

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Facilities desperately want more staff. They want to hire more staff, but they are paid so poorly through Medi-Cal that that's virtually impossible" Craig Cornett, CEO of the California Association of Health Facilities commenting on the state's new program that bonuses SNFs that hire more staff

"Think about what just happened over the last three years, one of the biggest pandemics in a century. A lot of evidence that it's coming from the Chinese" Alaska Sen. Dan Sullivan on an assessment by the U.S. Energy Dept. that origin of the pandemic is coronavirus escaping from a Chinese lab in Wuhan

"We want answers to why the veterans were deprived of basic and constitutional rights" Anthony Antonellis lawyer who filed suit against Massachusetts for families of 31 veterans who died of COVID at the Massachusetts Veterans Home in Chelsea

All Choices Were Bad LNHA Acquitted by Judge

Saying there was "undisputed evidence" that Jorge Carballo's staff at the Rehabilitation Center at Hollywood Hills tried to deliver care to residents, a Florida judge dismissed manslaughter charges against the former administrator.

12 people had died in the facility when the A/C failed following Hurricane Irma and the building heated up to as much as 108 degrees.

The decision revolved around the question of whether to evacuate or not – a scenario that Carballo's attorney described as "damned if you do and damned if you don't."

Even the prosecution's expert witness, a former administrator, acknowledged there were only bad choices.

McKnight's, 02/27/2023

Law would Require 85% of Revenue to Be Spent on Care

A California Assemblyman has introduced a bill which would require that SNFs spend a minimum of 85% of all non-Medicare revenue on the direct care for residents.

The bill is almost identical to one Jim Wood introduced last year that passed the Legislature only to be vetoed by Gov. Gavin Newsom.

Wood noted that California's estimated 1,200 skilled nursing facilities receive revenues approaching \$11 billion annually and care for nearly 100,000 patients, saying "we have a responsibility to ensure that they are receiving the best care and given the dignity they deserve."

North Coast Journal, 02/28/2023

Families of Vets Home Vets File Suit in COVID Deaths

The families of military veterans who died of COVID-19 at the Soldiers' Home in Chelsea, filed a class-action civil rights lawsuit against Massachusetts saying the deaths of the veterans were "premature and preventable."

The lawsuit, filed in federal court in Boston last week, alleges a series of actions and inactions that led to the COVID-related deaths of at least 31 veterans at the onset of the pandemic.

Allegations are similar to those at the Holyoke Soldiers' Home where one of the earliest and deadliest U.S. outbreaks claimed 84 lives and resulted in a \$56 million settlement.

WGBH-FM, 02/28/2023

Occupancy < 90%? Connecticut Could Cut 'Caid

Connecticut lawmakers are considering a bill that would reduce Medicaid rates and average of \$3.50 PPD to facilities with less than 90% occupancy, even though the national occupancy average is hovering around 75%.

State officials said the effort is an attempt to address what they consider over-bedding, and it comes as skilled nursing providers are intentionally keeping some beds offline due to lack of adequate staff.

The latest proposed cut would be made in addition to an existing Medicaid reduction meted out to providers with 10% of their beds unfilled. About 150 of the states 200 SNF would be affected.

McKnight's, 03/03/2023

Emergency Evacuation Gets SNF Around Closing Rule

In Iowa a 60-day notice to the state is required to shutter a SNF. But a facility in Western Iowa apparently found a way around the requirement.

By conducting what it characterized as an emergency evacuation related to lack of staff, Rock Rapids Care Center moved its 16 residents to a sister facility and closed the doors at Rock Rapids.

Iowa officials are not commenting on the tactic.

The facility has had problems. Last year ten complaints were substantiated, it had four administrators in less than a year.

Iowa Capital Dispatch, 02/24/2023

PA's 17% M'caid Hike Made Little Difference

Months after an average \$35 PPD Medicaid increase kicked in, hundreds of Pennsylvania nursing home beds remain empty because facilities can't hire enough staff.

The Pennsylvania Health Care Association released a report showing 57% of responding members have beds they cannot fill due to a lack of staff.

Thirty-one percent of respondents said they have 21 or more direct care positions for which they can't find CNAs, LPNs or RNs. The average facility has denied 17 admissions in the last four months and 81% are using staffing agencies.

Facility labor costs increased an average of 20% from 2019 to 2022.

McKnight's, 03/02/2023

YOUTUBE: "BREAKING," a pro-China YouTuber wrote on Twitter. "I can now announce, with 'low confidence,' that the COVID pandemic began as a leak from Hunter Biden's laptop," referencing a controversy surrounding a computer left at a repair shop by the president's son (**AI Jazeera**).

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

IDAHO: Two Republican Idaho lawmakers have introduced a bill that would criminalize the administration of mRNA vaccines across the state. If passed, the Idaho state code would be amended so that those administering mRNA vaccines to any person or mammal within the state would face misdemeanor charges. The bill has yet to be considered on the Idaho House floor as it still requires a hearing and vote by the committee (*USA Today*).

THE WORLD: Immunity acquired from a Covid infection provides strong, lasting protection against the most severe outcomes of the illness. The protection, experts say, is on par with what's provided through two doses of an mRNA vaccine. Infection-acquired immunity cut the risk of hospitalization and death from a Covid reinfection by 88% for at least 10 months (*The Lancet*).

MARIN COUNTY, CA: Scarlett and Rizzo, two yellow Labrador retrievers, are an effective virus-sensing tag team when they visit nursing homes. The California Department of Health is using dogs to sniff out COVID-19 in the facilities. They're also pretty good at their jobs. In COVID field trials, Scarlett and Rizzo are right about 80% of the time, compared to antigen tests at 81%–91% (*McKnight's*).

WASHINGTON: The Energy Department's conclusion, with "low confidence," that an accidental laboratory leak in China most likely caused the coronavirus pandemic has renewed questions about what sparked the worst public health crisis in a century. Scientists and spy agencies have tried assiduously to answer that question, but conclusive evidence is hard to come by. The nation's intelligence agencies are split, and none of them changed their conclusions after seeing the Energy Department's findings. Bottom line is we still don't know for sure (*New York Times*).

BEIJING: China pushed back at the DOE suggestions that the COVID-19 pandemic could have been the result of a lab leak. Stating China has been "open and transparent," Foreign Ministry spokesperson Mao Ning Mao said it has

"shared the most data and research results on virus tracing and made important contributions to global virus tracing research" (*AP*).

ROCKLAND COUNTY, NY: The county's call center closed Tuesday after three years in operation. Since 2020 the center took 19,163 inquiries providing callers with information about COVID-19 guidance, testing sites, testing results and how to schedule vaccination appointments (*ABC News*).

AMERICA: The current federal vaccination mandate affecting about 10 million healthcare workers is scheduled to run until November 2024. But some contend it's time to stop now, citing fewer severe COVID-19 cases, healthcare staffing shortages and the impending May 11 expiration of a national public health emergency. The Republican-led U.S. House recently passed legislation that would halt the mandate, but the bill is unlikely to pass in the Democratic-led Senate (*Los Angeles Times*).

IOWA: The latest nursing home mess involves a shuttered facility in Sioux City, where the owner – Indian Hills Health Care – alleges that the company it hired to manage the facility made off with \$500,000 in government reimbursements. and diverted \$1.8 million in federal COVID relief funding awarded to the home. The management company – Health Dimensions Consulting – has denied the accusation and said Indian Hills still owes it \$129,000 in unpaid fees (*Iowa Capital Dispatch*).

AMERICA: After losing 2 million more jobs than men in the first months of the pandemic, women are rejoining the labor force at higher rates than their male counterparts. In BLS data women's labor force participation rates are up 3.4 percentage points from their lowest point in April 2020. Men's participation rates are up 2.1 percentage points from the same time period (*The Washington Post*).

CALIFORNIA: California ended its COVID-19 restrictions last week just after the state recorded its 100,000th death related to the coronavirus. As California's

emergency winds down, such declarations continue in just five other states — including Texas and Illinois — signaling an end to the expanded legal powers of governors to suspend laws in response to the once mysterious disease (*KTLA-TV*).

TEXAS: Texas hasn't had any major coronavirus restrictions for years, but Republican Gov. Greg Abbott keeps extending his state's emergency declaration because it gives him the power to stop some of the states' more liberal cities from imposing their own restrictions, like requiring masks or vaccines. Abbott has said he'll keep the emergency order — and his expanded powers — in place until the Republican-controlled Texas Legislature passes a law to prevent local governments from imposing virus restrictions on their own (*KTLA-TV*).

AMERICA: COVID-19 survivors have a 66% higher risk of developing type 1 or type 2 diabetes following their diagnosis compared to those not diagnosed with COVID-19, according to a study by Penn State College of Medicine researchers. Their findings are among the latest evidence suggesting that people diagnosed with COVID-19 may experience a range of health issues in the time period following their illness (*Penn State Health*).

WASHINGTON: The Biden administration announced a series of measures to track down and punish fraudsters who scammed billions of taxpayer dollars that were supposed to provide relief to Americans during the COVID-19 pandemic. The President pledged \$1.6 billion to bolster law enforcement manpower and new programs that will be used to prosecute scammers, prevent fraud, and help victims of identity theft (*USA Today*).

COVID-19, 03/03/2023

Global Cases – Deaths
675,851,725 – 6,876,319

U.S. Cases – Deaths
103,597,572 – 1,121,767

71% of the country's population is fully vaccinated

Johns Hopkins University

Becerra Visits Largest SNF as It Fights to Re-cert

HHS Secretary Xavier Becerra toured the Laguna Honda Hospital and Rehabilitation Center, the nation's largest publicly operated nursing home (769 beds) telling residents to "stay tuned" as they pleaded with him to keep the troubled facility open.

CMS stripped Laguna Honda of its operating certificate last April, six months after California inspectors reported substandard care, but reversed course and allowed the facility to remain open after several residents died in the transfer process.

A legal agreement in the wake of those deaths created a lengthy and detailed path for the home to resume admissions.

McKnight's, 02/28/2023

California Is Revamping Rewards to Nursing Homes

Rather than limit bonuses to top-performing facilities, the state will hand out additional Medicaid payments next year to nursing homes — even low-rated ones — that hire additional workers, reduce staff turnover, or improve quality of care.

Facilities will be scored on their performance so facilities that do more will earn larger bonuses. And to ensure an acceptable level of care, the state will sanction facilities that fail to meet clinical and quality standards for patients.

Facilities that improve working conditions for their staff will also earn higher daily Medi-Cal (Medicaid) reimbursements.

The Times Herald, 02/23/2023

LNHA Board Boss Charged Personal Stuff on State Card

In a recent audit, the former head of the board that licenses Louisiana's nursing home administrators spent nearly \$19,000 in public funds on purchases that seemed personal in nature, including cellphones, tablets, speakers, television streaming services, a smartwatch and an air fryer.

Mark Hebert, the former executive director of the Louisiana Board of Examiners of

Nursing Facility Administrators, resigned in August after 17 years at the agency.

The audit said Hebert has returned \$2,800 worth of items that he bought using office credit cards.

Hebert's salary was \$118,000 at the time of his resignation.

The Advocate, 02/20/2023

AG Says Prison Sentences Don't Reflect the 'Horror'

After a jury last year returned 38 guilty verdicts against them, three members of a family that owned and operated adult residential care facilities in Northern California have now been sentenced to multi-years terms in prison.

Prosecutors said three members of the Gamos family targeted members of the Filipino community, many of whom were recent immigrants to the United States, for human trafficking and labor exploitation.

Prosecutors said the family trafficked many of the victims using threats of arrest and deportation, as well as false promises to assist with immigration and by confiscating passports.

Senior Living, 02/10/2023

Two Convicted for Selling Lift Chairs That Didn't Lift

A Federal jury has convicted Ikechukwu Udeokoro and Ayodeji Fasonu — the owner and manager of Meik Medical Equipment, a DME company, of health care fraud.

The pair billed Medicare Advantage and Medicaid managed care plans for hundreds of expensive patient support systems designed to assist with lifting immobile patients and patients in nursing homes.

In reality, Udeokoro and Fasonu provided patients with recliner chairs that had a seat lift feature. They collected \$2.4 million before the scheme was uncovered.

Each could receive ten years in prison when sentenced in August.

DOJ news release, 02/07/2023

ONE COLUMN

COVID Deaths Up Life Expectancy Down

Covid-19 deaths worldwide are currently recorded at about 6.86 million — likely an underestimate, given the underreporting of fatalities in countries, such as China.

Based on excess mortality calculations there's mounting evidence that the Covid-19 pandemic has taken a massive toll on global life expectancy.

Global life expectancy has dropped two years in a row for the first time since 1959. If it dropped again in 2022 it will be unprecedented in modern history.

The increase in the number of deaths during the pandemic has also had a substantial impact on global life expectancy.

Among wealthy nations, the U.S., in particular, has been experiencing an ongoing sharp decline in life expectancy

At the peak in 2014, an American was expected to live 78.9 years. By 2021 that average had dropped 2.8 years to 76.1 years. Life expectancy is now back to where it was in 1996.

Of course, in the U.S., besides Covid-19, there are many other factors contributing to the decrease in life expectancy, including obesity-related diseases, drug overdoses, gun deaths, traffic accidents, and suicides.

Internationally, life expectancy is estimated to have declined by more than four years in eight countries, including five in Central and South America (Peru, 5.6; Guatemala; 4.8; Paraguay, 4.7; Bolivia, 4.1; and Mexico, 4.0 years), and three in Europe (Russian Federation, 4.3; Bulgaria, 4.1; and North Macedonia; 4.1 years).

Life expectancy returned to pre-pandemic levels in only four Western European countries — France, Belgium, Switzerland, and Sweden.

A recent analysis of 133 countries found that the percentage of registered Covid-19 deaths ranged from 98% in the European region to only 10% in the African region.

Forbes, 03/02/2023

Joe Higgins Would Say: “You In a Heap of Trouble, Boy”

A suspect in an arson investigation is in more trouble with the law after allegedly attacking a deputy inside Ascension All Saints Hospital in Racine, Wisconsin last week.

Marcus Cole, 36, was in custody at the hospital when at around 1 a.m. he grabbed the taser of the Racine County Sheriff's deputy who was guarding him.

The deputy then shot Cole with his service revolver.

Cole is being treated for a non-life-threatening gunshot wound and is receiving additional medical care while still under guard.

WISN-TV, 02/20/2023

CMS Makes a Rule Then Can't Explain It

Nursing home operators are grappling with audits targeting their use of schizophrenia diagnoses, a bounty of questions made clear during a national forum Thursday.

Providers took the Open Door call with CMS as an opportunity to demand more information on the audit program, initiated in January. But leaders from two CMS divisions offered little in the way of additional details.

SNFs are discouraged from prescribing antipsychotic medications, but schizophrenia is exempted.

The schizophrenia audits are designed, CMS said, to determine if some facilities used that diagnosis to “mask” true rates of antipsychotic medication use.

McKnight's, 03/03/2023

Liability Claims Continue to Escalate Year-After-Year

Long-term care liability losses have accelerated in both frequency and total cost since 2016, with per-incident costs rising nearly 12% per-year in that time.

A Willis Towers Watson's study includes more than 15,000 claims and \$2.3 billion in reported losses across all settings,

with 19% of clients representing skilled nursing.

Average cost per claim was \$140,000 in the last year. Choking claims result in the highest average severity at \$300,000, albeit for a relatively small number of claims – just 0.05 per 1000 residents.

Falls remain the largest and most frequent driver of claims, totaling nearly one-third of all costs.

McKnight's, 03/02/2023

Bad Care. False Claims. Operators to Pay Millions

In 2014 Leon Melohn leased Sarasota Center in Ballston Spa, NY to Alan “Ari” Schwartz and Jeffrey Vegh.

In 2017, after a financial dispute, Melohn replaced Schwartz and Vegh with Jack Jaffa who unlike the other two was not licensed to operate a SNF in NY.

Sarasota Center closed in 2021 after providing what the DOJ termed as “worthless services to residents” while billing Medicare and Medicaid. Residents suffered from med errors, falls, pressure sores and the physical building violated regulations.

The parties have now agreed to pay the government \$7.1 million to resolve false claims allegations.

DOJ news release, 02/27/2023

Kentucky SNF Loses Medicare Provider Agreement

Parkview Post-Acute and Rehabilitation Center in Pikeville, Kentucky has lost its Medicare provider agreement effective February 26.

Exact details of the termination were not released, but past incidents have left a mark on the facility's Medicare standing.

Reports claim the facility has had 19 federal fines in the last 3 years, totaling more than \$1.26 million and had three Medicare payment denials since 2020.

The facility has had 24 infection control citations in the past three years, as well as cites for abuse and failure to report abuse.

WYMT-TV, 02/22/2023

Briefly IN THE NEWS

Since January 2020, hospitals nationwide have received a 20% increase in the Medicare payment rate through the hospital inpatient prospective payment system to treat COVID-19 patients — that policy ends May 11. The sunset of the policy is a key for hospitals, like nursing homes, struggling with increased labor costs and inflation (**Becker's Hospital Review**).

A bill before the Washington state legislature would exempt senior living communities from pricey retail sales taxes on the meals they provide to residents. House Bill 1431 would clarify that meals provided to senior living community residents — specifically, independent living residents — as part of their rental agreements are not subject to sales and use tax (**Senior Living**).

Humana it will phase out its commercial business with employer health plans over the next 18 to 24 months to focus on its core government business, primarily operating private Medicare plans known as Medicare Advantage. Humana's exit may foreshadow difficult decisions ahead for large insurers as they face greater scrutiny on costs from companies while being lured by the more lucrative MA market (**Bloomberg**).

A letter from a bipartisan group of U.S. Senators to HHS says access to federally approved monoclonal antibody and other disease-modifying therapies for Alzheimer's disease will be “extremely limited” unless the CMS reconsiders coverage requirements. The senators ask that CMS review its current policy and reconsider the requirements for FDA-approved monoclonal antibodies directed against amyloid for the treatment of Alzheimer's disease (**Letter to HHS from Congressional Task Force on Alzheimer's Disease**).

Moderna had high hopes for its first seasonal flu vaccine to enter the clinic, but, so far, the mRNA shot hasn't quite lived up to the hype. While the vaccine checked off two influenza A strains in a phase 3 trial, it did not produce enough antibodies against two B strains in the same test and had a higher level of adverse events than other approved flu shots (**Fierce Biotech**).