

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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Vol 8

05/05/2024

THEY SAID IT:

"When seniors require hospitalization, their focus should be on their health and getting well, not on how they were admitted" U.S. Sen. Susan Collins on a bill that would count observation status towards the three-day stay

"All the papers throughout history have shown that physicians broadly believed they should treat infectious disease patients ... we were really surprised when we found that COVID-19 was so different than all these other outbreaks" Duke University infectious disease study that found that most papers endorsed withholding treatment were on COVID-19

" ... this issue has been reviewed three times by the Department of Justice under Trump and Biden, as well as Congress and the Manhattan District Attorney who found no there" a spokesman for former NY Gov. Andrew Cuomo commenting on Cuomo agreeing to testify before a House subcommittee on his controversial directive to admit people with COVID-19 to nursing homes

"Killer Nurse" Sentenced To Hundreds of Years

Heather Pressdee, known as the "Killer Nurse," pleaded guilty to three counts of first-degree murder and 19 counts of attempted homicide Thursday morning in a Pennsylvania courtroom. She was sentenced to three consecutive life sentences — a total of 380–760 years in the insulin overdose deaths of those residents.

Pressdee had worked as a nurse at nearly a dozen Pennsylvania nursing homes since 2018.

She was charged in November after physicians and coworkers at her former facilities had sounded the alarm on residents dying under her care to the

Department of Health leading up to her eventual arrest.

WPIX-TV, 05/02/2024

Bill: Observation Counts as 3-Day Stay

A Senate bill introduced recently would count days spent under 'observation status' in a hospital toward Medicare's three-day qualifying stay requirement.

The Improving Access to Medicare Coverage Act is a companion to a House bill by the same name introduced last August.

The three-day stay rule was widely exempted during the pandemic but a waiver was revoked along with the end of the public health emergency last May.

Hospitals have increased their use of "observation status" in recent years. Patients often do not know when they've been placed in an observation stay.

McKnight's, 04/25/2024

Violation of 3-Day Stay Cost California Provider \$7M

The DOJ and state of California have reached a settlement of more than \$7 million with ReNew Health Group and two corporate executives for knowingly submitting false Medicare Part A claims for nursing home residents by taking advantage of the waiver of the three-day stay rule during the pandemic.

DOJ alleged that the defendants knowingly misused this waiver by routinely submitting claims for nursing home residents when they did not have COVID-19 or any other acute illness or injury, but merely had been near other people who had COVID-19.

A whistleblower will receive \$1.2 million of the settlement.

DOJ news release, 04/26/2024

In Missouri GOP Talked For 41 Hours and Lost

After an unsuccessful 41-hour-filibuster by Missouri Freedom Caucus members, the Senate gave initial approval to a bill renewing taxes on nursing homes, hospitals, pharmacies and ambulance services.

Essential to Missouri's Medicaid program, the approximately \$1.4 billion raised by the taxes draws \$2.8 billion in federal matching funds.

The bill must be approved by the Senate one more time before it heads to the House.

Freedom Caucus members demanded action on two bills — one barring Planned Parenthood from receiving state payments as a medical provider and another that would change the majority needed to pass constitutional amendments proposed by initiative petition.

Missouri Independent, 05/02/2024

Hearing Raises Questions Re: Staffing Rule's Future

A bill in Congress to prevent the minimum staffing rule from taking effect is no shoo-in, judging by Democrats' criticism.

The House Committee on Energy and Commerce, the second committee to consider the rule, held a hearing on 19 health-related bills, with most of the two-hour session focused on legislation that would effectively kill the nursing home staffing rule.

Some mostly Republican lawmakers painted their effort to repeal the staffing mandate as a bid to ensure access to care and to stake their authority over a rogue regulatory agency at the same time.

McKnight's, 05/01/2024

Visitor Stabs California Nursing Home Worker

A 44-year-old man was booked into Santa Cruz County, California jail this week after allegedly stabbing a nursing home worker.

Watsonville police took Kelvin Hernandez into custody after workers from the facility reported the injury assault.

Hernandez was being held without bail on suspicion of felony assault with a deadly weapon.

The injured nursing home worker suffered minor injuries and was treated at the scene.

Santa Cruz Sentinel, 04/26/2024

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

AMERICA: Despite the risk of severe infection from COVID-19, a study has found that only 40.5% of nursing home residents were up to date with COVID vaccination by the end of the study period (October 2023 through February 2024). Residents in the South had the lowest rate – 32.4%, compared to residents in the Northeast, who had the highest – 47.3%. (*CIDRAP*).

ENGLAND: A survey of over 12,000 people found significant differences in vaccine rates between religious communities. Members of the Methodist and Church of England denominations are more likely to have been vaccinated, while Pentecostal, evangelical and Muslim respondents have received far fewer vaccinations. For example, Methodists, on average, have had 3.48 vaccinations, while Pentecostals have only had 1.88 (*The Conversation*).

AMERICA: Among 340 individuals with a history of COVID-19, 30.3% experienced some degree of smell dysfunction for a mean length of 1 year following their diagnosis. Researchers also found an association between age and smell/taste scores, observing that scores decreased as age increased. Researchers addressed the long-term effects of COVID-19 regarding smell and taste loss. They only found statistically significant results for individuals reporting smell loss at least a year following COVID-19 diagnosis (*Drug Topics*).

MASSACHUSETTS: Ending universal masking and admission testing of all hospitalized patients was associated with an increase in hospital-onset COVID-19 at five Massachusetts hospitals. Researchers found that after the hospitals stopped both universal screening and masking last May, the mean weekly ratio of new hospital-onset to community-onset SARS-CoV-2 infections rose from 2.6% before omicron, to 8.5% during omicron, to 17% after universal admission testing and masking ended (*Healio*).

THE WORLD: Researchers suggest that taking Paxlovid three to five days after COVID-19 symptoms emerge may

maximize the drug's ability to reduce viral loads, minimize viral spread and reduce viral rebound. They also indicate that broader use of Paxlovid during this window might be a powerful tool to help curb the spread of the SARS-CoV-2 virus that causes COVID-19 without the need for potential population-wide restrictions in the future (*MedicalXpress*).

AMERICA: Amid the COVID-19 pandemic, many physicians felt less ethically obligated to provide care to infectious-disease patients if they feared contracting the disease themselves. In reviewing 155 published studies Duke University researchers found that most articles (81.9%) argued for an obligation to treat these patients, while most papers (60.0%) that endorsed withholding treatment were on COVID-19. HIV had the fewest papers advocating for treatment refusal - 13.3% (*Clinical Infectious Diseases*).

CHINA: The first scientist to publish a sequence of the COVID-19 virus in China was staging a sit-in protest after authorities locked him out of his lab. Virologist Zhang Yongzhen wrote in an online post that he and his team had been suddenly notified they were being evicted from their lab, the latest in a series of setbacks, demotions and ousters since Zhang published the sequence in January 2020 without state approval (*AP*).

NEW YORK: Former New York Gov. Andrew Cuomo has agreed to testify to Congress about his controversial nursing home advisory from the early days of the pandemic. The March 2020 advisory barred nursing homes from rejecting patients solely on the basis of a COVID-19 diagnosis (*WRGB-TV*).

THE WORLD: A University of Hong Kong study has found that taking the SARS-CoV-2 antiviral drug nirmatrelvir-ritonavir (Paxlovid) 3 to 5 days after COVID-19 symptom onset – not earlier or later – may result in the greatest reduction in viral loads, viral transmission, and viral rebound in hospitalized patients (*eLife*).

SACRAMENTO: A federal judge rebuffed a bid by a group of California

doctors and nonprofits to prevent the state's medical boards from disciplining them for sharing information with their patients regarding Covid-19 that doesn't mesh with the official public health viewpoint. The doctors contended the California Code infringed on their free speech rights when it comes to discussing Covid (*Courthouse News Service*).

THE WHITE HOUSE: The Biden reelection campaign criticized former President Trump after Trump said he would get rid of the Office of Pandemic Preparedness and Response Policy (OPPR). The OPR was founded by the Biden Administration in 2022 to address failures in government response to the COVID-19 pandemic. "The office is "a way of giving out pork," Trump said. Biden's campaign blasted Trump for the idea, pointing to the former president's response to the COVID pandemic outbreak in early 2020 as lackluster and without a clear plan (*The Hill*).

THE WORLD: A new study shows good results in patients with severe COVID-19 for abatacept, an anti-inflammatory immunomodulating drug used to treat psoriatic arthritis. The study was based on results seen among 395 hospitalized patients in the ACTIV-1 IM randomized clinical trial, designed to assess the efficacy of abatacept, which inhibits T-cell activation, reducing multiple inflammatory cytokines. A previous ACTIV-1 trial showed the drug decreased mortality in hospitalized patients with COVID-19, but optimal dosing of the drug based on body weight is still unknown (*Jama Network Open*).

ACHCA Annual Convocation
Myrtle Beach, SC
May 6 - 9
achca.org

COVID-19, 05/03/2024

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

U.S. Hospitalizations – Deaths
6,935,240 – 1,190,122

CDC, WHO

Man ‘Acting Crazy’ Killed By Police in Penna. SNF

Zachariah White, left WellSpan York Hospital Thursday, acting erratically, crossed multiple lanes of traffic, and walked into Rest Haven York nursing home.

Staff called 911. An officer confronted White in a resident room where a staff member and two residents were, shot him with a taser and attempted to handcuff him.

White then removed a footrest from a wheelchair and attacked the office, who fired two shots from his handgun. White died later at the hospital.

The county district attorney, after view bodycam video, said the officer was justified in shooting White.

WHTM-TV, 05/03/2024

Staffing Shortage Keeps Patients in NH Hospitals

Patients who could be discharged from New Hampshire hospitals continue to stay much longer than they need to largely because they cannot get the ongoing care they require.

The primary reasons are lack of adequate insurance, absence of a family member or guardian to help a patient manage their health needs after discharge and staffing restraints at post-acute facilities.

The report, based on data from a single day in the first week of March, showed that 129 patients who could have been discharged remained at New Hampshire hospitals for 10,140 days – 17% high than a similar daily snapshot in September.

New Hampshire Public Radio, 04/30/2024

Pilot Program Leads To 42% Reduction In Resident Falls

A tech-based pilot program has helped Allegro Senior Living reduce resident falls by 42%, the company announced Thursday. As a result they have plans to expand the program to more of its 16 communities.

Allegro partnered with SafelyYou, which uses a blend of AI video technology and around-the-clock remote clinical support

to help detect falls and identify underlying causes.

The pilot revealed that in one-quarter of falls, the resident may be injured, but does not report the incident.

Unknown and untreated injuries can expose the community to unfounded abuse or neglect claims from injuries of unknown origin.

McKnight's, 04/15/2024

NJ Nursing Homes Could Get Doubled Incentive Pay

Nursing homes in New Jersey will have new opportunities for increased care quality incentive payments if a measure in the proposed state budget for fiscal year 2025 is approved.

The proposal would nearly double the maximum payment — from the current \$12.60 per resident per day to \$23.25.

The proposal from Gov. Phil Murphy (D) focuses particularly on nursing home staffing levels — adding new benchmarks in that area to the existing Quality Incentive Payment Program.

The three new categories nursing homes can earn incentives from are: total nursing hours, staff retention, and avoiding inappropriate weight loss.

McKnight's, 05/02/2024

Wisconsin 5-Star County Home for Sale

The Sauk County Board is looking to sell its county-owned assisted living facility in the coming months.

Sauk County has owned a nursing home facility since 1871. The new 82-bed Sauk County Health Care Center was built in Reedsburg in 2008 and has a 5-Star Medicare rating.

But despite its success in patient care, county officials say it's costing the county and taxpayers too much.

"We've been upside down for years," said County Board President Tim McCumber. "It makes sense for us to put this into the hands of somebody who can run it better."

WMSN-TV, 04/25/2024

ONE COLUMN

Unions Gained but, For Now, Not All That Much

Department of Labor data shows that large unions such as the SEIU were able to leverage heightened labor activity to recruit new workers in 2023.

In fact, some experts suggest that unions may be able to gain even more momentum in the months and years ahead.

It wasn't all good news for labor, though. Some unions lost members and the percentage of workers in union jobs nationally ticked down slightly to 10%.

Nursing home workers are somewhat more likely to be unionized, but still only 16% of facilities' workers were represented by a union in 2023.

The future for organized labor in long-term care continues to be uncertain, close observers say. Action is often scattered and on a relatively small scale. For example, a series of coordinated one-day strikes last month in Minnesota noted to be historically large by union organizers affected 12 facilities.

But certain factors have led some experts to cautiously predict increased labor activity in the future. For one, the heightened level of labor activity over the past few years has raised awareness of unions and has served as better recruitment advertising for them.

Pay and staffing are two primary issues that will continue to drive labor activity, said Adam Dean, PhD, associate professor of political science at The George Washington University.

The looming federal staffing mandate and the push for higher state reimbursement rates across the country ensure that union activity will remain energized. Even as signs of union growth have been somewhat mixed, the new membership data from DOL confirms that many of the most influential labor units have been able to sustain momentum well into 2024.

McKnight's, 04/05/2024

Consumer Advocate Says Staffing Mandate is Wimpy

A prominent consumer advocate scoffed at claims that rural facilities would be unable to comply with the proposed staffing rules.

"That's always their first response: 'We're going to have to close,'" says Lori Smetanka, executive director of the National Consumer Voice for Quality Long-Term Care.

"It's like, 'The sky is falling.'"

Smetanka says the industry should have improved working conditions and wages long ago.

Regulators shouldn't offer rural nursing homes extra time to meet the staffing rule, she says. "Residents in rural facilities have the same level of needs as those in urban facilities."

KFF Health News, 04/26/2024

Not Many U.S. LTC Facilities Match the Mandate

Many US LTC facilities currently meet some provisions of the new federal staffing rule some of the time, but only 160 — about 1% — consistently meet all requirements.

Facilities overall tended to be further behind on CNA hours than RN hours, though providers have said that they will have a harder time coming into compliance with 24/7 RN requirements.

Louisiana facilities met the new RN hourly rule just 6 days out of 92 on average. Texas and Oklahoma were next.

Texas was again in the bottom three—meeting the CNA standard only 11 out of 92 days on average.

USA Today, 04/24/2024

Residents Should Be Included In Clinical Trials

During the COVID-19 pandemic, for example, delivery of monoclonal antibody treatments that had been shown to reduce hospitalizations and mortality were delayed because nursing home residents had been overlooked in trials.

Researchers at the Regenstrief Institute Nursing home residents — who often deal with complex and overlapping medical conditions — should be included in more clinical trials for therapies and medications, a group of researchers is emphasizing more than ever.

They stressed the importance of building partnerships between long-term care providers and researchers so that both groups can improve care outcomes for patients in the long term.

McKnight's, 04/30/2024

Resident Froze to Death. SNF Settles Out of Court

A lawsuit against a Bondurant, Iowa nursing home filed after a woman froze to death outside has been settled.

Seventy-seven-year-old Lynne Stewart, who had Alzheimer's disease, died of hypothermia after she was left outside at the Courtyard Estates at Hawthorne Crossing on a 9-below day in January 2022.

Catherine Forkpa, a nurse caring for Stewart, was sentenced to probation for dependent adult abuse.

Stewart's family sued the facility earlier this year. Court documents filed last month show the lawsuit has been dismissed.

KCCI-TV, 05/02/2024

Ensign On Buying Spree, Record First Quarter

The Ensign Group on Wednesday announced a sweeping package of deals that will kickstart growth in one market, expand its footprint in five others.

Ensign added 13 new operations and six real estate properties during the first quarter and since. That action brings the number of operations acquired by Ensign since January 2023 to 39.

The company posted a record quarter, with income 15% (\$68.8 million) above the last quarter of 2023.

Ensign also announced occupancy at facilities it has owned for at least a year, increased by 2.7% since the first quarter of 2023 to 81%.

Senior Living, 05/03/2024

Briefly IN THE NEWS

Thirteen years after Connecticut required a narrow slice of private-sector employers to offer five paid sick days annually, the House voted 88-61 for legislation that gradually would transform that limited mandate into a nearly universal benefit by Jan. 1, 2027. The proposal is now in the state Senate (*CT Mirror*).

In an audit the GAO found HHS estimated a combined total of over \$100 billion in improper payments in the Medicare and Medicaid programs in fiscal year 2023. That represents 43% of the government-wide total of estimated improper payments that agencies reported for that year. The improper payments include fraud, but also payments that may be legitimate but whose propriety cannot be determined due to lacking or insufficient documentation (*GAO*).

Amid a continuing crackdown on TikTok, U.S. universities and their medical schools and related health systems have begun to restrict use of the popular social media platform. For instance, Emory University in Atlanta announced earlier this month that, effective April 22, TikTok and ByteDance applications would be blocked from all its business networks including Emory Healthcare networks, with the exception of the guest network used by visitors and patients (*MedPage Today*).

During the experiment from 2015 to 2018, Medicare sent warning letters to frequent prescribers of the antipsychotic drug quetiapine, the most popular antipsychotic medicine prescribed in the U.S. The letters went to 5055 primary care doctors, 2528 received placebo letters and 2,527 were randomized to receive three warning letters letting them know their quetiapine prescribing was high and was under review by Medicare. The intervention reduced quetiapine use among nursing home residents by 7% and community-dwelling patients by 15% (*JAMA Network Open*).

More than 80% of nursing homes do not meet the updated requirements in the final staffing mandate from the Centers for Medicare & Medicaid Services (*KFF*).