

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Without staff, there is no care"

Ruth Katz, LeadingAge's senior vice president for policy objecting to State Department limiting foreign nurse immigration

"PDPM was never intended to be a finished product. It was supposed to evolve, just as things like the MDS do" John Kane CMS SNF payment policy leader on changes likely coming to PDPM

"We're nurses, so we just stuck it out and remained calm on the outside so we could get the job done" Nurse Heather Tennell of Colonial Estates in Shawnee, Oklahoma where a tornado tore the roof off and cause the evacuation of 79 residents without any injuries

"CMS is working on and has fielded a staffing study and also put out a request for other sources of information to help us shape what staffing requirements look like" Dr. Shari Ling, CMS Deputy Chief Medical Officer

"I've got a new son-in-law and I think I love him."

When Tina Pearce learned her mother, who was in hospice, would not be able to attend her wedding she decided to get married at her mom, Linda Tuller's, nursing home.

Despite having only two days' notice, the facility, Manatee Springs Rehabilitation and Nursing Center in Bradenton, Florida, made it work.

The hospice company reached out to people who had connections to help with the flowers. Various departments in the facility pitched in. Maintenance moved furniture around.

The ceremony took place in the center's foyer and was attended by friends, family and six different TV news stations.

McKnight's, 04/12/2023

With MDS Done, Next Makeover Likely PDPM

At a meeting in Las Vegas, CMS' John Kane, who handles SNF payment policy, indicated the agency is considering changes to the three-year-old Patient Driven Payment Model to account for missed opportunities — and potentially inappropriate coding choices.

The good news for providers: Kane sees increases in the use of certain codes not as gaming the system, but as a sign that the new model accurately captures what is driving patient care.

Kane pointed to increased diagnosis of depression, malnutrition, and swallowing disorders as examples of trends the agency can study to identify how to make the payment system more accurate.

McKnight's, 04/24/2023

Tornado. Roof Gone. 79 Evacuated. No Injuries!

Two nursing homes in Shawnee suffered severe damage as tornadoes hit the city Wednesday night.

The roof of Colonial Estates, one of the facilities damaged by the storms, was ripped off, and glass and debris were scattered across the area.

Nurses at Colonial Estates who were working during the storms said there were 79 people inside the buildings, but nobody was injured. They were able to get everyone out safely.

It isn't clear how long it will take to clean up the area before the residents are able to return.

KOCO-TV, 04/20/2023

NLRB Ruling Now Unions May File More vs SNFs

In an NLRB decision against a meat processor with a history of violating federal labor law, the board detailed a list of potential new penalties that could be ordered in future cases of "egregious or widespread misconduct."

Consequently, unions may become more aggressive in pursuing unfair labor practice charges when attempting to organize nursing homes.

The potential penalties include: mailing notice of employees' rights to their homes; publishing notices in local media outlets; permitting labor board representatives to inspect bulletin boards and records to determine compliance; and reimbursing unions for expenses during collective bargaining.

McKnight's, 04/24/2023

Some SNFs with Low Stars Are All-Stars for Hospitals

When consumers see that a SNF has a low Five-Star rating they may assume it's a poor-quality home. But some of those facilities are preferred providers for local hospitals.

At issue — taking on more acute patients — those on vents, with pressure ulcers or behaviors — that can translate to lower star ratings, because patients with complex needs present higher levels of risk and typically generate more surveys.

The situation has been exacerbated due to changes in regulation of other high acuity facilities like long-term care hospitals (LTCHs), which are not taking on as many complex patients.

Skilled Nursing News, 04/19/2023

COVID Charges Revived vs Vets Home Bosses

Massachusetts' top court has revived indictments against two former leaders of a veterans' home charged with criminal neglect for their roles in handling a COVID-19 outbreak that killed 84 veterans.

The Massachusetts Supreme Judicial Court overturned a judge's decision to throw out the charges against former Holyoke Soldiers' Home Superintendent Bennett Walsh and former Medical Director David Clinton.

The case, possibly the first in the country tied to a COVID-19 outbreak, stemmed from a March 2020 decision to consolidate two dementia units, which prosecutors said put veterans who had tested positive for COVID-19 within feet of those without symptoms.

Reuters, 04/27/2023

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

AMERICA: When the COVID-19 public health emergency ends in the U.S. next month, there will still be access to a multitude of tests but with one big difference: Who pays for them. For the first time, Americans may have to pick up some or all of the costs, depending on insurance coverage and whether the tests are done at home or in a doctor's office (**AP**).

CANADA: Mask mandates are lifting in hospitals, long-term care homes and other health-care facilities across the country, marking an end to some of the last remaining public health restrictions against COVID-19 in Canada. British Columbia and Saskatchewan are the latest provinces to lift universal mask mandates. However, health officials stress that mandates could return to health care in the future, if COVID levels take a turn for the worse (**CBC**).

KENTUCKY: About 59% of the nursing home residents in the Bluegrass state are up to date with their Covid-19 vaccines, meaning they had received the latest bivalent booster dose or have completed the primary series of vaccines in the last two months. That's higher than the nationwide rate of 54%. Staff rates are much lower. In the week ending April 2, 16% of Kentucky's nursing-home staff were up to date with their Covid-19 boosters, still higher than the national rate of 12% (**Commonwealth Journal**).

THE WORLD: Thousands of people say they've developed tinnitus after they were vaccinated against Covid. While there is no proof yet that the vaccines caused the condition, the reported cases tend to be severe. Along with ringing in their ears, participants reported a range of other symptoms, including headaches, dizziness, vertigo, ear pain, anxiety and depression. Significantly more people first developed tinnitus after the first dose of the vaccine, compared with the second (**NBC News**).

PENNSYLVANIA: In a recent LeadingAge survey, more than half of nonprofit nursing home providers have had to decline patients being charged from hospitals since January primarily due to workforce shortages spawned

initially by the pandemic. Providers also cited major reimbursement and inflation concerns. State leaders have proposed a relatively small bump in funding for 2024. About a third have taken beds out of service (**McKnight's**).

OKLAHOMA: Even before COVID-19, nurses ranked at the top of Oklahoma Works' critical occupations list. "There's been a nursing shortage my whole career," said Julie Hoff, dean of the OU College of Nursing. "Then you've got the impact of COVID." The Oklahoma Nurses Association reported, there are 712 nurses per 100,000 Oklahoma residents, ranking the state 46th in the nation in nurses per capita (**OU Daily**).

CALIFORNIA: The researchers used specially trained dogs – yellow Labs – to sniff out COVID-19 in 27 schools. The dogs accurately alerted their handlers to 85 infections and ruled out 3,411 infections, resulting in an overall accuracy of 90%. However, the dogs inaccurately alerted their handlers to infections in 383 instances and missed 18 infections, which means the dogs demonstrated 83% sensitivity and 90% specificity when it came to detecting Covid-19 infections in the study (**KDRV-TV**).

NEW YORK: New state Health Department figures on COVID deaths show then-Gov. Andrew Cuomo's leadership was even deadlier than New Yorkers thought. The new stats put the death toll in the first year of the pandemic at 36,337 - up 21% from what the state had reported. The Cuomo administration only counted deaths from nursing homes, hospitals and similar facilities. The new numbers reflect deaths at home as did the NYC Health Department and the federal CDC (**The NY Post**).

AMERICA: Arcturus – the latest coronavirus strain – has been making up a greater percentage of coronavirus cases nationwide. It comprised an estimated 10% of U.S. cases for the week that ended Saturday; the prior week, it was about 6%; and the week before that, it was 3% (**LA Times**).

THE WORLD: Oxfam America urges Pfizer, Moderna, Johnson & Johnson, and

Merck shareholders to vote in support of equitable access to COVID-19 vaccines and medicines so that everyone, everywhere can be protected against the coronavirus. similar resolutions filed last year received nearly 30% of the independent shareholder vote (**OxFam America**).

MICHIGAN: Hospitals and doctor's offices were the last stalwarts requiring masks of employees, patients and visitors. In mid-April, health care systems across Michigan announced they, too, no longer require masks in some settings. Masks will be optional, with exceptions such as in skilled nursing and cancer centers or transplant units. Yet, the medical community says they help keep people from catching or spreading COVID-19 and other respiratory illnesses (**Detroit Free Press**).

TOKYO: Saturday Japan lifted most of its coronavirus border controls, including a requirement that entrants show proof of three vaccinations or a pre-departure negative test, as the country's Golden Week holiday season begins and a large influx of foreign tourists is expected. All entrants with symptoms will still be required to take COVID-19 tests after arriving until May 8, and those who test positive will be placed in designated quarantine facilities. After May 9, testing of those with symptoms will be voluntary (**ABC News**).

AMERICA: About 260,000 COVID-19 deaths were reported nationally in 2022. There were about 472,000 deaths in 2021, and about 355,000 deaths in 2020. More than 40,000 COVID-19 deaths have been reported nationally this year (**Los Angeles Times**).

COVID-19, 04/28/2023

Global Cases – Deaths
764,474,387 – 6,915,286

U.S. Cases – Deaths
104,538,730 – 1,130,662

U.S. Updated Booster Doses
55,743,629 or 16.7% of U.S

CMS & WHO

COVID-19 Charges Revived vs Vets Home Leaders

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Reuters, 04/27/2023

Large County, Large COVID-19 Improvement

COVID-19 remains a significant cause of death, even as the intensity of the pandemic has dropped. In 2022, COVID-19 was the third leading cause of death in LA County, behind coronary heart disease and Alzheimer's disease.

The rest of the leading causes of death in L.A. County last year were stroke, diabetes, chronic obstructive pulmonary disease, lung cancer, unintentional drug overdose, hypertension and pneumonia/flu.

However, COVID-19's third-place ranking represents an improvement since 2021, when the illness was the leading cause of death. In 2020, COVID-19 was the second leading cause of death, trailing coronary heart disease.

Los Angeles Times, 04/20/2023

Don't Count on Broader OK for Psych Meds

Asked whether the exemptions for the use of antipsychotic medications for residents with certain conditions will be expanded, Evan Shulman, director of CMS' nursing home division, said he doesn't agree with that approach.

He said providers needed to more accurately report why they're giving antipsychotic medications, rather than adjust patients' diagnoses to avoid lower quality ratings.

Only patients with schizophrenia, Huntington's disease and Tourette syndrome are currently excluded from the measure.

Last month, CMS convened a technical expert panel to review whether more exemptions should be added to the measure; the panel's findings have not yet been posted publicly.

McKnight's, 04/25/2023

3-Day Stay Waiver Probably Ain't-a-Gonna Stay

A new study in *JAMA Internal Medicine* says removing the waiver would shift too many long-term residents to skilled care coverage.

While the majority of waived patients had COVID during the pandemic, the data raises questions about the motivation and cost of shifting those who did not.

Although CMS hasn't said specifically that the 3-day stay waiver will go away at the end of the PHE consider it was used mostly by SNFs and previous Congressional Budget Office estimates have found removing the 3-day stay requirement could increase the cost of SNF care by \$60 billion over 10 years.

McKnight's, 04/26/2023

Nursing Home Residents Fight – One Man is Dead

A 65-year-old nursing home resident died last week after a fight with another resident at Carrington Park in Ashtabula, Ohio.

Following a physical altercation April 22nd, the victim's health declined throughout the day and family members eventually took him to the hospital where he died.

Police are now investigating whether the assault was a contributing factor. Results of the autopsy are not complete. The city law director will then determine whether to file charges.

WJW-TV, 04/25/2023

ONE COLUMN

Foreign Nurses Tapped Out for This Year

Newly announced limits on visas for foreign nurses threaten to further a staffing strain on major health employers including nursing homes.

The State Department in its May Visa Bulletin announced that nearly all the available green card slots that nurses are eligible for had been filled.

Only people who applied prior to June 1, 2022, will be eligible to continue with visa interviews, even if an applicant already had a job offer in the U.S. Any foreign nurse applying for a coveted green card today will not likely get into the country until 2025.

Those with more recent applications will have to go back in line when the quota resets in October at the start of the next fiscal year resulting in a backlog and further delaying the entrance of new nurses into the workforce.

Foreign nurses comprise about 15% of the nursing workforce. They are eligible to enter the country with an EB-3 visa, a permanent residency green card that includes all occupations which require at least an associate degree but not a master's degree.

But the immigration quota hasn't changed since 1990. The State Department limits the total number of EB-3 visas to just 28.6% of all employment-based visas, about 40,000 each fiscal year. Yet, federal estimates indicate America will need about 200,000 more nurses every year through at least 2030 to fill the gaps.

Even though nurses are considered essential health workers, they are generally not in the same category as physicians and even some IT workers, and they are competing for slots against both skilled and unskilled workers.

"Prior to COVID we had a nursing shortage. During COVID, it's estimated that we lost about 100,000 nurses," said Patty Jeffrey of the American Association of International Healthcare Recruitment.

The Hill, 04/25/23

Assn's Take State Dept. To Task Over Nurse Limits

Add the two largest US nursing home associations to the chorus criticizing the US State Department's cap on new employment-based visa petition filings.

"At a time when the administration plans to propose a federal staffing mandate for nursing homes," said Clif Porter senior VP of government relations at AHCA/NCAL, "Washington should not simultaneously create barriers to recruit the nurses we so urgently need."

Ruth Katz, LeadingAge's senior vice president for policy, "This visa retrogression shuts off one meaningful workforce solution, and, ultimately, harms older adults and families who cannot access needed care and services."

McKnight's, 04/27/2023

DON Charged with Stealing Narcs from Nursing Home

Jennifer Dawn Wilson, 59, Director of Nursing at Summit Health and Living in Summitville, Indiana – near Muncie – has been charged with obtaining a controlled substance by fraud or deceit, a felony carrying up to six years in prison.

A drug diversion investigator with the Indiana AG's office was called to the facility after employees found hydrocodone pills to be missing and questioned Wilson, who allegedly admitted she had taken them for her own use.

When questioned by the state investigator about 261 pills that could not be accounted for, Wilson admitted also stealing that medication including Percocet and hydrocodone.

The Star Press, 04/2/2023

Louisiana Legislators Weaken SNF Disaster Plans

The Louisiana House voted 103-0 to allow nursing homes to continue to operate even if their emergency preparedness and evacuation plans fail to meet state standards.

Current law, passed after Hurricane Ida in 2021 allowed any of six state agencies to

shut down a facility if its emergency plan is rejected. It passed after 800 nursing home residents had to be rescued from a warehouse used to shelter them during the storm. Fourteen died.

The Bill effectively removes teeth from the new emergency plan review process approved last year in the wake of the nursing home evacuation scandal.

KTBS-TV, Louisiana Illuminator, 04/23/2023

Tampa Nursing Home Scene of Shooting

The Hillsborough County Sheriff's Office has arrested Felicia Johnson McGee, 46, for attempted murder in connection with a shooting in a nursing home parking lot.

Two employees of the facility got into an argument inside the facility. After a verbal altercation, the victim who was not identified and McGee left the facility, where their argument continued in the parking lot.

During the conversation, McGee allegedly pulled a gun and shot the victim in the arm.

The victim was treated for non-life-threatening injuries. McGee has been charged with attempted murder.

Hillsborough County Sheriff's news release, 04/20/2023

Employees Walk Out In Protest of State Funding

1199SEIU Upstate Division helped organize a brief walkout at the Weinberg Campus, a senior and assisted living facility in Getzville, New York.

Staff said New York state has not increased its Medicaid reimbursement rate for hospitals and nursing homes in 15 years and actually decreased it by 1% during the COVID-19 pandemic.

As state lawmakers continue to negotiate the budget, union leaders and health care providers are pushing for a 20% increase in reimbursement for SNFs and 10% for hospitals.

Spectrum News, 04/24/2023

Briefly IN THE NEWS

The Center for Health Workforce Studies (CHWS) at the University at Albany's School of Public Health released a new report this month showing that although jobs in health care grew statewide between 2020 and 2021, they were not yet back to pre-pandemic levels. Health care jobs in New York City grew at a faster rate between 2020 and 2021 than jobs outside of New York City. Additionally, jobs in home health care grew by nearly 34% between 2017 and 2021, while jobs in nursing home and residential care facilities declined by almost 14% during the same time period **(Univ of Albany news release)**.

Cigarette smoking in the U.S. dropped to another all-time low last year, only 1 in 9 adults say they were current smokers. However, electronic cigarette use rose, to about 1 in 17 adults. The preliminary findings are based on survey responses from more than 27,000 adults **(CMS)**.

In 2020, Illinois made noncitizens aged 65 and older eligible for Medicaid-type coverage, becoming the first state to do so. The Health Benefits for Immigrant Seniors program is open to individuals whose income is below the federal poverty level. The state estimates an expansion of state-sponsored health care to individuals who are ineligible for Medicaid based on their citizenship status is expected to cost \$990 million in the upcoming fiscal year. Last week House Republicans called for a "pause" and "audit" on the existing program **(KPVI-TV)**.

Kentucky's new state Veterans Home will be named the Robert E. Spiller Bowling Green Veterans Center. Col. Robert E. Spiller who was the driving force in placing the facility in Bowling Green. The 80,000 square foot veterans center will house 60 veterans in private suites on a 25-acre campus. It's expected too open in 2024 **(Bowling Green Daily News)**.

The Ensign Group picked up 19 facilities in California and Colorado in the first quarter of 2023 – 42 facilities totaling 4540 beds in the past 12 months. In total, those additions bring Ensign's portfolio to 290 healthcare operations, 26 of which also include senior living operations, across 13 states **(Ensign news release)**.