

# **IN THE NEWS**

News for LTC Professionals  
in 100 Words-or-Less

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## **They said it**

**"[This] never should have happened"**

Wentric Williams, CEO of Senath South Health Care in Missouri where a resident has been charged with murder of another resident

**"It's not rocket science to see that the pandemic is not top of mind as the cost of living continues to go up"**

Amelia Matier, spokesperson for a campaign a ballot initiative to tax California's wealthiest people to fund public health. The effort has been postponed until 2024

**"I'm willing to call his bluff. I don't think he's busted until he goes bankrupt"**

PI attorney Morris Bart discussing his clients opting out of a settlement with nursing home tycoon Bob Dean in Louisiana

**If somebody says, 'You'll leave when we don't have Covid anymore,' then I will be 105"**

Dr. Anthony Fauci in announcing he'll leave government service by the end of President Biden's current term

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## **Provider 'Takes Ownership' After Resident Murder**

The owner of a Senath, Missouri nursing home has suspended an employee and pledged to update its policies after a resident allegedly murdered another resident after a fight at the facility.

One day after the fight between residents Shedrick White, 57, and Marvin Hale, 38, Hale was found dead on the floor of his room. White has since been charged with murder for allegedly strangling Hale.

Saying "We take ownership for it," Wentric Williams, CEO of Senath South Health Care, said White should have been placed on one-on-one observation. "The resident should have never been back in his room."

*McKnight's, 07/18/22*

## **Taxpayers Would Pay Billions for Staffing Plan**

Providers would have to spend \$10 billion more annually and hire at least 187,000 new workers to meet requirements of one possible federal minimum staffing approach.

AHCA, in conjunction with CliftonLarsenAllen, released a report that projected the impact of implementing a minimum staffing requirement at three different levels: 4.1 hours, 3.6 hours and 3.1 hours per resident day.

CLA estimated only 27% of the country's SNFs would currently meet the lowest mark (3.1 HPPD). Just 6% (844 SNFs), would achieve the 4.1 HPPD criteria.

CLA said nursing homes would need "substantial and consistent government resources" to comply with the regulations.

*McKnight's, 07/20/22*

## **70% of R.I. SNFs Out of Compliance on Staffing**

Rhode Island lawmakers last year passed a new law requiring nursing homes to meet minimum staffing requirements or face fines. It requires facilities to provide 3.58 hours of direct nursing care and 2.44 hours of direct CAN care PPD or pay a penalty.

The fine swere never enforced due to the pandemic but now the state's SNFs are facing more than \$10 million in fine for the first quarter of 2023 alone.

An amendment to the law that would have suspended the fines failed in the legislature last week. It will likely be revisited in the next session.

*The Providence Journal, 07/14/22*

## **Curtain Coming Down on Large Troubled NJ SNF**

Just a few residents remain at Woodland Behavioral Center - formerly Andover Subacute II in Andover, NJ.

In May, the NJ Department of Health revoked Woodland's license and set a firm Aug. 15 date to complete the transfer of residents to other facilities.

Authorities say the remaining residents are from New York because most of the New Jersey residents with Medicaid benefits were enrolled in managed health care plans and have care managers working directly with them.

The 543-bed facility became infamous when 17 bodies were found stacked in a makeshift morgue at the height of the COVID-19 pandemic.

*New Jersey Herald, 07/19/22*

## **Ida's 'Wearhoused' Residents May Turn Down Settlement**

At least half of the plaintiffs who have sued infamous Louisiana nursing home magnate Bob Dean may opt out of a settlement deal that could see them split as much as \$15 million in insurance proceeds.

Lawyers, including the famed personal injury attorney Morris Bart, who represents more than 130 nursing home residents pursuing claims against Dean, say that they will not go along with the settlement plan that would grant \$18,000 to each evacuated resident.

Bart said he will not entertain the settlement deal until Dean either declares bankruptcy or participates in a sworn deposition.

*The Advocate, 07/18/22*

## **Feds Have New Toolkit To Keep Folks Out of SNFs**

CMS has unveiled a suite of new resources meant to improve federal and state oversight of Medicaid and the CHIPs managed care programs, one of which is a toolkit to support program monitoring for Medicaid enrollees.

One of those resources is a toolkit to support program monitoring for Medicaid enrollees in managed long-term services and supports – to target transitioning individuals from institutions into the lowest level of care..

More specifically managed care programs to ensure that more people with long-term care needs transition from institutions to home- and community-based settings, including assisted living.

*Senior Living, 07/12/22*

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

**THE WHITE HOUSE:** President Biden tested positive on Thursday for the coronavirus, raising health concerns for the 79-year-old president and underscoring how the virus remains a persistent threat. The White House press secretary, said Mr. Biden is fully vaccinated and twice boosted and experiencing very mild symptoms - fatigue, a runny nose and an occasional dry cough (*The New York Times*) Congressman Bennie Thompson, a Democrat from Mississippi, and Illinois Gov. J.B. Pritzker have also tested positive for COVID-19 (*MarketWatch & Chicago Sun Times*).

**AMERICA:** The BA.5 omicron subvariant, which is now the most prevalent coronavirus strain in the United States, is four times more resistant to COVID-19 vaccines, according to a new study. The strain, which is considered "hypercontagious," according to the Mayo Clinic, is more defiant against messenger RNA vaccines, which include Pfizer and Moderna (*NPR*).

**THE WORLD:** The rise of the BA.5 variant is spurring new calls for funding for an Operation Warp Speed 2.0 to accelerate development of next-generation COVID-19 vaccines that can better target new variants. Pfizer and Moderna are working on updated vaccines that target BA.5 that could be ready this fall, but experts say that by the time they are ready, a new variant very well could have taken hold (*The Hill*).

**SAN FRANCISCO:** Surveys of coronavirus levels in Bay Area wastewater suggest that the region's relentless spring COVID surge probably rivals the winter omicron wave in terms of the number of people currently infected — in fact, this surge may be the largest yet in some places. But capturing the scale of disease and conveying to the public the relative risk of getting sick, is becoming increasingly tricky (*San Francisco Chronicle*).

**GEORGIA:** Jason Lary, 60, the former mayor of Stonecrest, a city in suburban Atlanta, has been sentenced to four years, nine months in prison for diverting federal COVID-19 relief funds for his personal

use. Some of the funds were used to pay off the mortgage on his lakefront home and other personal expenses including paying off his outstanding federal, state, and local tax liabilities (*DOJ news release*).

**AMERICA:** The CDC's COVID Data Tracker showed the seven-day daily average of new hospital admissions from July 6 to July 12 was 5,851—a 14.4% increase from the previous week's average and more than 20% that of the average from two weeks ago. Seven-day average deaths also increased 12.6% to 352 (*Fierce Healthcare*).

**NEW YORK CITY:** FEMA has paid NYC \$4 billion in COVID relief funds after a push from Sen. Chuck Schumer (D-N.Y.) The cash reimbursement covers spending for personal protective equipment and to run testing, vaccination and emergency operation centers. The reimbursement comes before the end of the city's fiscal year, beating a crucial deadline for officials to plan for future fights against the virulent BA.5 sub-variant and other strains of the deadly virus (*NY Daily News*).

**AMERICA:** Americans will likely have a fourth COVID-19 vaccine to choose from after the FDA issued an emergency use authorization for Novavax's COVID-19 vaccine Wednesday. The two-shot vaccine was authorized for use in people 18 years and older. The CDC is now expected to review data on the vaccine before providing its recommendation for authorization. (*ABC News*).

**MONTANA:** The City-County Health Department has posted on its website: "Please also be advised that we are discontinuing COVID contact tracing and won't be tracking breakthroughs or reinfections. We no longer have the emergency staffing that we had earlier in the pandemic. At this point, everyone knows the drill for isolation/quarantine and notifying their close contacts." (*Great Falls Tribune*).

**WASHINGTON, DC:** The US government once again extended the Covid-19 public health emergency, continuing measures that have given millions of Americans special access to

health insurance and telehealth services. The Biden administration has said it will give states 60 days' notice before ending the emergency to allow sufficient time to prepare for changes to certain programs and regulatory authorities. HHS last extended the public health emergency in May (*Bloomberg*).

**MAINE:** In a new state report cancer and heart disease continue to be the leading causes of death in Maine. But COVID-19 is now the third leading cause, edging above unintentional injuries and chronic lower respiratory disease (*Bangor Daily News*).

**MICRONESIA:** The Pacific archipelago has likely become the final nation in the world with a population of more than 100,000 to experience an outbreak of COVID-19. Tuesday the government announced it had become aware of multiple cases throughout its four states. The outbreak comes less than two weeks before Micronesia planned to end its quarantine restrictions and reopen its borders to the world on Aug. 1 (*AP*).

**CHINA:** Macao reopened its casinos Saturday, authorities said as they seek to unwind some stringent measures which locked down the world's biggest gambling hub for 12 days to curb its worst outbreak of COVID-19 (*Reuters*).

**CALIFORNIA:** The Department of Housing and Community Development has sent "recapture" emails to about 5,400 tenants and landlords who received COVID-19 rent relief funds giving recipients 30 to 90 days to send the money back. The agency claims overpayment, tenants withholding funds from landlords and fraudulent activity are among the reasons they ask people who've gotten relief money to return it (*Sacramento Bee*).

### **COVID-19, 07/15/2022**

**Global Cases – Deaths**  
569,432,314 – 6,383,026

**U.S. Cases – Deaths**  
90,374,297 – 1,026,900

223M – 68% of the country's population is fully vaccinated

*Johns Hopkins University*

## Soon Fauci Will Be Calling It a Day

After more than five decades of federal service under seven presidents, Anthony Fauci says he's leaving by the end of President Joe Biden's term.

Fauci says he's prepared for the onslaught of attacks that could come in a Republican-controlled House or Senate next year — with many running in the midterms on campaigns deriding the lockdowns, school closures and masking requirements that Fauci said were necessary pandemic precautions.

He insists that is not part of his calculus for retirement.

If called to testify, Fauci will stress the importance of vaccines and boosters. He said America may never claim victory over COVID-19.

*Politico, 07/18/22*

## Residents Did OK in First Months of Pandemic

Researchers at the Amsterdam University Medical Centers and Public Health Research Institute. homes' initial lockdown during the first months of the COVID-19 pandemic did not have adverse effects on residents.

Residents' self-reported feelings of withdrawal increased slightly (17% to 19.2%) as did residents' reports of loneliness (19.1% to 20.5%).

Self-reported conflicts with other residents decreased from 27.2% to 25.2% among residents from before and after the first lockdown period.

Researchers acknowledged their findings differ from the findings of earlier studies, which showed an increase in loneliness, worsening mood states and negative behavior symptoms severely affecting quality of life and well-being.

*Journal of Post-Acute and Long-Term Care Medicine, McKnight's, 07/19/22*

## Feds Looking for Info On Long COVID in SNFs

Along with the CDC and U.S. Surgeon General, the Department of Labor launched a new initiative seeking public

input to better understand long COVID in workplaces.

Researchers said the condition has contributed to a 20% loss in the healthcare workforce. many workers dealing with long COVID are forced to reduce the number of hours at work , or often need to go back on leave in order to fully recover.

Researchers have estimated that 10% of people infected with COVID-19 will experience long COVID — though the rate for seniors is estimated as at least triple that (32%).

*McKnight's, 07/13/22*

## NY to Look at Its Handling Of the COVID-19 Pandemic

New York is taking the initial steps to launch a review and assessment of its handling of the COVID-19 pandemic.

Gov. Kathy Hochul said the review will assess how the state's policies affected schools, businesses, congregate settings like nursing homes and prisons.

Her administration is undertaking the assessment as a bipartisan group of state lawmakers and family members of nursing home residents who died during the pandemic have pushed for an independent investigation of the state's policies in the initial weeks of the pandemic.

Hochul, who is running for reelected, has pledged more transparency with COVID-related data.

*Spectrum News, 07/21/22*

## Third Member of 'Grandparent Scam' Pleads Guilty

Anajah Gifford, 23, was a member of a network that contacted elderly Americans by telephone and impersonated a grandchild, other close relative or friend.

They falsely convinced the victims that their relatives were in legal trouble and needed money for bail, for medical expenses from car accidents or to prevent additional charges from being filed.

They received money from victims via various means including in-person pickup, mail and wire transfer and laundered the proceeds, including cryptocurrency.

*DOJ news release*

## ONE COLUMN

### Active Shooter. We've been 'Too Lax for Too Long'

With the mass shooting at the elementary school in Uvalde fresh on our mind. With the life in prison or death penalty trial this week of the young man charged in the high school shootings in Parkland, Florida, experts say nursing home are ill equipped to deal with an active shooter.

As active shooters increasingly target healthcare settings amid a nationwide spate of attacks, safety experts emphasize nursing homes must confront distinct disadvantages to ensure patient and staff safety.

"The whole point of conducting an analysis is no longer arbitrary. said Stan Szpytek, president of the national consulting firm Fire and Life Safety Inc., noting that past emergency preparedness efforts focused largely on possible natural disasters.

Steve Wilder, president and CEO of Sorensen, Wilder & Associates noted that in the past SNFs had shootings, but have not been affected by mass shootings where the gunman didn't know his victims.

Since at least 2014, the FBI has designated healthcare as one of the 11 settings where the public is most at risk during an active shooter attack. In 2019, two of 28 US active shooter incidents took place in healthcare facilities. Last year, there were 61 active shooting scenarios. since June there have been four shootings at hospitals alone.

Staff training is the key. Wilder recommends a strategy he calls the **4 Outs: 1. Get out. 2. Hide out. 3. Keep out. 4. Take out.** He also trains staff in a protocol to determine when they might be able to help a resident and when they need to protect themselves.

"It can happen anywhere," said Wilder, adding that onboarding education and routine training and drills are critical factors in an effective plan

*McKnight's, 07/18/22*

## **“Self-Dealing” Profitable For NY Nursing Homes**

An estimated 72% of New York’s 394 for-profit nursing homes do business with companies that have common or overlapping ownership.

A report from the Empire Center for Public Policy revealed that payments from for-profit nursing homes to related companies totaled almost \$1.1 billion, or 16% of their total expense for 2020.

This type of “self-dealing,” as the Empire Center report describes it, has become increasingly common for nursing homes across the country.

The report showed that nursing home owners made twice as much money from related businesses as they did from the facilities themselves.

*Skilled Nursing News, 07/10/22*

## **Quarter of SNFs Have M'Care Margin Under 4%**

Medicare margins for all freestanding skilled nursing facilities across the United States varied widely in 2020, according to new data from the Medicare Payment Advisory Commission.

While 25% reported margins of 28.7% or higher, another quarter were stuck with margins 4% or lower.

But the most concerning finding was that nonprofit SNFs had a Medicare margin of 0.6% and would have likely been in the negative had federal COVID-19 supplemental funding not been available.

The findings were featured in MedPAC's annual Data Book on healthcare spending and the Medicare program. The advisory panel released the publication last week.

*McKnight's, 07/21/22*

## **Florida County-owned SNF On the Chopping Block**

On a 4-1 vote, Polk County commissioners have officially put the Rohr Home in Bartow – East of Tampa – up for sale for a minimum bid of \$5.4 million.

The 60-bed facility, that has been operated by the county since 2003, currently has 30 residents and 38 employees.

The nursing home has operated at a deficit for a number of years.

On top of staffing shortages facing the entire healthcare industry, the county has been unable to compete with wages and sign-on bonuses offered at local nursing homes.

*The Lakeland Ledger, 07/22/21*

## **CMS Releases First-Ever Quality Measures for HCBS**

CMS is releasing its first-ever home- and community-based services quality measure set in an effort to promote consistent quality measurement within and across state Medicaid HCBS programs.

Some assisted living communities provide HCBS such as personal care and supportive services to residents via state Medicaid waivers.

Forty-eight percent of all US assisted living communities are Medicaid-certified and more than 16% of assisted living residents rely on Medicaid to pay for daily services.

Nationally, more than seven million people receive HCBS under Medicaid..

*Senior Living, 07/21/22*

## **Activists: Complaint Backlog In Iowa Needs Help**

Advocates for the elderly say Iowa lawmakers aren't addressing the state's oversight of nursing homes despite a backlog of hundreds of uninvestigated complaints.

The Iowa Department of Inspections and Appeals had 410 complaints pending against Iowa nursing homes that were at least 30 days old. Of those, 201 complaints - almost half the total number - were more than 120 days old, and 24 unresolved complaints were at least a year old.

This year a bill died in the Senate that would have provided \$300,000 for the state's LTC Ombudsman's Office to hire more staff to investigate nursing home complaints.

*Iowa Capital Dispatch, 07/18/22*

## **Briefly in the News**

A November ballot initiative that would have raised taxes on California millionaires and billionaires to fund public health programs and pandemic prevention is dead — at least for this year. The Silicon Valley tech executives who bankrolled the measure said they aren't giving up on their goal of creating the strongest state public health system in the country. But they acknowledge covid-19 is no longer top of mind for most Americans (*Kaiser Health News*).

Employment in nursing and residential care facilities increased by 8,000 jobs in June – the fifth consecutive monthly gain. However, jobs remain 11.3% below their high point of July 2019. Healthcare employment overall rose by 57,000 jobs in June, almost double the amount added in May. Besides nursing and residential care facilities, healthcare added an additional 28,000 jobs in ambulatory healthcare and 21,000 jobs in hospitals. Still, employment in healthcare overall is 1.1% below its February 2020 level by 176,000 (*NIC*).

Cypress Living in June named Jeff Dunkle vice president of financial services for its life plan retirement community, in-home service line and other programs. Dunkle was previously director of financial services at Cypress Cove, the not-for-profit operator's Fort Myers, FL, campus (*Senior Living*).

The CDC has identified more than 1,000 cases of monkeypox in the United States. But even though the federal government has ample treatments and vaccinations on hand, physicians say bureaucratic red tape is hindering their ability to respond to and contain the outbreak. Also, India confirmed Thursday that a case of Monkeypox has been found in the country (*Roll Call & Bloomberg*).

The nationwide hotline for mental health emergencies – commonly known as the Suicide Hotline – switched to a simple 988 number Saturday, a transition that is expected to bring millions more calls, chats and texts into a system where readiness to handle the surge varies from place to place (*The Washington Post*).