

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"The rural parts of our state are aging, but there are no young people essentially living there to take care of them" Jalene Carpenter, president and CEO of the Nebraska Health Care Association

"Alarming, while the percentage of our population over age 65 is growing, the percentage of working-age adults to care for them is shrinking" James Clyne Jr., president of LeadingAge New York

"Until now, the U.S. government has purchased and distributed the vaccine. Now Moderna, a small company, must ensure that anyone who wants a vaccine can get one at a location convenient to them" Moderna CEO Stéphane Bancel before a Senate committee defending the company's plan to quadruple the price of its COVID-19 vaccine

Agency Made Workers Work 3 Years or Repay Their Pay

A Brooklyn, NY staffing agency and its CEO are under fire from the Department of Labor for allegedly requiring employees to sign contracts that required them to work for the company for three years or repay all their wages.

The complaint alleges Advanced Care Staffing required employees to work for three years or their pay may be "converted into nothing more than a loan repaid with interest and fees.

The complaint described a case in which ACS reportedly pursued arbitration, demanding that a registered nurse pay the company more than the nurse actually earned.

McKnight's, 03/22/2023

Newspaper Report Leads To Tripling of CMP

The *Iowa Capital Dispatch* this week reported that the state Department of Inspections and Appeals had increased a recent citation against Lantern Park Specialty Care in Coralville from \$10,000 to \$30,000.

The change came after the newspaper inquired about surveyors' apparent disregard of a requirement that facilities docked for the same high-level offense more than once in one year's time face triple the penalty.

The department was required to fine at the higher level because the facility, implicated recently in the death of a resident, had six weeks earlier been cited for failing to provide residents with required nursing services.

Iowa Capital Dispatch, 03/22/2023

COVID Class Filed vs Massachusetts Vets Home

A new civil suit accuses managers at a Massachusetts veteran home of showing "deliberate indifference" toward the health and safety of the workers during one of the nation's worst COVID-19 outbreaks.

The class action, filed in federal court, accuses former Holyoke Soldiers' Home leaders – the superintendent, medical director, chief nursing officer, infectious disease nurse and former assistant director of nursing – of violating workers' civil rights while trying to conceal how bad the outbreak had become.

In later investigations many of the 77 veteran deaths were attributed to the mingling of exposed and non-exposed patients.

McKnight's, 03/22/2023

EHR System Failed Four Veterans Died

After officials from the VA confirmed four deaths have been linked to a new computer system senators threatened consequences for the company being paid \$10 billion for the system.

VA officials informed the powerful Senate Appropriations Committee problems with

the EHR system – developed by Oracle Cerner – had contributed to six incidents of "catastrophic harm," in which four veterans died.

The VA has identified 14 "key safety issues" with the system, the result of an "assess and address" period that began in October when the department postponed the system's launch at other sites until June 2023.

The Spokesman-Review, 03/16/2023

Reimbursement Boost For Florida LTC Facilities

The Florida Senate and Florida House of Representatives released their 2023-2024 initial budget recommendations this week, both of which included an increase to Medicaid funding for nursing center care.

The Senate budget proposal includes a 4% increase to the quality component in the Prospective Payment System (PPS) for nursing center Medicaid reimbursement.

The Senate proposal also raises the Medicaid personal needs allowance from \$130/month to \$160/month for nursing center residents.

The House proposal includes a 3% increase in the PPS quality component.

Florida Health Care Assn., news release, 03/22/2023

New York Providers Beg For Rate Increase

Nursing home operators in New York state are looking for a 20% hike in the Medicaid rate. The governor has proposed 5%; the legislature 10%.

The state's LTC association said the cost of caring for a Medicaid resident is \$265 PPD.

"However," said CEO Stephen Hanse, "New York's statewide average daily reimbursement for such care is \$211 per resident per day. This \$54 shortfall is the largest in the nation."

Lawmakers are backing allocations that would shore up home care and funnel funds away from nursing homes.

The state's budget deadline is April 1.

McKnight's 03/24/2023

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

AMERICA: Researchers at Brown and Stanford Universities have determined that a 5% uptake in the use of the drug Paxlovid from December 2021 to March 2022 would have resulted in 2.7% fewer hospitalizations and 3.2% fewer deaths. About 4800 lives would have been saved. In nursing homes, higher Paxlovid uptake may have lowered hospitalizations and deaths 7.7% and 9.3%, respectively (*CIDRAP, U. of Minn.*).

THE WHITE HOUSE: President Biden signed the COVID-19 Origin Act of 2023” during this past week. The president said he “directed the Intelligence Community to use every tool at its disposal to investigate the origin of COVID-19” “Including potential links to the Wuhan Institute of Virology.” Mr. Biden said the information is needed to better prevent future pandemics (*White House news release*).

AMERICA: The number of COVID-19 deaths reported in the U.S. last week was the lowest it's been in nearly three years - 1,706 coronavirus deaths – the lowest number reported since March 25, 2020 at the beginning of the pandemic. Coronavirus cases and hospitalizations are also on the decline. Weekly infections are the lowest reported since the summer of 2021, but experts caution that the data is a drastic undercount as many rely on at-home testing that doesn't get reported to health departments (*U.S. News & World Report*).

U.K. & CANADA: Contrary to the U.K. and Canada, the United States FDA has not reacted on the question of spring boosters, creating frustration among a small but determined group of people who do not want to wait until the autumn to get another dose of Covid vaccine. The Canadian and U.K. governments, acting on recommendations from expert committees, plan to offer spring booster shots for people at highest risk of getting severely sick from Covid. The evidence to date suggests that Covid vaccines offer strong protection against severe disease, hospitalization, and death. But their capacity to stave off infection is short-lived (*STAT*).

INDIANA: As of last Monday March 20, Indiana University health facilities ended

most visitor restrictions due to decreased flu activity in Indiana. Riley Hospital for Children will continue visitor restrictions until respiratory viral illness rates among pediatric patients decline. universal masking will become optional as of Monday, March 27 in inpatient and outpatient spaces where direct patient care is provided (*IU Health news release*).

AMERICA: A team of scientists from Scripps Research and the University of North Carolina (UNC) has found antibodies in the blood of certain COVID-19 donors that can block infection from a broad set of coronaviruses—specifically, in people who have recovered from the virus and were then vaccinated. They found this includes not only the COVID-19-causing SARS-CoV-2, but also SARS-CoV-1 and MERS-CoV (*SciTechDaily*).

CAPITOL HILL: Moderna CEO Stéphane Bancel defended the company's plans to raise the price of its Covid vaccine at a Senate hearing titled “Taxpayers Paid Billions For It: So Why Would Moderna Consider Quadrupling the Price of the COVID Vaccine?”, saying the move was necessary because its government funding will soon end. The company has said it plans to increase the cost of the vaccine to consumers to \$130 a dose from the current price of about \$26 (*NBC News*).

AMERICA: Americans took fewer steps during the height of the Covid-19 pandemic, and they still haven't gotten their mojo back. “On average, people are taking about 600 fewer steps per day than before the pandemic began,” said study author Dr. Evan Brittain, associate professor of cardiovascular medicine at Vanderbilt University Medical Center in Nashville (*CNN*).

FRANCE: Coronavirus has been around for a while. In a recent study published in the *International Journal of Infectious Diseases*, researchers conducted paleoserological tests on dental pulp samples of skeletons excavated from the Abbey Saint-Pierre in the village of

Baume-Les-Messieurs in France. They uncovered amino acid evidence of an ancient betacoronavirus from the 16th century (*News Medical*).

NEW ORLEANS: A federal appeals court on Thursday upheld a lower court decision to block the government from enforcing its COVID-19 vaccine requirement on federal employees — reversing a previous ruling from a smaller panel of its own judges. The 5th Circuit Court of Appeals ruled in a rare *en banc* rehearing that a preliminary nationwide injunction on the vaccine mandate should remain in place while the case proceeds (*The Hill*).

AMERICA: COVID-19 diagnoses may be winding down, but CDC data show a mixture of respiratory viruses are circulating right now, including common coronaviruses (other than SARS-CoV-2, which causes COVID-19). One respiratory virus is currently causing a particularly high percentage of positives among test results tracked by the CDC: human metapneumovirus (HMPV). More than 20% of antigen and 10% of PCR tests voluntarily reported to the CDC came back positive for that virus (*Time*).

AMERICA: Two studies show that maternal mortality in the US dramatically increased during the covid-19 pandemic. The new study from the CDC showed that, in 2021, there were 1205 deaths from maternal causes in the US, up from 861 in 2020—a 40% increase—and 754 in 2019. Most of the people who died in pregnancy were not vaccinated against covid-19. It was not until August 2021 that vaccinations were recommended for pregnant women (The BMJ).

COVID-19, 03/24/2023

Global Cases – Deaths
761,071,826 – 6,879,677

U.S. Cases – Deaths
103,957,053 – 1,123,613

16.4% of the country's population has updated booster

U.S. CDC & WHO

Doubling Staff Rapid Tests Would Have Saved Residents

Thousands of lives could have been saved at relatively little cost, if providers had made wider use of on-site antigen rapid COVID-19 tests during the pre-vaccine pandemic.

A University of Rochester study in the *New England Journal of Medicine* found the rapid tests performed about as well as the highly accurate PCR lab-based tests but returned results much quicker.

On average, the nation's 1.1 million nursing home workers were tested about once per week. Testing twice a week would have cost about \$5 more per employee but would have prevented about 3079 cases and saved 427 resident lives *per week*.

McKnight's, 03/23/2023

Feds Sue Nursing Home Over Lifting Issue

The U.S. Attorney's Office has filed a lawsuit alleging a New Jersey nursing home violated the Americans with Disabilities Act when it fired an employee who could no longer lift objects heavier than 18 pounds.

Before sustaining an injury that caused a permanent lifting impairment, the employee had worked at the Roosevelt Care Centers in Edison for about 18 years.

The DOJ said in the suit the facility, operated by Middlesex County Improvement Authority, terminated the dietary worker's employment without engaging in an interactive process to provide her with a reasonable accommodation.

DOJ news release, 03/17/2023

Unions Turn out to Support Staffing Mandate

Union workers, mostly members off SEIU 1199, at nursing homes throughout the country held activities during the week in support of the soon-to-be-announced Biden administration staffing plan.

For the so-called 'week of action,' rallies of various kinds were held in New

Jersey, Chicago, Ohio, Pennsylvania and Washington state during the week.

In addition to calling for national staffing standards, union members in some states were also expected to escalate their demands for living wages of up to \$25 an hour and ask for more safe staffing guarantees.

McKnight's, 03/23/2023

New Guidance for Nursing Homes Offering Dialysis

CMS issued new directions in a 21-page memo to state surveyors last week covering not only the facilities but the companies that provide equipment and should be responsible for staff training.

Among the additions are stricter requirements for written agreements between dialysis providers and skilled nursing operators, to include emergency plans.

Research has shown patients receiving home dialysis in nursing homes have improved clinical outcomes, improved recovery times under 2 hours, and reduced risks of infection. Providers say the approach also gives residents more time to spend in their communities socializing or receiving other needed therapies.

McKnight's, 03/23/2023

California Wants Medicaid To Cover 6 Months of Rent

California is talking of tapping federal health care funding to cover rent for homeless people and those at risk of losing their housing.

States are barred from using federal Medicaid dollars to pay directly for rent, but Gov. Gavin Newsom, is asking the Biden Administration to authorize a new program called "transitional rent," which would provide up to six months of rent or temporary housing for low-income enrollees.

The governor is betting that it's cheaper for taxpayers to cover rent than to allow people to fall into crisis or costly institutional care in jails, hospitals and nursing homes.

News Medical, 03/22/2023

ONE COLUMN

Remote Work Is Here to Stay – But Not In LTC

The COVID-19 pandemic transformed the American workplace. The share of all work performed at home rose from 4.7% in January 2019 to 61% in May 2020.

Some economists consider the remote work boom the greatest change to the labor market since World War II.

In 2021 and 2022, employers gradually summoned American workers back to the office. Last spring, the back-to-the-office movement hit a wall, and the work-from-home population stabilized around 30 percent.

The average worker saves 70 minutes of daily commuting time by working from home — and spends almost half of that extra time doing work: a win-win.

A slim majority of Americans are back in the office for good. Many never left. That group includes the frontline healthcare, restaurant and retail sectors, factory and warehouse workers, bartenders and farmers.

About 55% of Americans can't work from home. A much smaller group, around 13%, work entirely from home. The remaining 30% +/- populate a vast "hybrid" workforce at home some time and in the office other times.

As of last week, 49% of desks sat empty in Chicago, 53% in D.C., 51% in New York and Los Angeles.

In about a dozen large urban centers one-quarter or more of employees work entirely from home, including D.C., San Francisco, Austin, San Jose and Seattle.

For some mayors, tax collectors and downtown businesses, the remote-work boom has seeded fiscal disaster. New York, alone, "is going to see about \$12 billion less in expenditures in downtown Manhattan" because of remote work,

That aside, workplace experts say remote work is here to stay. Workers love it. Employers have learned to live with it.

The Hill, 02/20/2023

Rural Hospital Shuttering Its Nursing Home

RiverView Health, a hospital in Crookston, Minnesota is shutting down Memory Care, it's skilled nursing home.

The facility in rural Northwestern, Minnesota is in the process of moving 17 residents to other long-term care facilities.

A lack of nursing staff forced the use of traveling nurses last

Hospital leaders said in 2022, those traveling labor costs exceeded \$725,000 for Memory Care. With the State of Minnesota caps in place for spending on travel labor, RiverView Health was left to subsidize the extra labor expense.

KROX Radio, 03/17/2023

New York Easing COVID Rules in Nursing Homes

The NY Health Department said nursing homes are no longer required to verify that visitors have a negative Covid-19 test before entry or conduct active Covid-19 screening.

The Department also recommends that facilities continue other practices, such as the use of a face masks, having specified entries, exits and routes to designated areas and hand hygiene.

At their discretion, nursing homes also may choose to continue visitor testing or active screening, the latter referring to requiring a visitor to complete a symptom-screening questionnaire, do an in-person interview and/or have their temperature taken.

The Buffalo News, 03/17/2023

Oklahoma Senate Looks for Protection for SNF Residents

The Oklahoma Senate has approved legislation designed to protect seniors living in nursing homes from sexual predators.

Senate Bill 369 would prohibit long-term care facilities from employing anyone on the Juvenile Sex Offender Registry or who has been convicted of human trafficking.

Currently, the Juvenile Sex Offender Registry is closed to the public due to it

including the information of minors. SB 369 would grant LTC facilities access to the registry to properly vet prospective employees.

Pauls Valley Democrat, 03/24/2023

Most ALFs Still Have Staffing Issues

Nearly seven in ten assisted living providers responding to a newly released LeadingAge workforce poll said they still are experiencing a significant or severe workforce shortage.

The snap poll, completed Feb. 21 to March 13, elicited responses from 891 senior living and care providers. Participants represented assisted living, independent living, memory care, continuing care retirement/life plan communities, affordable senior housing, nursing homes, home health, hospice and Programs of All-Inclusive Care for the Elderly.

Overall, 64% of all respondents said their workforce situations have not improved in the past year.

Senior Living, 03/16/2023

Slammer Time for BOM Who Stole Residents' Money

In San Antonio, a woman who stole more than \$300,000 when she worked as a business office manager at a nursing home has been sentenced to prison.

Robyn Nicole Calica was sentenced to 10 years in prison and ordered to pay \$124,690 in restitution to the Heights, the facility where she worked. She was also ordered to pay \$18,276 to the families of the victims.

Calica earlier had pleaded guilty to one count of theft, a second-degree felony.

KSAT-TV, 03/20/2023

**The American College
of Healthcare
Administrators
60th Convocation
April 24-27 Baltimore, MD
achca.org to register**

Briefly IN THE NEWS

In a cross-sectional study of 575,797 Medicare beneficiaries with ESRD, the proportion enrolled in Medicare Advantage increased by 51% after the implementation of the 21st Century Cures Act (which allowed enrollment de novo in Medicare Advantage for patients with ESRD). Increases were largest among Black, Hispanic, and dual-eligible (Medicare and Medicaid) beneficiaries (**JAMA Network Open**).

The global skilled nursing facility market size reached US\$ 328.8 Billion in 2022. Looking forward, IMARC Group expects the market to reach US\$ 516.8 Billion by 2028, exhibiting a growth rate of 7.74% during 2023-2028 (**EIN Presswire**).

The Labor Department ordered North Sunflower Medical Center in Ruleville, Miss., to pay \$201,436 in back wages to workers, including nurses, after DOL investigators learned that, several times a week, some of the facility's nurses need to work through lunch breaks to update patient records. By automatically deducting 30-minute lunch breaks, the employer failed to account for all the hours that the nurses worked, which led to violations of the Fair Labor Standards Act's overtime provisions (**DOL news release**).

Two weeks after Eli Lilly answered the call to slash prices of its insulin products in the United States, Novo Nordisk has followed suit. On Tuesday, the Danish company said it would reduce the list price of its NovoLog insulin by 75% and slice the cost of Novolin and Levemir by 65%. The cuts will kick in on Jan. 1 of 2024 (**Fierce Biotech**).

California Gov. Gavin Newsom has announced a new contract with nonprofit drugmaker Civica Rx, a move that brings the state one step closer to creating its own line of insulin to bring down the cost of the drug. Once the medicines are approved by the FDA Newsom said Civica — under the 10-year agreement with the state worth \$50 million — will start making the new CalRx insulins later this year (**NPR**).