

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"To try to make the issue about a lack of transparency to me is just a red herring"

Andrew Aronson of the Health Care Association of New Jersey where the DOH wants annual third party financial disclosures be audits

"The events that occurred at Mt. Hood Senior Living are unacceptable and must be addressed. Trust is currently broken"

Oregon Ombudsman Fred Steele in a report calling for an audit of the Dept. of Human Services for ignoring "red flags" resulting in a resident's death

"We are constantly understaffed and overworked. We are constantly burned out"

Karly Beaujean, an LPN at AbsolutCare nursing home in Westfield, NY

CMS's "Risk-Based Survey" 90% Would Be Excluded

CMS said the proposed risk-based survey approach would allow "consistently higher-quality facilities" to receive a more focused survey, while still ensuring compliance with health and safety standards.

The agency would limit the maximum number of participants, possibly to 10% of nursing homes in each state.

"Higher quality could be indicated by a history of fewer citations for noncompliance, higher staffing, fewer hospitalizations, and other characteristics (e.g., no citations related to resident harm or abuse, no pending investigations for residents at immediate jeopardy for serious harm, compliance with staffing and data submission requirements)."

McKnight's, 04/04/2024

White House Promises Staffing Rule Is Near

President Joe Biden said Tuesday his administration plans to finalize its nursing home staffing rule in "coming weeks."

Biden spoke to a union-heavy crowd at Washington, DC's Union Station hours after releasing an updated fact sheet on investments he said his administration has made to support caregivers, boost pay, improve job quality and expand care options for patients and families.

Much of Biden's speech centered on bolstering child care and home care services.

But the president's caregiving agenda continues to shape regulatory oversight of nursing homes, including the proposed staffing rule that was still being reviewed by the OMB.

McKnight's, 04/10/2024

Change Wants Data-Breach Lawsuits Heard in Nashville

UnitedHealthGroup's Change Healthcare asked a U.S. court panel to designate Nashville, Tennessee, as the place to consolidate at least 24 class actions accusing the payment processor of failing to protect personal data from February's cyber hack.

Change is based in Nashville and the company said the federal court there was well prepared to oversee a large, consolidated legal proceeding.

Evidence and key witnesses will be based in Tennessee, Change told the Judicial Panel on Multidistrict Litigation, which weighs forum questions about lawsuits focused on the same set of facts.

Reuters, 04/04/2024

Claim They Have Medicare CVS Data in Change Hack

A hacking gang claims it nabbed data on several other payers in the cyberattack on UnitedHealth Group's Change Healthcare.

A cybercriminal group said it stole 4 terabytes of data in the Change hack, including information on "tens of

insurance companies and others," including CVS Caremark and Medicare.

The hackers claimed it was cut out of the \$22 million ransom payment UnitedHealth reportedly made but that it still has the data.

The hacking group also said it has data on Medicare, Tricare, Loomis, Davis Vision, Health Net, MetLife and Teachers Health Trust.

Becker's Hospital Review, 4/08/2024

More Barrier Precautions Added To Infection Control Guidance

The new CMS guidance issued to providers and state survey agencies adds the use of personal protective equipment during high-contact care activities to its infection and prevention and control standards.

The agency said nursing homes must begin to use enhanced barrier precautions to prevent broader transmission of multidrug-resistant organisms and to help protect patients with chronic wounds and indwelling devices.

CMS acknowledged that some nursing homes have been hesitant to use the CDC barrier precaution guidance because it could have limited the activities in which residents colonized with a multidrug-resistant organism could participate.

McKnight's, 03/22/2024

A Bill to Stop Resident Financial Exploitation

A bill to protect residents in New Jersey LTC facilities from being financially exploited is winding its way through the legislature. It would prohibit long-term care facilities owners or employees from appointing themselves as guardians of residents.

The legislation was developed after a long-term care administrator appointed himself as guardian of a resident and began selling the resident's belongings, including the resident's car.

The bill was passed unanimously in the New Jersey Senate.

WHYY Radio, 04/05/2024

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

CAPITOL HILL: The Supreme Court rejected the appeal of a Minnesota woman who said she was wrongly denied unemployment benefits after being fired for refusing to be vaccinated for COVID-19 because of her religious beliefs. The Minnesota Department of Employment and Economic Development determined she wasn't eligible for benefits because her reasons for refusing the vaccine were based less on religion and more on a lack of trust that the vaccine was effective (*USA Today*).

THE WORLD: One of the ongoing concerns of COVID-19 vaccines has been reports around thromboembolic and cardiovascular events. But a new study published in the journal, *Heart*, reported there was a major reduction of risk (45–81%) for post-acute COVID-19 venous thromboembolism (VTE), arterial thrombosis/thromboembolism (ATE) and heart failure (HF) in patients who had been vaccinated (*Contagion*).

NEW JERSEY: Rutgers University in New Jersey no longer requires students, faculty, staff, and university affiliates to get the COVID-19 vaccine. Now reporting positive COVID-19 test results is not required at Rutgers. In March 2021, Rutgers became the first in the nation to require COVID vaccination, and many higher-ed institutions followed (*WNYW-TV*).

CALIFORNIA: Californians are remarkably under-vaccinated — only 13.7% of Golden Staters are up to date, and that percentage shrinks as poverty levels increase. In the LA-area for example, 12.6% of folks in Orange County are up-to-date on their COVID vaccines, compared to 12% in Los Angeles County, 8% in Riverside County, and 6.8% in San Bernardino County. Statewide, only 34.1% of folks 65+, the most vulnerable group, have had the most recent vaccine -LA counties are even worse (*Orange County Register*).

NEW YORK: Researchers from the University of Rochester Medical School reported efforts to improve air quality — specifically air filtration and improving airflow — at a special education school in Rochester, New York, were associated

with fewer COVID-19 cases in staff and students. The Mary Cariola Center has more than 450 students ages 3 to 21 who have severe intellectual and developmental disabilities (*PLOS One*).

AMERICA: A new analysis of US national data from researchers at the Mayo Clinic shows that patients from rural counties had higher death rates and trended toward higher readmission rates following COVID-19 hospitalization than those from urban counties. The difference persisted after the introduction of COVID-19 vaccines. The study looked at 9325 patients. A total of 1738 deaths occurred during the study follow-up of which 21% were in rural counties and 17% in urban (*Open Forum Infectious Diseases*).

SWEDEN: Researchers at the Karolinska Institutet in Sweden say recommendations that people with long COVID should avoid vigorous exercise are probably too strict. The study was based on 31 patients with long COVID but no other diagnoses. There was no difference in stamina between the groups, but the long COVID group did have sorer muscles afterwards (*JAMA Network Open*).

AMERICA: There's dramatically lower confidence in COVID-19 vaccine safety in pregnant and recently pregnant women in 2023 compared to 2021. That's despite evidence to the contrary. In a two-wave survey those somewhat or strongly agreeing that COVID-19 vaccines are safe decreased from wave 1 to 2 for respondents who reported having received at least one vaccine dose (76% in wave 1 compared to 50% in wave 2). Among non-Hispanic White respondents, the drop was from 72% to 43%; Spanish-speaking Hispanic respondents went from 76% vs 53% (*JAMA Network Open*).

AMERICA: As the United States eased into spring, only two states — Kansas and Texas — had increases or likely increases in coronavirus infections as of March 30 (*CDC*).

AMERICA: A new cross-sectional study of 238,828 blood donors finds that 43.3% of those with a history of SARS-CoV-2 infection reported new long-term

symptoms, compared with 22.1% without a history of infection. This is one of the first long COVID studies to compare those with a history of COVID infection and long-term symptoms to a non-SARS-CoV-2-infected control population. (*JAMA Internal Medicine*).

AMERICA: U.S. life expectancy increased for the first time in two years, according to a new report by the CDC. The report marks a notable reversal: People born in the U.S. in 2022 can expect to live 77.5 years, an increase from 76.4 in 2021. Life expectancy had dropped in 2020 and 2021, which experts have said was driven by Covid-19 deaths and drug overdoses. The 2021 life expectancy report — a decline from 77 years to 76.4 years — marked the lowest U.S. life expectancy since 1996 (*Politico*).

AMERICA: Congress doled out \$190 billion to states for K-12 education during the pandemic, \$122 billion of which was part of Biden's American Rescue Plan (ARP) in March 2021. Putting aside blatant examples of wasteful spending of pandemic funding — football stadium renovations, electrifying bus fleets and adding central office staff, to name a few — available data suggest that much of the federal money was spent on things that have little connection to student learning (*The Hill*).

CAPITOL HILL: Sen Bernie Sanders, who chairs the Senate's Health, Education, Labor, and Pensions (HELP) committee, has released a draft of proposed long-COVID legislation, which would earmark \$1 billion for long-COVID research over the next decade. Sanders asked the long-COVID community to comment on how the proposal can be strengthened and improved before he formally introduces the legislation. (*Sen. Sanders news release*).

COVID-19, 04/12/2024

Global Cases – Deaths
775,251,779– 7,043,660

U.S. Hospitalizations – Deaths
6,909,932 – 1,187,509

CDC, WHO

State Audit Questions Spending of Pandemic Funds

Millions of dollars in questionable spending of federal pandemic funds by the Nebraska Department of Health and Human Services was revealed in a newly released statewide audit.

Those monies were allocated by the Nebraska Legislature for employee retention and recruitment by nursing and assisted-living facilities and providers of developmental disability services.

A sample testing of 25 long-term care facility revealed the “known misuse” of \$20,153 in Medicaid funds by DHHS. Errors were attributed mostly to DHHS not properly verifying recipient income and resources to ensure eligibility.

Based on the sample, auditors put the potential dollars at risk at \$31,763,196.

Nebraska Examiner, 03/26/2024

From a Bake Sale to Memory Care to Survive

A Rhode Island nursing home that had turned to a grassroots funding campaign that included a resident-run bake sale to avoid closure has announced a new plan to stabilize finances and remain open.

Faced with monthly losses, Linn Health in East Providence is transforming into The Loft at Linn and is reworking one floor into a memory-care focused assisted living wing.

Rick Gamache, CEO of parent company Aldersbridge Communities, said the change should stabilize Linn Health enough to ensure all 70 residents and more than 150 staff members can count on retaining their positions into the future.

McKnight's, 04/05/2024

Leaving, Not Only the Job, But the Healthcare Biz

A study looked at why nurses aren't just leaving their jobs but getting out of healthcare altogether.

Researchers surveyed 7,887 nurses from Illinois and New York who walked away from healthcare employment between 2018 and 2021.

Planned retirement was the top reason nurses left healthcare.

But the second-leading cause for leaving the field — were reasons related to working conditions. Challenges such as burnout, staffing problems and poor work-life balance were top contenders.

To combat the exodus, employers should improve working conditions including work-life balance like shorter shifts, higher pay for weekend and holiday work, and on-site childcare.

JAMA Network Open, 04/09/2024

Candidate Says Residents Voting Is “Very Troublesome”

Radio show host Guy Benson asked Wisconsin Senate candidate Eric Hovde what his strategy would be for handling constant media questions about former President Donald Trump's stolen election claims. Trump endorsed Hovde last week.

Hovde said he does not believe the 2020 election was stolen, but he did claim that there were things that happened in 2020 that were “very troublesome,” like a high number of people in nursing homes voting.

Fact check: The Administration for Community Living says that the average stay in a nursing home is highly variable, 20% of residents over 65 stay longer than five years.

WCPT Radio, 04/08/2024

CMS Shifting Infection Control Focus to Sepsis

Quality experts at CMS will be taking a closer look at sepsis rates in nursing homes while continuing broader efforts to improve infection control.

While CMS has not moved to add a sepsis metric to its expanding value-based payment plans, research and efforts at this early stage could result in later initiatives or incentives.

The CMS focus may not be wholly self-initiated. The HHS-OIG is expected to issue audit findings this year on potentially preventable hospitalizations of Medicare-eligible skilled nursing residents, including those who need acute care for UTIs, sepsis and four other conditions.

McKnight's, 04/11/2024

ONE COLUMN Violence Leads to Burnout In Nursing Homes

Nearly one out of every two nurses experienced workplace violence last year, according to a healthcare workforce survey recently released by Vivian Health.

That number is even higher — fully 55% — among long-term care nurses and nurse aides.

In fact, workplace violence is experienced by an 8% larger share of the long-term care workforce than by healthcare workers overall.

Care providers in long-term care overwhelmingly reported experiencing workplace violence from residents (67%) or their families (29%).

“Workplace violence contributes to burnout,” she explained. “Burnout affects patient care. It reduces the quality of patient care ... Burnout is emotional exhaustion, depersonalization and a decreased feeling of empathy for patients. All of that contributes to burnout.”

Beyond the immediately painful and distressing effects of such an event, workplace violence in nursing homes is a key contributor to a “vicious cycle” of burnout and reduced quality of care, according to Gigi Acevedo-Parker, clinical risk consultant national leader at HUB International.

In the report, almost half of healthcare workers overall reported that their employers had not implemented safety measures to protect them. Failing to take proactive steps to address and prevent workplace violence would be a mistake for long-term care providers.

If the impact on burnout and care quality aren't enough incentive, new tougher state and federal regulations seem poised to be handed down in the future. Those rules will likely require increased and more specific education and training from facilities.

“Regular workplace violence training is going to be something that will be required.”

Vivian Health, McKnight's, 03/13/2024

Ombudsman Calls for Audit of State LTC Agency

The Oregon Ombudsman has called for an independent audit of the state's Department of Human Services after an 83-year-old resident wandered away from Mt. Hood Senior Living on Christmas Eve and died.

A report argues that the regulatory body missed multiple red flags that could have prevented the death.

The Ombudsman claimed that the DHS was aware in November of consistently low staffing. An interim administrator was appointed in November, but she wrote to DHS on Nov. 14 claiming that she wasn't qualified for the job.

Mt. Hood, which only opened in February 2023, was shut down following the incident.

McKnight's, 04/08/2024

The Virus Can Damage Heart Without Infecting It

SARS-CoV-2, the virus that causes COVID-19, can damage the heart even without directly infecting the heart tissue.

Scientists have long known that COVID-19 increases the risk of heart attack, stroke, and Long COVID, and that over 50% of people who get COVID-19 experience some inflammation or damage to the heart.

What scientists did not know is whether the damage occurs because the virus infects the heart tissue itself.

They found the SARS-CoV-2 infection increased the total number of cardiac macrophages (immune cells) and also caused them to shift from their normal routine and become inflammatory.

NIH news release, 03/20/2024

Wrong DNR, Resident Died, Lawsuit Filed

A lawsuit claims the untimely death of a nursing home resident was the result of mistakenly applying a roommate's do-not-resuscitate order.

The negligence suit was filed by Judith Englehart's daughter against The Reservoir in West Hartford, CT, its

acting nurse supervisor and the nursing home's operator – Harborside Connecticut Limited Partnership.

Englehart was found unresponsive last Sept. 4 and staffers were allegedly told to not perform CPR. Staff did call 911, however. When facility leadership could not provide DNR documentation, the first responders unsuccessfully performed CPR.

The DNR that was eventually found allegedly applied not to Englehart, but to her roommate.

McKnight's, 04/11/2024

More Housing, Childcare & Medicaid to Help Maine's LTC

Maine Gov. Janet Mills unveiled a budget revision that includes, among other initiatives, additional one-time spending to accelerate nursing facility rate reform.

Mills said the bill is "fiscally responsible" and also addresses affordable housing and childcare. Both of which could ease the state's LTC staffing crisis.

Some of Maine's nursing homes have had to close because affordable housing is not available for staff.

The governor's proposal sets the stage for lawmakers to finish negotiations and bring the budget to the floor for votes. They're racing the clock because lawmakers are due to adjourn on April 17.

AP, 03/29/2-24

Judge Rejects Defamation Charge in Labor Negotiations

In 2012 CareOne sued United Health Care Workers East and its SEIU 1199 after, during difficult contract negotiations the union had filed a complaint with the NLRB against the company.

Ultimately CareOne charged the union had resorted to "extortion and fraud," in negotiations, but later added claims of defamation and trade libel to the suit.

In rejecting CareOne's claims recently, the judge turned to *New York Times vs. Sullivan*, a free speech case dating to the Civil Rights era in which the Supreme Court ruled that derogatory statements must be both false and made with "actual malice."

McKnight's, 04/02/2024

Briefly IN THE NEWS

HHS issued new guidance last week clarifying that hospitals must obtain written consent for sensitive exams, such as pelvic, breast or prostate exams – especially if patients will be under anesthesia during the exam. The Office for Civil Rights sent a letter advising teaching hospitals and medical schools of the new guidance and condemning the practice of performing sensitive exams on anesthetized patients without informed consent (**CNN**).

Honeywell International is considering selling its personal protective equipment (PPE) division in a deal that could value the unit at more than \$2 billion. The U.S. industrial conglomerate is exploring strategic alternatives for the business, and the unit will likely be of interest to private equity firms. The company's PPE products, which range from respiratory protection to work boots and face masks, saw a surge in demand during the COVID-19 pandemic but has since then seen demand wither away (**Bloomberg**).

The population of Americans 100 or older is projected by the Census Bureau to quadruple in the next 30 years. The vast majority of Americans in their 100s today are women (78%) and white (77%), according to Pew Research Center. That's expected to tick down to 68% women and 72% white by 2054 (**Axios**).

Working long hours earlier in life may be linked to worse health as you age. A study found that those who had more erratic work schedules when they were younger—for example, those who worked evenings, nights and variable hours—slept less, had lower sleep quality and were more likely to report depressive symptoms at age 50, compared to people who worked traditional 9-to-5 jobs (**Newsweek**).

ProMedica and its joint venture partner, The MetroHealth System, have decided to close the ProMedica Skilled Nursing and Rehabilitation facility at MetroHealth's Old Brooklyn Medical Center in Cleveland, Ohio. The skilled nursing facility stopped admitting new patients April 1, and will close by early summer after all current patients have been released or transferred (**MetroHealth news release**).