In Advantage Plan Overcharges

Newly released federal audits reveal widespread overcharges and payment errors to Medicare Advantage plans, with some plans overbilling the government more than \$1,000 per patient a year on average.

Summaries of the 90 audits, which examined billings from 2011 through 2013, were obtained exclusively by KHN through a three-year Freedom of Information Act lawsuit.

The government's audits uncovered about \$12 million in net overpayments for the care of 18,090 patients sampled.

CMS has indicated it intends to extrapolate the payment error rates from those samples across the total membership of each plan — and recoup an estimated \$650 million from insurers.

NPR Shots, 11/21/22

More Vaxed than Unvaxed Died in August, but

Lies, Damned Lies and Statistics! In August more people (58%) who have been vaccinated died from COVID-19 than people who did not get the vaccine.

The fact that more vaccinated people die from COVID than unvaccinated is partly because 80.7% of the population in the U.S. has had at least one dose of vaccine.

Actuarially, that would drive higher numbers of COVID fatalities among the vaccinated. But COVID-19 also preys mainly on individuals 65 and older who make up only 16% of the U.S. population, yet 75% of the COVID deaths. Those folks are more likely to suffer from comorbidities.

Kaiser Family Foundation,
Washington Post, 11/29/22

Two Charged in Alleged Sexual Assault of Resident

A nurse and the Director of Nursing at Fulton Commons on Long Island, NY have been charged in connection with the alleged sexual assault of a resident.

Daniel Persaud, a former LPN at Fulton Commons, was charged with sexually

assaulting a female resident of the facility in 2020.

Carol Frawley, a former Director of Nursing at Fulton Commons, was charged with intentionally lying on internal records that should have accurately reported complaints from residents and staff regarding Daniel Persaud's conduct, and for failing to report the complaints to the state as required by law.

NY Attorney General news release, 11/30/22

Bill: Equal Pay & Protections For Agency Nurses

The first bill of its kind in the US would mandate that employers pay temporary workers, on average, as much as regular, direct-hire employees who do the same or similar work.

The temp workers, who include agency nurses, would get the cash equivalent of the benefits provided to the regular direct care employees under the New Jersey proposal.

The bill also would open temp agencies and providers to the same lawsuits for workplace violations from temp workers as their fulltime staff counterparts can initiate.

The bill's opponents say temp workers are well protected already and that the bill would make their use much more expensive.

Bloomberg Law, 12/01/22

"Grossly Substandard" Care SNF Pays \$2.3 Million

San Miguel Villa, a 190-bed nursing home, has agreed to pay \$2.3 million to settle allegations that it submitted false claims by billing the Medicare and Medicaid programs for grossly substandard nursing home services it provided to its residents between 2012 and 2017.

DOJ alleges nursing home residents at San Miguel Villa were overmedicated with psychotropic drugs, suffered excessive falls, were exposed to resident-on-resident altercations, and experienced other mental and physical harm.

The facility is located in Concord, Calif., northeast of San Francisco.

U.S. Attorney, Northern Dist. of Calif. news release, 11/29/22

ONE COLUMN

VFW Blasts NJ Gov. Over Continuing Vets Home Probe

The New Jersey state VFW blasted Gov. Phil Murphy following the release of a scathing, 293-page inspection report that found allegations of abuse and lack of infection control to contain COVID-19 at the New Jersey Veterans Memorial Home at Menlo Park.

CMS said the facility is not in compliance from the August and September survey that found COVID-19 infection control lapses jeopardized the health and safety of all its residents and staff.

"The report strongly suggests that under Governor Murphy's watch the conditions have not significantly improved since 2020 when our New Jersey veterans under his care died in the highest numbers," Jay Boxwell, the VFW's state commander, wrote in a news release.

Boxwell said the Murphy administration "continues to care for our veterans as second-class citizens."

Since the beginning of the pandemic, more than 200 residents died at New Jersey's two hardest-hit veterans homes from confirmed COVID – 72 in Menlo Park, and 86 in Paramus with another 47 at the two homes presumed to have died from COVID.

Meanwhile, Murphy dispatched a 'SWAT' team – a nurse consultant, an administrator with expertise in running long-term care facilities and an infection control preventionist – to the facility.

Brig. Gen. Lisa J. Hou, the Adjutant General of New Jersey and Commissioner of the New Jersey Department of Military and Veterans Affairs, said she requested the assistance.

Major Amelia Thatcher, of the NJ Department of Military and Veterans Affairs, said the agency is appealing some of the results of the inspection report.

Meanwhile about 40 employees have filed suit claiming poor administrative decisions during the pandemic caused them to get sick.

NorthJersey.com, 11/10/22 & 11/23/22

\$513,000 Judgment Continues DOL Assault vs Nursing Homes

Two Pennsylvania nursing home are coughing up over a half million dollars for not including bonus paid in overtime calculations.

Spring Creek Rehab and Nursing Center in Harrisburg (\$461,910) and Laurel Lakes Rehab and Wellness Center in Chambersburg (\$51,457) combined must pay the DOL more than \$513,000 in damages and back wages to 231 employees.

Wage and Hour investigations have recovered more than \$28.6 million in back wages and damages for nearly 25,000 workers since it launched a focused initiative in 2021.

McKnight's, 11/28/22

Slowing Home Sales May Affect Indy Living & CCRCs

Family home prices dropped by 0.2% in July, the first national decline in housing prices since 2012

Fitch Ratings reports that type of price deterioration could cause a slowing of independent living sales and impede recovery.

Home sales typically are the main source of revenue that allows residents to pay the CCRC entrance fee. Further, entrance fees have been inching up as housing prices decline.

There are other factors besides home values to consider, such as health issues that may factor into decisions to move into a community.

Senior Living, 10/14/22

"Very Tough Options" County SNF May Close

Washington County in southeastern Wisconsin is looking at the prospects of closing its nursing home and displacing 48 SNF and 47 lesser-care residents.

Like everywhere, staffing and finances are the issues.

The facility has spent \$273 million in ARPA funds this year and another \$400,000 on agency help. On top of that

there is a \$3.5 million bond debt for which there would no longer be reimbursement.

Other options are to sell all or parts of the operation to private buyers or close and demolish the buildings – at a cost of about \$2.6 million.

Washington County Daily News, 11/30/22

Texting to Reduce Resident Hospitalizations

University of Missouri researchers received a three-year, \$1 million grant to determine if texting can help reduce avoidable nursing homes hospitalizations.

The system requires nursing home staff to use a HIPAA-compliant texting platform called Mediprocity, which will link facilities, pharmacies and doctors together with secure texting to share information more quickly.

Principal researcher Kimberly Powell of MU's Sinclair School of Nursing said as many as 60% of cases where nursing home residents are hospitalized, could have been avoided and safely managed at the nursing home.

"That 60% translates into about \$2.6 billion annually and cost to Medicare," Powell said.

KOMU-TV, 11/25/22

Hospital's SNF Closing - Space, Staffing Not the Issue

Riverhead NY's Peconic Bay Medical Center is closing. The 60-bed skilled nursing facility on Long Island has been open since 1985 but currently has only 12 residents.

It will close on Jan. 6, according to a letter hospital administration sent to patients and their families on Nov. 10.

Officials cite changing Medicare reimbursements. The Hospital has also expanded in recent years which created a need to grow in other sectors of healthcare – specifically cardiology and cancer care.

The hospital has entered a "value-based quality arrangement" with a Five Star facility nearby, to help the facility's patients with the transition.

Riverhead News-Review, 11/26/22

Briefly in the News

The World Health Organization has renamed monkeypox, designating it as "MPOX" in an effort to destigmatize the virus. The decision follows an initial agreement the WHO made over the summer to consider suggestions for monkeypox's new name (*Politico*).

The Canadian province of New Brunswick has issued a request for proposals to build four 60-bed nursing homes around the province. The announcement is part of a government five-year nursing home plan. There are currently 71 licensed nursing homes across New Brunswick that provide 4,953 beds. The government plans to increase to 81 licensed nursing homes, adding about 600 beds. (*New Brunswick news release*).

A physician in Kentucky was fired from his job and had his license temporarily suspended for accessing the patient records of women he wanted to date. Ultimately, the license of Quang Nguyen, MD, was put on probation for 5 years after his actions were detected by the artificial intelligence software used by his employer, Deaconess Health System. One of the reports indicated that he accessed the woman's mental health records (*MedPage Today*).

Starting in 2014, Randius McGlown and Charles Gates, two former employees at the Dallas VA Medical Center, created two shell companies which billed the medical center for items and services that were never delivered. Using their official government positions, the pair created \$2.9 million in fake purchase orders and invoices billed by the fake companies and paid for using the medical center's purchasing card. They have pleaded guilty (*Veterans Affairs OIG news release*).

The Center for Innovation, the parent organization of the Green House Project and Pioneer Network has selected Susan Ryan as its first CEO. She has spent the last decade at The Green House Project and was most recently GHP's senior director (*Senior Living*).