

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

**"It was just an advisory"** former NY Gov. Andrew Cuomo at a U.S. House hearing examining his order that nursing homes must admit COVID residents

**"The cost that we're investing into our culture program is far less than the cost of higher turnover rates"**

Advent Group, CEO Kimberly Biegasiewicz on the company's employee retention effort

**"The projected supply of nursing assistants — an occupation that constitutes 8% of the total US healthcare workforce and 40% of healthcare support occupations in 2023**

**— is discouraging"** Mercer report "Future of the U.S. Healthcare Industry: Labor Market Projections by 2028."

## Louisiana SNFs Get More Beds Preparing for Storm

As Hurricane Francine approached, Governor Jeff Landry issued an executive order that allows nursing homes throughout Louisiana to increase their bed capacity to accept residents who are being evacuated from a facility ahead of Hurricane Francine.

The executive order Governor Landry issued temporarily suspends the Department of Health's nursing home regulations that limit the number of beds for nursing homes under each facility's license.

The order took effect on September 10 and is in effect until October 10.

Louisiana Gov. news release, 09/10/2024

**FREE COVID TEST KITS**

[covidtests.gov](https://covidtests.gov)

## House Committee Attacks – Cuomo Pushes Back

The focus was Cuomo's, 2020, directive prohibiting nursing homes from denying admission or readmission to COVID patients and also prohibited facilities from testing patients prior to admission.

Under a barrage of questions, a combative Cuomo insisted that N.Y.'s SNFs had retained their ability to deny admission to patients all along.

More than 9,000 COVID patients were admitted or readmitted between March and May, 2020, when the policy was rescinded.

Over 15,000 New York nursing home residents died of COVID-19 during the pandemic. A report later found the state health department had undercounted residents' deaths by as much as 50%.

McKnight's, 09/10/2024

## Nursing Home Residents Died From Cuomo's Order

State Health Department documents from June 2020, newly unearthed by congressional investigators, appear to show harmful effects from a controversial order requiring nursing homes to admit Covid-positive patients.

The documents would seem to undermine if not contradict the Cuomo administration's long-standing claim that the March 25, 2020 order had no significant impact on the health of nursing homes residents during the pandemic's first wave.

Charts emailed on June 7, 2020, to then-Health Commissioner Howard Zucker indicated that homes which admitted infected patients under the order suffered higher Covid death rates than facilities with no such admissions.

Empire Center, 09/09/2024

## He's a 'Lying Sack' of What? Families Upset with Cuomo

Ex-Gov. Andrew Cuomo was branded a "lying sack of s—t" by furious families and lawmakers as he deflected blame in a heated congressional hearing over his disastrous COVID nursing home order which led to thousands of deaths.

Over the course of the more than two-hour hearing, Cuomo was asked several times to apologize to the families in the room who lost loved ones during the outbreak — but never did.

Even when asked by Rep. Debbie Dingell about his callous response — "Who cares?" — to the eventual disclosure of the full death count, the ex-governor declined to say he was sorry.

New York Post, 09/10/2024

## U.S. Rep Proposes More Greenbacks for SNF Surveys

Congressman Paul Ruiz, the top Democrat on the Select Subcommittee on the Coronavirus Pandemic, used his opening statement at the Cuomo hearing to announce new legislation – The Sustained Allocations for Evaluations and Reviews of Nursing Homes (SAFER) Act.

The proposed legislation would provide a permanent source of funding for survey activities in skilled nursing facilities.

The bill calls for \$492 million to be provided for surveys and certifications in Fiscal Year 2025, an increase of 21% over the 2023 funding.

Similar bills failed over the last several years, despite lawmakers expressing repeated concerns about lapses in nursing home infection control.

McKnight's, 09/11/2024

## Resident's Decomposing Body Found in Nursing Home Closet

Family members have hired an attorney after the decomposing body of their 71-year-old loved one was discovered in a closet of a North Miami nursing home. He had been missing from the facility for 12 days.

The attorney has filed a notice of a wrongful death claim - the first step in the legal process.

Elin Etienne, was a retired chef who came to this country more than 30 years ago from Haiti. He had dementia after suffering two strokes and had only been in the North Dade Nursing and Rehabilitation Center for a short time before he went missing.

CBS News, 09/11/2024

## **IN THE TRENCHES – COVID-19 & Other Outbreaks in in the U.S. and the World**

**AMERICA:** The nation's COVID activity remains high, but there are more signs of decline in many areas. Wastewater SARS-CoV-2 detections are still high, especially in the West, but are dropping in all regions except for the Midwest, according to the CDC's latest tracking. (*CDC*).

**CALIFORNIA:** When pediatrician Eric Ball of Orange County opened a refrigerator full of childhood vaccines, all the expected shots were there — DTaP, polio, pneumococcal vaccine — except one. “This is where we usually store our covid vaccines, but we don't have any right now because they all expired at the end of last year and we had to dispose of them,” said Ball. “We thought demand would be way higher than it was” (*KFF Health News*).

**CHILE:** A study of 73 adults recovering from COVID-19 finds that those who lost their sense of smell showed behavioral, functional, and structural brain changes. Researchers conducted cognitive screening, performance on a decision-making task, functional testing, and MRI results with 73 patients after mild to moderate COVID-19 infection and 27 COVID-naïve patients with infections from other pathogens. Two follow-up sessions were conducted 15 days apart (*Scientific Reports*).

**NEW YORK:** Gov. Kathy Hochul announced the new COVID-19 vaccine for the 2024-2025 season is now available in New York State. The Governor and New York State Health Commissioner Dr. James McDonald also announced the Commissioner's standing order allowing all eligible New Yorkers to receive the new vaccine at any pharmacy in New York State without a prescription from their individual health care provider (*Oneida Daily Dispatch*).

**CALIFORNIA:** With COVID remaining at stubbornly high levels, some doctors are warning that transmission could again accelerate following the busy Labor Day holiday weekend — potentially prolonging a summer wave that has already proved more intense and enduring than some experts had anticipated (*Los Angeles Times*).

**AMERICA:** Former U.S. presidential hopeful and vaccine skeptic Robert F. Kennedy Jr lost his bid in a U.S. court to force Google's YouTube to restore two videos the platform removed for allegedly violating its policies on medical misinformation. The court said a lower court judge properly denied Kennedy's request for a court order compelling YouTube to restore the videos it removed in 2023. (*Reuters*).

**CALIFORNIA:** The state has endured “high” levels of coronavirus in its wastewater since early June, and “very high” levels since July. But for the week ending Aug. 31, the most recent data available, California's coronavirus sewage levels fell back to “high,” California is also now one of 16 states in which COVID is estimated to be “declining” or “likely declining.” (*Los Angeles Times*).

**AMERICA:** Going to the doctor is already tricky enough for people with chronic symptoms of Lyme disease. Their concerns often dismissed by mainstream medicine those patients now face an additional hurdle: ruling out long Covid. The two illnesses — one seeping in over the course of decades and another suddenly springing to life on a massive scale — share many qualities, including being widely misunderstood (*Stat*).

**SCOTLAND:** Children using salt-water nose drops had cold symptoms for an average of six days, where those with usual care had symptoms for eight days. In a University The children receiving salt water nose drops also needed fewer medicines during their illness,” said study author Steve Cunningham, MBChB, PhD, from the University of Edinburgh. ... The authors also said using saline nasal drops can reduce forward transmission often virus to household members (*CIDRAP*).

**SACRAMENTO:** Dr. Mark Ghaly is stepping down as head of the California Health and Human Services Agency after an eventful tenure that included the eruption of the COVID-19 pandemic, Gov. Gavin Newsom announced Friday. Newsom called Ghaly “a driving force for transformative changes to make healthcare more affordable and accessible,” whose leadership during the pandemic “saved

countless lives and set the stage for our state's strong recovery” (*Los Angeles Times*).

**AMERICA:** Over 40% of COVID-19 survivors who had disabilities before the pandemic had symptoms for 3 months or longer in 2022, compared with 19% of those without disabilities. The type of disability most associated with long COVID was chronic illness (60% of COVID-19 survivors), followed by those with mental illness (45%). Participants with sensory disabilities (eg, blindness, deafness) had the lowest rate of long COVID (*American Journal of Public Health*).

**THE WORLD:** Healthcare workers with COVID-19 had more severe symptoms that lasted longer than those with other respiratory diseases, and a higher proportion met the World Health Organization (WHO) or UK National Institute for Health and Care Excellence (NICE) definitions of long COVID. A team led by Murdoch Children's Research Institute investigators in Parkville, Australia, also identified older age, chronic respiratory disease, and pre-existing symptoms as risk factors for long (*COVID Viruses and Vira*).

**FRANCE:** In the first 2 years or more of the COVID-19 pandemic, the risk of infection was higher in open-space offices, long-distance trains, convenience stores, taxis, airplanes, and nightclubs and during take-away food delivery, carpooling with relatives, and attending concerts,. A team led by Institut Pasteur researchers in Paris matched 175,688 adults who had a recent COVID-19 infection with 43,922 uninfected controls during nine periods from October 2020 to October 2022 (*BMC Public Health*).

### **COVID-19, 09/13/2024**

**In Past Week:  
US Positive Tests +14.6%  
% of all US Deaths +2.3%**

**U.S. Deaths - 1,195,262**

**CDC**

## **COVID Raised Gender Death Gaps in Wealthy Countries**

An analysis of WHO data found COVID-19 increased existing gender mortality gaps in high-income countries until 2021, when COVID-19 vaccines were rolled out.

Analysts found that high-income countries saw the most significant increase in gender mortality gaps, but the curve remained relatively flat in middle- and low-income countries.

COVID-19 amplified the gender mortality gap, at least at the age point of 65, in 2020. By 2021, the sex-ratio of excess deaths has fallen (to 1.84) but is still above the sex ratio for expected all-cause mortality in 2020 (1.69),"

*International Journal of Infectious Diseases, 09/03/2024*

## **Lawsuit: NJ Staffing Mandate is Unconstitutional**

The Health Care Association of New Jersey and six long-term care facilities are suing their state over its 2020 nursing home staffing mandate, which has resulted in buildings being fined \$1,000 per day for being out of compliance.

The law requires one CNA for every eight residents on days, one CNA, RN or LPN for every 10 on evenings and one for of those for every 14 residents at night.

The lawsuit alleges that the staffing law is unconstitutional and violates providers' due process and right not to face excessive fines.

*McKnight's, 09/09/2024*

## **DOJ Filing May Snag Sale of Pittsburgh-Area SNFs**

The DOJ entered a judgment for \$35.8 million in bankruptcy court in Pittsburgh against South Hills Operations, a nursing home operator that filed Chapter 11 bankruptcy.

South Hills intends to sell its 15 nursing homes, which could cheat employees out of back pay.

In July a federal judge ruled that South Hills Operations had "acted with malicious self-interest" in shorting wages for 5,595

nursing home employees over several years.

The sale of four of the facilities has already been approved and the company said if they can't sell them, they will close them.

*Pittsburgh Post-Gazette, 09/05/2024*

## **Unionization Boosts Wages, Better Care is Questionable**

Although unionization can be linked to better job safety and other improved occupational outcomes for frontline skilled nursing workers, there's not enough evidence to show that it improves resident care.

A review of 19 previous studies by a team from Cornell University and Weill Cornell Medicine showed unionization improved take-home pay for skilled, including licensed nurses, and unskilled frontline workers, such as CNAs in nursing homes.

But job quality and staff turnover outcomes only improved for unskilled positions when workers unionized.

*JAMDA, 09/09/2024*

## **Data Breach Affects Almost a Million Folks**

CMS and the Wisconsin Physicians Service Insurance Corp. – a CMS contractor that handles Medicare Part A/B claims – are notifying 946,801 Medicare beneficiaries whose PHI or other personally identifiable information may have been compromised in connection with Medicare administrative services provided by WPS.

Compromised information could have included names, Social Security or individual tax identification numbers, Medicare beneficiary identifiers and/or health insurance claim numbers, birth dates, mailing addresses, gender, hospital account numbers and dates of service

CMS and WPS are contacting the potentially affected Medicare beneficiaries in writing to inform them of the breach.

*CMS news release, 09/06/2024*

## **ONE COLUMN**

### **Payment Issues Complicate New COVID-19 Vaccines**

Payment issues for nursing homes and long-term care pharmacies complicate access to the new vaccines for residents.

Until the federal government declared an end to the COVID public health emergency on May 11, 2023, COVID vaccines were provided free of charge to anyone who wanted to get the shot. Since then, it has been commercially available to those with private insurance or through free-or-low-cost clinics for those who qualified.

For nursing home residents, it's complicated.

Residents on a Medicare Part A stay, COVID, influenza, and pneumococcal vaccines are covered outside of the consolidated payment but only if the nursing home bills those vaccines to Part B. Long-term care pharmacies cannot bill Part B for these vaccines to Medicare Part A individuals.

For non-Part A individuals, residents in the long-stay part of the nursing home, pharmacies can bill Medicare Part B for vaccines and administration for COVID, influenza and pneumococcal.

Nursing homes can bill Medicare Part B for long-stay residents for COVID, influenza, and pneumococcal, but they cannot bill for the other vaccines recommended by the Advisory Committee on Immunization Practices for older adult vaccines (Part D).

"This complicated system creates challenges to effectively and efficiently getting shots in arms to this vulnerable population," said Chad Worz, chief executive of the American Society of Consultant Pharmacists.

Worz said if HHS or CMS would allow LTC pharmacies to again bill for the vaccine and administration of COVID-19, pneumococcal and influenza to individuals in their Part A stay, they could be responsible for the entire vaccination process "which would allow more efficient and effective vaccination partnerships between LTC pharmacies and nursing homes."

*McKnight's, 08/23/2024*

## **CNAs Will Be in Short Supply Over Next Four Years**

Nursing assistants face the greatest projected deficit over any other analyzed healthcare occupation, with a projected shortage of more than 73,000 assistants nationwide by 2028.

The forecast comes from Mercer, which projects a nationwide shortage of more than 100,000 healthcare workers.

The report states, "The slow growth rate (0.1%) of nursing assistants, particularly in states such as New York, Texas and California, will directly impact patient care and the burnout and attrition rates of other healthcare workers that depend on them."

Only 13 states expected to meet future demand for CNAs.

Mercer report, 09/06/2024

## **New OSHA Database May Be a Two-edged Sword**

OSHA launched its Severe Injury Report dashboard – an interactive platform that can be searched for all serious injury reports filed with OSHA since 2015.

It can be searched by industry, down to the skilled nursing facility level and could benefit providers.

However, it also could be used to benefit those who see nursing homes as target-rich environments for legal issues.

Unscrupulous plaintiffs' attorneys, community activists, and union organizers could use OSHA's new Severe Injury Report dashboard to target specific employers, taken out of context, the information on the dashboard may lead to further provider scrutiny and lawsuits.

McKnight's, 09/08/2024

## **Man Who Shot Mom in W. Va. SNF Off to the Slammer**

James Biddell, 44, of Chillicothe, Ohio was sentenced this week for attempted murder and wanton endangerment for shooting his mother, Tomalene Greene, 67, at Trinity Healthcare Nursing Home in Henlawson, W.Va.

in October 2023, during a visit Biddell pulled a gun and shot her in the chest.

Greene survived. Biddell was sentenced to 3 to 15 years for attempted murder and other charges.

Staff at the nursing home said there was no disturbance prior to the shooting. A motive is not known.

MetroNews Television, 09/05/2024

## **Maine Coughs Up Cash to Keep Nursing Homes Afloat**

The Maine Department of Health and Human Services (DHHS) has issued \$30 million in one-time Medicaid (MaineCare) payments to Maine nursing facilities to help them address unforeseen increases in staffing and other operating expenses.

The \$72 million in state and federal matching funds is provided through the supplemental budget passed by the Legislature.

The DHHS said the reforms are designed to disincentivize the long-term use of temporary staff and promote permanent employment and salaries of nurses and nursing assistants.

A 4.9% additional cost of living increase was provided to facilities on July 1.

Maine DHHS news release, 09/10/2024

## **New Jersey Spending Millions To Get Disabled Out of SNFs**

The state announced over \$3.4 million in grants to non-nursing home providers to make room for New Jerseyans with disabilities out of nursing homes.

A year-long investigation showed these placements didn't meet the residents' medical, physical and psychological needs and often violated their rights under the Americans with Disabilities Act.

NorthJersey.com, 09/09/2024

## **Healthcare Employment Up And Down Last Month**

Total nonfarm payroll employment increased by 142,000 in August, and the unemployment rate changed little at 4.2 percent, the U.S. Bureau of Labor Statistics reported today. Job gains occurred in construction and health care.

Health care added 31,000 jobs in August, about half the average monthly gain of 60,000. In August, employment rose in ambulatory health care services (+24,000) and hospitals (+10,000).

Bureau of Labor Statistics, 09/06/2024

## **Briefly in the News**

The pandemic's effects on teenagers were profound — numerous studies have documented reports of issues with their mental health, social lives and more. Now, a new study suggests those phenomena caused some adolescents' brains to age much faster than they normally would — 4.2 years faster in girls and 1.4 years faster in boys on average (*National Academy of Sciences*).

At least 65 people in 9 states have been sickened with the same strain of *Salmonella enteritidis* linked to tainted eggs from Milo's Poultry Farm. Most sick people are from Wisconsin (42) or Illinois (11). Other states included in the outbreak are Michigan, California, Colorado, Iowa, Minnesota, Utah, and Virginia. Of the 65 people 24 were hospitalized. There are no deaths reported (*CDC*).

PACS Group finalized its acquisition of operations of 53 skilled nursing, assisted and independent living facilities from Prestige Care (Prestige), bringing its proven model to new geographical areas. The facilities span eight western states with 21 facilities in Oregon, 19 in Washington, six in Idaho, three in Nevada and one facility each in Alaska, Arizona, California and Montana (*Business Wire, 09/10/2024*).

Drugs like Ozempic, Wegovy and Zepbound have transformed treatment for obesity and diabetes. Now researchers are excited about their potential impact on conditions including addiction and sleep apnea — and even cancer. Scientists see this class of drugs, called GLP-1 agonists, as a breakthrough because of how they act on the brain to regulate the body's hormones, slow digestion, and tamp down hunger (*NPR Shots*).

The survey by WE Communications found 59% of physicians agree disease-specific leadership is very or extremely influential on which medicine they choose when multiple drugs have similar attributes. Corporate reputation is almost as important, with 58% of physicians saying it is at least very influential on their decisions. Eighty-one percent said corporate reputation has at least a moderate effect on perceptions of the value of a medicine (*Fierce Pharma*).