

# **IN THE NEWS**

News for LTC Professionals  
in 100 Words-or-Less

07/31/2022

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Vol 6

No 31

## **They said it**

*A mandated increase in staffing minimums increases the risk of providers basing hiring practices upon the 'warm body' model"* Tony Marshall, president and CEO of the Georgia Health Care Assn on the Biden staffing minimums

*"A key takeaway from this is staffing ratios in and of themselves are inherently flawed ... Ratios are not a good measure of resident need during the pandemic* Brian McGarry, PhD, U of Rochester Medical Center on a study showing that standard emergency staffing was inadequate in the pandemic

*"It's essential that these Americans get their second booster shot right away"* CDC Director Rochelle Walensky after the agency urged to get a second booster shot

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## **Teleflora: To Make Residents Smile Give Them Flowers**

Teleflora, the national floral wire service company pairs with florists across the country for a charitable event where 30,000 bushels of flowers and their iconic mugs are given to residents of LTC facilities.

For example, Greenville (Texas) Floral & Gift for the 8<sup>th</sup> year partnered with Teleflora to celebrate the annual *"Make Someone Smile Week"* by donating over 500 bouquets to local nursing home residents.

Floral arrangements were personally delivered to residents last week.

Luanne Holloway Dickens, owner of Greenville Floral & Gifts said they planned to give out 520 mugs and were "looking forward to seeing all the smiles."

Senior Living, 07/20/22

## **Louisiana Judge: "You're just a piece of ....."**

Stranger and stranger - the case of those botched Hurricane Ida nursing home evacuations.

District Court judge Donald Foret will no longer be allowed to oversee the multiple lawsuits related to the deadly 'warehousing' of more than 800 residents from seven facilities owned by Louisiana LTC mogul Bob Dean.

Foret's removal has nothing to do with the actual case, but with the contentious relationship the judge has with one of the lawyers representing Dean.

Foret reportedly, and in open court called attorney Jason Baer "a piece of (expletive)" in May after the latter crashed a vehicle onto the judge's property.

NOLO.com, 07/27/22

## **Pay Raise for SNFs and a Two-Year Phase-in Payback**

In the final rule published on Friday, the federal government will give skilled nursing facilities a 2.7% pay increase in their payments for 2023.

This reflects a \$1.7 billion increase resulting from a 5.1% bump to the payment rates for SNFs. That includes a 3.9% SNF market basket increase, a 1.5 percentage point market basket forecast error adjustment and less than a 0.3 percentage point productivity adjustment.

CMS also indicated that it would provide a two-year phase-in of an adjustment to SNF payment rates related to PDPM.

That will result in a 2.3% cut in each FY2023 and FY2024.

Skilled Nursing News, 07/29/22

## **LTC Wants Relief From Future Staffing Mandates**

Nursing homes are seeking lots of flexibility, forgiveness, and funding when the Biden administration implements its mandatory minimum staffing requirements for the facilities next year.

In addition to flexible options and timelines, they want Medicare and

Medicaid funding to pay for any required workforce expansion that would result from an industry-wide staffing requirement.

However, patient advocates argue that the industry hasn't proved its case for more federal money due to a lack of transparency in the reporting of nursing home profits, spending, and corporate ownership structures.

Bloomberg Law, 07/15/22

## **House Passes Telehealth Extension Through 2024**

The House overwhelmingly passed legislation by Wyoming Republican Liz Cheney Wednesday that would extend eased telehealth rules through the end of 2024.

The 416-12 vote was a significant win for telehealth advocates. The bill would allow Medicare and federally qualified health centers and rural health clinics to continue covering telehealth visits from patients' homes, as well as audio-only telehealth under Medicare.

The measure would also extend a waiver permitting mental health patients to avoid having to go to in-person visits.

The expanded telehealth rules are now set to expire five months after the end of the public health emergency.

Politico, 07/27/22

## **New 5-Star Ratings? 'Read 'em and Weep'**

CMS officially unveiled its updated Five-Star system and thousands of facilities now have lower ratings.

The new system takes weekend staffing and turnover rates into account for the first time.

More than a quarter of providers (3,783) nationally declined in overall 5-star rating, and 419 lost 2 or more stars.

In addition to the existing measures of RNs and total nurses PPD, the new staffing measures include total nurse weekend hours PPD, total nurse staff turnover and separately RN turnover within a given year; and the number of administrators who have left the facility in a given year.

McKnight's, 07/28/22

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

**THE WHITE HOUSE:** After five days working in isolation at the White House, President Joe Biden reemerged on Wednesday -- and told the American public that his mild bout of COVID-19 was a testament to the power of vaccines and therapeutics (*ABC News*).

**AMERICA:** Second coronavirus booster shots for people younger than 50 are on hold as the Biden administration tries to accelerate the campaign to make omicron-specific boosters available. Officials hope the newly-formulated vaccines, which target the now-dominant omicron subvariants BA.4 and BA.5, can be offered by early to mid-September ahead of a possible spike in cases in the fall (*The Washington Post*).

**SYDNEY:** Australia reported one of its highest daily death tolls since the first Omicron wave earlier this year. Hospital admissions hovered near record levels as well. The BA.4/5 variants accounted for 89 deaths and 55,600 new cases on Thursday and 90 deaths and just over 55,600 cases Wednesday (*Reuters*).

**NEW YORK:** Gov. Kathy Hochul said the state is preparing a **plan to respond** to a potential new wave of COVID-19 cases in the fall. The plan will include strategies for protecting students as schools reopen. The governor also said that the state is soliciting bids from consultants, one of whom will be hired to assess New York's pandemic response (*Highland Current*).

**WASHINGTON, D.C:** The HHS OIG wants the Biden administration to consider updating its regulations to clarify that nursing homes "must include emerging infectious diseases as a risk" to be accounted for in a facility's emergency preparedness plan (*Bloomberg Law*).

**AMERICA:** The CDC's tracker shows that 222.7 million people living in the U.S. are fully vaccinated - 67.1% of the total population. But just 107 million have had a first booster, equal to 48.1% of the vaccinated population. Just 18.2 million of the people 50 years old and over who are eligible for a second booster have had one, equal to 28.5% of those who had a first booster (*MarketWatch*).

**WASHINGTON, D.C:** Students over the age of 12 will be required to receive COVID-19 vaccines this fall the district's Office of the State Superintendent of Education announced. Unless exempted, children ages 12 to 15 will be required to receive a primary COVID-19 vaccine series, or to have started receiving their shots by Sept. 16, 2022. Similarly, all students 16 or older must have received, or have started receiving, their primary COVID-19 vaccination series by the beginning of the school year (*ABC News*).

**AUSTRALIA:** About 6,100 of the 200,000 residents and 3400 staffers in Australia's nursing homes had COVID, as of July 22. Approximately 1,000 facilities - nearly 40% of the total - had an outbreak. The country has had 11,000 COVID deaths, 30% in nursing homes (*The Conversation*).

**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*).

**AMERICA:** White House Covid-19 Response Coordinator Ashish Jha said last week probably 70% of the people have had the virus. Many have been infected multiple times. In a study that has not been peer reviewed that looked at 257,000 U.S. veterans who'd contracted COVID at least once, 12% had a reinfection and about 1% had been infected three times or more (*NBC News*).

**THE WORLD:** An study led by researchers from the University of Calgary in Canada and UC Davis Health found that nearly 6% of children who visited emergency departments for COVID-19 testing, including nearly 10% of those hospitalized and 5% of those released from the hospital, reported symptoms of long COVID 90 days later. The study involved 1,884 children seen in 36 EDs in 8 countries (*JAMA Network Open*).

**AMERICA:** Second boosters for people younger than 50 are on hold as the Administration tries to accelerate a fall vaccination campaign using reformulated shots that target the now-dominant omicron subvariants. Officials are hoping vaccine makers - Moderna and Pfizer/BioNTech - are able to make the updated shots available as soon as early to mid-September. The retooled boosters will contain components from the omicron subvariants BA.4 and BA.5 as well as the original formula (*The Washington Post*).

**NEW YORK:** The state has started accepting bids from consulting firms for its one-year review of the state's pandemic policies. Lawmakers are concerned about Gov. Kathy Hochul's administration handling a state-led review and said it should not prevent a separately outsourced probe with subpoena power into the state's nursing home policies and their impact on the 15,000 New Yorkers who died from COVID in congregated-care settings (*Spectrum News*).

**THE HIGH SEAS:** The Centers for Disease Control and Prevention will no longer report coronavirus cases on cruise ships after the agency decided the cruise industry has "access to the necessary tools" to prevent and mitigate spread of the virus (*The Washington Post*).

**CANADA:** A think tank that's been providing data on COVID-19 in Canadian long-term care homes has stopped its work because provinces are no longer making enough information public about the spread of the virus. The National Institute on Ageing said the situation has reached a point where it's now too difficult to keep the think tank's project alive (*The Chronicle Journal*).

### **COVID-19, 07/30/2022**

**Global Cases – Deaths**  
**576,303,992 – 6,398,664**

**U.S. Cases – Deaths**  
**91,300,271 – 1,029,903**

223.2M – 68% of the country's population is fully vaccinated

*Johns Hopkins University*

## **Fire Ant Attack, Family Sues Nursing Home**

A family is suing a Texas nursing home for negligence after their relative was reportedly ravaged by fire ants in the weeks leading up to her death.

Kathleen Laurel, a resident at Brush Country Nursing and Rehabilitation in Austin, died in her sleep Sept. 26, 2021, after a battle with Alzheimer's disease.

However, two weeks before Laurel died, her family alleged she was discovered in her bed with fire ants swarming her body leaving her covered with red welts.

Fire ant venom can induce potentially life-threatening anaphylactic reactions similar to bees and wasps.

*The NY Post, 07/18/22*

## **Operators Stung by Insurance Rate Increases**

An NIC survey found 30% of nursing home respondents said their property and personal liability insurance premiums increased between June and July - sometimes dramatically.

When COVID hit, there was a lot of concern over a potential tsunami of COVID-related claims made against operators - that concern was even more acute in the nursing home sector. While there's still an influx of COVID-related claims driving up insurance rates, it's still not to the level that people anticipated.

Lack of competition in the insurance market, COVID concerns, increased frequency of natural disasters, and the frequency and severity of claims drove premium increases.

*Skilled Nursing News, 07/28/22*

## **MA Bill Moves to Reform Prior Authorization**

Providers demanding change to the Medicare Advantage program may soon get their wish after a House panel advanced a measure that would reform the program's prior authorization process.

The legislation would specifically establish an electronic prior authorization program, while also

standardizing and streamlining the process for routinely approved services.

MA plans would also be required to annually publish specified prior authorization information, including the percentage of requests approved and the average response time under the proposal.

The measure was pushed forward by the House Ways and Means Committee and is currently in the House Committee on Energy and Commerce.

*McKnight's, 07/29/22*

## **State-Run Veterans Receives One-Star Rating**

The Arkansas State Veterans Home in Fayetteville has received a one-star rating after the facility failed to submit staffing data in January. The veterans home previously had a three-star rating.

While state officials say the staffing levels at the Fayetteville home now outpace those at top-rated facilities, inspections revealed the nursing home struggled to meet minimum required levels in late 2020.

After the staffing violations and an incident where a resident walked out of the facility and injured himself, the veterans home received nearly \$50,000 in state and federal fines.

*Arkansas online, 07/24/22*

## **Advocates Call for Two More Ohio State Veterans Homes**

Presidents of veterans' service commissions in nine northeast Ohio counties sent a letter to Gov. Mike DeWine saying some Ohio veterans are "geographically underserved" by the two veterans' homes in the state - the historic 427-bed Ohio Veterans Home in Sandusky, built in the late 19th century to serve the state's Civil War veterans, and the 168-bed facility in Georgetown in southwest Ohio.

The advocates in their letter ask for construction of two new homes, including one to serve central Ohio, that provide nursing home care, domiciliary care and adult day health care under one roof.

*The Vindicator, 07/22/22*

## **ONE COLUMN COVID Was Good for Staff Bank Accounts**

Across the nation nursing home direct care staffs averaged sizable pay increases this year, as virtually all titles notched healthy increases.

The national average hourly rate for CNAs soared by 11.15% from 2021 to 2022 (15.23 to 16.87).

RNs were right behind with an hourly rate that jumped 11.1% (to \$34.58).

LPNs saw a 9.4% increase, rising to \$26.46 per hour.

Nursing home leaders, however, saw smaller pay jumps than caregivers between 2021 and 2022. National average salaries for DONs increased 5.4% to \$108,799; while nursing home administrator salaries rose an average of 4.9% to \$124,297.

The findings were included in the 45th annual HCS Nursing Home Salary & Benefits Report, from the Hospital & Healthcare Compensation Services (HCS) created annually in cooperation with LeadingAge and the American Health Care Association.

Experts believe the larger salary jumps for CNAs, RNs and LPNs reflect staffing shortages caused by the pandemic.

"Pay increases for caregivers were long overdue. This year with all of the positions receiving increases, turnover rates are starting to slow," said Rosanne Zabka, director of reports for HCS.

Turnover also increased. The rate for CNAs was 54.8% in 2022, compared to 51.4% a year earlier. LPN turnover jumped to 41.3% from 37.7%, while RN turnover was 46.2%, up from 41.1%.

In 2021 top executives received smaller increases of 1% to 3%, which resulted in their turnover going from 23.55% in 2021 to 32.03% in 2022. To stem that turnover, top executive salaries increased 4% to 6% this year.

The national turnover rate for all nursing home employees was an eye-popping 48.5%, up significantly from 39% in 2021.

*HCS 2022, McKnight's, 07/29/22*

## **Staff & Resident COVID-19 Cases & Deaths Rising**

COVID-19 deaths among nursing home staff members are again surging throughout facilities, hitting 120 their highest level since January of this year.

Confirmed cases among nursing home residents have also been steadily rising, hitting 11,712 and 11,145 during the weeks of July 10 and 17, respectively.

Deaths among residents between May and June nearly doubled, from 0.04 deaths per hundred residents to 0.07.

Nationwide, COVID infection rates were up 24% in June.

*McKnight's, 07/25/22*

## **Wisconsin Expanding CNA Workforce Development Plan**

Gov. Tony Evers and the Wisconsin Department of Health Services announced \$6 million will be used to expand the WisCaregiver Careers program for nursing home CNAs.

The program originally launched to address a shortage of CNAs in Wisconsin nursing homes and has since trained more than 3,500 individuals.

The funding will also support a media campaign to recruit new CNAs, including a new website, ads and social media outreach.

*WQOW-TV, 07/22/22*

## **Improve Incontinence Care To Thwart CNA Turnover**

A recent survey revealed urinary incontinence plays a key role in CNA turnover.

CNAs, performing the most UI product changes, spent on average 56% of their shift alone managing urinary incontinence – helping residents use the toilet and changing briefs.

Per shift, CNAs change an average of 36.6 UI products and assist with an average of 25.5 toileting episodes, which require about 12 to 13 minutes each.

Medication may help, currently only 14% of residents are receiving medication for incontinence.

Nursing home providers should consider implementing better urinary incontinence management systems in order to keep more certified nursing assistants on board.

*Journal of Gerontological Nursing, July 2022*

## **Not Just SNFs, Hospitals Are Short-Staffed, Too**

Hospitals in nearly 40 states reported critical staffing shortages, while hospitals in all 50 states said they expected to within a week.

Several states where COVID-19 case numbers are rising have big and growing problems, though factors beyond COVID are involved.

In California only eight hospitals said staffing shortage as critical, but 118 expected to shortly.

In Louisiana, only one hospital reported a critical shortage last week, but 46 expected to have one by this week.

More hospitals were also expecting shortages in Alabama, Florida, Kentucky, New Mexico, Tennessee and West Virginia - all states with rising cases counts.

*Politico, 07/25/22*

## **NY House GOP Demands State COVID Death Info**

House Republicans are demanding that Gov. Kathy Hochul turn over data and records regarding coronavirus-related deaths in New York nursing homes - specifically information surrounding a controversial Cuomo-era policy that required the facilities to admit recovering COVID-19 patients.

The request comes while Hochul faces criticism for slow-walking her own "independent" probe of NY's early response to the deadly COVID-19 outbreak.

Preliminary results are not expected until after the fall elections.

The Governor's Republican opponent claimed that Hochul mishandled the pandemic alongside Cuomo, and, if elected has vowed to appoint a special prosecutor to investigate COVID-19-related nursing home deaths.

*New York Post, 07/26/22*

## **Briefly in the News**

North Carolina is the leading state for business this year, according to rankings from *CNBC*. **THE BEST:** 1. North Carolina; 2. Washington; 3. Virginia; 4. Colorado; 5. Texas. **THE WORST:** 46-T. Hawaii & 46-T. New Mexico; 48. Louisiana; 49. Alaska; 50. Mississippi (*Becker's Hospital Review*).

Stonerise Healthcare sold its 18 SNFs in West Virginia and Southeastern Ohio and a therapy company to an unnamed New York-based REIT. Cincinnati-based CommuniCare Health Services will operate the buildings, therapy, home health and hospice companies. Communicare will now operate 110 facilities in seven states (*McKnight's*).

RenPro Renal Services, which provides dialysis services to patients in SNFs in Illinois, Indiana, Ohio and Kentucky, has merged with Dialyze Direct. The company will operate under the Dialyze Direct name. Dialyze Direct will now provide on-site dialysis services in more than 150 SNFs in Florida, Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, and Virginia (*BusinessWire*).

An Iowa nurse's license is suspended after being accused of stealing drugs from residents at multiple nursing homes. Documents allege Kathlene Roush stole medication from nursing homes in Mitchellville and Des Moines. The Iowa Board of Nursing said Roush has had a history of drug addiction over several years (*KVVI-TV*).

A report released last week by the Washington State Hospital Association indicates that virtually every hospital in the state is in financial trouble. A recent survey revealed that hospital revenues were up five% from 2021 to 2022, yet expenses rose 11% over the same time period (*Washington Policy Center*).

Jonesboro emergency crews responded to a fire after a lightning strike at Ridgecrest Health and Rehabilitation Center about 3:45 am in Jonesboro, Arkansas on July 15. The facility was evacuated, and no injuries were reported (*KAIT-TV*).