

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

05/22/2022

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They said it

"These payments are designed to help retain this critical workforce"

California Gov. Gavin Newsome announcing a proposed \$1000 bonus for health care workers

"With regard to a fourth dose for those under the age of 50, that is going to require action from the FDA, and we're in conversations there" CDC

Director Rochelle Walenkys

"I want America to recognize that the disease is not over anywhere until it's over everywhere" Former British prime minister

Gordon Brown calling on the U.S. to commit \$5 billion to fight the pandemic

"We're not testing anywhere near where we might need to" Dr. Krishna

Udayakumar of the Duke Global Health Innovation Center at Duke University

Staff Walks Out of Maryland Nursing Home

Multiple staff members at Peak Healthcare at The Pines in Easton said they walked out because of inadequate staffing and patient care, and the treatment of employees.

A staff member said sometimes as many as 60 patients would be under the care of a single LPN.

A representative of Peak Healthcare said the facility was adequately staffed and that the staff members who walked out had done so after refusing to work in another unit.

The Maryland Department of Health's Office of Health Care Quality declined to comment on the walkout, but said all complaints or allegations are investigated.

The Star Democrat, 05/19/22

Report: PHE to be Extended Again After July

Bloomberg reported during the week that the US government will extend the Covid-19 public-health emergency past mid-July, continuing pandemic-era policies.

It would be the 10th time HHS has extended the PHE since January 2020.

The declaration allows the US to grant emergency authorizations of drugs, vaccines and other medical countermeasures, as well as administer those products to millions of people at no out-of-pocket cost.

The extension would also continue various waivers including the three-day hospital stay to qualify for skilled care in nursing homes and enabled millions of Americans to get health coverage through Medicaid.

Bloomberg, 05/16/22

Bill Would Extend TNA Time to be Certified

As nursing home operators scramble to get their temporary nurse aides certified and tested by October 7, a new bill seeks to extend some of the flexibility offered over the course of the pandemic.

While nursing homes have just four months from June 7 to get thousands of temporary workers trained and certified, the bill would give them an additional 24 months following the end of the COVID-19 public health emergency.

TNAs will also be able to apply their on-the-job experience and training toward the 75-hour federal training requirement to become a CNA.

Skilled Nursing News, 05/15/22

Racketeering Charges vs. Nursing Home Administrator

A former nursing home CEO is facing multiple charges allegedly stemming from \$169,179.49 in "fraudulent disbursement, corrupt business practice, and racketeering."

Samuel Joseph Zaffuto, 64, had been employed at Christ the King Manor, in Clearfield County, Pennsylvania since 1985. He was promoted to administrator and CEO in 2004.

The charges include diverting over \$150,000 into two personal bank accounts and misusing the facility credit card, equipment and personnel for his personal gain.

Although his employment was terminated July 12, 2019, the charges were just filed against Zaffuto this month.

Explore Clarion, 05/13/22

A Program to Tackle Behavioral Health in LTC

HHS during the week announced a grant program will begin a new approach to behavioral healthcare delivery in U.S. nursing homes.

Over three years, one grant recipient would receive \$15 million and be expected to build a national "Center of Excellence" that will increase facilities' capacity to provide high-quality mental health and substance abuse care.

The center is expected to provide direct consultation to staff to increase understanding of and reduce stigmatization of behavioral healthcare for residents. It also will ensure access to training and technical assistance focused on mental health disorder identification, treatment and recovery support services.

McKnight's, 05/17/22

Providers Sue State Over Room Bed-Count Regs

Nine nursing home operators have sued Massachusetts over regulations against housing more than two people per room.

A judge issued a preliminary injunction barring the state from trying to make the nursing homes discharge any patients involuntarily to comply with the rules while the lawsuit is pending. The state did not object to the injunction.

The restriction was adopted around the height of the COVID-19 pandemic and took effect May 1.

Last April Massachusetts issued regulations requiring that from May 2022 on, long-term care homes would have no more than two beds per room. SNFs have 45 days to comply.

Reuters, 05/12/22

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

AMERICA: With the United States seeing a threefold increase over the past month, health officials are considering extending the eligibility for a second COVID-19 vaccine booster dose to people under 50. The DCD and FDA are in talks about the possibility (*Reuters*).

AMERICA: As a stealth wave of Covid makes its way across the U.S., those who have so far evaded the virus are now falling ill — while others are catching Covid for a second, third or even fourth time. Several factors have conspired to make the state of the pandemic harder than ever to track. The rise of at-home tests, which rarely make it into official case numbers, have made keeping accurate count of positive cases impossible. Additionally, many U.S. states and jurisdictions are now reporting Covid data only sporadically (*Bloomberg*).

WASHINGTON: Three more residents of the Tri-Cities area of southeastern Washington state have died from complications of COVID-19, and it is not only the elderly who are dying. The latest deaths were of two men in their 40s and a man in his 50s. These deaths were despite low rates of confirmed disease and low numbers of hospital patients with COVID-19 (*Tri-City Herald*).

AMERICA: With COVID cases and transmission rising across the U.S., many are turning to questions over treating the virus for those who contract it, including the use of an antiviral COVID pill. Pfizer's Paxlovid pill has been used in several recent high-profile cases, including Vice President Kamala Harris. But new questions are emerging about its performance, including why a small number of patients appear to relapse after taking the drug (*WMAQ-TV*).

THE WORLD: Testing for COVID-19 has plummeted across the globe, making it much tougher for scientists to track the course of the pandemic and spot new, worrisome viral mutants as they emerge and spread. Experts say testing has dropped by 70 to 90% worldwide from the first to the second quarter of this year (*NBC News*).

NORTH KOREA: Six people have died and 350,000 have been treated for a fever that has spread "explosively" across North Korea, state media said a day after the country acknowledged a COVID-19 outbreak for the first time in the pandemic. a big coronavirus outbreak could be devastating in a country with a broken health care system and an unvaccinated, malnourished population (*Pioneer Press*).

NORTH KOREA (Update): Military medics ramped up the distribution of medicines to fight a growing coronavirus outbreak, state media said on Tuesday, with the number of reported cases of "fever" nearing 1.5 million. Leader Kim Jong Un has ordered nationwide lockdowns to try and slow the spread of the disease through the unvaccinated population and deployed the military after what he has called a botched response to the outbreak (*AP*).

THE WHITE HOUSE: Households can order up to eight more free coronavirus tests from the U.S. government, the White House announced. The at-home test kits are available at covid.gov/tests. The rapid tests could come in handy ahead of possible surges this summer and fall (*The Washington Post*).

AMERICA: for the week ending May 7 the national flu, pneumonia and/or COVID-19 mortality rate was 7.2%, exceeding the epidemic threshold of 6.6%. Among 1,425 deaths reported for the week, 533 had COVID-19 listed as an underlying or contributing cause of death, and 29 listed the flu. This indicates the current death rate for pneumonia, influenza and COVID-19 is primarily due to COVID-19 (*Becker's Hospital Review*).

LOS ANGELES: At its last meeting the LA Board of Education unanimously approved a delay of a student vaccine mandate for COVID-19 that had been scheduled to take effect next fall. The 8:30 p.m. vote, at the conclusion of a nearly 12-hour board meeting, took place without comment from either Supt. Alberto Carvalho or board members (*Los Angeles Times*).

MISSOURI: In a 130-4 vote the house passed a bill that would prevent state medical licensing boards from punishing or taking away the medical licenses of doctors who "lawfully" prescribe two drugs, ivermectin and hydroxychloroquine whose notoriety came to light during the pandemic. The measure also prevents pharmacists from contacting doctors or patients to dispute the efficacy of the drugs (*Democrat Gazette*).

AMERICA: As covid hospitalization rates stabilize, at least for now, and federal and state covid relief funding dries up, travel nurse contracts that were plentiful and lucrative at the height of the pandemic of are vanishing. Nationally, demand for registered nurse travelers dropped by a third in the month leading up to April 10 (*KHN, NBC News*).

AMERICA: Millions of Americans who gained Medicaid health insurance during the COVID-19 pandemic could lose coverage this year or next year when generous federal subsidies end, a new analysis found. Kaiser Family Foundation estimates 5 to 14 million Americans could lose Medicaid when states begin to unwind coverage after the Biden administration declares the COVID-19 public health emergency is over (*USA Today*).

AMERICA: In the wake of the tragic milestone of 1 million official COVID-19 deaths in the United States, a new analysis found that without vaccines, the virus would have likely claimed many additional lives in 2021. The analysis estimated that the Pfizer vaccine alone likely saved more than 110,000 lives in 2021, the first year of the vaccination campaign. The study was sponsored by Pfizer (*ABC News*).

COVID-19, 05/22/2022

Global Cases – Deaths
526,997,553 – 6,289,233

U.S. Cases – Deaths
83,237,592 – 1,002,020

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

Johns Hopkins University

COVID Death Lawsuits Claim 'state-created danger'

The families of two New Jersey women who died after catching COVID in the private nursing homes have sued state officials, saying the state ignored repeated warnings in the pandemic's first weeks that its controversial approach to containing COVID in long-term care facilities would be deadly.

The lawsuits come nearly five months after the state agreed to pay almost \$53 million to settle claims it botched its response to the COVID outbreak in state-run veterans' homes.

The new lawsuits accuse Gov. Phil Murphy and Health Commissioner Judith Persichilli of violating nursing home residents' civil rights through policies they implemented.

New Jersey Monitor, 05/06/22

Regardless of COVID, The Flu Has Not Gone Away

As summer approaches, flu positivity levels in the U.S. remain unseasonably high.

The CDC's latest FluView report shows Of all specimens tested in a clinical lab, 8.6% were positive for the flu for the week ending May 7, up slightly from 8.1% the week prior.

New Mexico reported very high flu activity for the third consecutive week. Colorado, the District of Columbia and Puerto Rico reported high flu activity. New York, Massachusetts, New Jersey and Florida reported moderate activity.

Nationwide, 0.9 percent of long-term care facilities reported more than one flu-positive test among residents.

Becker's Hospital Review, 05/14/22

Lawmakers Looking to Crack Down on Funky Ownership

Windsor Redding Care Center in Northern California is licensed by the state, but not under its current owner, Shlomo Rechnitz, who was denied a license, after at least one death and multiple cases of "serious harm" at other nursing homes he owns or operates.

To get around that, Rechnitz formed a business partnership with one of the home's former owners, who continues to hold the facility's license.

Some California lawmakers want to end to those types of business arrangements and to overhaul the licensing process to reject applicants with poor performance in other facilities.

Providers say that is regulatory overreach.

The Los Angeles Times, 05/13/22

Island Nursing Home Is Unlikely to Reopen

Island Nursing Home's board of directors unanimously accepted a consultant's conclusion that the facility probably will not reopen as a nursing home.

The facility is on Deer Isle off the Maine coast.

The report by Covenant Health, in part states, "...it is unlikely that INH will be able to retain its current licenses or acquire new licenses needed to operate as a nursing home in the future."

Island Nursing Home, with 50 residents, closed last October due to the pandemic and a shortage of staff related to a lack of affordable housing on Deer Isle.

Castine Patriot, 05/12/22

COVID-19 Surge in U.S. Drastically Undercounted

Federal health officials this week warned Americans that coronavirus cases are at a high level, but with a caveat: Estimates are sure to be a significant undercount of the true infections.

White House COVID-19 response coordinator Ashish Jha said the number is higher than 100,000, but how many is hard to determine because of the use of home tests.

The Biden administration this week started offering a third round of free rapid tests. But the rise in at-home testing comes with a downside – possibly hundreds of thousands of cases are going unreported.

US News & World Report, 05/20/22

ONE COLUMN

FEMA Will Pay For COVID Funerals – Few Have Applied

In April 2021, FEMA offered to reimburse funeral expenses for COVID victims — up to \$9,000, roughly the average cost of a funeral. The assistance is retroactive.

FEMA launched a massive call center to manage applications, hiring 4,000 contractors in Denver. They received a million calls on the first day, leaving many people waiting on hold.

Survivors must call to initiate the process. applications are not accepted online. But death certificates and receipts from the funeral home and cemetery must be uploaded online.

Now, a year into the program, the government has paid more than \$2 billion to cover COVID funeral costs. More than 300,000 families have received reimbursement, averaging \$6,500, and FEMA said there is no limit on the funding available at this time.

But with over a million COVID deaths recorded, fewer than half of eligible families have applied. Many surviving family members have run into challenges or don't know the money is still available.

Clerical challenges have discouraged participation, especially for those whose loved ones died early in the pandemic. Some of those early death certificates didn't have COVID listed as a cause of death.

Eligibility is generally not the hurdle. There are no income limits, and life insurance does not preclude participation. And there is still no deadline. One of the few disqualifiers is if a funeral was prepaid.

Washington, D.C., leads the nation with applications for 77% of deaths. States clustered in the South had the highest participation rate, with North Carolina approaching applications for two-thirds of deaths. Other states remain well below a 50% participation rate. In Oregon and Washington, fewer than 1 in 3 covid deaths resulted in an application.

Nashville Public Radio, NPR, 05/13/22

A Sign of the Times Medical Marijuana and Jobs

A CCRC is facing a federal civil rights discrimination lawsuit from a woman who claims the operator withdrew a job offer over her legal use of medical marijuana.

Michelle Ustaszkeski-Hutchinson accused Phoebe Ministries of violating the ADA and state discrimination laws.

Ustaszkeski-Hutchinson alleges that she received an employment offer to be a resident care assistant at Phoebe Richland in Richlandtown, PA, in January. A month later, however, she claims an email informed her the offer was rescinded based on information collected during a pre-employment screening.

McKnight's, 04/26/22

She Posed as Surveyor To Rip off Residents

A woman has been arrested who is alleged to have fraudulently entered a Toronto, Canada nursing home to steal debit and credit cards.

On April 30 the woman visited the facility posing as a government agent who was doing a site inspection.

Police said Mandy Kitlar-Akeia, 39, walked through the facility and took a wallet with debit and credit cards, then spent money using the cards at various shops.

She was arrested May 5 after police released a video of the suspect and asked the public for assistance.

Global News, 05/08/22

Operator Backing Away From Eight Indiana SNFs

A Warsaw, Indiana-based nursing home operator is detailing plans to terminate its operating leases at eight Indiana locations.

About 700 employees will be affected, although Miller Health Systems said the new operators will likely retain all those employees.

Miller's attributes the move to "changing business terms and conditions" with the owner of the properties, Highgate Capital Investments/Aurora Health Network.

The company says its operating leases are set to be terminated on June 30 with the owner contracting and appointing a new operator the following day.

Inside Indiana Business, 05/09/22

Saying 'Thank You' A Night Out for Nurses

Three hundred nurses were treated to a night out thanks to three local sponsors who purchased gift cards from Northeast Ohio restaurants to thank them for their compassion and commitment during the coronavirus pandemic.

The gift cards were delivered on May 6 - National Nurses Day - by restaurants in the region to nurses at Cleveland Clinic's Medina Hospital, the Visiting Nurses Association, University Hospital, Summa Health and to nursing students at Baldwin Wallace University.

The Spring 2022 campaign is the third time frontline workers have been rewarded for their committed care under difficult circumstances.

Cleveland Plain Dealer, 05/13/22

40 Senators Seek funds To Help Aging in Place

Expanding affordable senior housing and the programs that support it is the impetus behind a letter from 40 U.S. senators.

In a letter to the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, a group of legislators led by Sen. Robert Menendez (D-NJ) expressed support for "robust" funding for two bills supporting senior housing in the fiscal 2023 HUD appropriation bill.

The letter asks for \$600 million for capital and operator subsidies for about 6,200 new Section 202 homes as Congress begins developing the bills.

Forty senators have signed on as sponsors of the legislation.

Senior Living, 05/13/22

Briefly in the News

Legislation has been introduced in the U.S. Senate designed to protect health care and social services employees from workplace violence. The *Workplace Violence Prevention for Health Care and Social Service Workers Act* directs OSHA to issue a standard requiring health care and social service employers to write and implement a workplace violence prevention plan to prevent and protect their employees from violent incidents (**Wisconsin Sen. Tammy Baldwin news release**).

Invesque continued to reduce its skilled nursing exposure and focus more on seniors housing holdings. during the first quarter. The company is working to build a private-pay portfolio. Five years ago, 75% of its net operating income came from nursing homes. Today 60% comes from senior housing (**McKnight's**).

HUD's most recent *Worst Case Housing Needs Report* found that 2.24 million very low-income elderly households were paying more than 50% of their income to rent — a 68% increase since 2009. A 2021 report from the Urban Institute predicted 13.8 million new older adult households between 2020 and 2040, with 40% (5.5 million) of those being renter households (**Senior Living**).

The Institute for Health Metrics and Evaluation estimates that only 7% of positive COVID-19 cases in the U.S. are being detected, meaning cases are actually 14.5 times higher than officially reported. One reason may be that so many tests are being done at home. The National Institutes of Health reports more tests are being done at home than in labs — and many home tests results go unreported (**CNN**).

Gov. Kathy Hochul touted bonuses in the New York State budget for frontline healthcare workers but she didn't provide any further clarity about the list of those who are eligible. The only information provided by the state is the information outlined in the budget but that seems to exclude some frontline workers (**WHEC-TV**).