

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"So that's a bit of a sobering reality"

- Fred Bentley, managing director for ATI Advisory's Medicare Innovation Practice on the various pandemic waivers going away

"The results suggest that addressing staffing shortages in nursing homes can save lives"

Sushant Joshi, PhD, of the University of Southern California Sol Price School of Public Policy author of a study showing nursing shortages were connected to resident deaths

"It is a relief to know that we are well on the other side of this clinical nightmare. As we move forward, we will carry on advocating to eliminate Medicare's three-day-stay requirement and creating a realistic career pathway for temporary nurse aides"

Mark Parkinson, CEO AHCA/NCAL

Capping Executive Salaries. It's the Left Coast, You Know

Under a proposed ordinance, the annual salaries of executives in long-term care and hospitals in L.A. would be capped at what the President is paid \$450,000 (\$400K salary and \$50k expenses).

The SEIU-backed proposal states compensations for top executive in various sectors of healthcare is excessive, unnecessary, and inconsistent with the mission of providing high-quality, affordable medical care for all."

If the initiative officially qualifies for the ballot, the L.A. City Council will choose whether to adopt it outright as an ordinance or refer it to voters for the 2024 ballot.

Senior Living, 05/05/2023

Trial Begins for First US SNF with COVID Deaths

The families of two women whose deaths were among the earliest linked to COVID-19 are suing Life Care Centers of Kirkland (Washington) claiming the SNF did not follow its own infection control policies that could have saved some residents' lives.

The plaintiffs cite negligence, wrongful death, fraud and violations of state abuse and consumer protection laws.

But Life Care has denied those allegations, arguing it "had no warning, guidance, or ability" to prevent COVID-19 from entering and spreading through the Five-Star facility.

The trial will run through this week and is being closely watched by other operators and attorneys.

McKnight's, 05/17/2023

Provider Payments at Risk If Federal Debt Limit Infringed

Without a legislative solution from warring political parties in Congress and the White House, the US is in danger of breaching its debt limit.

If that happens Medicaid and Medicare payments now sent to the state for distribution would halt, at least temporarily.

"Should a default result in even just a few days of lagging payments, the impact on providers could potentially be catastrophic," said Leading Age's Katie Smith Sloan.

The Republican-run House passed legislation suspending the debt limit until March 31, 2024, or by \$1.5 trillion, whichever comes first. The bill is projected as DOA in the Democrat-controlled Senate.

McKnight's, 05/08/2023

HHS Should Better Define Proposed Ownership Rule

The comment period has ended for the HHS-proposed rule, designed to require disclosure of the individuals involved in ownership of nursing homes.

The rule would use require nursing homes enrolled in the Medicare or Medicaid programs to disclose the individuals, private equity firms or real estate investment trusts or entities that provide administrative services or clinical consulting services to them.

Provider responses have been split on the rule since its inception. LeadingAge is in favor while AHCA viewed it as more of a "red herring" in nursing home reform.

Senior Living, 04/19/2023

No Word Yet for Therapy Groups Re: Telehealth

Therapy groups serving long-term care and other institutional providers were left hanging at 12:01 AM May 12 when the PHE lapsed.

Federal regulators still have not given clarification on whether certain telehealth practices – OT, PT and ST – are going to be continued.

CMS had told Advion and its seven fellow therapy coalition members it might issue guidance by Thursday, but it did not.

Advion Executive VP Cynthia Morton said the ability to see patients via telehealth a huge difference for LTC residents often in rural areas, "where there are frankly, few to no therapists,"

McKnight's, 02/12/2023

But Other Telehealth Functions Will Continue

The DEA has issued a six-month extension for people to fill controlled medication prescriptions via telehealth.

It had been set to expire along with the ending of the pandemic public health emergency on May 11.

Prior to the pandemic, patients had to see a doctor for at least one in-person appointment before being able to access prescriptions for a long list of medications, including stimulants for attention-deficit/hyperactivity disorder, benzodiazepines for anxiety, and medications for opioid use disorder, sleep, or pain.

HealthDay News, 05/10/2023

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

AMERICA: A team of University of Southern California researchers estimate the economic toll of the COVID-19 pandemic in the U.S. will reach \$14 trillion by the end of 2023. The three sectors that lost the most ground during the first 30 months of the pandemic were air travel (-57.5%), dining (-26.5%), and health and social services (-29.16%). For the assessment the team used mandatory business closures as well as personal behavior that continued long after the lockdown orders were lifted – such as avoiding restaurants, theaters and other crowded places (*Lake County News*).

THE WORLD: Globally, nearly 2.6 million new cases and over 17 000 deaths were reported in the last 28 days (17 April to 14 May 2023), a decrease of 14% and 26%, respectively, compared to the previous 28 days (20 March to 16 April 2023). The situation is mixed at regional levels, with increases in reported cases seen in the South-East Asia and Western Pacific regions and increases in deaths in South-East Asia (*WHO*).

AMERICA: Food and Drug Administration advisers have set their next meeting to decide how to make the next round of COVID-19 boosters available to the general public this fall, now that they're available for older adults and high-risk people. An FDA expert panel will meet June 15 to discuss and make recommendations on what strains to include in the "periodic updated" COVID vaccines this fall (*AXIOS*).

THE WORLD: Could viral reservoirs subsisting in the body be triggering the symptoms of long COVID? While a direct link isn't yet proven, a theory has emerged indicating that some people seem to harbor "viral reservoirs" after their initial illness has passed. It's far from the only explanation under consideration, but some scientists see it as one of the most promising (*National Public Radio*).

OHIO: A study of 541 children and young adults in Ohio with two or more COVID-19 infections found that the median interval between two infections was 229 days, and reinfection counts were higher during the

Omicron era. The median age of patients at the time of their second infection was

7.85 years, and 56 children were less than 1 year of age. More than half of the case-patients (54.3%) had an underlying condition – chronic respiratory disease (asthma, bronchopulmonary dysplasia, cystic fibrosis) was most common, followed by obesity (*Journal of the Pediatric Infectious Diseases Society*).

THE WORLD: The next COVID-19 vaccines should no longer include the original SARS-CoV-2 virus—which all existing vaccines currently do—and instead contain a different version of the virus to better match circulating variants. Currently, this means a version of the virus from the XBB.1 family, which is now responsible for most of the new COVID-19 infections around the world. WHO's Technical Advisory Group on COVID-19 Vaccine Composition, suggested that the XBB.1.5 variant be included in the next vaccine (*WHO*).

AUSTRALIA: Australians are collecting big compensation payouts over COVID vaccines. One Victorian has been awarded \$2.2 million, and a Melbourne man is fighting for a multimillion-dollar payout, claiming a rare side-effect from a mandatory jab left him in a wheelchair (*7NEWS*).

THE WORLD: Welcome to the new normal: the 'wavelet' era. Scientists say that explosive, hospital-filling COVID-19 waves are unlikely to return. Instead, countries are starting to see frequent, less deadly waves, characterized by relatively high levels of mostly mild infections and sparked by the relentless churn of new variants. Wavelets don't always create a dramatic spike in hospitalizations and deaths; their effects on health vary between countries (*Nature*).

THE WORLD: The CDC made a related decision in respect to international travelers who fly into the U.S. They "will now be considered fully vaccinated 2 weeks after getting a single dose of either the Pfizer or Moderna mRNA vaccine any time after August 16, 2022, when bivalent

formulations first became available." However, a more recent decision from the White House made this announcement

moot by eliminating any vaccination requirements for arriving travelers (*MedPage Today*).

AMERICA: CDC epidemiologist Adam Vaughan observed that differences in stroke deaths between blacks and whites was remarkably different but, "During the pandemic, these disparities may have been exacerbated." From early 2020 to 2021, stroke deaths increased among all racial and ethnic groups, but at rates that were higher for minority populations. Black adults were 45% more likely than white adults to die from stroke in 2018. Now, they are 50% more likely, and for Black adults aged 35-54, the stroke death rate is 2.5 times what white adults in the same age range experience (*Montgomery Advertiser*).

THE GLOBE: The level of protection that vaccines provide against COVID-19 might depend on a person's sex or gender. results show that a substantial proportion of COVID-19 vaccine research publications do not account for sex. Out of the 240 publications identified, 68 (28.3%) did not report the sex of the participants in their study, and only 21 studies (8.8%) reported vaccine effectiveness data separated by sex (*Nature*).

AMERICA: Monovalent COVID-19 booster vaccinations administered in early pregnancy (before 20 weeks' gestation) were not associated with miscarriage. The researchers analyzed data from more than 100,000 pregnancies between six- and 19-weeks' gestation from eight large health systems participating in the Vaccine Safety Datalink (*JAMA Network Open*).

COVID-19, 05/19/2023

Global Cases – Deaths
766,440,796 – 6,932,591

U.S. Hospitalizations – Deaths
6,152,982 – 1,128,903

U.S. Updated Booster Doses
56,478,570 or 17% of U.S

CMS & WHO

Same ol' Stuff but Different In House COVID Hearing

A hearing before the House Select Subcommittee on the Coronavirus Pandemic saw a parade of witnesses, most of whom had loved ones die of COVID in a nursing home, recounted stories of unfortunate deaths similar to those stories shared in a series of hearings before a previous COVID subcommittee.

This time around, however, the blame was largely directed toward Democratic governors who required nursing homes to take COVID-positive patients against federal guidance.

The Department of Justice previously declined to formally investigate several states over their use of such policies.

McKnight's, 05/18/2023

Older Adults – 95% Vaxed But Less Than Half Are Boosted

Older adults are expressing concerns for the bivalent COVID booster shots, so far only 42.4% of that age group have received the booster.

Lots of reasons cited in a Health Canal survey: potential side effects (31.1%); effectiveness (27.8%); still have vaccine protection (29.4%); have protection from having COVID-19 (20%).

As many as 57.2% of older adults said they are likely to get the booster at some point to protect against the new omicron variant (88.9%); to protect against severe illness due to COVID-19 (70%); to prevent long-term COVID symptoms (60.9%); and due to the CDC recommendation (53.8%).

FiercePharma, 05/03/2023

Kickbacks and Medicare Switches SNF/Employees Pay

A civil fraud lawsuit has been settled alleging Morris Park Nursing Home in the Bronx, New York, engaged in violations of federal law by making cash payments to a hospital supervisor for patient referrals and switching residents' Medicare coverage without their consent to increase payments to the facility.

Morris Park will pay \$2.85 million. Former administrator Justin Weinberg will pay

\$495,000 and employee Maier Arm with pony up \$115,000 in the settlement.

Each defendant also made extensive factual admissions regarding their conduct.

Justice.com, 05/17/2023

Feds Bolster Nursing Pipeline With \$78 Million In Grants

Twenty-five organizations will split more than \$78 million in new federal grants will support public-private workforce training programs in 17 states and address ongoing staffing challenges across the healthcare continuum.

Those receiving the grants include colleges and universities aiming to increase the number of nursing instructors and educators, building capacity for more nursing students.

Applicants were required to design models that would connect workers, unions and employers with community-based organizations and training institutions.

the programs are designed to ensure people from "historically marginalized and underrepresented communities have pathways to good jobs and careers in nursing."

McKnight's, 05/12/2023

Multiple States Taking Care of Their Veterans

Pennsylvania has broken ground on a 200-bed, \$97 million nursing home for military veterans.

The new home will be on the campus of the Hollidaysburg Veterans' Home, which is one of six nursing homes for veterans operated by the state.

Two other states, Kentucky and Florida, have veterans homes in various stages of construction.

And Wyoming opened a new, skilled nursing facility for veterans that added three cottages that can house 12 veterans each to the campus of the Veterans' Home of Wyoming in Buffalo.

McKnight's, 05/04/2023

ONE COLUMN

What's in a Name? Scientists Naming the Various Viruses

When his team decided to name the XBB.1.5 variant of COVID-19 "Kraken," Ryan Gregory never imagined it would resonate the way that it did.

It was an arbitrary nickname, meant to be an improvement on the confusing letter-and-number-salad system that led to official nomenclature like "XBB.1.5" – but certainly not designed to make the public think that this particular strain of COVID-19 was the most monstrous yet. "I always associated [the word] with the silly 1981 *Clash of the Titans* movie," he says. "It's cheesy in a way."

Gregory is an evolutionary biologist at Canada's University of Guelph and the unofficial spokesperson for the small group of scientists fighting for clearer (and catchier) pandemic nomenclature. The team, which includes a science teacher from Indiana and academics across disciplines in Italy, Australia, and more, first assembled on Twitter.

There, they'd been assigning creature-based nicknaming efforts for COVID-19 subvariants they deemed significant long before they began receiving media coverage for Kraken; they'd named others Gryphon, Basilisk, and Minotaur, for example.

But Kraken drew the first real attention to the project. And not all of that attention was positive. When the name caught on, some experts expressed concern that it could unnecessarily stoke fear because of its monstrous connotations.

"There was a lot of talk like, *This is fear mongering, and it's causing panic*," Gregory says. "And I'm like, 'None of that happened.'"

Meanwhile, the [WHO] was saying stuff like it's the most transmissible variant ever.

That's scarier to me than this goofy mythological name."

Time, 04/24/2023

No Surveyors, No Surveys Congress is to Blame

Pennsylvania Sen. Bob Casey, chairman of the Special Committee on Aging, has revealed the results on a year-long congressional investigation into nursing home survey lapses.

The 2000 pages of documents found that 32 agencies have surveyor vacancies of 20% or higher with the highest rates among Kentucky (83%), Alabama (80%) and Idaho (71%).

Casey said one of every nine nursing homes in the US had not had an annual survey in two years.

Casey placed much of the blame on Congress' willingness to "flatline" funding for oversight.

McKnight's, 05/19/2023

First Defendants in Nursing School Scam Plead Guilty

Five of dozens of defendants charged in the Southern District of Florida for their alleged participation in a scheme that created an illegal licensing and employment shortcut for aspiring nurses have pled guilty to wire fraud conspiracy.

Krystal Lopez and Damian Lopez, Francois Legagneur, Reynoso Seide and Yelva Saint Preux will be sentenced in July. Each could receive 20 years in prison.

About 7600 students paid \$15,000 each for fraudulent nursing school diplomas and transcripts.

the \$144 million scheme involved three now-closed nursing schools in South Florida.

Justice.com, 05/15/2023

Simulation Training for Student Nurses OK'ed in NY

Under legislation signed last week by Gov. Kathy Hochul nursing students in New York state will be able to complete up to one-third of their clinical training through simulation experiences, up from a quarter.

The idea is to prevent a wait for the limited supply of student clinical placements necessary before licensure.

Thirty other states are currently using some form of simulation training.

Nurse advocates say that will help but more is needed including student loan forgiveness programs to entice nurses to work in underserved areas such as long-term care and rural care, just as they do for physicians.

McKnight's Clinical Daily News, 05/19/2023

Increase in Connecticut PPD Would Cost Too Much

Connecticut lawmakers have conceded that the money needed to increase mandatory, direct-care hours (PPD) at nursing homes is not available. As a result, the staffing minimum is likely to remain at 3.0 hours PPD instead of increasing to 4.1.

The bill included ratios for specific nursing positions – something provider association had warned against.

Both Connecticut Health Care Association and LeadingAge Connecticut opposed the proposal, which would have required almost \$60 million more in Medicaid funding over the next three years.

McKnight's, 05/10/2023

Minn. Houses Can't Agree - SNFs in Financial Straits

Minnesota nursing homes are in dire need of a funding boost, but the legislature is a barrier.

Each house has passed a budget bill. The Senate's legislation includes significant funding for nursing homes — \$74 million in the first year of the biennium and \$47.3 billion in the second.

But the House version includes no new funds for nursing home – and an amendment to provide a \$26/day increase was not included in the final bill.

Another amendment to use \$231 million over four years for nursing facility grants was cut to \$20 million.

McKnight's, 05/08/2023

Briefly IN THE NEWS

United Wound Healing of Puyallup, Washington has agreed to pay \$292,132 to resolve improper billing for nursing home services in Washington, Oregon, Utah and Idaho. The lawsuit was filed by a former employee, Dena Walker, under the *qui tam*, or whistleblower, provisions of the False Claims Act. Ms. Walker will receive approximately \$58,426 as part of the resolution (**DOJ**).

Invesque will finalize its sale of eight Illinois SNFs leased to SymCare by the end of the second quarter. The now \$121 million sale - \$4 million less than originally announced - was announced last week as part of the REIT's first-quarter earnings activities. Invesque will have only nine skilled nursing facilities in the portfolio following the sale (**McKnight's**).

Two cases of highly contagious, drug-resistant ringworm infections have been detected in New York City — the first such cases reported in the U.S. The CDC reported the infection was first identified in a 47-year-old woman who had developed a bad case of ringworm, also known as tinea, while traveling in Bangladesh. Over the past decade, infections from this drug-resistant fungus have spread rapidly in South Asia, likely driven by overuse of medications to treat them (**NBC News**).

Approximately 34 workers, including all LPNs and CNAs at Comprehensive at Williamsville in Buffalo, NY held a one-day strike last Wednesday, May 17. Short staffing and low pay are the keys issues. Approximately 45% of the workers at the facility are earning less than \$15 per hour. The previous contract expired December 31, 2022 (**SEIU1199 news release**).

The Biden administration should use some of the \$400 billion it wants to spend shoring up home- and community-based services on support systems for direct care workers, including CNAs. Georgia State University researchers opined that "developing opportunities for growth within the direct care workforce is imperative for promoting the sustainability" of the long-term care system (**Health Affairs**).

