

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## They said it

*We all need the bivalent booster. It's not about you and I — it's about the people we live around*" Ali Mokdad, PhD, professor of health metric sciences at the Institute for Health Metrics and Evaluation and chief strategy officer for population health at the University of Washington

*"The single biggest structural change that we can make as a society is to do for indoor air quality what we've done for water quality"* Ashish Jha, MD, the White House COVID-19 response coordinator

*"It's not about shareholders. It's about the residents we care about"* John Mastronardi, ED of the town-owned Nathaniel Witherell nursing home that could be sold to private equity

*"It has been politicized and it has been politicized in a way that has actually cost lives"* Dr. Anthony Fauci on the COVID-19 vaccines

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**KANSAS-MISSOURI:** PharmScript of KS a long-term care pharmacy serving Kansas and Missouri has agreed to pay the government \$3 million for dispensing Schedule II controlled substances to LTC residents without proper prescriptions in 2019, 2020 and 2021. PharmScript of KS self-reported violations of the Controlled Substances Act to the Drug Enforcement Administration, which conducted its own investigation (*DOJ Kansas news release*).

**TEXAS:** Firefighters from several departments helped evacuate 66 residents, some in beds and on stretchers, from North Pointe Nursing, Watauga, Texas in suburban Ft. Worth. Several were hospitalized. an HVAC unit in a sleeping rooms sparked the 6:00 AM blaze (*KDFW-TV, 12/09/22*).

## House Criticizes Feds, LTC Companies Re: Pandemic

In its final report on the pandemic the House Select Subcommittee on the Coronavirus Crisis took on the government and the five largest LTC companies.

The committee said the feds have to do better with PPE stockpiles, healthcare infrastructure, the public health workforce and protecting workers.

It criticized the for-profit companies Consulate, Ensign, Genesis, Life Care Centers of America, and SavaSeniorCare for low RN staffing levels and insufficient wages.

RN Staffing levels at those companies fell short by approximately five minutes PPD. That equates to more than an entire eight-hour shift for a 100-resident facility.

Select Subcommittee Report, December 2022

## NY Bill to Make Suing SNFs Easier Could Become Law

New York's Grieving Families Act If signed into law, the act would allow survivors to sue nursing homes for wrongful death up to 3½ years after a resident dies – the longest window in the nation.

It also would greatly expand the types of damages that can be awarded. A white paper published this week estimates that means juries would typically sustain awards of at least \$1 million per case. Unlike 29 other states, New York has no cap on damages.

The bill is on Gov. Gov. Kathy Hochul's desk with the state's defense bar working to convince her to veto it.

McKnight's, 12/12/22

## Propose Fed Law – Would Give NPs Expanded Duties

The Improving Care and Access to Nurses (ICAN) Act, introduced by Senator Jeff Merkley proposes to allow NPs to order and supervise cardiac and pulmonary rehabilitation; certify when patients with diabetes need therapeutic shoes; have their patients fully included in the beneficiary attribution

process for the Medicare Shared Savings Program; refer patients for medical nutrition therapy; and certify and recertify a patient's terminal illness for hospice eligibility.

A House version was introduced in September.

The proposals seek to improve healthcare access for Medicare and Medicaid beneficiaries by increasing what NPs and advanced practice registered nurses are authorized to do.

McKnight's, 12/13/22

## Judge Rejects Vaccine Choice Law in Montana

A federal judge ruled in a Montana case that a person's choice to decline vaccinations does not outweigh public health and safety requirements in medical settings. The ruling does not affect long-term care.

Although the section of that law already excluded nursing homes from being barred from mandating vaccinations, the ruling could apply to any present or future laws that include nursing homes in other states, or federally.

The law signed in 2021 made it illegal for a person to be denied services, goods or employment based on his or her vaccine status

Spectrum News, 12/12/22

## Feds Turing Attention to Healthcare Worker Safety

Two federal agencies re-emphasized their commitment to nursing home and other healthcare worker safety with actions in the past week, one of which included a request for permanent COVID standards.

Monday, the Agency for Healthcare Research and Quality asked for public comment about the development of a National Healthcare System Action Alliance to Advance Patient Safety.

Last week, the Occupational Safety and Health Administration sent a permanent rule designed to keep healthcare workers from getting COVID to the White House for review.

McKnight's, 12/13/22

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

**AMERICA:** Moving into the holiday – and COVID-19/flu – seasons, only 45% of nursing home residents and 22% of staff were up to date with their COVID-19 vaccines as of the Sunday before Thanksgiving. This is concerning because people in nursing facilities are at higher risk of having worse outcomes if infected with COVID-19 and one-fifth of all U.S. COVID-19 deaths occurred among residents and staff in long-term care facilities (**Kaiser Family Foundation**).

**THE WHITE HOUSE:** The Administrations next push for reducing transmission of COVID will likely be related to indoor air quality. A group of experts examined air ventilation, filtration and disinfection to reduce the transmission risk of airborne infectious diseases inside buildings. Their findings led to recommendations to adopt new noninfectious air delivery rates, or NADRs, for reducing exposure to airborne respiratory infectious diseases — including COVID-19, influenza and RSV — and to improve health (**McKnight's**).

**AMERICA:** Coronavirus-related hospital admissions are climbing again in the United States. Older adults make up a growing share of U.S. deaths. And less than half of nursing home residents are up to date on COVID-19 vaccinations. These alarming signs point to a difficult winter ahead for the oldest Americans and the people who care for them. Nursing homes leaders are redoubling efforts to get staff and residents boosted with the new version of the COVID-19 vaccine. They worry that the general public has lost a sense of urgency — a change that could put older adults at higher risk (**kdhnews.com**).

**MASSACHUSETTS:** Boston \$3.9 million and is planning to establish 11 wastewater testing sites across the city to help monitor for spikes in the COVID-19 virus. City health officials hope the Boston testing sites will help them understand what's happening at a neighborhood level. Dr. Bisola Ojikutu, Boston's public health commissioner said the city is partnering with vendors to create the sites as COVID-19 levels in

wastewater across the region have begun rising (**WBUR**).

**OHIO/ FLORIDA:** A Yale research paper found that political affiliation in Ohio and Florida has emerged as a potential risk factor for death with COVID-19 – with Republicans 76% more in danger of dying, likely due to vaccine hesitancy. Researchers looked at 600,000 death records and the partisan gap in death rates increased significantly after vaccines were introduced (**Cleveland.com**).

**CLEVELAND:** Three brothers are accused of swindling the federal government out of some \$7 million in small-business loans and grants aimed at helping companies survive the coronavirus pandemic. Zaur Kalantarli, Ali Kalantarli and Aydin Kalantarov created some 70 fake businesses, all with the same address in Euclid, Ohio that claimed to farm organic food. (**Cleveland Plain Dealer**).

**CAPITOL HILL:** The House Select Subcommittee on the Coronavirus Crisis cited CDC data in a recent report on vaccination rates in nursing homes. Approximately 87% of residents and 87% of staff in long-term care facilities had received full primary series of the coronavirus vaccine, while approximately 41% of residents and 25% of staff were reported as being up to date on boosters (**House Committee Report**).

**IOWA:** The number of new coronavirus infections tracked by the state increased this past week, but it was a smaller increase than the previous week's relatively large jump. Those positive test results include an unspecified number of infections among those who had COVID-19 earlier in the pandemic (**Iowa Capital Dispatch**).

**MICHIGAN:** The state identified 13,043 new coronavirus infections and 181 new COVID-19 deaths last week.

The increase in cases marked three consecutive weeks with a rise in the seven-day average. Michigan is reporting 1,457 cases per day,

compared to 989 cases per day three weeks ago (**mlive**).

**CALIFORNIA:** A study by researchers at the University of California, Berkeley found that the spike protein on COVID virus particles can damage the walls of blood vessels throughout the body, causing a condition known as vascular leak, which can lead to the lung and heart damage that often occurs in severe COVID cases (**Nature Communications**).

**AMERICA:** Just in time for the winter holidays, the federal government appears poised to start shipping free at-home COVID-19 tests to American households again. White House sources say that the US Post Office will start accepting requests for free COVID tests, via the website [CovidTests.gov](https://www.covidtests.gov) (**Politico**).

**THE WORLD:** A team of researchers from WHO and the UN found that many deaths from COVID-19 went undetected in official reports from 2020 and 2021, because of limited testing capacity and misclassification of causes of death. The authors report that there were between 13.2 million and 16.6 million more deaths than expected in 2020 and 2021. This death toll was between 2.4 and 3.1 times higher than the officially reported number of COVID-19-related deaths (**Nature**).

**FLORIDA:** Outgoing White House medical adviser Anthony Fauci said he “doesn't know what Florida Gov. Ron DeSantis hopes to accomplish by calling for a state grand jury investigation into alleged “crimes” related to COVID-19 vaccines. DeSantis announced his office had petitioned for a grand jury investigation into alleged “crimes and wrongdoing” against Floridians “related to the development, promotion and distribution” of the COVID-19 vaccines (**The Hill**).

### **COVID-19, 12/09/2022**

**Global Cases – Deaths**  
**652,751,324 – 6,664,840**

**U.S. Cases – Deaths**  
**99,882,088 – 1,087,398**

228.6 = 70% of the country's population is fully vaccinated

*Johns Hopkins University*