

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"We knew it was going to be a large number, but I did not think it would be as high as 20 million deaths during just the first year" Oliver Watson, co-first author of a study indicating the vaccines saved 20 million lives in the first year

"Right now, our providers are telling us that their TNAs are simply giving up" Zach Shambreg, president and CEO of the Pennsylvania Health Care Association on the lack of resources to get CNAs candidates tested

"I suspect there will be a rise in the number of take-home COVID-19 lawsuits brought, given the court's ruling" Attorney Craig C. Conley, after a California court allowed a lawsuit to proceed in which a company was sued after an employee contracted COVID-19 and in turn infected her husband who died

BOM Stole Residents' \$54K The Slammer Her Next Home

A nursing home business office manager has been sentenced for stealing \$52,000 from three residents of AHAVA Healthcare in Alabaster, Alabama.

Paige Taylor Smith, 58, pled guilty to two counts of first-degree theft of property.

She was sentenced to 46 months in prison.

Upon termination of her employment from AHAVA, Smith got a job at Crowne Healthcare in Montgomery, where she stole another \$3,000 from a resident.

Prior to being sentenced, Smith paid \$54,830 in restitution.

WRBL-TV, 06/29/22

RoP Phase 3 Coming to A Surveyor Near You

The pandemic delayed the implementation of the latest nursing home surveyors that updates guidance related to Phase 2 and Phase 3 of the Requirements of Participation.

CMS says many of the items now being addressed have been formed by nursing homes' COVID-19 experiences and lessons learned.

Infection control and prevention requirements; staffing expectations; dementia care; appropriate diagnoses and medication use; and details on how to better care for residents with mental health and substance abuse disorders were all included in the guidance.

CMS may also change the four-bed room, 80-square-foot-per standard for resident rooms.

McKnight's, 06/30/22

MDS Nurse on the Floor? It's Costing You Big Bucks

In a recently published Market Report survey, challenges including turnover among reimbursement staff, more time spent on the floor by nurses in reimbursement positions, are "negatively impacting revenue potential." In some medium-sized SNFs as much as \$200,000 quarterly.

Market Report found that 90% of skilled nursing providers polled had issues with MDS coordinators and other billing staffing that were affecting their ability to collect.

Some facilities has as much as 57% turnover on their clinical reimbursement team within the last six months.

Staff shortages cause MDS coordinators to work the floor more taking time away from doing MDSs effectively.

McKnight's, 06/29/22

Gov. Wants \$90+ Million For Nursing Homes

Gov. Tom Wolf is asking the Pennsylvania legislature to spend \$91.25 million to increase the amount of money skilled nursing homes receive for residents on Medicaid.

Roughly 11,000 long-term care residents in Pennsylvania have died since the start of the COVID-19 pandemic, bringing attention to longstanding issues such low staffing requirements.

But while PHCA sees Wolf's proposal as a welcome first step, the organization argues it's not nearly enough. The trade group estimates the regulatory changes would require hiring 10,000 additional workers and spending \$434 million more annually. That has led some to reject the plan as an unfunded mandate.

SpotlightPA, 06/24/22

Texas House Looking to Improve LTC Lives and Safety

Long-term-Care Ombudsman Patty Ducayet told a committee she worries about nursing home residents left waiting on staff for help getting out of bed or to a bath.

In testimony before the House Human Services Committee last week Ducayet said she's also concerned about low activities budgets, broken facility transport vans sitting in parking lots, and poorly maintained HVAC systems.

The hearing focused on long-term solutions and sustainable funding.

Last year the state distributed \$2 billion for "surge staffing" in long-term care facilities, but some of the funding went to hospitals and infusion centers.

KXAN-TV, 06/28/22

Same ol' Story – Staffing Bad Nursing Home Closing

The pending closure of a nursing home in Sapulpa, Oklahoma is indicative of a widespread shortage of workers afflicting the industry.

Ranch Terrace Nursing Home is slated to close on Aug. 15. administrators said they've been unable to maintain legally required staffing levels.

The nursing home, built to accommodate 85 residents, recently has had 30.

"Unfortunately, our workforce pool is so diminished that hiring qualified staffers has become impossible," said co-owner Scott Rogers.

Journal Record, 06/22/22

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

THE WORLD: A study of 11,000 children in Denmark – from newborns to 14-years-old – who have had COVID-19, indicates even the youngest children can experience long COVID. About 40% of the children younger than 3, experienced symptoms such as headaches, mood swings, stomach problems and tiredness, for at least four months after testing negative. Almost half of kids 6 and over also did. In adults, some research puts the number at only around 30% (*CNN, The Lancet Child & Adolescent Health*).

NORTH KOREA: At least 800 families suffering from what North Korea has only called an “acute enteric epidemic” have received aid so far in South Hwanghae Province, about 75 miles south of the capital Pyongyang. Enteric refers to the gastrointestinal tract and South Korean officials say it may be cholera or typhoid. The new outbreak, puts further strain on the isolated country as it battles chronic food shortages and a wave of Covid-19 infections (*CNN*).

NORTH KOREA: In trade data released by Beijing, North Korea did not import any face masks, thermometers, rubber gloves, ventilators or vaccines from China in May, according to data released by Chinese customs. That compared with imports of more than 10.6 million masks, nearly 95,000 thermometers and 1,000 non-invasive ventilators from China in January-April (*Reuters*).

CALIFORNIA: A national civic education organization is recognizing a community-based literacy initiative that Sacramento launched during the COVID-19 pandemic. Sacramento is a finalist for the National Civic League and the Campaign for Grade-Level Reading 2022 All-America City Award. It recognizes cities for equitable practices in early school success and learning recovery for students in public housing agencies and affordable housing organizations (*Sacramento Bee*).

CALIFORNIA: Arturo Ek’s wife, Matilde, was an employee at See’s Candies and alleges she was infected with COVID-19 at work, which then led

to her husband contracting and ultimately dying from the disease. She sued See’s Candies. Now an appeals court has allowed the case to proceed. The ruling is concerning for businesses, including long-term care providers, because it expands the range of individuals that could potentially file a take-home COVID-19 lawsuit (*McKnight’s*).

THE WORLD: Long-term care residents who get a second COVID-19 vaccine booster are less likely to be hospitalized or die from the virus. Scientists found that compared to three doses, there is a “strong association” between getting the fourth shot and having increased protection from dire consequences of COVID-19 (*JAMA Internal Medicine*).

EUROPE: European cinemas took a \$20 billion hit due to the coronavirus pandemic. In its annual report, the International Union of Cinemas claimed the enforced theater closures and COVID-19 restrictions for the losses. After European box offices recorded an all-time record of \$9.3 billion in 2019, the theatrical take dropped off to \$2.8 billion in 2020. It’s bounced back a bit in the EU, but the year-on-year figures are still down 72% from 2019 (*The Hollywood Reporter*).

SOUTH CAROLINA: Tammy Hutson McDonald, 53, former DON of South Carolina nursing home has a pleaded guilty to lying to federal agents about producing fake COVID-19 vaccination record cards in the state’s first conviction related to fake vaccine cards. McDonald could be sentenced to as much as five years in prison when sentenced in September (*DOJ news release*).

IOWA: Bell Tower Theater, in Dubuque cancelled the final two performances – June 25 and 26 – of “Shrek the Musical,” due to “multiple cases of COVID-19 among the cast” (*Telegraph Herald*).

NEW HAMPSHIRE: Nursing homes in the state paid over 20% more in labor costs during the early days of the pandemic – 2019-2021. Data released during the week that including agency labor, shows total wages increased from

\$169 PPD in 2019 to \$208 PPD in 2021 – a 23.66% increase (*New Hampshire Health Care Association*).

AMERICA: By a vote of 19 to 2, an FDA advisory panel has recommended that the agency authorize new Covid-19 vaccine boosters to meet the challenge of Omicron. The day began with an epidemiologist’s model suggesting that in an optimistic scenario, there could be 95,000 additional Covid deaths in the U.S. between March 2022 and March 2023. Under the most pessimistic scenario, that number could be 211,000 (*STAT*).

WASHINGTON, DC: Sen. Ted Cruz (R-TX) took aim at the *Sesame Street* character Elmo after the furry red Muppet and his father told children that getting the COVID-19 vaccine is the best way to keep friends and family safe. “Thanks, @sesamestreet for saying parents are allowed to have questions! You then have @elmo aggressively advocate for vaccinating children UNDER 5. But you cite ZERO scientific evidence for this” . Last fall, Cruz also called out *Sesame Street* icon Big Bird for tweeting about getting vaccinated. “Government propaganda...for your 5-year-old!” Cruz posted in response (*MarketWatch*).

FLORIDA: As hospitals and doctors roll out the latest FDA-authorized vaccines for children as young as 6 months old, the Biden administration said it will work to supply pediatricians and family physicians in the state who cannot access small quantities of the shots due to Gov. Ron DeSantis’ decision not to provide the vaccines for infants and toddlers through county health departments (*Miami Herald*).

COVID-19, 07/01/2022

Global Cases – Deaths
548,520,819 – 6,337,977

U.S. Cases – Deaths
87,821,971 – 1,017,817

221.9M – 67% of the country’s population is fully vaccinated

Johns Hopkins University

LTC Worker Vaccinations & Exemptions Vary by Region

Nursing home workers are about 90% vaccinated – but the upper-middle part of the country isn't any where near that.

A analysis by the Office of Inspector General showed that in the far northeast region of the country 99% of the nursing home workers are fully vaccinated and almost all other regions are about 90%.

But in the two Midwest regions only 70% are fully vaccinated.

Overall 6% of the LTC workers received religious exemptions. In Region 7 (Nebraska, Iowa, Kansas and Missouri) 24% received religious exemptions from the federal vaccine mandate Only one other region was even in double figures.

OIG, 06/27/22

Altered Mental Status After Taking Anti-COVID Pills

The state of Indiana set up a call center in early 2022 to help SNFs secure the oral antiviral medications *Paxlovid* and *molnupiravir* for residents.

The Department of Health tracked 108 residents' health outcomes.

There were relatively low hospitalization rates overall. Two of the 59 *molnupiravir* recipients had diarrhea that resolved without treatment. More significantly, altered mental status was reported in five of the 32 residents who received *Paxlovid*.

This included delusions, hallucinations and paranoia, although in four there were other factors that could have contributed to the changes such as other drugs, and illnesses.

McKnight's Clinical Daily, 06/28/22

Providers Fear More Flu Vaccine Reporting Burdens

Providers worry they might not have enough time to fully comply with a mandatory flu vaccination reporting measure for workers if CMS moves forward as proposed.

The rule would require providers to report the percent

age of healthcare personnel who received a flu vaccine anytime from the time it first became available through March 31 of the following year.

SNFs would have to submit data through NHSN with the initial submission period Oct. 1, 2022 through March 31, 2023. The data would be displayed on Care Compare.

Failure to report may be subject to a 2% reduction in its annual rate.

McKnight's, 06/21/22

Standardization Can Help Your Bottom Line

Chain-operated nursing homes that customize some services tend to perform better financially.

The findings of a University of South Florida-led research team were published in the May edition of *Manufacturing & Services Operations Management*.

Using 11 years of federal nursing home data, investigators measured how the degree of standardization across chain-operated facilities impacts performance outcomes.

Data showed that a standardized strategy was associated with high efficiency, brand consistency, reduced costs and less waste. Additionally, customizing some services was also linked with higher service quality, customer satisfaction and loyalty.

McKnight's, 06/27/22

Pushing For Fed Pay For Mental Telehealth

Medicare and Medicaid programs may soon pay for more long-term care patients' mental health services under a proposal being prepped in the Senate Committee on Finance.

The directive is among several telehealth initiatives that are, so far, apart from a discussion draft being developed by the Senate Committee on Finance.

The draft includes the creation of a 'bill of rights' for information on the availability of telehealth for mental healthcare.

McKnight's, 06/01/22

ONE COLUMN

Providers Question Managed Care in Wake of Denials

With denials on the rise, some long-term care providers are questioning the worth of admitting residents covered by managed care plans because they doubt they'll be reimbursed for their services.

A federal report released in late April found that Medicare Advantage organizations have often improperly denied or delayed services to beneficiaries to increase profits — even though payment requests met Medicare coverage rules. The investigation also found 13% of prior authorization requests that MA plans denied met Medicare coverage rules.

Providers are calling for change. Maureen McCarthy, president and CEO of Celtic Consulting argued that the denial and appeal system is "convenient" for managed care insurers because they act as both "judge and jury" since providers are required to appeal denied services directly with the insurer.

"With the recent uptick in enrolled beneficiaries, managed care insurers seem to have gained an upper hand, forcing providers to play by their rules," she wrote, adding that it leaves providers to question the worth of admitting a managed care beneficiary.

Some providers have expanded their compliance and billing teams to appeal MA denials, adding to their operational costs for payments that are typically far below Fee for Service Medicare payments.

Although it's recommended that admissions are done on a "first come first serve" basis, research has found that admissions discrimination among less profitable residents is "widespread" in nursing homes.

McCarthy encouraged providers to assess their contracts with insurers and their risk tolerance until "managed care insurers face further regulations."

McKnight's, 06/22/22

Transgender Case May Be LTC Game-Changer

A Maine assisted living facility's settlement in a transgender discrimination lawsuit could have "groundbreaking" implications for nursing homes and other long-term care facilities and how they serve LGBTQ seniors.

Sunrise Assisted Living in Jonesport, Maine was found to have violated state nondiscrimination protections when it denied Marie King, a transgender woman, a room due to her sexual orientation.

However, the attorney for the facility described the situation with King as a "miscommunication," based on a short conversation between a social worker and a Sunrise employee. He said King never applied for residency.

McKnight', 06/17/22

CCRC Settles Med-Pot Case with Former Worker

A Pennsylvania CCRC has reached a settlement deal with a woman who claimed a job offer was withdrawn over her legal use of medical marijuana.

A judge signed an order dismissing the lawsuit filed by Michelle Ustaszski-Hutchinson accusing Phoebe Ministries, of violating the Americans with Disabilities Act and state discrimination laws. Details of the settlement were not released. But the judge gave the parties 90 days to finalize a written agreement.

Ustaszski-Hutchinson was seeking lost pay, benefits, lost future pay, compensatory damages for emotional pain and suffering, punitive damages, and attorneys' fees and costs.

Law 360, 06/22/22

LTC Workforce Hit Hard Slow to Recover

Assisted living communities, continuing care retirement communities and skilled nursing facilities are experiencing slower workforce recoveries compared with other healthcare sectors.

NIC compared employment patterns, including workforce contraction and

recovery and wage increases, since March 2020 in the long-term care sectors with other adjacent healthcare industry areas.

Pointing to Bureau of Labor Statistics data, NIC said that the number of workers at ALs (-7.5%) and CCRCs (-13.9%) dropped significantly during the height of the pandemic. Skilled nursing saw a 15.1% drop in its workforce.

All sectors currently remain below pre-pandemic levels, ALFs -5.8%; CCRCs -13.2%; SNFs -14.7%.

NIC, 06/27/22

Another State Pours Fresh Cash Into CNA Recruitment

Wisconsin is expanding the WisCaregiver Careers program to address the CNA shortage in the state's nursing homes.

As many as 3,000 certified nursing assistants could find their way into Wisconsin nursing homes through a \$6 million investment by the federal government into the state's workforce development program.

The expansion is made possible by a \$6 million investment from the CDC's Nursing Home & Long-term Care Facility Strike Team program.

The money will be used to support employee recruitment and success through retention bonuses, employer reimbursement, success bonuses and mentorships.

McKnight's, 05/20/22

Religious SNFs - Fewer Complaints More Severe Gigs

A Yale nursing home study explored the relationship between an organization's religious affiliation and wrongdoing in nursing homes, found that religious nursing homes faced a 13% lower risk of complaint-driven inspections and a 15% longer time between any two complaints when compared to non-religious nursing homes. However, violations of standards of care were more severe in religious facilities, which could be a result of fewer complaints which increases the frequency of surveyors in the building "which allows violations to escalate before they are detected."

Informs

Briefly in the News

Average hourly earnings in assisted living and CCRCs increased by 17.1% and 16%, respectively, from March 2020 to April 2022, whereas skilled nursing saw an 18.2% jump in wages. Skilled nursing workers now earn 17% more than assisted living workers and 8.7% more than CCRC workers. Skilled nursing workers also earn 4.3% higher wages than home healthcare services and 19.7% more than workers in individual and family services (**NIC**).

The FDA has ordered Juul to pull its electronic cigarettes from the U.S. market. Juul is widely blamed for sparking a national surge in teen vaping. The action is part of a sweeping effort to bring scientific scrutiny to the multibillion-dollar vaping industry. The agency has granted some e-cigarette applications, notably tobacco-flavored e-cigarettes from R.J. Reynolds, Logic and others (**WLWT-TV**).

An advisory panel has recommended Americans 65 and older should get newer, souped-up flu vaccines because regular shots don't provide them enough protection. The panel unanimously recommended certain flu vaccines that might offer more or longer protection for seniors, whose weakened immune systems don't respond as well to traditional shots. Options include: Fluzone High-Dose, Fluvad with an immune booster, or Flublok which is made with insect cells instead of chicken eggs (**AP**).

CMS' Office of the National Coordinator (ONC) for Health Information Technology (HIT) is currently conducting a national phone-based survey. This survey is conducted to better understand the state of health IT use and interoperability among skilled nursing facilities and hospice facilities. If contacted by ONC, AHCA recommends participation (**AHCA/NCAL**).

Occupancy ended the month of February at 76.7%, which at the time also was the highest level since the start of the pandemic. A new NIC executive survey of senior housing and skilled nursing operators also found that providers are seeing increased care needs among residents. Move-in acuity has increased for 62% of respondents in nursing care (**NIC**).