

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"One million empty chairs around the dinner table. Each an irreplaceable loss. Each leaving behind a family, a community, and a Nation forever changed because of this pandemic" President Joe Biden, recognizing the one-million Americans who have died from COVID-19

"If the CDC would say, 'This could save your life,' that would help a lot"

Dr. Eric Topol, director of the Scripps Research Translational Institute commenting on why boosters are lagging

"Right now, it's not only less dangerous to be out doing things, it's actually less dangerous if you get COVID too because of hospital capacity and the number of treatments we have" KY Gov. Andy Brashear

Massachusetts Pays Up In Deadly Vets Home Outbreak

Massachusetts has agreed to pay \$56 million to resolve a lawsuit by families of veterans who contracted COVID-19 during an outbreak at the 247-bed Holyoke Soldiers' Home. Eighty-four veterans died.

The governor's office said families of deceased veterans would receive a minimum of \$400,000, while veterans who contracted COVID-19 but survived would receive at least \$10,000.

Former Superintendent Bennett Walsh and former Medical Director David Clinton were charged with criminal neglect in September 2020 over their handling of the outbreak, but a judge in November 2021 dismissed the charges against them. The state's attorney general is appealing.

The Boston Globe, 05/13/22

Will the PHE End in July? Stay Tuned

HHS has consistently said it will provide the states with 60 days' notice of the end of the PHE.

A good indicator will be this Monday May 16, the first business day within 60 days of the scheduled July 15 expiration date.

Last week HHS and CMS told the nation's governors they intend to abide by the 60-day commitment.

The two agencies stated in a letter, "We do not yet know when the PHE will end, but the Biden-Harris Administration is committed to providing you with at least 60-days' notice before any expiration or termination of the PHE."

Ohio Health Care Association, SNF News Bites, 05/13/22

Provider Orgs Ask for Another PHE Extension

A group of 15 healthcare organizations during the week sent a letter to HHS Sec. Xavier Becerra, urging that the Public Health Emergency be extended once again.

In April HHS extended the PHE declaration through July 15. With the extension, COVID-19 regulatory waivers, such as exceptions to the three-day stay rule and telehealth flexibilities, will continue until that date.

The group, which includes the American Health Care Association/National Center for Assisted Living, said patients can receive the care they need during the PHE because providers are empowered with the flexibilities they need.

McKnight's, 05/12/22

Sen. Casey Pushing for More SFF Surveys

Sen. Bob Casey (D-PA), chairman of the Special Committee on Aging, has written to CMS to inquire why 20% of the Special Focus Facilities have not had the required every-six-month survey.

Casey said committee staff conducted its own review of the program and found

that as of late February 15 of the 87 nursing homes in the SFF program had gone six months or longer without a standards survey.

Casey also called on CMS to answer how it plans to bolster the SFF program as part of the White House's nursing home reform initiative. About 400 SNFs are on the SFF waiting list.

Sen. Casey Letter to CMS, 05/09/22

Verma: Private Equity Transparency "waste of time"

Former CMS administrator Seema Verma sees the agency's effort to increase transparency of SNF ownership – especially related to private equity firms – as "a colossal waste of time."

"We're not sitting here trying to figure out who owns home health or who owns dialysis facilities or who owns providers," Verma said. "We're kind of going through this exercise just in nursing homes because somehow we think that that's going to increase quality of care."

"So, vilifying [investors] only hurts the industry and the patients that we all want to care for," Verma said.

Skilled Nursing News, 05/10/22

Tennessee Nurse Gets Probation in Med Error Death

A former Tennessee nurse whose medication error killed a patient was sentenced to three years of probation Friday as hundreds of health care workers rallied in support of her outside the courthouse.

Before RaDonda Vaught was sentenced, she apologized to relatives of the victim and said she'll be forever haunted by her mistake.

Vaught was found guilty in March of criminally negligent homicide after she accidentally administered the wrong medication.

The judge said Vaught would receive judicial diversion, a way for first-time offenders to have their charges dropped and their records expunged after successfully completing probation.

The Nashville Tennessean, 05/13/22

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

AMERICA: As the country surpassed 1 million COVID deaths, President Biden ordered flags to be lowered to half-staff for five days (*Axios*).

THE WHITE HOUSE: The Administration is warning that the U.S. could potentially see 100 million COVID-19 infections this fall and winter. The projection of 100 million potential infections is an estimate based on a range of outside models that are being closely tracked by the Administration. Officials say the estimate is based on an underlying assumption of no additional resources or extra mitigation measures will be taken, including new COVID-19 funding from Congress (*CNN*).

MINNESOTA: Gov. Tim Walz signed the [bill](#) into law creating a \$500 million fund to award a one-time bonus of up to \$1500 to frontline workers. Eligible workers, including assisted living, home care and other frontline workers, employed between March 15, 2020, and June 30, 2021, can apply (*KMTV-TV*).

IDAHO: Primary Health Medical Group with 22 urgent care and family clinics in SW Idaho had a 2% positive coronavirus test rate in March. But in April the rate began climbing and last week it topped 10.8%. The number of people getting tested is also up 35% (*KMVT-TV*).

NEVADA: New Coronavirus cases jumped 57.5% - from 1230 to 1937 cases in Nevada in the weekend ending May 1. Washoe County reported an increase of 67.9% and two deaths (*Reno Gazette-Journal*).

ALABAMA: A federal judge has ruled against a group of Tuscaloosa County teachers who said they were denied due process when their work hours were increased without receiving extra pay when the school system switched to virtual learning. The judge said the teachers still had the opportunity to work through the issue with the school district (*AL.com*).

THE WORLD: A study determined *remdesivir* had but a small effect on people with COVID-19. Some 14,221 patients were enrolled in a study to

determine the effectiveness of the drug *remdesivir* from 454 hospitals in 35 countries. Overall, 14.5% patients assigned to *remdesivir* died versus 15.6% assigned no drugs. Of patients already being ventilated, 42.1% died versus 38.6% (*The Lancet*).

KENTUCKY: Gov. Andy Beshear, celebrating the progress Kentucky has made against COVID-19, took time to discuss how the COVID-19 spread map for the commonwealth is now all green – the lowest transmission rate. Beshear said the state is in the safest place it's been since early on in the pandemic, although he expected some counties to go back to yellow then revert back to green (*WLKY-TV*).

WASHINGTON, DC: A growing number of high-profile COVID-19 cases have surfaced following the White House Correspondents Association dinner including ABC reporter Jonathan Karl, Secretary of State Antony Blinken, and reporters from The Washington Post, Voice of America, and other outlets. There is no exact. (*The Hill*).

CANADA: In the province's weekly update, New Brunswick now has recorded 406 COVID-19 deaths with 15 new deaths between May 1 and May 7. The update said 93.1% of New Brunswickers have received at least one dose of the COVID-19 vaccine, 87.9% two doses, and 52.1% have had a booster shot (*Global News*).

AMERICA: During the first year of the COVID-19 pandemic, the U.S. saw the highest firearm homicide rate in more than 25 years. The CDC reported firearms were involved in 79% of all homicides in 2020, an increase of nearly 35% from 2019. The largest increases in 2020 were among young Black males, between the ages of 10 and 44 (*CDC*).

KANSAS: The Kansas Department of Health and Environment announced it will offer free COVID-19 testing to kid's summer camps for the entire summer season. Camps have the option to use over-the-counter tests, offering tests at camps, or a mix of the two for both screening testing and diagnostic testing (*WDAF-TV*).

CHINA: Tensions between Shanghai residents and China's COVID policy enforcers are on the rise again. Videos shared on China's social-media platforms showed suspected COVID-positive patients forcibly quarantined in central facilities. Censors have been removing the videos, as residents continue to repost them. President Xi Jinping said recently he has no intention of ending his zero COVID policy (*The Guardian*).

THE WORLD: A group of former global leaders, among them Gordon Brown, the U.K. prime minister from 2007 to 2010, is calling on the U.S. to commit \$5 billion to the effort to combat the pandemic globally. Biden released a statement acknowledging that funding for the next phase of the pandemic is not coming soon, however, as congressional leaders from both parties have told him it must be handled separately from a package on aid for Ukraine (*New York Times*).

IOWA: Drake University in Des Moines moved its final week of classes to online only and students were asked to move out of residential housing after about 300 students tested positive. As of May 6, there were 102 COVID-positive students in isolation rooms at Drake and another 219 with confirmed cases off campus (*Drake University website*).

ILLINOIS: Coronavirus cases continue to rise in the state of Illinois, rising nearly 30% over the last seven days according to officials. Data from the Illinois Department of Public Health shows that the state is now averaging 5,398 new cases of coronavirus per day over the last week. That represents an increase of 28.9% over the previous week (*WMAQ-TV*).

COVID-19, 05/15/2022

Global Cases – Deaths
520,688,335 – 6,262,630

U.S. Cases – Deaths
82,422,052 – 999,519

220.5 million Americans are fully vaccinated
– 67% of the country's population

Johns Hopkins University

Staff Asleep, Stole Drugs North Carolina AL Closed

Sheriff's deputies were called to the Southern Living for Seniors assisted living facility in Burnsville, NC after a resident called requesting help to lift his roommate who had fallen and for 45 minutes could not find any employees to assist him.

When the deputies arrived, they searched the facility and found two employees asleep in a vacant resident room. The employees had several of the residents' prescription narcotics in their possession.

The two employees were charged with multiple drug counts. The state and county launched investigations into the facility, which was eventually shut down.

The News & Observer, 05/11/22

Bill to Investigate COVID Deaths Advances

The NY Senate Health Committee passed a bill that would create a temporary state commission with subpoena power to study the more than 15,000 deaths of New York state nursing home residents during the COVID-19 pandemic.

If the bill becomes law, the commission would be required to generate a report would be publicly issued and sent to the Legislature with findings and recommendations for the future.

The proposal is a response to former Gov. Andrew Cuomo's executive order that forced nursing homes to admit discharged hospital patients who were infected with COVID-19.

The Legislative Gazette, 05/04/22

Large SNF Study Indicates Boosters are Not Dangerous

In a recent study concluding in February researchers sought to determine rates of adverse events among nursing home residents who received an mRNA COVID-19 vaccine booster dose.

The scientists screened the electronic health records for 20 serious vaccine-related adverse events that are monitored following receipt of COVID-19 vaccination by the CDC's Vaccine Safety Datalink.

Among 11,200 nursing home residents living in 239 facilities operated by Genesis HealthCare, spanning 21 U.S. states, the study determined "no safety signals were detected following a COVID-19 mRNA vaccine booster dose."

Journal of the American Geriatrics Society, 04/23/ 2022

COVID – 'New Normal' May Mean Annual Vaccines

In a recently published paper Dr. Peter Marks, director of the FDA's Center for Biologics Evaluation and Research; Principal Deputy Commissioner Dr. Janet Woodcock; and new FDA Commissioner Dr. Robert Califf said the U.S. may need to update its COVID-19 vaccines each year – just like the seasonal flu.

Widespread vaccine and infection-induced immunity, combined with the availability of effective therapeutics, could blunt the effects of future outbreaks.

"Nonetheless," the doctors wrote, "it is time to accept that the presence of SARS-CoV-2, the virus that causes COVID-19, is the new normal.

JAMA, 05/02/22

Thousands Strike Pennsylvania Nursing Homes

More than 2,000 Pennsylvania nursing home workers skipped work and picketed Wednesday in front of more than 32 facilities statewide in a push for better wages, staffing and job standards.

Survey data by the union shows that 96% of nursing home workers in the state say they don't have the staffing necessary to provide the quality of care they would like to residents.

The group has called for no nursing home worker in the state to make less than \$16 an hour.

McKnight's, 05/06/22

Welltower's Genesis Exit Nearly Complete

Welltower, the Ohio-based REIT closed on the sale of seven more Genesis properties for a gross purchase price of \$75 million during the first quarter and two other properties for \$17 million in April. Only one Genesis remains in the Welltower portfolio.

PRNewswire/Welltower, 05/10/22

ONE COLUMN

Top Ten Deficiencies – the 'Hits' Just Keep on Coming

Not many surprises for the most cited F-tags so far this year.

The number one F-Tag that held steady for many months of the pandemic is **F884 – reporting to the National Health Safety Network (NHSN)**. Biggest problem with F-884 is that it comes with fines depending on the factors.

The number two F-Tag should not be a surprise as it is always in the top three. **F880 – Infection Control and Prevention** – is a tag that nursing homes have been cited for way before the pandemic.

The number three is the catchall **F689 Accidents and Hazards** of which nursing homes must be free. The fourth cited deficiency in nursing homes to date is **F684 – Quality of Care**.

To round out the top five, **F812 – Food Procurement – Store, Prepare, Serve**, etc. in the last few months, 2567 findings show more detail from surveyors combing into the pantry and refrigerator, and freezer walk-ins.

The sixth frequently cited **F-Tag is F677 ADL Care for Dependent Residents**. Number seven is **F761 Label/Store Drugs – Biologicals**. For the last year, this tag has crept into the top 10 and has made a place for a quick non-compliance leading to deficiencies.

The eighth is another "Golden Oldie" - **F656 Develop Comprehensive Care Plans**.

With the lockdown over the past couple years, pharmacy consultants were unable to be in the nursing home so it's no surprise that **F755 Pharmacy Services** is number nine.

Last but not least – number ten is **F686 Treatment/Services to Prevent/Heal Pressure Ulcer**. A frequent F- tag for years, nursing homes need to stay vigilant in communication and documentation of pressure ulcers at all stages.

LeadingAge, 2021 and 2022

A \$2 Million Award For a Pressure Sore

A Polk County jury awarded \$2,118,000 to a 70-year-old man who developed a serious pressure sore while in the care of an Auburndale, Florida nursing home.

The sore developed during what was intended to be a short-term rehab stay starting in January 2020 at Oak Haven Rehab and Nursing Center in Auburndale – east of Tampa.

Resident Sidney Gilmore's attorneys presented evidence the facility had failed to reposition him causing a Stage IV sacral pressure ulcer was so deep it infected his bone and required six surgeries to repair.

The Ledger, 05/11/22

Preventing Another SNF Warehouse Tragedy

Hurricane Ida slammed into Louisiana nine months ago, and seven nursing homes evacuated more than 800 residents to a warehouse, where seven people died – deaths attributed to the storm and the conditions in the warehouse.

Currently, the Louisiana Department of Health simply reviews nursing homes' emergency plans, basically determines there is one in place. But a proposed new law would require it to examine and approve plans. The measure passed the House 101-1 and has now been sent to the Senate.

Lawmakers hope a new bill will ensure that nursing homes are prepared when the next big storm comes.

WBRZ-TV, 05/05/22

Resident Charged in Death of Another Resident

A woman was apparently beaten to death by another resident at the Gold Choice Assisted Living and Memory Care Facility in Palm Coast, Florida.

Deputies called to the facility found the victim, a 77-year-old woman, with facial injuries on the bed in the room of another resident.

Cliff Mody, 72, was charged with second-degree murder and booked into the Flagler County jail where he was being held without bond.

The 911 caller said the suspect had previously attacked someone else.

The Daytona Beach News-Journal, 05/11/22

AL Fighting Effort to Revoke Its License

Woodmont, a Pacifica Senior Living Community in Tallahassee, is challenging the Florida Agency for Health Care Administration's attempt to revoke its license and shut it down.

The move is related to the elopements of two residents, one with Alzheimer's disease, the other who was found dead on the property on Christmas day 2020 by EMS personnel called to the facility to check on a different resident.

AHCA also claims the facility is not financially stable, an allegation Woodmont is disputing in court.

Florida Politics, 05/12/22

NJ Gov. Wants \$211M to Boost LTC Wages

In the new budget proposal, New Jersey Gov. Phil Murphy is asking \$211.2 million to boost wages for direct care workers, including nursing home employees, home health aides and personal care assistants.

Of that \$211.2 million, \$30 million would go toward increasing wages for nursing home workers and the funding, if approved, would be split evenly between the federal government and state.

The governor has also proposed \$7.8 million to boost pay for private duty nurses; \$270,000 for home health aides under its Personal Assistant Services program; and \$157,000 for home health aides serving seniors.

McKnight's, 05/11/22

One-third of 65+ Have Not Gotten Boosters

New CDC data indicates 32.3% of fully vaccinated seniors 65 and older have yet to get a COVID-19 booster shot, despite being most at risk for serious health complications and death.

McKnight's, 05/13/22

Briefly in the News

Skilled nursing occupancy reached its highest level in February since April 2020, Occupancy increased almost 1% from January to February, ending the month at 76.7%. Occupancy has increased nearly 5% (4.93%) from a year ago and 480 basis points (4.8%) from its pandemic low (**NIC**).

Omega Healthcare Investors' revenue for the first quarter was \$249.3 million — a sharp decrease from the \$273.8 million reported during last year's first quarter due to several operators, including Gulf Coast Health Care, failure to pay rent. During the quarter Omega completed the sale of a majority of Gulf Coast's portfolio for \$318 million which offset the loss (**McKnight's**).

Researchers in the University of Texas system found that nearly three quarters of the antibiotic prescriptions (73.9%) written for patients 65 and older were inappropriate. They also found high rates of inappropriate antibiotic prescribing for Black patients (63.8%), Hispanic patients (57.5%), and men (57.7%). The most common reasons for inappropriate antibiotic prescriptions were non-bacterial skin conditions, viral respiratory tract infections, and bronchitis (**CIDRAP**).

A partnership between Peconic Landing, a CCRC in Greenport, NY, and Stony Brook Medicine will result in the CCRC opening its new Center for Well-Being June 1. The center will bring specialty medical services, as well as additional primary care services, not just to residents, but to staff members and the greater community (**Senior Living**).

A recent study from Washington State University found that the electronically generated electromagnetic fields, or EMFs, emitted from cell phones can cause Alzheimer's disease, including potentially very early onset disease (**Current Alzheimer Research**).

Before CMS expanded the telehealth waiver at the beginning of the pandemic, just 0.42% of patients had recorded at least one outpatient telehealth visit. After the waiver the number climbed to about 10% (**Health Affairs**).