

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"I will say that there may be over 100 or so far 'I don't recall' or 'I don't remember' answers That just means that maybe we have to find the people that do recall" U.S. Rep. Brad Wenstrup, chairman of the House Select Subcommittee on the Coronavirus Pandemic which heard testimony from Dr. Anthony Fauci

".....it's not very gentle" Dr. Daisy Dodd, an infectious disease specialist with Kaiser Permanente Southern California on coronavirus or flu with RSV infecting a person at the same time

"If you can take Paxlovid and you do take Paxlovid within the recommended time frame, the likelihood of death or hospitalization are significantly reduced. That's a big deal" Dr. Josh Fessel, a senior clinical adviser on the National Institutes of Health team that studied the drug's use

But How Do They Get the Mice to Pick Their Noses

A study by scientists from Griffith University in Australia has revealed a tenuous but plausible link between picking your nose and increasing the risk of developing dementia.

In cases where picking at your nose damages internal tissues, critical species of bacteria have a clearer path to the brain, which responds to their presence in ways that resemble signs of Alzheimer's disease.

So far, the supporting research is based on mice rather than humans, but the findings are definitely worth further investigation – and could improve our understanding of how Alzheimer's gets started, which remains something of a mystery.

Science Alert, 12/09/2023

Asbestos – All Residents of Colorado SNF/AL Evacuated

Kiowa Hills Health and Rehabilitation in Colorado Springs has moved its 51 residents out of the building after asbestos was discovered onsite during construction at the community.

Under the direction of the Colorado Department of Public Health and Environment (CDPHE), Kiowa Hills has coordinated with 3 neighboring communities in Colorado Springs, one in Pueblo and one in Denver to accept and care for Kiowa's residents.

The daughter of one resident said they also received notifications that the Colorado Department of Health and Environment wanted all of the personal belongings of the patients living there destroyed.

KRDO-TV, 01/06/2024

Shift-Diff Ended Abruptly SNF Coughs Up Backpay

The NLRB has agreed with a union's request to have shift-differential pay reinstated and back pay issued after Twinbrook Healthcare and Rehabilitation Center's new owner unilaterally ended the incentive practice.

After taking over operations of the Erie, PA facility in April, Twinbrook OpCo continued to pay the differential rate for several months, then Twinbrook doubled the "shift-diff" in May, but in August announced it would be discontinued.

NLRB ruled by abruptly discontinuing the differential without affording the Union notice or an opportunity to bargain it violated federal law.

NLRB news release, 12/28/2023

You Should Carefully Evaluate New DOL Rule

LeadingAge is urging its members to "carefully evaluate their existing classifications" of workers following the Department of Labor's Tuesday announcement of a new federal rule pertaining to independent contractors.

Another association, Argentum, said that the rule "unfortunately" will result in many workers being unfairly classified as employees.

The US Chamber of Commerce, a national business advocacy organization, called the new regulation "harmful" and "clearly biased" toward labeling most independent contractors as employees, a move it said will "decrease flexibility and opportunity and result in lost earning opportunities for millions of Americans."

Senior Living, 01/10/2024

Senator Announces Effort To Repeal New DOL Rule

As the final DOL rule was released, Maryland Senator Bill Cassidy, ranking member of the Senate Health, Education, Labor, and Pensions (HELP) Committee, announced he will introduce a Congressional Review Act resolution to repeal DOL's final worker classification rule that "dismantles the gig economy."

Cassidy said example of the administration prioritizing unions" over Americans who choose to earn a living without participating in a union."

The Senator also criticized acting DOL Secretary Julie Su who oversaw a similar law in California that caused the state legislature had to pass multiple laws to exempt over 100 occupations.

Sen. Cassidy news release, 01/09/2024

MO Congresswoman Wants Investigation of Closed SNF

Following the sudden closure of Northview Village, St. Louis' largest nursing home, U.S. Rep. Cori Bush sent a letter to HHS Secretary Xavier Becerra on Monday, urging the agency to initiate an investigation, along with looking into allegations that Missouri failed to adequately protect residents affected by the closure.

Owner Healthcare Accounting Services abruptly closed the facility December 16 citing payroll issues.

About 184 Northview staff were not paid and 170 residents were displaced, with loved ones not immediately able to find them.

The building was also looted causing the permanent loss of many residents' personal belongings.

Skilled Nursing News, 01/08/2024

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

CAPITOL HILL: Former chief White House medical adviser Anthony Fauci sat for a seven-hour closed-door meeting Monday, facing questions regarding the COVID-19 pandemic and offering his expertise on preparing for potential outbreaks in the future. The session was described as “respectful” and “cooperative.” Fauci took several breaks during the meeting and did not take any questions from reporters (*The Hill*).

CHINA: In June 2017 a Chinese scientist who ran controversial experiments at the laboratory suspected of triggering Covid held a secret meeting with the US government to seek backing for a project that would go on to supercharge coronaviruses – shortly before the devastating outbreak started in her native Wuhan. A new cache of documents, obtained through Freedom of Information campaigners revealed the extent to which the controversial work at the Wuhan Institute of Virology was supported, and often funded, by America (*The Daily Mail*).

AMERICA: Respiratory illness activity is elevated or increasing across most areas of the country, according to the latest data from the CDC. Some 38 states plus New York City are experiencing “high or very high” levels of respiratory illness activity, according to the CDC. Of those states, 21 are experiencing “very high” activity. Last week, 31 states were experiencing “high or very high” activity (*ABC News*).

CALIFORNIA: Undocumented residents gained access to free health care starting with the new year under one of the state's most ambitious coverage expansions in a decade. The effort will eventually cost the state about \$3.1 billion per year and inches California closer to Democrats’ goal of providing universal health care to its roughly 39 million residents (*Yahoo Finance*).

AMERICA: Hospital costs of inpatient COVID-19 treatment increased by more than five times the overall rate of medical inflation over a 2-year period. A RAND Corporation study found the adjusted cost of caring for hospitalized patients with COVID-19 in the U.S. increased by 26% during the study period, compared to an average increase of 4.7% in medical care

costs over the same time (*JAMA Network Open*).

SAN FRANCISCO: The Bay Area is seeing the highest levels of COVID-19 infections recorded in wastewater surveys since they began in mid-2022. Although there are SARS-CoV-2 in nearly all Bay Area sewer sheds, unlike previous waves of the pandemic, fewer people are becoming severely ill with the disease.. Throughout December, these levels more than tripled in most cities, reaching highs at treatment plants in San Francisco, Palo Alto, and Novato around Christmas day (*San Francisco Chronicle*).

THE WORLD: Moderna on Monday said its Covid vaccine sales plunged by about two-thirds in 2023 to \$6.7 billion, as fewer people rolled up their sleeves for an updated version of the jab. The revenue from the shots met Moderna’s forecast for the year, even as sales plummeted from the more than \$18 billion the company booked in 2022 (*CNBC*).

THE WORLD: The head of the U.N. health agency said Wednesday holiday gatherings and the spread of the most prominent variant globally led to increased transmission of COVID-19 last month. Tedros Adhanom Ghebreyesus said nearly 10,000 deaths were reported in December, while hospital admissions during the month jumped 42% in nearly 50 countries (*AP*).

PHILADELPHIA: Over 10 Main Line Health facilities are requiring temporary masks Jan. 4 through at least January 18 due to the rise of COVID-19, flu, and RSV across the Philadelphia region. Officials said all patients, employees, medical staff and visitors are required to wear masks in clinical and common areas (*CBS News*).

CALIFORNIA: California witnessed a rapid increase in influenza activity and emergency department visits for COVID-19 in the first three weeks of December. Centers for Disease Control and Prevention data show the surge continued nationally through the final week of December. (*Santiago Mejia/The Chronicle*).

FLORIDA: COVID related hospitalizations are on the rise. For the week ending on Dec. 30. CDC data shows that there were 1,744 people hospitalized in the Sunshine State with confirmed COVID-19. That's a 22% uptick from the previous week. At the same time last year, hospitalizations hovered around 3,000. During 2021's pandemic peaks, Florida reported about 16,000 patients (*Health News Florida*).

THE WORLD: In a large study by the Norwegian Institute of Public Health, women who don't menstruate — including postmenopausal women and those on contraceptives — were several times more likely to experience unexpected vaginal bleeding after COVID-19 vaccination than before the vaccines were offered. The team didn't investigate the reasons for the unexplained bleeding but suggested that it could be linked to the SARS-CoV-2 spike protein used in the vaccines (*Science Advances*).

AMERICA: Nationwide, the last week of December saw 78,905 emergency department admissions for COVID-19 and 136,668 for influenza, marking respective increases of 72% and 225% from the previous month. In the first week of the year, COVID-19 hospitalizations rose by nearly 17%, totaling 29,059 new patients, marking the highest recorded data since last January (*San Francisco Chronicle*).

AMERICA: UCSF researchers have found the COVID-19 treatment Paxlovid does not reduce the risk of long COVID for vaccinated people who've tested positive for the virus for the first time. The study also found that a greater number of patients than previously reported experienced rebound symptoms and tested positive for COVID after taking the antiviral medication (*Journal of Medical Virology*).

COVID-19, 01/12/2024

Global Cases – Deaths
773,819,856– 7,019,568

U.S. Hospitalizations – Deaths
6, 693,491 – 1,167,210

U.S % Positive Tests Last Week
12.7% Down - 0.1%

ONE COLUMN

Two States-Diverse Images-Same Issues

Nursing homes' familiar struggles with insufficient staffing and reimbursements are contributing to growing backlogs of patients awaiting transfer from hospitals to post-acute care. The waitlist will grow in 2024.

It's an all-encompassing problem, as evidenced by two vastly different states – Massachusetts and Nebraska.

As the new year began, in a report from the Massachusetts Health & Hospital Association, the state had 481 hospital patients awaiting a SNF bed.

In Nebraska where over 100 patients are waiting for a SNF bed, a lack of funding and LTC workers are the major compounding factors.

"While the seasonal impact of COVID, influenza and RSV exacerbate the transition-to-care issue, the current situation reflects long-term and ongoing insufficient resources to meet patient needs," said Jalene Carpenter president and CEO of the Nebraska Health Care Association.

Nursing home closures across the US have further complicated the issue. More than 500 have closed nationwide since 2017, including 35 in Nebraska. Although, only one closed in the Cornhusker State last year, Nebraska has lost 15% of its facilities in total and now has four counties with no LTC at all.

Nursing homes in Nebraska, as of January 1, are now able to apply for additional state funding for incoming residents with complex conditions.

With winter's respiratory illness season in full swing, however, slow-moving and scattered legislative solutions are unlikely to curb an expected upswing in the hospital backlog. Massachusetts, for example, saw more than 1,000 patients stuck in hospitals throughout the winter months of 2022-2023 — a high-water mark that MHA's data suggests will be approached again in the coming year.

McKnight's, 01/04/2024

Gov. Pledges Increase in Nursing Home Fines, Regs

Arizona Gov. Katie Hobbs (D) reserved strong words for some nursing homes in her State of the State address and called for broader government powers to fine facilities and regulate licensing.

Hobbs said state leaders should be "outraged" that the penalty for elder abuse violations is only a \$500 fine for the facility.

She described a legislative package that would aim to broaden transparency and regulatory oversight, standardize inspections and increase monetary penalties for facilities with dangerous care deficiencies.

There is also discussion of expanding fines further to include \$500 per patient, resident or bed.

McKnight's, 01/12/2024

LTC Leaders Cheer Proposed MA Appeals

A surge of public and professional support arrived Friday (01/05/2024) as the comment period closed for a proposed rule that providers say could level the playing field with Medicare Advantage plans.

Industry leaders specifically cheered on a proposed change that will give MA beneficiaries a modified appeals process and more time to appeal care denials and shortened stays handed down by insurers.

the American Health Care Association and LeadingAge support the changes.

Insurers have increasingly come under fire from the healthcare sector, consumer advocates and policymakers recently, especially for alleged overuse of artificial intelligence in decision-making and aggressive care denials.

McKnight's, 01/08/2024

Sen. Blumenthal Calls for Investigation of MA Ads

U.S. Sen. Richard Blumenthal urged CMS to allow certain consumers to opt out of Medicare Advantage plans in response to a United Healthcare advertising campaign, he deemed "deceptive."

At a news conference outside the Capitol building, Blumenthal held up a full-page newspaper ad run by United Healthcare suggesting patients could access more benefits with the supplemental plan.

Blumenthal said that switch led to more restrictions than advantages for most consumers.

Blumenthal called on CMS to allow a new open enrollment period for individuals who signed up for a Medicare Advantage plan in order to switch back to their traditional plans.

CT News Junkie, 01/02/2024

Judge Slashed Awards to Family, SNF Still Pays Up

In 2019, after Patricia O'Donnell died at Brinton Manor Skilled Nursing Facility in Glen Mills, Pennsylvania, her family sued although state surveyors had issued no citations.

Eventually there was a \$19 million award against the facility and several ownership and management companies.

The complicated and multi-layered legal appeal wound its way through the court.

Now a common pleas court judge has erased or greatly reduced liability for three of the four corporate defendants. The judge, however, allowed the full \$7 million in punitive damages against the nursing home stand.

McKnight's, 01/08/2024

Here's How You Catch The Flu for Money

The University of Maryland School of Medicine is conducting a "flu transmission" study - recruiting people who have come down with the flu in the past 48 hours to act as a "flu donor."

Healthy people – eight have already signed up –are also being recruited to interact with the donors – and get sick.

They will all be put up at the Lord Baltimore Hotel and a special quarantine unit and participate in group activities that will expose other people to the influenza and (hopefully??) make them sick.

Volunteers will be paid up to \$1900, plus meals and medical attention.

WJZ-TV, 01/05/2024

HHS Releases New Religious Conscience Rule

HHS revised a Trump-era rule allowing the agency to strip funds from health-care facilities taking action against workers for citing religious or moral objections to providing care.

The Biden rule would maintain some provisions of a Trump rule – that never went into effect.

The Biden proposal is seen as an attempt to balance health worker and patient rights after the Supreme Court struck down federal abortion rights in 2022's *Dobbs v. Jackson Women's Health Organization*, and to address certain types of discrimination.

Bloomberg Law, 01/09/2024

Wage-Withholding Case 25 SNFs Involved

The US Department of Labor has filed a complaint against the operator of 25 Massachusetts nursing homes, alleging it systematically withheld break and overtime pay to about 600 employees at those facilities for several years in violation of the federal law.

The DOL alleged that facilities owned by Next Step Healthcare LLC automatically deducted daily 30-minute unpaid breaks from employees' checks even when employees worked through their scheduled breaks.

Last year DOL filed 2500 similar actions requiring facilities to pay more than \$30 million in back pay.

McKnight's, 01/11/2024

21K Data Breach Could Cost Operator \$1M

A data breach reportedly exposing the personal information of 21,000 employees and residents could cost a senior living operator \$1 million in a proposed settlement approved by a federal judge.

In a settlement that has received preliminary approval from a federal court, Acts Retirement–Life Communities of Fort Washington, PA, would pay \$1 million to settle allegations that it failed to protect

personal information of 20,754 individuals, including 18,276 former Acts employees and 2,478 current or former residents.

The data breach occurred in April 2022.

Senior Living, 01/05/2024

Dementia Care Takes More Than Adding Extra Staff

In a first-of-its-kind study by the University of California, Irvine researchers determined additional staffing alone will not be sufficient to bridge the quality-of-care and health outcome disparities of SNFs with residents in various percentages of residents with dementia.

Specialized training, an easy-to-navigate environment and staff stability are also critical to meeting the unique challenges presented by this population.

The findings indicate increased staffing generally improves outcomes for all patients but that at any given level of staffing, discrepancies between high- and low-dementia facilities remain.

Over 40% of residents nationally are estimated to have Alzheimer's disease, related dementia or cognitive impairment.

Health Services Research, Newswise, 01/08/2024

Iowa Senate Says LTC'II Be Fixed – Doesn't Say How

Iowa Senate Republicans have rejected a request by Democrats for a state oversight meeting to investigate nursing home care in the wake of recent reported deaths, abuse and neglect in Iowa care facilities.

The GOP says it is being "proactive" in addressing concerns about staffing shortages, turnover and care at Iowa's nursing homes, but provided few details ahead of the new legislative session.

Federal data indicates Iowa has 3% of the nation's nursing facility citations, and 4.1% of the nation's immediate jeopardy situations, but has only 1% of the nation's 65-plus population.

Quad City Times, 01/07/2024

AHCA President and CEO Mark Parkinson has been designated recipient of this year's McKnight's Pinnacle Awards Career Achievement Award

Briefly IN THE NEWS

Billionaire philanthropist MacKenzie Scott and Pivotal Ventures, a company founded by Melinda French Gates, have donated a combined \$23 million to School-Based Health Alliance. The national, non-profit organization based in Washington, D.C., works to set up and expand healthcare service centers in schools that primarily serve students from low-income families. SBHA will launch care coordination initiatives in Houston, Atlanta, Chicago and Miami (*Houston Chronicle*).

The FDA has decided to allow Florida to import millions of dollars worth of medications from Canada at far lower prices than in the US, overriding fierce decades-long objections from the pharmaceutical industry. The approval is a major policy shift for the U.S. and supporters hope it will be a significant step forward in the long and largely unsuccessful effort to reign in drug prices (*The New York Times*).

Researchers used data from the Health and Retirement Study, which spans 2010 to 2020. The study examined data from 534 participants with dementia and compared those data to information from questionnaires from 576 people with newly diagnosed cancer who were receiving treatment. compared those data to information from questionnaires from 576 people with newly diagnosed cancer who were receiving treatment (*Journal of the American Geriatrics Society*).

Year-over-year growth in the home health care was 13.5% in October, making it the fastest-growing component of national health spending. Nursing home care spending grew by 7.8% for the same period. Growth rates in both home care and nursing home care spending exceeded overall growth in national health expenditures in 2022, which was 4.1% Altarum expanded on CMS research to include data through October 2023 (*Senior Living*).

Almost one in five smaller family run nursing homes in Ireland shut down in the first three years of the pandemic, leaving many older residents under the wing of a few for-profit private operators financed by international private equity (*MSN*).