

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"It's time to put pandemic politics aside and give the American people what they want"

Florida Gov. Ron DeSantis in a letter to President Biden asking that unvaccinated tennis star Novak Djokovic be allowed in to the country to play in the Miami Open

"The broad decline in nursing home bed supply, which intensified during the COVID-19 pandemic, may impede access to care and contribute to worsening outcomes"

University of Pennsylvania study on declining number of SNF beds

"Federal regulations and the cost of running a skilled care facility is just too much"

Dr. Richard Kastelic, owner of Villa Crest Rehabilitative Nursing Facility in Johnstown, Pa. that is closing as a nursing home after three years and reopening as a personal care home

"This would give immunity to Florida nursing homes and assisted living facilities when they kill patients"

Michael Brevda, a lawyer at Senior Justice Law Firm on a proposed Florida law that would limit nursing home wrongful death lawsuits

Thinking Outside the Box – Housing for Staff

Navigator Homes of Martha's Vineyard has received approval of a plan to create a Green House-style nursing home community, with five, self-contained buildings and 48 staff housing units on the campus.

Martha's Vineyard has a high cost of living where many LTC workers can't find affordable housing.

The Navigator project's 48 staff housing units would be split across two apartment buildings, one townhouse, and four duplexes. Rent would be subsidized, with 85% of the units going to staff earning less than 120% of the area's median income — or 65% of employees.

McKnight's, 03/09/2023

Biden Budget Threatens Survey Assault on SNFs See ONE COLUMN Page 3

Proposal Shot Down to Fully Fund Nursing Homes

After about a dozen nursing home closed in South Dakota in the past year a proposal was floated to fully fund SNFs. But Senate lawmakers on Monday rejected that proposal.

According to a recent report, nursing homes are compensated at 75 percent for Medicaid residents. Over half of the state's nursing home residents are on Medicaid.

Supporters of 100 percent funding say costs from the funding gap are passed on to other residents.

Senators rejected the proposal 27 to 8.

Legislative leaders have voiced support for studying the state's nursing home funding formula over the summer.

South Dakota Public Broadcasting, 03/06/2023

Seniors and SNF Beds Going in Opposite Directions

University of Pennsylvania researchers, using several different federal sources for data, compared the number of US nursing home beds in existence between 2011 and 2019.

They found that the number of beds declined from 1,670,000 in 2011 to 1,644,000 in 2019 — a decrease of 1.5%.

At the same time, the population of seniors 65 and older increased by 28.2% — from more than 39,600,000 in 2011 to nearly 51,000,000 in 2019.

Bed-losses were recorded in 86.4% of all U.S. counties but were located "disproportionately in metropolitan counties."

JAMA Network, 03/01/2023

Grassley Demands Answers On Psychotropic Investigations

Iowa Sen. Charles Grassley is demanding to know why federal regulators find it a "burden" to audit

nursing homes with a high rate of prescribing psychotropic drugs to residents.

The former chairman of the Senate Committee on Aging made clear in a February letter to HHS and CMS, that he doubts that CMS is doing enough to protect patients.

This, even after CMS announced in January that it would begin auditing nursing homes to determine the appropriateness of schizophrenia diagnoses.

McKnight's, 02/23/2023

Massachusetts SNF Slammed by COVID Outbreak

It's been a rough couple of weeks for Windsor Skilled Nursing and Rehabilitation in South Yarmouth, Massachusetts. Since February 21, 75 residents have come down with Covid-19, as well as 20 staff members. Five of the infected residents did not survive.

In recent days, the infection numbers have dropped significantly, said Lisa Gaudet, Vice-President of Communications for Integritus -- down to 21 resident cases and 15 staff cases as of last Monday.

The state Department of Public Health lists three other nursing homes -- in Millis, Westfield and Worcester -- under admissions freezes until COVID infection numbers ease.

WFXT-TV, 03/06/2023

2000% Immigration Fee Hike Challenged by LTC

A coalition of 20 organizations has sent a letter to the US Citizenship and Immigration Services objecting to a huge increase – from \$10 to \$215 - in the H-1B registration applications fee.

The letter explained that approximately one in four direct workers were born outside the US and that, after losing over 300,000 workers during the pandemic, the skilled nursing facility workforce levels are at a 13-year low.

The letter signed by AHCA and LeadingAge and others pointed out that an additional 3.5 million workers will be needed in LTC by 2030.

Coalition letter to US Immigrations Service, 03/06/2023

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

THE WORLD: COVID-19 remains a public health emergency of international concern (PHEIC) three years after the emergency was first declared. In making the announcement, Tedros Adhanom Ghebreyesus, director general of the World Health Organization acknowledged the advice of the COVID-19 emergency committee that “the COVID-19 pandemic is probably at a transition point.” There is considerable speculation about when the PHEIC will be terminated (*BMJ*).

INDIANA: A lion at Potawatomi Zoo in South Bend, Indiana, tested positive for the SARS-CoV-2 coronavirus after it started coughing and became breathless. Zoo workers who had cared for the lion later caught the infection. Viral samples collected from the animal and the two workers were identical, with contact tracing suggesting the employees didn't catch the infection in any other way. It's the first known case of a lion possibly transmitting the infection to zoo workers (*New Scientist*).

JAPAN: Tokyo confirmed 705 new cases of COVID-19 last Sunday, down by about 100 from a week earlier. But no new deaths linked to the virus. The seven-day average of new cases came to 823.9, down from 949.6 a week before. Last weekend 10,378 new cases were reported across Japan, with the daily count falling by about 4,900 from a week earlier (*The Japan Times*).

COLORADO: Three years ago this week Colorado had its first COVID-19 death, followed by all the restriction we are familiar with. Nearly the same thing happened 105 years ago when the Spanish flu struck. The deadliest pandemic of the 20th century, the Spanish flu killed roughly 9,300 Coloradans and more than 1,100 in Denver. To date, COVID-19 has killed 1.1 million Americans; nearly 15,000 Coloradans and roughly 1,500 Denverites (*The Gazette*).

ARKANSAS: Thirty-four Tyson Foods employees, former employees and family members of employees who died of COVID-19 filed a lawsuit against the company saying it failed to take appropriate precautions at its meat-packing plants during the early days of

the COVID pandemic. The plaintiffs said Tyson's negligence and disregard for its workers led to emotional distress, illness and death. The suit claims Tyson knew about COVID as early as January 2020 when it spread through its facilities in China (*AP*).

AMERICA: The Administration has reportedly decided to roll back COVID-19 testing restrictions for travelers from China. New cases, hospitalizations and deaths are declining in China. The restrictions took effect Jan. 5 amid a surge in infections in China after the nation sharply eased pandemic restrictions. U.S. health officials expressed concerns that their Chinese counterparts were not being truthful about the true number of infections and deaths (*ABC News*).

CHINA: The country has budgeted 170 billion yuan (US\$24.6 billion) for Covid-19 control this year, in spite of dropping nearly all pandemic restrictions in a pivot to living with the virus. Apparently, the funds would go towards subsidizing local governments, especially those at the county-level, for Covid-19 prevention and control activities. The total includes 30 billion yuan in carry-over funds from last year (*South China Post*).

AMERICA: Researchers from U.S. and British universities found that some parents in the United States were dishonest about their children having the coronavirus or did not follow testing and quarantine guidelines. Parents chose not to disclose their child's covid status most commonly because they said they wanted “to exercise personal freedom as a parent,” and wanted their children to “resume a normal life.” The study's authors said the parents' behaviors could have contributed to the spread of the coronavirus (*JAMA Network Open*).

BELGIUM: Bars in Belgium could be among the healthiest places to have a drink, come July. That's when a new law goes into effect, requiring public venues to meet air-quality targets and display real-time measurements of carbon dioxide concentrations — a proxy for how much clean air is piped in. In 2025 gyms, restaurants and indoor workspaces must all show air-quality ratings through a

certification system. In the event of a future pandemic, Belgium's rating system could determine whether a venue may stay open (*Nature*).

FLORIDA: Gov. Ron DeSantis is calling on President Joe Biden to make an exception for tennis star Novak Djokovic and let him into the country for a tournament in Miami even though he refuses to get vaccinated against the coronavirus. In a letter, DeSantis urged Biden to “let him play” in the Miami Open this month (*NBC News*).

OREGON: Workers, patients and visitors in health care settings in Oregon, including nursing homes, will no longer be required to wear masks to protect against COVID-19, starting Monday, April 3. The Oregon Health Authority is rescinding provisions in Oregon administrative rules that, since the start of the pandemic, have required workers in health care settings to wear masks (*East Oregonian*).

CAPITOL HILL: Republican lawmakers have accused former US chief medical advisor Anthony Fauci of influencing a publication meant to disprove the hypothesis that the SARS-CoV-2 virus leaked from a laboratory in China. A Select Subcommittee suggests Fauci ‘prompted’ the drafting of a publication that would ‘disprove’ the lab leak theory (*Al Mayadeen English*).

AUSTRALIA: Nearly 20,000 more Australians died than what was forecast last year, with over half of the fatalities due to the COVID-19 pandemic. New research from the Actuaries Institute estimated there was a 12% hike in excess deaths during 2022, with coronavirus the reason for 10,300 extra mortalities and a contributing factor in an additional 2900 (*Nine News*).

COVID-19, 03/10/2023

Global Cases – Deaths
676,609,955 – 6,881,955

U.S. Cases – Deaths
103,804,263 – 1,123,836

71% of the country's population is fully vaccinated

Johns Hopkins University

Proposal Would Stop 90% of Wrongful Death Suits

Bills filed in the Florida legislature would allow only spouses and surviving children under age 25 to file wrongful death suits against nursing homes. The bills would also prohibit expert witnesses from collecting contingency fees and require a written statement from experts with specific experience agreeing there are "reasonable grounds" for a lawsuit.

The proposed legislation comes as Republican lawmakers renew their annual push to shield businesses from costly lawsuits, aimed at curbing what Gov. Ron DeSantis has called a "cottage industry of litigation."

Proponents said the law would curb the "sue to settle" (out of court) climate in LTC.

The Tampa Bay Times, 03/08/2023

Pushing for Grannie-cams in North Carolina

A group in North Carolina wants lawmakers to consider creating a bill to allow cameras inside nursing home rooms.

These advocates supported by Soul Network, a **Charlotte**-based organization that provides resources and education to avoid elderly abuse, say the cameras would keep staff accountable and deter mistreatment.

They say they're shopping the idea, which would only work with resident consent, around to several state senators and representatives.

In North Carolina now, it's up to each facility whether they'll allow a camera. But at least 13 states already have a law in place allowing families to install cameras in a loved one's room.

WBTV-TV, 03/08/2023

Good Sam, Ebenezer Merger Facing New Questions

A Minnesota Senate committee held an informational hearing during the week on the proposed \$14 billion Sanford Health, Fairview Health merger.

Now a union in South Dakota is expressing concerns.

The International Association of Machinists and Aerospace Workers, which represents about 10,000 healthcare workers, said last week that it has concerns about patient care, rising costs and potential closures under that combined entity, which would have 54 hospitals and 600 care sites.

Stanford is currently the nation's largest nonprofit skilled nursing provider. In 2022 Fairview's Ebenezer Society, ranked No. 104 in skilled beds.

Argus Leader, 03/01/2023

Conn. Committee Hears Pros and Cons of Staffing

One of the more controversial proposals during a recent Connecticut Human Services and Aging Committee hearing would require a minimum number of hours of care per resident moving it from three hours to 4.1 PPD, as recommended by CMS.

The bill would impose a \$10,000 fine on nursing homes that didn't provide that level of care.

"Residents need our love and affection, and we are not able to give this to them due to the lack of time with the current staffing levels," CNA Lurletta Newell said.

But providers pointed out that even at the current levels, recruiting is difficult.

CT News Junkie, 02/16/2023

Tarheel State Likely To Expand Medicaid

North Carolina legislative leaders announced Thursday an agreement to expand Medicaid to hundreds of thousands of additional low-income adults through the Affordable Care Act.

The deal, which likely won't be voted on until later this month at the earliest, marks a milestone for Republican lawmakers, most of whom opposed expansion for a decade until recently, and for hospitals and patient advocates who sought it all that time.

North Carolina has been one of only 11 states that has not adopted Medicaid expansion.

The News and Observer, 03/02/2023

ONE COLUMN Enforcement But No Staffing In The President's Budget

A White House budget released Thursday proposes no new ways to recruit or pay for more nursing home workers, even as federal officials are expected to unveil a minimum staffing standard in coming weeks.

On the other hand, among the more than \$1.8 trillion in proposed health spending, nearly \$100 million was set aside for increased enforcement and survey activity, much of that focused on nursing homes.

There was no mention of the skilled nursing staffing rule, which one major provider group has estimated could cost the sector \$11 billion each year to meet.

CMS Administrator Chiquita Brooks-LaSure has previously acknowledged that staffing and payment are two parts of a nursing home reform plan. But asked about long-term care during a budget press conference Thursday afternoon, Brooks-LaSure focused on oversight efforts and investment in home- and community-based care rather than nursing homes.

Instead, the main attention paid to nursing homes was in the area of enforcement. The budget requests \$494 million for survey and certification activities, an increase of \$97 million or 24% more than what was approved for the current fiscal year 2022.

"Furthermore, CMS will improve oversight of nursing facilities, including an overhaul of the special focus facility (sic) program to improve care more quickly for low-performing nursing homes. These changes that will make the special focus facility program requirements tougher and more impactful.

If there is any good news, it's that the president's budget essentially outlines his political priorities each year. It carries little weight outside his own political party. But providers definitely wouldn't have minded seeing some show of support from federal officials as they face ongoing workforce shortages.

McKnight's, 03/10/2023

SNF Closes After 3 Years Now Personal Care Home

Less than three years after it opened, The Villa Crest Rehabilitative Nursing Facility in Johnstown, Pa. is being transformed into a personal care home.

The nursing home stopped taking new residents in late January and forfeited its license to the Pennsylvania Department of Health in February.

When Villa Crest opened in 202 there were plans to become a CCRC but federal regulations and the cost of running a SNF soon skuttled that plan.

Villa Crest obtained a state license for an additional 26 personal care beds to be added to the 30 that are already in existence on the campus.

Tribune Democrat, 03/07/2023

Medicare Solvent into the 2050s Under Biden Proposal

President Joe Biden is proposing to extend the solvency of the Medicare national healthcare program by 25 years with an increased tax rate on high income earners.

The proposal, unveiled Tuesday morning, would fund the program into the 2050s by increasing the Medicare tax rate from 3.8%-to-5% for households making more than \$400,000 a year.

The tax increase would apply to both "earned and unearned income" above \$400,000.

The Medicare trust fund is projected to run dry in 2028 under current tax and spending levels.

The Hill, 03/07/2023

Bill to Allow Medication Aides Advances in Florida

A Florida Senate Committee approved legislation that would authorize nursing centers to free skilled nurses to focus on higher-level caregiving by assigning routine medication distribution to a new professional category of Qualified Medication Aides.

These aides, called QMAs, would undergo specific training to administer

routine medications as ordered and perform other tasks under a nurse's supervision. "This legislation," said, Florida Health Care Association CEO Emmett Reed "would authorize other qualified health care professionals to handle that task so more highly-trained nurses can concentrate on their patients' more complex needs."

FHCA news release, 03/06/2023

States Looking at Phony Nursing Licenses

Federal and state officials are cracking down on nurses who hold "bogus" licenses, following an investigation into three Florida schools – Palm Beach School of Nursing; Siena College and Sacred Heart International Institute – that allegedly sold diplomas to approximately 7,600 people about 2400 who actually passed state licensing exams.

Many of those individuals took their licensing exam in New York, where people can sit for the test multiple times.

Washington state, Delaware and Georgia have rescinded 65 of the licenses. Texas is letting 23 people continue working as nurses while their disciplinary cases are pending.

McKnight's, 03/06/2023

Cash Available for COVID Vaccination Clinics

LeadingAge will distribute more than \$250,000 in grants to help its members host COVID-19 vaccination clinics to increase vaccination uptake among staff members, residents, family and community members.

The up-to-\$15,000 grants are being made available through a partnership with HHS' "We Can Do This" public education campaign.

Senior living, affordable housing, nursing home, home health care, hospice and other providers are eligible for the grants.

Senior Living, 02/21/2023

Briefly IN THE NEWS

In a letter to HHS and CMS a group of senators (18 Republicans and two Democrats) is urging the Biden administration to rethink its restrictive coverage determination for emerging Alzheimer's disease treatments. In it, the legislators said they're echoing calls from patient advocates as well as the Alzheimer's Association to make it easier for people with the disease to access monoclonal antibody drugs that target amyloid. (*Fierce Healthcare*).

HHS is required to submit an annual report to Congress regarding HIPAA complaints, including how many the agency has received and resolved as well as how many complaints were settled monetarily. In the most recent report the number of large HIPAA breaches rose by 58% between 2017 and 2021, and the number of complaints rose by 39%. The agency defines large breaches as ones that affect at least 500 individuals (*The Hill*).

Mayo Clinic is still in the black, but it's a lighter shade of black. Mayo's operating income fell by half in 2022 – from \$1.2 billion in 2021 to \$595 million for the year ending last December 31. Other finances declined as well. Cash and investments totaled \$17.3 billion for the system at the end of 2022, \$747 million down on the previous year (*Becker's Hospital Review*).

Power seat elevation equipment on certain power wheelchairs would be covered for Medicare beneficiaries for the first time under a proposal by CMS. If finalized, power seat elevation equipment would be covered by Medicare for people who use Group 3 power wheelchairs, which are designed to ease transfers from wheelchairs (*McKnight's*).

Centers for Medicare & Medicaid Services (CMS) reported it has handed out nearly 500 warnings to hospitals falling short on price transparency as of January and plans to streamline enforcement and standardize hospital reporting requirements. Enforcement of the transparency requirements has also included more than 230 requests for corrective action plans. (*Health Affairs*).