

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"This decision is an opportunity for executive agencies to re-examine their role relative to Congress, and to return legislating to the people's elected representatives"

LA Sen. Bill Cassidy on SCOTUS ruling on the *Chevron* case

"Federal agencies cannot exceed their statutory authority, and we cannot stand idly by when unfunded mandates threaten to negatively impact our residents" AHCA CEO Mark Parkinson in letter to Sen. Elizabeth Warren (D-MA) and Rep. Jan Schakowsky (D-IL)

"We strongly urge you to stand with working families and vote no on all such resolutions. And should those resolutions pass and be rightfully vetoed, we likewise urge you to vote against overturning that veto" Letter from AFL-CIO letter to Congress supporting the staffing mandate

You Might Call It All in the Family

At 3½ years old, Tyler Yerkes attended daycare at Gurwin Jewish Nursing & Rehabilitation Center in Commack, NY, while his mom, Julianne, worked as a RN there.

Now, 21 years later, Tyler has made an auspicious return, working as a certified nursing assistant in Gurwin's rehab unit.

His mother is now ADON. "I feel like he's actually grown up at Gurwin," Julianne said.

Now a CNA, Tyler said he's planning to extend into a full-blown caregiving career. "My mother is my biggest inspiration," he said. "My goal is to follow in her footsteps and become a nurse."

McKnight's, 06/28/2024

Just an Old Fashioned 'Pee-Pee-ing' Contest

The two largest nursing home organizations fired a salvo at a pair of influential lawmakers who have tried to paint industry efforts to stop a minimum staffing rule as motivated by "greed."

AHCA CEO Mark Parkinson called last month's accusations by Sen. Elizabeth Warren (D-MA) and Rep. Jan Schakowsky (D-IL) "offensive," arguing that provider organizations are protesting the unfunded mandate because it threatens seniors' access to care.

LeadingAge CEO Katie Smith Sloan also pushed back saying "America's current infrastructure of long-term care cannot sustain staffing mandates until they are supported by adequate funding and available staff

McKnight's, 07/09/2024

Organized Labor Fighting to Retain the Staffing Mandate

Last week, a coalition of nearly 50 labor organizations headed by the AFL-CIO sent its own letter to Congress, urging legislators to vote against more than a dozen forthcoming Congressional Review Act (CRA) resolutions they call anti-worker, including an "imminent" vote to overturn the Centers for Medicare & Medicaid Services' nursing home staffing standards.

Health and Human Services Sec. Xavier Becerra had previously credited the SEIU and other unions with bringing the staffing rule to life.

And should those resolutions pass and be rightfully vetoed, the coalition wrote, "we likewise urge you to vote against overturning that veto."

McKnight's, 07/09/2024

Cassidy Doubts HHS Resolve in Chevron Ruling

Louisiana Senator Bill Cassidy is skeptical that HHS will follow the mandate laid out by the Supreme Court in the *Chevron* decision.

Cassidy, essentially told HHS Sec. Xavier Becerra to forgo entire parts of his agenda to honor the ruling.

In a letter he asked HHS officials to answer 10 key questions about how it will operate under the new framework, saying, "Despite the Court's decision, given your agency's track record, I am concerned about whether and how the Department of Health and Human Services will adapt to and faithfully implement both the letter and spirit of this decision."

McKnight's, 07/10/2024

Feds' Latest Regulatory Wish List Hits Skilled Nursing

In the spring 2024 Unified Agenda, published over the Fourth of July weekend by OMB it was revealed the HHS is planning to expand reporting requirements for nursing homes in the event of crimes against residents.

The agency also aims to propose a long-awaited update to emergency preparedness standards and change how it excludes providers from the Medicare & Medicaid programs.

However, last month's Supreme Court ruling revoking deference to regulatory agencies' authority in court battles could make it more challenging for CMS to pursue some of their wish list items.

McKnight's, 07/11/2024

M'caid Increase Fuels Interest from AL Providers

A "significant" bump in Ohio's assisted living waiver rate isn't just enticing existing operators to provide services to low-income older adults; it's also attracting developers that want a piece of the affordable senior housing business.

A critical access rate increase for the Buckeye State's assisted living waiver kicked in July 1 after being approved by the Centers for Medicare & Medicaid Services.

LeadingAge Ohio President and CEO Susan Wallace said the increase makes it possible for low-income older Ohioans to access the full range of needed services in the communities and neighborhoods they call home.

Senior Living, 07/09/2024

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

AMERICA: The KP.3 COVID-19 variant is continuing to lead as the dominant variant. For a two-week period starting on June 23 and ending on July 6, the CDC's Nowcast data tracker showed the projections of the COVID-19 variants. The KP.3 variant accounted for 36.9% of positive infections followed by KP.2 at 24.4% (*Forbes*).

WASHINGTON, D.C.: A Phase 1 trial testing the safety of an experimental nasal vaccine that may provide enhanced protection against emerging variants of the virus that causes COVID-19, is now enrolling healthy adults at three sites in the United States. The study aims to enroll 60 adult participants, ages 18 to 64 years old, who previously received at least three prior doses of an FDA-approved or -authorized mRNA COVID-19 vaccine (*NIH news release*).

AMERICA: The link between new health problems and past health history appears to be particularly prevalent with COVID. A new *Nature Medicine* study found that health problems stemming from even mild COVID infections such as the gut, brain and lungs, including irritable bowel syndrome, mini-strokes and pulmonary scarring can emerge as many as three years afterward. This is different from what most people think of as "long Covid," the debilitating chronic condition that can include fatigue, brain fog and racing heartbeat. (*Wall Street Journal*).

WASHINGTON, D.C.: Doug Emhoff, a/k/a the Second Gentleman tested positive for COVID-19, the vice president's office announced. His office said Emhoff had experienced mild symptoms before being tested and is now asymptomatic. He is fully vaccinated, the office said. Vice President Harris' office reported she was also tested for COVID-19 and tested negative (*The Hill*).

AMERICA: As cases of COVID-19 are on the rise and with a new variant of the disease emerging this summer, the Centers for Disease Control and Prevention (CDC) is recommending updated vaccines ahead of the fall and winter virus season. "Make a plan now for you and your family to get both updated

flu and COVID vaccines this fall, ahead of the respiratory virus season," said CDC Director Dr. Mandy Cohen (*USA Today*).

FINLAND: University of Helsinki researchers reported new diagnoses of attention-deficit hyperactivity disorder (ADHD) in Finland doubled during the COVID-19 pandemic, with the largest increase in females aged 13 to 30 years. The team analyzed nationwide data on new ADHD diagnoses, prevalence, and medication use among 5.6 million participants from registries in 2015, 2020, and 2022. The average participant age was 44.1 years, and 50.6% were female (*JAMA Network Open*).

AMERICA: From 1999 to 2019, young people died of any cause at higher rates in the U.S. than those in 16 other high-income countries. Recent years have seen an increase in youth mortality due to homicide, suicide, and drug overdoses and in youth aged 15 to 19 years during the COVID-19 pandemic. The researchers concluded, "Easier access to firearms and opioids likely contributed" to the higher death rate (*JAMA Pediatrics*).

ITALY: The COVID-19 pandemic had an upside for lockdown babies: substantially less wheezing and bronchiolitis. researchers led by Carlo Giaquinto, MD, of the University of Padua, Italy found that during the pandemic 44% fewer babies born during the stay-at-home period had wheezing episodes. Bronchiolitis cases, one of the most common reasons for hospitalizations among infants, dropped drastically from 82.4 episodes per 10,000 person-months to just 6.6 episodes (*JAMA Network Open*).

AMERICA: A new study of 200 COVID-19 patients between the ages of 18 and 83 revealed that more than 75% of participants with mild cases of COVID-19 between June and August 2021 with elevated troponin (a protein that regulates muscle contraction) showed signs of cardiac injury. Most common symptoms were blood clots, breathing difficulty arrhythmia, chest pain dizziness and inflammatory lesions (*Parade*).

FLORIDA: Rates of COVID-19 have surged in Florida emergency rooms over

recent weeks, , and are now near peaks not seen since the worst days of this past winter's wave of the virus. The weekly average of emergency room patients with COVID-19 has reached 2.64% in Florida, and now rank among the highest of any state during this summer's COVID-19 wave (*CBS News*).

AMERICA: In 2023, states rechecked Medicaid eligibility after COVID-19 governmental protections expired, disenrolling millions. A survey of 89,130 low-income adults in Arkansas Kentucky, Louisiana and Texas shows that nearly half of those disenrolled from Medicaid after COVID-19 pandemic protections ended had no insurance in late 2023, leading to struggles to afford healthcare and prescription drugs and threatening to broaden a gap that had narrowed during expanded governmental benefits (*JAMA Health Forum*).

AMERICA: COVID-19 vaccination may help protect children aged 5 and older against symptomatic asthma. A Nemours Children's Health-led research team found that average state-level rates of parent-reported asthma symptoms decreased from 7.77% in 2018-2019 to 6.93% in 2020-2021. The absolute average change score was -0.85 percentage points (*JAMA Network Open*).

AMERICA: The pandemic's babies, toddlers and preschoolers are now school-age, and the impact on them is becoming increasingly clear: Many are showing signs of being academically and developmentally behind. Interviews with more than two dozen teachers, pediatricians and early childhood experts depicted a generation less likely to have age-appropriate skills — to be able to hold a pencil, communicate their needs, identify shapes and letters, manage their emotions or solve problems with peers (*The New York Times*).

COVID-19, 07/12/2024

Global Cases – Deaths
775,678,432 – 7,052,472

U.S. Cases – Deaths
103,436,829 – 1,189,685

WHO

Nursing Homes Losing Ground On Vaccinations

Residents of long-term care facilities are falling further behind in their COVID-19 vaccinations — with the gap being driven by a combination of logistical challenges and increasing skepticism from the residents' themselves, sector experts say.

Only 31% of nursing home residents are currently up-to-date on their vaccinations, according to the most recent data from the Centers for Disease Control and Prevention. In contrast, nearly 95% of all Americans aged 65 and over were vaccinated with the initial two-shot dose.

The declining vaccination rates in nursing homes coincided with a 30% spike in COVID cases in the early weeks of June.

McKnight's 07/05/2024

\$136M in Bids for Petersen's Nursing Homes

Four successful bidders is set to buy the assets of Petersen Health Care, for a total price tag of \$136 million.

Petersen, with about 100 facilities, has been going through Chapter 11 proceedings.

Three facilities are set to be sold to HP Developers for nearly \$15 million, while the bids for two more were won by banks for around \$3 million and \$2 million, respectively.

The successful bid for the rest of Petersen's skilled nursing facilities was won by a so-called stalking horse bidder — Petersen Acquisitions LLC — for \$116 million.

McKnight's, 07/08/2024

WSJ: Insurers "Questionable" Coding Generated \$50 Billion

Medicare Advantage plans received \$50 billion in payments between 2018 and 2021 for "questionable diagnoses" insurers added to medical records.

The federal government pays Medicare Advantage plans a rate per beneficiary based on their diagnoses.

The *Wall Street Journal* investigated billions of Medicare Advantage records

and found that some conditions were diagnosed at a much higher rate among MA beneficiaries than among traditional Medicare beneficiaries.

For example, diabetic cataracts were diagnosed much more often among MA beneficiaries.

However, a spokesperson for UnitedHealth, the largest MA insurer, told the *Journal* its analysis was "inaccurate and biased."

Wall Street Journal, 07/08/2024

New SNF Designed to Alleviate Hospital Backlog

Limited short-term rehabilitation beds in skilled nursing facilities have led to long delays for patients who are healthy enough to leave a hospital stay but not yet ready to be released to their homes.

A new \$70 million, 78-bed skilled nursing facility takes aim squarely at alleviating the type of hospital patient discharge backlogs that have increasingly plagued healthcare providers across the US.

The planned Anchorage, AK, facility would be a major addition to skilled nursing in the state — which has the fewest SNFs per capita in the country.

The facility will open during Summer 2026.

Anchorage Daily News, 07/04/2024

Joint Commission-Accredited SNFs Have Fewer Infections

Patients at Joint Commission-accredited nursing homes get fewer catheter-associated urinary tract infections and fewer central line-associated bloodstream infections than those at nonaccredited ones.

Researchers compared data from a total of 333 facilities — 244 of which were accredited by The Joint Commission and 89 that were not. Facilities that were accredited had fewer infections for the two healthcare-associated infections described above, but no differences were found for *C. diff* infection rates.

The study was published in the June 2024 issue of *The Joint Commission Journal on Quality and Patient Safety*.

Becker's Hospital Review, 06/07/2024

ONE COLUMN

HHS Focusing on Exclusion, Emergency Prep, HIPAA et al

HHS officials have outlined an ambitious slate of activities, many of which could affect skilled nursing operators.

CMS is still planning to update its emergency preparedness regulations, which providers have been anticipating since 2022.

A proposed rule could hit multiple provider types and suppliers, calling on them to plan adequately for both natural and man-made disasters, including climate-related disasters, and coordinate with federal, state, and other preparedness systems. The effort is based on lessons learned during the COVID-19 public health emergency."

That new rule could be tucked into a proposed Healthcare System Resiliency and Modernization Rule, which could drop anytime this month or later.

By Spring 2025, CMS aims to propose a new rule requiring that "specific covered individuals" in long-term care facilities report to HHS and law enforcement entities "any reasonable suspicion" that a crime has been committed against a resident: It also would prohibit retaliation for making such reports and establish procedures for imposing CMPs and exclusion from participation in federal healthcare programs for violating the requirements.

CMS also wants to make technical updates to the Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act), citing increasing cyberattacks.

HHS also noted that it must act by November 2025 to finalize proposals to modify HIPAA's Privacy Rule to strengthen individuals' rights to access their own PHI including electronic information; improve information sharing for care coordination and case management; and facilitate greater family and caregiver involvement in the care of individuals experiencing health emergencies.

McKnight's, 07/08/2024

A Super Veteran's Home For the Florida Gulf Coast

The Naples-area will, in the future, have a 120-bed state-of-the-art veterans' home, rebranded a Veterans Long-term Care Community.

The campus will feature 120 skilled nursing beds consisting of two "neighborhoods" of 60 beds, each with its own gazebos and gardens, libraries and computer rooms, and a specialized sensory therapy room.

The neighborhoods will connect to a "community center" with amenities such as a coffee shop, sports bar, chapel and barbershop.

Collier County has committed \$40 million in sales tax revenues, the Florida Legislature has appropriated \$10.5 million and the FDVA applied for \$74 million in federal construction matching funds.

Fort Myers News-Press, 06/30/2024

HCSG Settles EEOC National Origin Discrimination Charge

In a charge filed with EEOC, a woman employed as a "light housekeeper" at a California nursing home, alleged that Healthcare Services Group prohibited her from speaking her native language of Spanish while in the workplace.

The EEOC's investigation found evidence confirming that her employer maintained a limited "English-only" rule in violation of Title VII of the Civil Rights Act of 1964.

HCSG will pay monetary damages to the housekeeper and will provide training for all California employees as well as separate training for all California managers and human resources personnel.

EEOC News Release 06-26-2024

There's More Geri-Docs But Not 'Nuff' More

The America's Health Rankings 2024 Senior Report indicates the number of geriatric clinicians has risen in recent years.

While the increase in geriatric clinicians is certainly welcome news for providers who rely on them to coordinate and deliver

clinical care, the report noted that modest increases are not enough to keep up with a rapidly aging population.

It cited an American Geriatrics Society projection that there will be a shortfall of more than 5,000 geriatricians by 2030.

The number of geriatricians in the US is still between 2,000-to-3,000 lower than it was in 2000.

McKnight's, 05/30/2024

Overdose Victims Unlikely To Have Fatal Repeat If In SNF

Researchers have identified medications effective for treating opioid use disorder and say that Medicaid patients who took them during follow-up care in a nursing home were "significantly" less likely to overdose again.

But the investigators, representing an array of government agencies, noted that only a small fraction of overdose patients were receiving the medications.

Patients who spent time in nursing homes during the study were significantly less likely (30% to 72%) to experience a fatal drug overdose in the 12 months after a nonfatal overdose.

JAMA Internal Medicine, 06/20/2024

Road to Selling County SNF Has Gotten Bumpier

The company set to purchase Pine Crest Nursing Home in Merrill, Wisconsin is now backing out because a member of the county board is suing the county.

There is language in the sale agreement that any type of litigation attached to the property would void the agreement, so Don Dunphy, a member of the Lincoln County Board filed suit.

Dunphy said he made his position in opposition to the sale of Pine Crest clear when he ran for office and was elected with 60% of the vote.

Lincoln is a rural county of 28-thousand Northwest of Green Bay.

WSAW-TV, 07/02/2024

Briefly in the News

Kenneth Griffin, founder and CEO of investment firm Citadel, has donated a total of \$545 million to various hospitals, health systems and cancer treatment and research specialists over the last 18 months. The hedge fund manager has a net worth of about \$41.8 billion. He has donated more than \$2 billion towards education, opportunity and health sciences initiatives (**Becker's**).

Alzheimer's disease has a biologically based definition, according to criteria developed by an Alzheimer's Association workgroup. They define Alzheimer's disease as a process detectable by abnormal biomarkers when patients do not have cognitive symptoms -- a point of contention among some in the Alzheimer's community (**MedPage Today**).

Humana's new president and CEO Jim Rehtin is officially on the job. Rehtin joined Humana as chief operating officer in January after serving as CEO of Envision Healthcare since 2020. Humana's former CEO, Bruce Broussard, will serve as a strategic advisor to the company into 2026 (**Becker's Payer Issues**).

Effect this fall, Bloomberg Philanthropies is donating \$1 billion to Johns Hopkins University, making medical school free for students from families earning less than \$300,000 a year, a threshold that represents 95% of all Americans. Additionally, the school will cover living expenses and fees for students from families earning up to \$175,000, i.e., students from the vast majority of American families "will pay nothing at all" (**Becker's Hospital Review**).

Michael Lucchesi, MD, former chairman of emergency medicine and chief medical officer at SUNY Downstate Medical Center in the Brooklyn borough of New York City, has been charged with using a business card for nearly \$1.5 million in personal purchases and cash advances. An investigation found that over an eight year period, Lucchesi used a business card for about \$115,000 in cash advances; \$176,000 in pet care and \$348,000 in travel. He retired from the hospital last year (**SUNY news release**).