

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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Vol 8

02/18/2024

THEY SAID IT:

"There is a sense of urgency because right now in the budget, there's a 0% increase. And we have providers that are literally on the edge"

Jalene Carpenter, CEO Nebraska Nursing Facility Association where the state's Medicaid underpays \$49 PPD

"There is a clear bifurcation of post-acute and long-term care services within a SNF, and it's becoming increasingly difficult to achieve financial success in both service lines"

from the 2024 Skilled Nursing Facility Benchmark Report by Plante Moran

Staffing agencies allow workers to have this flexibility to not accept shifts they do not want to work, but it is not a good long-term solution"

John Bowlblis, PhD, professor and research fellow at the Scripps Gerontology Center of Miami University

Mom's Arbitration is Not Daughter's Arbitration

In 2019 Luann Mikoff signed an arbitration agreement at Jerseyville Manor (Illinois) as POA for her mother Bonnie Stone.

Stone died in August 2020 after being hospitalized with COVID-19. Mikoff filed a lawsuit in July 2022, alleging negligence and "wanton misconduct" had contributed to Stone's death.

A county circuit court sided with the nursing home and sent the case to arbitration. On appeal, however, Lorton ruled that Mikoff's signature on her mother's behalf did not constitute her own consent to the arbitration agreement.

The ruling sets a precedent that could become a major cause of concern for Illinois' nursing homes.

McKnight's/ 02/06

Parkinson Bullish On Butts in Beds

American Health Care Association CEO Mark Parkinson told a group of investors and owners in Miami last week that there is good news for those who can figure out how to stay in the game.

Parkinson noted that only 30 nursing homes were built last year and that 600 have closed since 2020. But between 2025 and 2030 the 80-to-84 population will grow from 6.5 to 8 million and "for the next five to 10 years, we grow another 2.5 million.

With 45,217 fewer beds and that elderly population growth, SNF will see occupancy climb to as much as 83%.

McKnight's, 02/14/2024

Troubled SNF Sold Prior to Forced Closure

An infamous nursing home in Andover, NJ has been sold by Alliance Holdings to Bemet LLC. The new owner took over immediately and the state halted a ban on admissions.

State and federal regulators had closed Woodland Behavioral Health and Nursing Center after a litany of violations showing it had "failed to appropriately prevent abuse and neglect" of its hundreds of residents. Seven residents died

It is unclear what happens to the \$643,860 fine CMS imposed on the former owners for serious health and safety violations.

NJ.com, 02/09/2024

Nurse Accused of Killing SNF Residents May Plead Guilty

Heather Pressdee, a nurse accused of injecting lethal doses of insulin in 22 nursing home patients, killing 17 appeared in court for a discovery hearing with her attorneys last week and suddenly in open court and blurted out "I want to sign and be done."

It forced her attorneys to clarify later whether she intends to plead guilty. "We've pled not guilty up to this point," attorney James DePasquale says.

She faces more than 20 charges of criminal homicide and attempted criminal homicide.

Pittsburgh Tribune-Review, 02/09/2024

DOJ Summit Aims To Juice Up SNF Probes

A DOJ summit of law enforcement leaders from federal, state and local levels during the week was intent on strengthening investigations into elder abuse and fraud, including oversight of nursing homes.

The event is the latest in a series of signs that federal officials are taking aggressive steps to police long-term care facilities it suspects of providing inadequate care.

Following this summit, officials seem poised to further step up oversight of chronic understaffing, failure to budget for staffing, as well as problems with daily operations such as injuries, lack of cleanliness and unaddressed resident complaints.

McKnight's, 02/08/2024

Nurses Fleeing- Pushed Out By Staffing Issues

In a survey of 3000 nurses and CNAs release during the week by IntelyCare, more than three-quarters of care workers are considering a job change and 45% are considering changing careers entirely.

Top concerns were short staffing and clinical workloads that keep workers from providing meaningful, individualized care.

Staffing concerns were, unsurprisingly, a widespread issue for respondents, with 46% reporting working in an understaffed environment and 84% working additional shifts every week. Addressing staffing shortages was ranked as more important than increasing salaries.

Sixty-three percent of nurses and 76% of CNAs said they are responsible for 9-or-more patients per shift.

McKnight's, 02/08/2024

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

AMERICA: Americans who test positive for the coronavirus no longer need to routinely stay home from work and school for five days under new guidance planned by the CDC. The agency is loosening its covid isolation recommendations for the first time since 2021 to align it with guidance on how to avoid transmitting flu and RSV (*The Washington Post*).

THE WORLD: Worldwide, there were more than 11,000 reported deaths from COVID between mid-December 2023 and mid-January 2024, and more than half of those deaths occurred in the U.S. In that same time frame, nearly one million cases were reported to the World Health Organization globally, although reduced testing and reporting means this is likely a vast undercount (*Scientific American*).

BOSTON: A Brigham and Women's Hospital–led study found US adults aged 45 and older who were physically active before the pandemic were 10% less likely to contract COVID-19 and 27% less likely to be hospitalized if they were infected. The observational study analyzed data on 61,557 adults with an average age of 76 years who are participants in three ongoing randomized clinical trials (*JAMA Network Open*).

CANADA: The government bungled a COVID-era app for travelers at every stage, failed to keep records and poorly utilized funds, the country's top watchdog said in a highly critical report on Monday. The Canada Border Services Agency (CBSA), working with the health and public services ministries, launched the ArriveCAN application in April 2020 to collect health information from travelers and assist with quarantine measures. ... The app was updated 177 times, often with little to no documentation of testing, and at one point some 10,000 travelers were wrongly instructed to quarantine (*Reuters*).

GEORGIA: The latest preliminary data on weekly COVID deaths in Georgia show 14 COVID deaths for the week ending Feb. 3. Data from January, which is considered more reliable, shows around 50 COVID deaths a week in Georgia. Back in September 2021, shortly after

vaccines became available and a more contagious variant, delta, was circulating, there were a staggering 995 deaths during the week ending Sept. 4, 2021. And the peak of new COVID hospitalizations for Georgia was 5,600 for the week ending Jan. 9, 2021 (*Atlanta Journal-Constitution*).

FLORIDA: A federal judge sentenced a former Florida business executive to 2.5 years in prison for acquiring about \$2 million in fraudulent loans through the COVID-19 era Cares Act. Gregory Scott Keough pleaded guilty in November to two counts of wire fraud and one count of money laundering. Prosecutors said Keough used the bulk of the money for personal expenses, including private school tuition and traveling on private jets (*Palm Beach Post*).

COLORADO: UHealth experts are launching a new information, discussion and support group in northern Colorado to help people who are struggling with long COVID-19. Dr. Matthew Light, a pulmonary disease specialist, said since there are no specific treatment per se (for long COVID), the group can share what works and doesn't (*Longmont Leader*).

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AMERICA: Alcohol intolerance is not included in the current list of long COVID symptoms but Stanford doctors documented the experiences of four people who experienced long COVID. All of them months or even a year after infection patients reported a shift in alcohol tolerance. Symptoms included headaches and hangovers. One woman reported feeling like she couldn't move after a single glass of wine (*KARE-TV*).

AMERICA: For some time now, social media sites have been awash with

misleading posts about vaccine safety, mask effectiveness, Covid-19's origins, and federal shutdowns. At first, Biden administration officials urged tech platforms to pull down such posts, delete accounts, and amplify correct information. The Supreme Court will hear arguments next month and could decide whether the government violated Americans' First Amendment rights with those actions — and dictate a new era for what role, if any, officials can play in combating misinformation on social media (*STAT*).

THE WORLD: At Leibniz University in Germany, researchers surveyed 71,417 people in 67 countries and found that even in the wake of the COVID-19 pandemic most people (3.62 on a 5 scale) have high levels of trust in scientists. In the U.S., U.K., Canada, Norway and China 'left-leaning' political orientation was linked to greater trust in science. But in the countries of Georgia, Egypt, the Philippines, Nigeria and Greece, left-leaning views were linked to lower trust (*Nature*).

THE WORLD: NewsGuard, a group of journalists and information specialists who have tracked false narratives spreading online since 2018. Today, in Covid's fifth year, they report there are more than 300 vaccine-related false narratives circulating on social media and in online search results, emanating from 4,387 news sites and other sources (*STAT*).

AMERICA: Despite more than one-fifth of all U.S. COVID-19 deaths occurring in LTC facilities, the latest CDC data show that as of Feb. 4, just 40% of nursing home residents and 7% of staff were "up to date" on COVID shots. The resident numbers range from 20% in Arizona to 63% in Vermont and North Dakota. Nonprofit nursing homes tended to have more residents and staff vaccinated than for-profit facilities (*KFF*).

COVID-19, 02/16/2024
Global Cases – Deaths 774,593,066 – 7,028,881
U.S. Hospitalizations – Deaths 6,816,622 – 1,178,527
CDC, WHO

Worker's Comp Case Asks Was She Infected at Work?

The Alabama Court of Civil Appeals has sent a decision on a COVID-related Worker's Compensation case back to a lower court for reconsideration.

The ruling, while not a decision on that particular case, does give new life to a wave of COVID-related lawsuits against nursing homes. The Appeals Court, in fact, noted that other states have rulings that allowed similar cases.

Opp Health and Rehabilitation of Opp, Alabama — argued Rena Meeks could not prove she contracted COVID-19 at the facility, but the court noted she was working closely with residents who had the disease when she was infected.

McKnight's, 02/15/2024

COVID-19 Deaths in U.S. Likely Under-Counted

The number of COVID-19 deaths in the U.S. may have been under-counted during the first two years of the pandemic.

A study from the University of Minnesota, University of Pennsylvania and Boston University shows over a million excess deaths in the pandemic's first 30 months.

In the U.S. there were 1.2 million extra deaths attributed to natural causes during the pandemic's first 30 months — that's nearly 1 in 7 excess deaths not attributed to COVID-19. However, these excess natural-cause deaths were closely related to COVID-19 surges.

University of Minn, 02/11/2024

Iowa Wants to Train SNF Staff and Surveyors Together

The Iowa House advanced a bill proposing joint training for nursing home staff and inspectors to better address complaints.

Recent data shows complaints and citations have drastically increased over the last year.

The Department of Inspections, Appeals and Licensing will oversee the training, conducted on a twice yearly basis and would address at least three of the top ten deficiencies from the previous year.

Meanwhile, Senate Democrats introduced several bills which include proposals included more frequent inspections, stricter penalties, studying alternatives to institutional care, raising the minimum wage for LTC workers, and increasing the monthly allowance residents on Medicaid.

Skilled Nursing News, 02/14/2024

Agencies – Some in LTC Are Simply Stuck with Them

Nursing homes have become significantly more reliant on staffing agency workers since before the COVID-19 pandemic, leaving them threatened by compounded wage costs and worker shortages.

In fact, the share of nursing homes using agency every day of the year more than doubled between 2018 and 2022. All told, agency staff went from accounting for 3% of all direct care hours in 2018 to 11% in 2022.

In 2018, agency staff were primarily used to fill short-term gaps in staffing or spikes in occupancy. Now many nursing homes use agency just to meet everyday staffing.

Health Affairs, 02/15/2024

Scripps Gerontology Center of Miami University

South Dakota Seeks \$26 Million Increase to Boost Staffing

Additional funding to maintain staffing at South Dakota's AL communities and SNFs is needed to increase the number of residents those facilities can serve.

South Dakota's Department of Human Services asked the state legislature's joint committee on appropriations for an additional \$26 million in FY 2025 to help increase and maintain staffing levels in the state's 160 assisted living communities and 96 nursing homes.

The department said the budget increase would help the state reach its targeted provider reimbursement rate. A bill introduced last year to increase the state's portion of its Medicaid reimbursement share to providers failed.

Senior Living, 01/30/2024

Free COVID Test Kits

COVIDTests.gov

ONE COLUMN Immigrant Workers Make Good Employees

Immigrant care workers make up an increasingly large share of the nursing home workforce — largely because US-born certified nursing assistants have fled the sector.

As the demands of an aging population and new staffing regulations put increasing pressure on nursing homes, immigrants must be a vital part of the sector's future, said study co-author Hankyung Jun, PhD, a research fellow at Harvard Medical School.

the researchers said with burnout impacting care workers across the nation, the number of native-born CNAs has been on the decline for nearly a decade. The number of immigrant CNAs, in contrast, has remained remarkably stable and has been a crucial support for the sector, especially during the pandemic.

Immigrants now make up 19.1% of the US nursing home workforce — an increase of 40% since the early 2000s.

Foreign-born CNAs are more likely to stay on the job for a variety of reasons. Latin American workers, for example, can expect to receive four to 10 times more pay in the US even after accounting for the (higher)cost of living.

Immigrant workers are also often more reliant on their jobs. They may find it more difficult to find a new job due to language and cultural barriers and leaving work could threaten their immigration status.

Having more immigrant workers at a facility was correlated with higher quality of care despite any language or cultural barriers, noted Jun and co-author David C. Grabowski, PhD, professor of health care policy at Harvard Medical School.

"I do believe immigrant workers will be mostly attracted to facilities that sponsor green cards and provide higher wages, but providing a welcoming atmosphere to foreign-workers and establishing a healthy working environment will also be attractive," Jun said.

Health Affairs, 01/08/2024

Private Equity Deals Down During Pandemic

In a year marked by high interest rates and increased federal scrutiny, private equity and REITs finalized fewer skilled nursing deals in 2023 than in any year since the COVID-19 pandemic began.

The barriers were growing antitrust scrutiny targeted at PE healthcare investing; the FTC increased oversight corporate mergers; and CMS' new transparency rule.

Private equity deals in healthcare overall declined moderately — about 16% since 2022 — but skilled nursing was among the sectors with the steepest decline. The total share of private equity ownership in long-term care fell from 8% of facilities in 2018 to 5% in 2022.

McKnight's, 02/13/2024

Task Force to Study LTC Workforce Challenges

Wisconsin is facing a potential shortage of 20,000 nurses by 2040, Gov. Tony Evers created the Governor's Task Force on the Healthcare through an executive order.

Lt. Gov. Sara Rodriguez, a registered nurse with master's degrees in nursing and public health, will lead it.

Appointees are expected to include members from state and local government, citizens of Tribal Nations, and individuals representing healthcare professionals, organized labor, patient advocacy groups and other impacted workforce sectors and industries.

Wisconsin faces a potential shortage of 20,000 nurses by 2040,

Senior Living, 02/02/2024

Bill Moves in Iowa Would Cap Agency Pay

A bill to increase regulation over staffing agencies and legally cap what they can charge nursing homes had advanced through an Iowa Legislature committee.

The policy proposal has earned support from state long-term care leaders, who hope it could help nursing homes reduce

rising costs of care in the midst of a national staffing crisis.

The bill would require the state to annually publish the legal cap in September to take effect Jan. 1 of the following year. That cap could not legally exceed 150% of the statewide average paid to nurses of the same category in the previous year.

McKnight's, 02/05/2024

Agency to Pay Back Wages to Nurses & Aides

A staffing agency, Reliance Staffing of Bingham Farms, Michigan, and its owner Fahim Uddin will pay a total of \$181,531—representing \$90,765 in overtime wages and an equal amount in liquidated damages — to 70 registered nurses, licensed practical nurses and certified nursing assistants.

DOL's Wage and Hour Division determined the company misclassified the workers as independent contractors instead of employees to avoid paying overtime wages.

Under terms of the consent judgment, Uddin and Reliance Staffing will make the back wages payments in installments through Aug. 1, 2024.

Department of Labor news release, 02/02/2024

A Growing Crisis for Nebraska's LTC Facilities

Twenty-nine LTC facilities closed their doors in the past three years in Nebraska, leaving so-called "care deserts" in 20 counties.

In most facility 60% of the residents are Medicaid and the state's nursing home association says facilities lose about \$49 PPD on each Medicaid resident.

Lawmakers thought solved the problem last year by passing a bill that covered two fiscal years. But the governor vetoes the second year as too expensive.

Two bills before the Legislature this session would cost the state around \$14 million annually, but it would also bring in an additional \$17 million in federal funds.

KETV-TV, 02/08/2024

Briefly IN THE NEWS

Ensign Group outlined a successful 2023 fourth-quarter in which occupancy of existing buildings increased to 70.9% - a 2.4% increase over the same quarter in 2022. That was supported by a 12.3% quarterly increase in managed care volume (*McKnight's*).

HHS made permanent a pandemic-era flexibility allowing providers to prescribe *buprenorphine* — a treatment for opioid use disorder through telehealth without an in-person visit. The federal government said the rule, effective April 2, applies only to certified treatment programs and makes drug therapy more accessible (*LeadingAge*).

Nearly half of nurses reported an increase in workplace violence last year, leading many to consider leaving their job or healthcare altogether. In a survey by National Nurses United data from more than 900 nurses nationwide found that in 2022 and 2023 more than 80% of nurses experienced some form of workplace violence. Attacks ranged from bites, punches, kicks and thrown urinals to "racist and sexually aggressive comments" (*Modern Healthcare*).

Biogen will end a post-approval study of Alzheimer's treatment *Aduhelm* and return the licensing rights on the drug after failing to find a partner to mitigate costs of obtaining standard regulatory approval. The drugmaker said it was concerned that by the time *Aduhelm* received a standard approval, new medicines would have advanced to the market (*Reuters*).

Cancer cases around the world are expected to surge 77% by 2050, a new report from WHO estimates. That attention-grabbing statistic, based on an analysis of 185 countries, cites a growing and aging population and factors including tobacco, alcohol, obesity, and pollution (*WHO*).

CareTrust REIT is holding a record stash of credit and cash, and company leaders they are about to unleash a wave of spending on primarily skilled nursing acquisitions. At the end of last year CareTrust was sitting on \$600 million in credit and just under \$300 million in cash (*McKnight's*).