

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"There are clear signs of stress within the healthcare workforce, with shortages, strikes and burnout"

Larry Levitt, executive vice president for health policy at KFF

"At a time when nursing homes are already experiencing healthcare worker shortages and financial hardships, CMS and the Biden Administration should not be implementing a regulation that would only exacerbate this issue"

letter from U.S. Rep. Greg Pence and 90 others to HHS Secretary Xavier Becerra opposing the staffing mandate

"The decline in vaccination coverage during the Covid-19 pandemic led us directly to this situation of rising diseases and child deaths"

Ephrem Lemango, associate director of immunization for UNICEF

Talk About Having A Bad Start to Your Day

A nursing home on the north side of Indianapolis will need to rebuild after a car crashed into it, causing structural damage.

As an employee was pulling in to park in front of the Harcourt Terrace Nursing and Rehabilitation center.

The employee's foot accidentally hit the gas pedal instead of the brake, sending the car into the building.

The driver then attempted to back out of the building to park a second time but accidentally hit the gas pedal again causing the car to go over the sidewalk and into the building a second time.

The driver was slightly injured

WRTH-TV, 11/11/2023

State Surveyor on Stand In "Ghost Employee" Trial

State survey director Susan Williamson outlined an alleged pattern of fraudulent cost-cutting by evading state staffing regulations at two Comprehensive Healthcare facilities in Western Pennsylvania.

The government's key assertion is that the facilities had recorded "ghost employees" clocking in to work and then leaving the facility without their absence being noted to inflate the facilities' PPD hours.

An indictment accused CEO Sam Halper co-owner of Comprehensive Healthcare, of directing management to keep actual staffing low even though he and others knew that it led to poor health outcomes for residents.

McKnight's, 11/28/2023

LSC, Emergency Prep Likely In CMS' Crosshairs Next

An OIG audit of 20 nursing homes in Pennsylvania is the latest in a string of similar investigations that have revealed widespread weaknesses in life safety, emergency preparedness and infection control measures employed in nursing homes across the US.

Auditors conducting surprise visits found every facility to have deficiencies – a total of 586 – that put residents and staff at increased risk during emergencies like fires, floods and infectious disease outbreaks.

The consistency of these findings has led industry leaders to predict that it's only a matter of time before CMS introduces new rules to prod facilities into better preparedness.

McKnight's, 11/27/2023

U.S. Attorney Warns Vermont Nursing Homes

United States Attorney Nikolas P. Kerest has sent a letter to all skilled nursing facilities in Vermont warning that refusing to provide care for persons with opioid use disorder (OUD) violates the Americans with Disabilities Act.

The ADA, which prohibits discrimination based on disability, protects individuals with OUD. Across the country, DOJ has entered into numerous settlement agreements, a/k/a fines, with SNFs for refusing to admit individuals who are prescribed medications for opioid use disorder, including buprenorphine (Suboxone), vivitrol and methadone.

Courts may impose civil penalties as high as \$111,614 for first violations.

DOJ news release, 11/27/2023

ProMedica Sells 7 SNFs With Almost 1100 Beds

California AG Rob Bonta is conditionally approving a change in control of seven SNFs from ProMedica Health System, an Ohio nonprofit corporation to Providence Group, a California for-profit corporation.

Under California law, any transaction involving the sale or transfer of control of a nonprofit healthcare facility must secure the approval of the Attorney General.

Bonta is requiring Providence Group to: Keep the same type and level of services, continue to employ current "in good standing" staff; and ensure continued participation in Medi-Cal and Medicare.

Providence Group is currently responsible for over 10,000 licensed beds and 20,000 employees in California.

Calif. AG news release, 11/21/2023

Isn't This Old News? We Knew This in 2020

In its latest directive CMS notes that it may be difficult to tell the difference between COVID-19 and influenza based on symptoms alone.

Residents in the facility who develop symptoms of acute illness consistent with influenza or COVID-19 should be moved to a single room, if available, or remain in their current room, pending results of viral testing.

They should not be placed in a room with new roommates, nor should they be moved to a COVID-19 care unit (if one exists), unless they are confirmed to have COVID-19 by SARS-CoV-2 testing.

CMS news release, 11/14/2023

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

SAN FRANCISCO: Gentech a COVID-19 testing company has ceased operations in the city after officials said an investigation revealed cash payments given to those being tested had facilitated drug activity. Operating out of green tents, Gentech offered COVID-19, flu and RSV testing. While officials noted issues over a lack of PPE and compliance with sanitation requirements, the sites also paid members of the public \$5 in cash for every test taken (**CBS News**).

RHODE ISLAND: A cardiologist was given a formal reprimand by the state's medical board for performing a procedure after testing positive for COVID-19. Malcolm Kirk, MD, found out he was positive for COVID-19 the evening before the scheduled procedure in January 2023 but performed the procedure anyhow. The investigation determined Kirk had engaged in "unprofessional conduct" by violating "both federal and state quarantine guidelines applicable to COVID-19." He was fined \$1,100 (**MedPage Today**).

AMERICA: Researchers look at over 9000 patients nearly equally divided between those who had received a vaccine and those who received a placebo. Participants who received the flu vaccine saw a notable reduction in the occurrence of major cardiovascular events with 517 cases, compared to 621 cases in the placebo group. There was not only a decreased risk of heart attacks in vaccinated patients but also a significant reduction in cardiovascular deaths (**Scientific Reports**).

INDIA: Indian researchers found no evidence that COVID-19 vaccination was behind "unexplained sudden deaths" instead pointing to the disease itself, binge drinking and intense exercise as risk factors. The Indian Council of Medical Research (ICMR) conducted a study following what it called "anecdotal reports about sudden unexplained deaths among apparently healthy adults" aged 18 to 45 between October 2021 and March 2023 (**Reuters**).

ATLANTA: Researchers from Emory University and the Atlanta Veterans Affairs (VA) Medical Center

retrospectively determined the rates of and risk factors for long COVID among 363,825 veterans who tested positive for COVID-19 from February 2020 to September 2022. A total of 45% of veterans had long-COVID symptoms 1 to 6 months after infection. Risk factors for long COVID were Black versus White race, ages 50 to 64 versus 50 or younger, diabetes and severe infection (**Annals of Epidemiology**).

CHINA: Cases of respiratory illness among children in northern China have surged in recent weeks, but it's unlikely this is the start of a new pandemic, according to the World Health Organization. Maria Van Kerkhove, acting director of the WHO's department of epidemic and pandemic preparedness and prevention, told STAT in a recent interview that the spike reflects an increased wave of cases, not discrete clusters that would be more indicative of a new virus (**Business Insider**).

MICHIGAN: Residents infected with COVID struggled with cognitive issues and were more dependent on staff for activities of daily living for nine months on average after infection. Researchers from the University of Michigan observed 171 residents at two facilities in the state to quantify long COVID's effects. Facility residents who tested positive also died at twice the rate of uninfected residents during the study period. (**Journal of the American Geriatrics Society**).

AMERICA: A Texas A&M University survey of US parents finds that 41% already had or would vaccinate their children against COVID-19, 63% against influenza, and 71% against respiratory syncytial virus (RSV) this fall and winter. The study involved 5,035 parents of children younger than 18 years surveyed on September 27 and 28, 2023 (**Vaccine**).

AMERICA: More than a third of Americans say they are worried that they or one of their family members will contract a seasonal respiratory virus like the flu, COVID-19 or RSV in the coming months, though vaccine enthusiasm appears to be middling at best. The survey was conducted by the Annenberg

Public Policy Center of the University of Pennsylvania Oct. 5-12 (**The Hill**).

AMERICA: Government surveys suggest that millions of people in the U.S. are living with neurological symptoms linked to long COVID. Many were infected before vaccines were available. The brain may be especially vulnerable to COVID because the disease appears to weaken the blood-brain barrier, which usually protects the organ from both germs and the immune cells that follow them. Another possibility is that COVID-related inflammation affects the vagus nerve, which carries signals between the body and brain that are important to memory and attention (**NPR Shots**).

AMERICA: At least partially as a consequence of over 1 million Covid-19 deaths, life expectancy in the U.S. has declined significantly falling from 78.8 years in 2019 to 76.1 in 2022. This puts the country far behind its wealthy peers: Countries such as Japan, Korea, Portugal, the U.K., and Italy all enjoy a life expectancy of 80 years or more., Men's life expectancy is now 73.2 years, compared with women's 79.1. This 5.9 year gap is the widest between the two genders since 1996 (**JAMA Internal Medicine**).

UNITED KINGDOM: Researchers at King's College London found that people living with severe mental illness (SMI) experienced substantial inequalities in mortality outcomes during the COVID-19 pandemic. The researchers found that following COVID infection, the SMI group experienced a greater risk of dying. Death from COVID was more likely among Black Caribbean/Black African people than White people (**British Journal of Psychiatry**).

COVID-19, 11/30/2023

Global Cases – Deaths
772,052,752– 6,985,278

U.S. Hospitalizations – Deaths
6, 522,156 – 1,156,484

U.S. + Tests Last Week
10.0% up +1.2%

CDC, WHO

Major Concerns re: New Outbreak at Infamous SNF

The COVID situation at Limecrest Subacute and Rehabilitation Center, a 159-bed facility in Northern New Jersey, has become dire – again.

Since September, 66 staff members and residents have contracted COVID-19. Seven residents died. Admissions have been halted.

Limecrest was part of the Woodland Behavioral and Nursing Center at Andover. The buildings were renamed after a 2020 COVID outbreak in which 83 residents died and bodies were left piled up in a makeshift morgue.

The state is requiring Limecrest to hire a consultant to manage the building and professionals to direct nursing and infection control before admissions can resume.

McKnight's, 11/28/2023

Some Big Changes to California's Medicaid System

Starting Jan. 1, two groups of people that had not been eligible for full-scale Medi-Cal will gain access: low-income adults ages 26-49 and some people who are disabled or older than 64.

Some current Medi-Cal enrollees will lose coverage as the state finishes unwinding the federal "continuous coverage" program that kept ineligible people on Medicaid during the pandemic.

Also, a big shakeup in the state's contracts with managed care providers will require about 1.2 million Medi-Cal members to switch to a new managed health care plan.

About 15.3 million people, almost 40% of the state's population, are enrolled in Medi-Cal.

San Francisco Chronicle, 11/20/2023

Worker Shortages Leading To Creative Solutions

In western New York, a skilled nursing company is working with a local union and an education cooperative to advance nursing careers.

The McGuire Group and Absolut Care have linked with 1199SEIU and the Board of Cooperative Educational Services (BOCES), a New York state initiative that offers a variety of instructional and non-instructional career services.

The union handles testing and processes tuition, which comes to \$13,750 for the licensed practical nursing program plus \$300 out-of-pocket expenses for supplies and uniforms; BOCES handles the curriculum, and McGuire and Absolut provide on-the-job training.

McKnight's, 11/15/2023

Providers Ask Gov. to Close \$810M Funding Gap

A statewide coalition of associations representing nursing homes is urging New York's governor to reform the state's Medicaid reimbursement policies.

Advocates and health care providers serving older adults and individuals with disabilities are seeking an \$510 million investment as part of the Executive Budget proposal for the 2024-25 fiscal year and a commitment to reform the system's methodology by 2025.

In a joint letter to Gov. Kathy Hochul this month, the coalition urged the state address an even larger \$810 million gap between funding and LTC expenses and ensure that future funding keeps pace with inflation.

Rochester Business Journal, 11/20/2023

Builder Turns Thumbs Down On Rural Maine Facility

Sandy River Company has backed out of a planned nearly 75,000 square-foot 102-bed skilled nursing facility in rural Maine.

The facility was to be built in Damariscotta, ME, a community 50 miles northeast of Portland, but projected construction costs ballooned to \$45 million.

Sandy River Company said it is considering developing a smaller facility on the same site as the planned 102-bed home or redeveloping the existing facility in Damariscotta that it was meant to replace.

McKnight's, 11/28/2023

ONE COLUMN

SSA Is Rather Careless In Sending Out Taxpayer's Cash

A new financial report released by the Social Security Administration this week shows that the scope of the agency's overpayment problem has continued to grow.

As of Oct. 1, the SSA had an uncollected balance of \$23 billion in overpayments — money the agency had mistakenly paid to beneficiaries but had not been able to claw back.

At the beginning of fiscal year 2023, the agency's uncollected balance of overpayments was \$21.6 billion.

In September, a series of investigative reports by KFF Health News and Cox Media Group television stations first revealed the magnitude of the problem and shared the experiences of dozens of people who've received letters demanding repayment, sometimes in the tens of thousands of dollars.

Its latest report also revealed that the SSA made approximately \$11.1 billion in new overpayments to beneficiaries during federal fiscal year 2022, the most recent year of data available. That figure represents more than a 65% increase from overpayments made the previous year. For the past several years, the agency routinely distributed between \$6 billion and \$7 billion in new overpayments each year.

The report shows the majority of the 2022 overpayments occurred within the Old-Age, Survivors, and Disability Insurance (OASDI) programs, an estimated \$6.5 billion. Those programs provide retirement and survivors' benefits to qualified workers and their families, or support workers who become disabled and their families.

In prior years, most of the overpayments occurred within the Supplemental Security Income program, which provides financial support to aged, blind, and disabled adults and children who have limited income and resources. In 2022, overpayments within the SSI program topped \$4.6 billion, which is similar to previous years.

KFF Health News, 11/17/2023

Watch Your Residents COVID May Not Be Done with Them

Repeated COVID-19 outbreaks in nursing homes have had a stark and lasting impact on vulnerable older residents.

Long COVID has left many residents relying more and more on staff to help them months later with basic ADLs.

In a study, researchers from Michigan Medicine, the University of Michigan's academic medical center, found many also experience a drop-off in their brain function.

COVID survivors had continuing effects for about nine months, on average. And 30% of those with a confirmed case of COVID died during the follow up, more than double the percentage of deaths in a non-COVID comparison group.

HealthDay News, 11/27/2023

SNF Financial Reporting Just 'Smoke and Mirrors'

In a webinar titled, "Behind Closed Books: How Hidden Profits Harm Nursing Home Residents," Ernest Tosh said the current financial reporting system allows nursing homes "to claim they're losing money, when in fact, they're making massive amounts of profit,"

Tosh runs a national "bedsore" litigation firm and frequently testifies to forensic accounting details during civil trials pinning nursing homes with charges of inadequate care.

Federal and state regulators should require consolidated, audited financial reporting of every nursing home group in the country to get beyond the "smoke and mirrors" and better understand exactly how much owners are making.

McKnight's, 11/22/2023

Sedation by Anesthesiologist Likely Result in DC to Home

When people have sedation from or under the direction of an anesthesiologist for procedures outside of an operating room, they're more likely to go home instead of head to a long-term care community, according to a new study.

The report was presented at the Anesthesiology 2023 annual meeting.

The authors compared what happened to people after being discharged from a hospital after they got sedation administered by an anesthesiologist, or by a nurse anesthetist under the direction of an anesthesiologist. They compared it to people who received sedation from another type of doctor.

McKnight's, 10/13/2023

Living Longer Today, Still Less Than Pre-Pandemic

Life expectancy in the United States has started to rebound after historic drops earlier in the Covid-19 pandemic, but it's far from recovering.

The CDC said in 2022, a 1.1-year increase brought overall life expectancy at birth to 77.5 years.

But that offsets less than half of the 2.4 years of life lost in the first two years of the Covid-19 pandemic.

COVID-19 remains the leading cause of death in the U.S. About 245,000 people died from Covid-19 in 2022, down from about 385,000 deaths in 2020 and more than 462,000 deaths in 2021.

CNN, 11/30/2023

Proposal: Solve Staffing By Providing Family Housing

Florida state Senator Jay Collins has asked the state to budget \$25 million to help Tampa General Hospital build a 160-unit, multifamily housing project for health care workers in the greater Tampa Bay region.

The hospital plans to use the development to help attract and retain health care workers by providing affordable rental units.

The development would include a mix of one-, two- and three-bedroom apartments with space for child care services and other standard amenities.

According to Collins, the overall cost for 2024-25 is \$60 million, with \$34.5 million coming from "other" sources and another \$500,000 in "matching funds."

WUSF, 11/28/2023

Briefly IN THE NEWS

In Hawaii recently one in 10 hospital beds was being occupied by a patient who can't access needed care at a nursing home. The number of wait-listed patients was stable at 219 patients. The average length of delay, however, had increased since last fall, from an average of 78 days to 123 days. The longest stay due to the unavailability of nursing home care was 720 days **(McKnight's)**.

Scientists at the UC Davis Comprehensive Cancer Center in Sacramento, California, have identified a protein on the CD95 receptor that can "program" cancer cells to die. CD95 receptors have gained the nickname "death receptors" because they send a signal that causes cancer cells to "self-destruct" **(Fox News)**.

CareTrust has agreed to sell 11 skilled nursing facilities it had previously targeted for divestiture, a sale that comes amid a highly active period for the real estate investment trust. While terms of the contract weren't immediately disclosed, company leaders appeared pleased to move the portfolio off its books. The facilities accounted for approximately \$5 million in annual rent, or about \$400,000 monthly, but had been delinquent in the recent past **(McKnight's)**.

As America grapples with gun violence, members of the Senate Judiciary Committee grappled with whether that violence has become such a crisis that it should be considered a public health emergency, with emergency room doctors and other health care professionals on the front lines. "In cities like Chicago dealing with the constant drumbeat of gun violence, it has turned these public health officials into battlefield experts," said Sen. Dick Durbin, who chairs the committee **(WTTW-TV)**.

A \$5 billion plan to redesign Mayo Clinic's Rochester campus will attempt to upend the traditional health care model where patients ping-pong between buildings and appointments and replace it with health care neighborhoods that bring services to patients based on their clinical needs **(Minnesota Public Radio)**.