

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

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THEY SAID IT:

"When facilities are understaffed, residents may go without basic necessities like baths, trips to the bathroom, and meals - and it is less safe when residents have a medical emergency" White House statement on the final 3.48 staffing mandate

"This news is Christmas in April for predatory staffing agencies. For many nursing homes, it's an extinction event" New Hampshire Health Care Association CEO Brendan Williams

"Care workers across the country are united in our demand for safe staffing levels, better quality care and employer accountability for our nation's nursing homes" April Verrett Sec-Treasurer SEIU

"I think it's pretty clear that we've got a problem with understaffing"
Sen. Bob Casey during a hearing in the Senate Special Committee on Aging after he introduced a bill to increase the number of direct care workers in

"Too many of our nation's most vulnerable individuals—especially seniors—are exploited by the very people who are supposed to care for them" Sen Richard Blumenthal on a bill he introduced to prohibit required arbitration

"These new required minimum staffing requirements will increase staffing in more than 79 percent of nursing facilities" CMS after new staffing rule was published

"Today's conversation really is about the safety, the dignity, the guarantee of self-determination that comes with the work that home healthcare workers and [nursing home] care workers do" Vice President Kamala Harris

"This fight is not over" Mark Parkinson, CEO AHCA.NCAL

Final Rule: 3.48 PPD And RNs On Duty 24/7

Nursing homes will be required to deliver 3.48 hours of daily direct care per patient under a final staffing mandate issued by the Biden administration.

A White House statement on the rule said that 3.0 hours must be split between registered nurses at 0.55 hours and 2.45 hours for certified nurse aides.

The remaining .48 hours is to be flexed between CNAs and LPNs.

The rule also preserves a requirement proposed in September that requires facilities to have an RN onsite 24 hours a day, seven days a week.

McKnight's, 04/22/2024

A Few More Details re: The New Staffing Rule

In the staffing rule rollout CMS said it would exempt nursing homes from RN coverage for up to 8 out of 24 hours a day "under certain circumstances," unveiling a critical new detail.

A director of nursing also can count toward the rule's 24/7 RN requirement, CMS said, noting a change that providers will likely appreciate given their persistent challenges hiring RNs across the country.

The White House said 3.0 of the total 3.48 hours must be split between registered nurses at 0.55 hours and 2.45 hours for certified nurse aides daily.

The remaining time requirements were not immediately defined.

McKnight's, 04/22/2024

The Veep and SEIU Tout New Staffing Mandate

Vice President Kamala Harris led a roundtable discussion that included local nursing home staff in La Crosse, WI, Monday — continuing the Biden administration's push announcing the

finalization of the first ever federal nursing home staffing rule.

Joining Harris were Chiquita Brooks-Lasure, administrator of the Centers for Medicare & Medicaid Services, April Verrett, secretary-treasurer of the SEIU and several veteran certified nursing assistants affiliated with the SEIU Wisconsin.

Speaking to a gathering of nursing home employees, Harris repeatedly emphasized how the new 3.48-hour staffing mandate would impact the lives of both nursing home frontline workers and residents.

McKnight's, 04/23/2024

Dems Push LTC Bill As Offset to Staffing Mandate

Sen. Bob Casey (D-PA), chair of the Senate Special Committee on Aging, and a supporter of the Biden staffing mandate has introduced a bill that aims to increase the number of direct care professionals, provide new pathways to enter the LTC workforce, improve pay, and identify effective recruitment and training strategies.

Measure would provide \$400 million annually in workforce grants to help states improve staffing.

McKnight's, 04/17/2024

Understatement: Orgs Not Thrilled with New Rule

Providers say CMS embraced concerns voiced by consumer groups and unions but largely ignored provider warnings about their inability to comply with the mandate.

"RNs are leaving the workforce, leaving the profession and those who are working typically choose to work in environments that are not long-term care," LeadingAge CEO Katie Smith Sloan said.

AHCA/NCAL CEO Mark Parkinson called the staffing minimums a "20th Century solution for a 21st Century problem." He noted momentum against the mandate is growing among Democrats and Republican lawmakers and the organization hoped to work with the lawmakers on a "more meaningful solution."

McKnight's, 04/23/2024

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

AMERICA: Moderna's patent lawsuit claiming Pfizer and BioNTech copied its COVID-19 vaccine technology will be put on hold while the U.S. Patent Office determines whether two of the three Moderna patents at issue are valid. U.S. District Judge Richard Stearns stayed the closely watched case over Moderna's objections after determining that the Patent Office's rulings would "simplify" the patent-infringement lawsuit. The case is one of several brought by biotech companies seeking patent royalties from the blockbuster COVID-19 vaccines (*Reuters*).

NEW YORK: Healthcare workers at a New York health system likely aren't exactly lining up to get the latest COVID-19 boosters. According to a survey of healthcare workers at HCP between 2021 and 2022, 17% were hesitant to get the boosters and 33% were unsure about giving boosters to their children. Data came from 4,165 workers who received their initial COVID-19 shots (*Vaccine*).

AMERICA: The mortality in U.S. prisons increased 77% in 2020 compared to 2019. That's 3-4 times the increase among the free population. Although it's long been clear that prisons struggled to contain COVID outbreaks, there is still no official pandemic prison death toll. There were about 150 more deaths per ten-thousand prisoners in 2020. Researchers from U.C. Irvine and Brigham and Women's Hospital said their study is a key factor in avoiding another pandemic (*Axios*).

THE WORLD: The antiviral drug remdesivir cut death rates 17% to 25% in adults hospitalized for COVID-19. The study, led by researchers from remdesivir (Veklury) developer Gilead Sciences, used a multicenter US hospital billing database to compare rates of in-hospital death among 58,188 patients on room air who received at least one dose of remdesivir within the first 2 days of hospital admission and 17,574 matched patients not given the drug. The drug is most effective when given early (*Open Forum Infectious Diseases*).

THE WHITE HOUSE: A new Global Health Security Strategy, strives to make the country even better prepared

for future pandemics, outbreaks and biological threats regardless of where they occur. As part of the new strategy, the U.S. is expanding its health security partnerships from 19 countries to 50 countries in Africa, Asia, the Caribbean, Eastern Europe, Latin America and the Middle East. The U.S. will help these countries bolster their capacity to identify and respond to diseases. (*NPR*).

CALIFORNIA: Stanford Medicine investigators have implicated a type of immune cell known as an interstitial macrophage in the critical transition from a merely bothersome COVID-19 case to a potentially deadly one. Interstitial macrophages are situated deep in the lungs, ordinarily protecting it by, among other things, engulfing viruses, bacteria, fungi and dust particles. But it's these very cells, researchers found, that of all known types of cells composing lung tissue are most susceptible to infection by SARS-CoV-2 (*Journal of Experimental Medicine*).

THE NETHERLANDS: In Feb. 2022, a 72-year-old man with a compromised immune system was admitted to Amsterdam University Medical Center with a COVID-19 infection. The virus in his body proceeded to evolve over the course of 613 days. Despite receiving multiple doses of the SARS-CoV-2 vaccine, his compromised immune system made him unable to generate a detectable antibody response, allowing the virus to continue to evolve into a "novel immune-evasive variant" that had mutated over 50 times. The man died from his underlying blood disorder after fighting COVID for 613 days (*Scripps News*).

CHINA & THE WORLD: The Chinese government froze meaningful efforts to trace the origins of the coronavirus pandemic, despite publicly declaring it supported an open scientific inquiry. The Associated Press drew on thousands of pages of undisclosed emails and documents, leaked recordings, and dozens of interviews that showed the freeze began far earlier than previously known — in the first weeks of the outbreak — and involved political and scientific

infighting in China as much as international finger-pointing (*AP*).

AMERICA: Researchers from the Johns Hopkins Children's Center published a study demonstrating only small declines in developmental milestones in children 5-years-old and younger during the pandemic in the U.S.. The authors of the study said the findings were reassuring for the short term but may mean behavioral and development pediatric care will be strained in the coming years (*JAMA Pediatrics*).

AMERICA: Researchers review COVID-19 activity and vaccination in US nursing homes from October 2023 through February 2024 and find up to 26% of nursing homes reported at least one case of COVID-19 during each week of the study period. Weekly rates of incident SARS-CoV-2 infection ranged from 61.4 per 10,000 nursing home residents during the week ending February 11, 2024, to 133.8 per 10,000 during the week ending December 3, 2023 (*CDC Morbidity and Mortality Weekly Report*).

CHINA: The hunt for the origins of COVID-19 has gone dark in China, the victim of political infighting after a series of stalled and thwarted attempts to find the source of the virus that killed millions and paralyzed the world for months. The Chinese government froze meaningful domestic and international efforts to trace the virus from the first weeks of the outbreak, despite statements supporting open scientific inquiry. That pattern continues to this day, with labs closed, collaborations shattered, foreign scientists forced out and Chinese researchers barred from leaving the country (*The Washington Post*).

COVID-19, 04/26/2024

Global Cases – Deaths
775,335,916 – 7,045,569

U.S. Hospitalizations – Deaths
6,929,940 – 1,189,603

CDC, WHO

'Policy Smalacy' They Don't Stop COVID

A Columbia University–led research project suggests US states and territories that had more policies aimed at reducing COVID-19 rates in nursing homes didn't necessarily have lower levels of the disease.

In total, 1,400 policies were identified in 50 states and 5 territories. But, having more COVID-19 policies didn't equate to less disease.

In May 2020, Montana, Hawaii, and Alaska had no COVID-19 deaths or policies.

In January 2021, New York had a severe COVID-19 burden and the greatest number of policies, while Pennsylvania, Montana, and Florida had a similar COVID-19 burden but fewer policies.

JAMA Network Open, 04/22/2024

A COVID-Closed SNF Settles With Multiple Families

An Oregon nursing home closed by the state after a COVID-19 outbreak has reportedly agreed to settle a lawsuit with the families of 13 residents who died.

The outbreak started in March 2020 at the 114-bed Healthcare at Foster Creek in Portland, claimed the lives of 34 residents – ultimately more than any other Oregon LTC center before state officials closed the facility that May.

The lawsuits targeted Foster Creek's owner, St. Jude Operating Company, and Benicia Senior Living, a management firm that operated the facility.

Terms of the confidential settlement were not disclosed.

McKnight's, 04/16/2024

Fauci To Testify on Covid Origins, Pandemic Policies

Anthony Fauci will testify June 3rd before the House Oversight select subcommittee on the coronavirus pandemic – the first time the prominent infectious-disease expert will publicly face Congress since leaving government nearly 1½ years ago.

The GOP-led panel includes some of Fauci's most persistent critics in Congress, such as Reps. Marjorie Taylor Greene (R-Ga.) and Ronny Jackson (R-Tex.), who have repeatedly alleged that the pandemic began with an accident at a lab in China funded by Fauci's agency and covered up by U.S. officials.

Lawmakers expected to press him on the still-unknown origins of the pandemic and the government's vaccine mandates.

The Washington Post, 04/25/2024

Five-Star Updates Require Planning and Communication

Beginning in July, the staffing acuity adjustment will be measured through case mix groups to determine how much staffing is needed to care for residents.

The updates also replace four QMs entirely, changing how providers will code declines in activities in daily living, pressure ulcers, and other changes in mobility and function.

That's why Five-Star data for the affected staffing and QM measures are currently frozen. Staffing data will thaw in July - QM updates in October 2024 and January 2025.

The new methodology could lead to higher PDPM payments. But could also mean higher expectations for staffing levels.

McKnight's, 04/26/2024

Veterans Nursing Home Headed to SW Florida

In southwestern Florida a veterans nursing home that will house 120 veterans and serve other vets across Collier County is making headway.

US Department of Veteran Affairs says there are nearly 22,000 veterans currently living in Collier County

The \$30 million facility will include a military museum, veterans center and rehabilitation facilities.

The veterans home is expected to open in July 2029.

WFTX-TV, 04/24/2024

ONE COLUMN

Exemptions to Staffing Rule Available, But Only After Survey

Long-term care facilities will not have to apply for exemptions to the new staffing rule. Exemptions will be granted only when a nursing home shares required hiring and financial information with state surveyors or CMS.

In the final rule CMS retained a policy proposed that only allows nursing homes to learn if they qualify for an exemption after they've been surveyed - a major concern to providers at a time when required annual surveys have been shown to be far behind schedule in almost every state.

The survey-first approach allows regulators to assess the health and safety of residents.

"The intent of a survey by CMS is to ensure that there are not larger, more serious quality-of-care issues that are stemming from insufficient staffing before granting an exemption," said Adam Richards CMS Deputy Director for the Center for Clinical Standards and Quality Adam Richards said during a national stakeholder call. "This type of safeguard is not something we can necessarily do through an application process or through a blanket exception."

Richards said surveyors who find facilities non-compliant with the minimum staffing requirements — but also not excluded by being a Special Focus Facility or certain other criteria — would then be asked to document a "good faith effort to hire and retain staff." That would include financial commitment demonstrating attempts to achieve adequate staffing.

Once that documentation is submitted to either the state or to CMS and transparency requirements are met, a facility can be granted an exception. No timeline for exemption notification has so far been given.

CMS estimates around 25% of nursing homes could qualify for the nursing hours exemption.

McKnight's, 04/25/2024

Curb Thy Tongue Wisconsin Senate Candidate

Some politicians suffer from “foot in mouth” disease.

Take Eric Hovde, for example, who’s running for the U.S. Senate against an incumbent – Tammy Baldwin.

Baldwin and Democrats have been attacking Hovde over comments he first made April 5 on a radio show about nursing home voting. Hovde said, among other things, “Almost nobody in a nursing home is in a point to vote.”

Hovde this week said “a large percentage” of nursing home residents “are not in the mental capacity to (vote).”

But he said that does not mean he thinks elderly people should not be allowed to vote.

Wisconsin Watch, 04/22/2024

Noncompete Agreement Ban Faces First Legal Challenge

Less than 24 hours after the FTC issued a final rule that will prohibit employers across the country from using noncompete agreements in most instances, the US Chamber of Commerce. The Business Roundtable and other groups filed a lawsuit Wednesday challenging the rule.

Under the new rule, existing non-competes for most workers no longer will be enforceable. Existing non-competes for senior executives — those earning more than \$151,164 annually — can remain in force but new agreements even for senior executives are banned.

The Business Roundtable, in a statement, said that the ban is “far beyond the agency’s statutory authority.”

Senior Living, 04/25/2024

Minnesota Apparently Leaving Patients ‘Alone’

In a move that runs counter to a national legislative effort and to efforts in many states to keep visitation mandatory in future emergencies, Minnesota lawmakers dropped the No Patient Left Alone Act from a key budget bill.

The provision would have required nursing homes — as well as hospitals and boarding care homes — to allow residents to have at least one support person of their choice present at most times during a stay.

It would have expanded those rights in end-of-life situations and paved the way for compassionate care visits that included personal contact even during another pandemic.

McKnight’s, 04/24/2024

Law Would Subsidize Wages, Benefits for LTC Staff

A bill that aims to improve nursing home care by strengthening wages and benefits for long-term care workers is making its way through Congress.

“This legislation will invest in our care workers in nursing homes across the country so they can retain their skilled workers, while also expanding the workforce by attracting new individuals to the field” said Nevada Congressman Steven Horsford, the bill’s sponsor.

The Nursing Home Workforce Support and Expansion Act would provide funding to states for grants to support post-acute and long-term care staff.

Annals of Long-Term Care, 04/25/2024

Middle School Kids Doing SNF Activities

A group of middle school students in Little Rock have been volunteering their time at a local nursing home in hopes of presenting their service project at a statewide competition.

The Briarwood Nursing Home has experienced new and fun activities every other week because of the students in the Pulaski Heights Middle School chapter of the Future Business Leaders of America.

Three students within the Pulaski Heights Middle School FBLA are leading the activities for their Community Service Project, which they will present at the FBLA State Leadership Conference on Monday, April 29.

KARK-TV, 04/24/2024

Briefly IN THE NEWS

U.S. Senators Richard Blumenthal (D-CT) and Mazie Hirono (D-HI) have introduced legislation to protect the rights of Americans in nursing homes. The *Fairness in Nursing Home Arbitration Act* prohibits long-term care facilities from requiring or soliciting residents to enter into pre-dispute, mandatory, binding arbitration agreements (**Sen. Blumenthal news release**).

Lisa Pisano, a New Jersey woman is the first to receive a combined transplant of a heart pump and a gene-edited pig kidney. It’s the second documented transplant into a living person of a pig kidney genetically tweaked to ward off rejection. The kidney transplant also allowed doctors to implant a mechanical heart pump. It’s the first time the two vastly different medical technologies have been performed on one patient (**HealthDay News**).

Doctors, hospitals and health insurance companies in California will be limited to annual price increases of 3% starting in 2029 under a new rule state regulators approved Wednesday in the latest attempt to corral the ever-increasing costs of medical care in the U.S. The 3% cap, approved by the Health Care Affordability Board, would be phased in over five years, starting with 3.5% in 2025. Board members said the cap likely won’t be enforced until the end of the decade (**AP**).

The Arizona House voted Wednesday to repeal a near-total abortion ban from 1864, with three Republican lawmakers breaking from their party to join Democrats in striking it down. After the state Supreme Court upheld the Civil War-era law, several attempts to repeal it in the state legislature – April 10 and April 17 – were blocked by the GOP majority. The bill passed 32-28 and has been sent to the state Senate (**Arizona Republic**).

US births declined in 2023 to their lowest level in more than 40 years, continuing a two-decade trend of Americans having fewer children. Data from the US National Center for Health Statistics, Total births for the year fell 2% to 3.59 million, the lowest level since 1979 (**Bloomberg**).