

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"CMS must not make them wait any longer and must make this rule a top priority" from letter to CMS from Center for Medicare Advocacy and Justice in Aging pushing to finalize proposed observation rule

"We get down to the end of the budget and there's nothing there to help nursing homes. We put a little bit of money in, a stopgap measure to get them through, and then wonder why they are back next year"
Maine Senate President Troy Jackson

"One of the challenges and a barrier to accessing palliative home care is the difficulty of predicting survival"
Amy Hsu, PhD, an investigator at the Bruyère Research Institute in Ontario, Canada

They'll Work Four And Get Paid for Five

St. Vincent Rehabilitation and Nursing Center in Berlin, NH announced it will now offer a special "work four days, get paid for five" schedule for frontline nursing staff.

Effectively immediately, the program is available to all new and existing nursing assistants, LPNs and RNs at St. Vincent.

Aides will work 30 hours a week and get paid for 37.5 hours. RNs and LPNs will work 32 hours a week and get paid for 40 hours.

Nursing home officials said this initiative presents a unique opportunity to build a rewarding career in health care while enjoying an enhanced work-life balance.

Conway Daily Sun, 02/28/2024

A Ton of Groups Urge Passage of Anti-Mandate Bill

The nation's two largest long-term care provider associations and more than 1,100 cosigners threw their support behind a federal bill that would block the nursing home staffing mandate proposed in September by the Biden Administration.

The groups — including at least 16 national organizations, dozens of state organizations, rural provider advocacy groups, and hundreds of individual providers — made their appeal in a joint letter to the leaders of the House Ways and Means Committee.

The act would prohibit CMS from implementing the proposed rule and would instead create a nursing home workforce advisory panel to investigate the sector's staffing challenges.

McKnight's, 03/01/2024

Feds Fine St. Louis Nursing Home \$55K

CMS has imposed a \$55,000 CMP after St. Louis' largest nursing home closed without warning late last year.

The 320-bed skilled nursing facility closed suddenly on Dec. 15 as the company that owned Northview Village struggled to meet payroll.

The closure was chaotic, with many residents left with nothing but the clothes they were wearing, creating confusion and spurring outrage among residents and their families. Some were relocated without their medical records or medication lists.

One resident with schizophrenia was missing more than three weeks before he was found.

WAVY-TV, 02/28/2024

Missouri Legislature Targets REIT Operators

A bill proposed last week in the Missouri House aims to increase standards of care and ownership transparency for elder care.

The bill follows the national fallout from the abrupt evacuation of Northview

Village, a St. Louis nursing home, which closed abruptly last December and left over 170 residents seeking other facilities.

Under the proposed law, to receive a permit to operate, facilities would be required to disclose "all facility owners, facility trustees, and companies that provide the facility or operator with administrative, clinical, and financial services, including real estate investment trusts."

McKnight's, 02/27/2024

Operators Applaud State's Solution to Survey Backlog

Survey backlogs have caused headaches for nursing homes, and Delaware is one state that is using third party contractors to successfully, drastically reduce the backlog in a move that is being applauded by nursing home operators.

Delaware contracted with Healthcare Management Solutions to help clear its backlog of LTC surveys, doubling the number of annual surveys completed.

Currently, only seven of Delaware's 81 long-term care facilities are overdue for a survey and two of those were in survey during this past week.

The icing on the cake is the state health care association says operators are happy with the results.

Skilled Nursing News, 02/26/2024

No Nursing Home Beds So, They Stay in the Hospital

Vermont hospitals are filling up with long-term patients due to a lack of placement options, like residential care facilities. In some cases, it's delaying other patients' access to needed care.

The problem has only worsened since the COVID-19 pandemic.

Health care officials told lawmakers recently that a shortage of nursing home beds has forced hospitals to become residential care providers for patients who have nowhere else to go.

Lawmakers say they're considering increases to Medicaid reimbursement rates for residential and home care providers in this year's budget.

Vermont Public, 02/21/2024

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

AMERICA: Nationally, 6.4% of US adults reported ever having experienced long COVID but it varies state-to-state. In general, prevalences of long COVID was lower in New England and higher in the South and West. Montana, Wyoming, and North Dakota all had prevalence rates ranging from 8.9% to 10.6%, as well. West Virginia had the highest rate at 10.6% (***Morbidity and Mortality Weekly Report***).

MONTANA: Fifty-six percent of the state's nursing home residents have not gotten the most recent COVID-19 vaccination. For staff the that skyrockets to 82%. Montana's updated vaccination rate for both residents and staff sits in the middle of the pack nationwide. Nearly 90% of residents and staff nationwide took the initial round of vaccines during the height of the pandemic, thanks in part to a massive federal campaign. KFF said without federal programs, vaccination rates in nursing homes may continue to drop (***Montana Public Radio***).

THE WORLD: More than 13.5 billion doses of Covid vaccines have been administered globally over the past three years, saving over 1 million lives in Europe alone. Still, a small proportion of people immunized were injured by the shots. The rare events – identified early in the pandemic – included a higher risk of heart-related inflammation from mRNA shots made by Pfizer Inc, BioNTech SE, and Moderna Inc, and an increased risk of a type of blood clot in the brain after immunizations well as an increased risk of Guillain-Barre syndrome (***Bloomberg***).

CANADA: The Canadian Sentinel Practitioner Surveillance Network data reveal mid-season vaccine effectiveness against the SARS-CoV-2 Omicron XBB.1.5 variant of 47% against medically attended outpatient COVID-19 and 67% among previously infected people. The same study reports that the flu vaccine is 63% effective against medically attended outpatient infection with the influenza A H1N1 strain and 40% against H3N2 (***Eurosurveillance***).

THE WORLD: People who have had COVID-19 have a significantly higher risk of suffering chronic fatigue than those who

haven't had the disease, a new study published Wednesday shows. "Our data indicate that COVID-19 is associated with a significant increase in new fatigue diagnoses," according to the study, published by the CDC in the journal *Emerging Infectious Diseases* (***Los Angeles Times***).

COLORADO: A Colorado Health Institute survey found that one in seven Coloradans who tested positive for COVID-19 developed long COVID. Nearly half of those who had long covid had to take time off of work or school (about 138,000 people), and another third of them had to take reduced hours at work (more than 102,000 people). Nearly 20,000 had to leave their jobs, and about 24,000 applied for disability benefits (***Colorado Public Radio***).

CHICAGO: A recently released coroner's report determined five-year-old boy who died in December at a migrant shelter had developed sepsis after catching Covid and Strep A. Jean Carlos Martinez Rivero was found unresponsive at the migrant center in Chicago's Lower West Side, after days of being sick (***WMAQ-TV***).

WASHINGTON, DC: The National Institutes of Health has announced plans to provide an additional \$515 million in funding over the next four years for the research and treatment of long COVID. The increased funding is part of a nationwide initiative called RECOVER to better understand, diagnose and treat long COVID. The NIH received \$1.15 billion in congressional funding to launch the initiative in 2021 (***McKnight's***).

AMERICA: As the CDC prepares to drop its long-standing recommendation that those with COVID isolate for five days, people with compromised immune systems worry that co-workers will return to the office while they're still contagious. At the same time, the few remaining policies guaranteeing paid leave for employees with COVID are largely coming to an end. New York, the only state that still requires paid leave for covid isolation, is considering ending that benefit this summer (***Washington Post***).

CAPITOL HILL: The chair of the House panel investigating the COVID-19 pandemic threatened to subpoena HHS officials over a lack of cooperation with the committee's investigation unless they answer another round of specific questions. In a letter sent to HHS Assistant Secretary for Legislation Melanie Egorin, Rep. Brad Wenstrup (R-Ohio) expressed frustration with Egorin's recent public testimony and what he said was a persistent lack of cooperation from the agency on producing documents related to the virus's origins, vaccine messaging and policies about COVID closures (***The Hill***).

MICHIGAN: A study based on 4,605 participants in the Michigan COVID-19 Recovery Surveillance Study shows that the prevalence of long COVID symptoms at 30 and 90 days post-infection was 43% to 58% lower among adults who were fully vaccinated before infection. The 30- and 90-day timeframes were meant to compare two different definitions of long COVID (***Annals of Epidemiology***).

AMERICA: A Princeton University/Rutgers University investigation found a total of 282,000 renters received eviction notices in 2020 and 2021, during which time their observed death rate was 106% higher than the expected rate. In contrast, the observed death rate among similar renters not served notices was 25% higher. 100,000 (***JAMA***).

AMERICA: State COVID-19 vaccine mandates didn't significantly change how many people took the initial shots. Researchers from the University of Arizona and Furman University compared state-by-state differences. They also found the percentage of eligible residents who received a booster or flu shot was smaller in mandate states (***CIDRAP***).

COVID-19, 03/01/2024

Global Cases – Deaths
774,631,444 – 7,031,216

U.S. Hospitalizations – Deaths
6,857,629 – 1,181,607

CDC, WHO

COVID Negligence Case Sent Back to State Court

Providers who have argued at least three times that the COVID-related civil cases in which they are embroiled belong in federal court have been shot down again – this time by a federal Appeals Court.

The nursing homes in Andover, NJ experienced multiple COVID deaths and had argued that under the PREP Act the cases should be heard in federal court. The Appeals Court, however, said the facilities were not federal contractors, as the Act required, and sent the case back to the state judicial system.

Six of the 13 US Circuit Courts have issued similar PREP Act rulings.

McKnight's, 02/21/2024

Connecticut Owes Its Nursing Homes \$55 Million

Connecticut owes its nursing homes \$55 million in unexpected Medicaid reimbursements after enforcing staffing requirements beyond its 2021 staffing mandate which set a minimum of 3.0 hours PPD.

It did not, however, specify what types of care workers were required to take part in meeting that 3.0 hour minimum.

In contrast, Connecticut Department of Public Health Commissioner Manisha Juthani required nursing homes to provide at least 0.84 hours of care per day specifically from registered nurses.

This additional requirement, in effect from March 2023 through January 2024, caused increased staffing costs for the state's nursing homes.

McKnight's, 02/28/2024

Maine Looking for Funds to Keep SNFs Open

Nursing homes in Maine are looking for \$28 million more in state funding to fend off future closures and keep needs available for the state aging population. In all there's a \$120 million shortfall in state and federal funding.

State Senate President Troy Jackson said for years, lawmakers have failed to provide enough money to keep nursing

homes operating statewide. In 1995 Maine had 132 nursing homes. Today there are 81.

Jackson said 23 facilities have closed in the past ten years at a time when demand for elder care is rising.

Spectrum News, 02/26/2024

KY House Passes Bill To Protect Healthcare Workers

With workplace violence against healthcare workers reportedly on the rise, the Kentucky House sent to the state Senate on a bipartisan 95-0 vote, a bill that expands assault protections to nearly every healthcare worker statewide.

Should the bill become law, assault or attempted assault of health care workers in nursing homes, at hospitals, health clinics and other locations would qualify as a felony carrying one to five years in prison.

An assault during a declared emergency would result in 5-to10 years in prison.

The bill strengthens a 2023 Kentucky law that focused on assault protections for emergency room staff only.

Link NKY, 02/26/2024

Advocates Push Proposed Change in Observation-Stay

A major advocate for Medicare beneficiaries and about 40 cosponsors are embracing a proposed process for observation stay appeals, calling it 15 years overdue.

Drafted by the Center for Medicare Advocacy and Justice in Aging, the letter urges CMS to move quickly to finalize the appeals rule proposed in December.

Currently, Medicare patients who are initially classified as inpatients and later reclassified to outpatients under observation have no way to appeal the change in status leading to significantly higher care costs at hospitals and skilled nursing facilities.

Some avoid a SNF stay all together to avoid the daily expense.

McKnight's, 02/26/2024

ONE COLUMN

Nursing Homes Can Grow with the Proper Strategies

In the 2024 Skilled Nursing Facility Benchmark Report from consulting company Plante Moran the themes that will "dominate" this year are financial constraints, workforce disruption and keeping up with changing regulatory requirements.

The report specifically put a spotlight on Medicare Advantage plans undercutting nursing homes options for post-acute care, while low Medicaid reimbursement rates and stiff competition from home- and community-based care alternatives eat away at the profitability of long-term care.

Nursing homes have struggled to maintain their operating margins in a post-COVID era where provider relief funding has dried up. Residual staffing, occupancy and Medicaid funding challenges remain. The national net profit margin for nursing homes fell by nearly 3% in 2022.

In 2022, the Mountain region — Idaho, Montana, Colorado, Wyoming, Utah, Nevada, Arizona and New Mexico — was the only area of the US where nursing homes had recovered to pre-pandemic occupancy levels on average.

Meanwhile, the routine costs of care per patient per day rose 33% nationally between 2019 and 2022, in large part due to soaring staffing costs.

Report authors suggested:

Revamping financial procedures to minimize unintentional losses and maximize efficiency was another key focus area. Plante Moran's analysts also joined the chorus of voices emphasizing the vital importance of employee retention.

"Build cultures that promote employee engagement and retention," the report advises. "A strong culture can help prevent burnout, relieve stress, and create a sense of cohesion across your facilities."

Plante Moran, McKnight's, 2/09/2024

CDC Lifts 5-Day Isolation, but Guide for SNFs Unchanged

People with COVID-19 no longer have to isolate for five days, per new guidance issued by CDC.

The CDC now recommends that people who are sick with respiratory virus symptoms stay home for 24 hours after they are fever-free and their symptoms start to improve.

However, the recommendations are for the general public and do not apply to healthcare settings such as nursing homes.

The guidance is more consistent with other viruses such as the flu and RSV.

The shift in guidance comes as hospitalizations and deaths from COVID-19 continue to decline.

CDC, McKnight's, 03/01/2024

SNFs Nearing 2 million COVID Cases, But It's Improved

Nursing homes were the single most deadly setting for COVID-19. More than 170,000 residents have died from the virus since 2020.

And now a milestone is at hand. Two million cases in nursing homes. CMS is reporting there are currently 1,980,000 confirmed COVID cases since the start of the pandemic.

But there's been improvement.

"We had a horrendous experience in 2020" said AHCA's Mark Parkinson. "... and then really since the vaccine came in, it's been pretty much under control.... I think we can say that the clinical nightmare of COVID is certainly behind us."

McKnight's, 02/20/2024

RN Shortage Everywhere But Arizona is the Worse

The National Center for Health Workforce Analysis predicts Arizona will have 28,100 fewer registered nurses than it needs next year.

If that prediction comes true, the state would have the worst RN shortage in the nation in 2025.

Arizona Nurses Association president Heidi Sanborn said the lack of nurses is most acutely felt in emergency rooms and urgent care facilities.

According to the National Library of Medicine, nursing shortages can have deadly consequences. Hospitals with high patient-to-nurse ratios experience higher patient mortality rates than those with more equitable numbers.

KTAR-FM, 02/19/2024

Many Nailed Trying To Scam Uncle Sugar

Healthcare providers – 543 of them – were forced to pay a historic \$2.7 billion to resolve federal False Claims Act allegations last year, an escalation that will likely allow the government to support even more investigations in years to come.

The False Claims Act awards whistleblowers triple damages for helping bring about a case that proves healthcare entities inappropriately billed for unneeded or undelivered services.

That mechanism has been both praised for its ability to discourage fraudulent activity by providers and criticized for its role in encouraging baseless claims that cost operators hundreds of thousands of dollars in legal fees.

DOJ news release, 02/22/2024

Nursing Homes Sue Medicaid Claiming Massive Underfunding

Three Ohio nursing home associations have sued the state's Department of Medicaid alleging it incorrectly calculated quality incentives passed by the state legislature.

The associations last week requested that the Ohio Supreme Court issue a writ of mandamus compelling the state's Medicaid program to correct the planned incentive payments.

The Department of Medicaid, however, says applying terms in the manner suggested by the associations "would result in an expenditure of \$285.6 million more per year than was authorized by the General Assembly."

McKnight's 02/23/2024

Briefly IN THE NEWS

Researchers surveyed 3,000 health care workers in what authors described as a first-of-its-kind effort to quantify whether employees see discrimination within their workplace. Among the key findings in the survey: 47% of U.S. health care workers said they witnessed discrimination against patients. At hospitals with a majority of Black patients, 70% of workers said they witnessed discrimination against patients based on their race or ethnicity. For hospitals with mostly Latino patients, that figure was 61% (*USA Today*).

The U.S. Food and Drug Administration is warning smartwatches and rings that claim to measure blood sugar levels for medical purposes without piercing the skin could be dangerous and should be avoided. The caution applies to any watch or ring, regardless of brand, that claims to measure blood glucose levels in a noninvasive way. The FDA has not authorized, cleared, or approved any smartwatch or smart ring that is intended to measure or estimate blood glucose values on its own (*FDA.gov*).

University at Buffalo's School of Public Health and Health Professions investigated how many steps a day women need to take to have healthy hearts. It's not nearly what you might think. Their results showed that women who walked 3,600 steps per day, on average, at a normal pace were 26% less likely to develop heart failure (*Newsweek*).

A study of over 800,000 U.S. children, ages 2 to 5 found that those born and vaccinated against influenza in October are both more likely to be vaccinated against flu and less likely to be diagnosed as having influenza than children born in other months (*The BMJ*).

Doctors and other health care providers accused by patients of sexual misconduct kept practicing – sometimes for years – because of gaps in Illinois laws and a licensing agency that can be slow to take disciplinary action. In some cases providers harmed additional patients, as their licenses remained in good standing (*Chicago Tribune*).