

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Some crimes defy understanding"

U.S. Attorney Gerard Karam after the manager of the Harvard Med School morgue was charged with selling cadaver body parts

"This is a clear, unambiguous, unanimous win for the government and relators"

Michael Podbersky former justice department fraud attorney on recent SCOTUS false claims ruling

"NASVH believes it is time for VA to begin offering assisted living care"

National Association of State Veterans Homes President Whitney Bell in testimony before a Senate committee

"This is a growing need in our state"

Iowa State Representative Joel Fry on a plan to increase Medicaid reimbursement for facilities that create a unit for registered sex offenders

"Many of these residents do not have families. We are their families"

Edwina Gobewole, CNAN who has worked at the closing Charlesgate Nursing Center in R.I. for 30 years

EEOC: Job Offer Revoked After 'Voodoo' Comments

In a lawsuit the EEOC has charged that a Florida LTC company violated federal law in the hiring process of a Haitian national as administrator at The Terrace at Hobe Sound.

After the job was offered, accepted and a start date set, the applicant met with the company owner who, according to the lawsuit, said that he was worried she would favor Haitian employees and began making comments about "voodoo" and "other Haitian rituals."

The next day, the applicant received an email retracting her job offer.

The EEOC said that alleged practice constitutes national origin discrimination.

EEOC news release, 06/08/2023

Must Be Hard to Lose an Iowa Nursing License

The Nurse tied a resident to a wheelchair with a bed sheet; was convicted of child endangerment due an excessively filthy house; charged with excessive use of alcohol and discovered with marijuana plants and drug paraphernalia in her house.

Katherine Becker allegedly told the Iowa Board of Nursing she still worked in a SNF but had recently "gone on a bender" and blacked out for several days.

License revoked? Nope – suspended.

And within the next six months if she completes a couple of programs, the suspension will be lifted.

Iowa Capital Dispatch, 06/13/2023

..... But It Does Happen

In 2017 RN Elizabeth Harvey pleaded guilty to stealing 119 Tramadol pills from the Iowa nursing home where she was employed. Later she tested positive for methamphetamine and surrendered her license.

Last November, with an application to the Board of Nursing for reinstatement pending, she pled guilty after a drunken-driving accident.

A few weeks later she pleaded guilty to another DUI charge and received a 90-day sentence. Four days later, before beginning her sentence, she was arrested for driving while her license was revoked, then failed to appear for her arraignment.

The board has voted to deny her reinstatement.

Iowa Capital Dispatch, 06/13/2023

Rural Residents May 'Pay The Price' for Biden Mandate

The Evangelical Lutheran Good Samaritan Society is exiting the pandemic as a much different organization than what it was just five years ago.

Good Sam has closed 13 buildings in the past two years and cut its operations back to 7 states.

With its parent organization, Sanford Health, it is also pursuing a merger with another major Midwestern health system.

CEO Nate Schema is worried about the impending Biden Staffing mandate, "I'm concerned that a minimum staffing mandate could create an even greater disproportionate impact on our rural seniors."

McKnight's, 06/14/2023

Growing Chorus in Congress Question Biden Mandate

Maine Sen. Angus King pointedly questioned an official from CMS about the looming mandate during a hearing in the US Senate Committee on Veterans' Affairs.

"You're not serving veterans if a home closes because they can't meet the staffing standards because they can't find the people," King said to CMS deputy administrator Jonathan Blum.

"Let's get real here. Don't tell me you're improving service to veterans when you just said we're going to see nursing homes close."

Blum clarified, saying, "What we want to see is a nursing home force that is more stable."

McKnight's, 06/12/2023

Did Nurse Charged with Murder Have More Victims?

Investigators are digging into the past of a western Pennsylvania nurse, Heather Pressdee, who's facing two counts of homicide and one count of attempted murder.

It's a case that is eerily similar to nurse Charles Cullen who admitted to murdering 29 patients and is suspected of killing hundreds of others in Pennsylvania and New Jersey.

Retired detective Tim Braun who investigated the Cullen case, thinks parallels in the cases, indicate there may be more Pressdee victims.

Similar to Cullen, over 4½ years Pressdee worked at 11 facilities where she was disciplined for abusive behavior, then was fired or resigned.

WFMZ-TV, 06/11/2023

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

WUHAN, CHINA: Scientists conducting coronaviruses research at the Wuhan Institute of Virology were the first humans to contract COVID-19. Three scientists, “Patients zero” included Ben Hu, Ping Yu and Yan Zhu, were researching “gain-of-function” experiments with the virus — which increases its infectiousness and makes pathogens stronger in order to better understand their dangers — when they became sick in the fall of 2019, multiple US government officials reportedly told the journalists (*New York Post*).

AMERICA: In 2021 the CDC recommended that prisons test at a minimum 25% of their population each week – to reach 100% in a month. However, even though the tests were available, it’s estimated that the federal prison system’s roughly 100 facilities tested about 40% a month. Some were testing far fewer. FCI Beaumont, for example, a sprawling prison complex in Texas housing nearly 5,000 people, typically tested less than 20% of its residents per month (*STAT*).

KANSAS: The Department of Health and Environment (KDHE) said all Kansas households will be allowed to request free, at-home COVID-19 tests through June 15, 2023. Each household can order up to 5 at-home COVID-19 test kits, which will be delivered by Amazon (*KWCH-TV*).

AMERICA: All patients hospitalized with new or relapsing neurologic events after SARS-CoV-2 vaccination at a New York tertiary hospital had one or more risk factors for their neurologic condition, a prospective study showed. The most prominent neurologic index events were ischemic stroke (37.7%), encephalopathy (32.6%), seizure (15.9%), and intracranial hemorrhage (ICH; 9.4%), according to Kiran Thakur, MD, of Columbia University Irving Medical Center (*MedPage Today*).

CHINA: according to government data China was walloped by a Covid-19 resurgence in May, with a positive test rate nearing the peak seen during the tsunami wave at the end of 2022 and January 2023, China’s covid-positive test rate jumped to 40% last month. Previously experts had predicted the current wave will crest in late June (*Bloomberg News*).

WASHINGTON, DC: When the pandemic struck, the Small Business Administration was assigned to manage two massive relief efforts –the COVID-19 Economic Injury Disaster Loan and Paycheck Protection programs, which would swell to more than a trillion dollars. Between March 2020 and the end of July 2020, the agency granted 3.2 million COVID-19 economic injury disaster loans totaling \$169 billion, according to an SBA inspector general’s report, while at the same time implementing the huge new Paycheck Protection Program (*ABC News*).

AMERICA: Scientists at La Jolla Institute for Immunology (LJI) are investigating how the immune system’s T cells react to a wide variety of coronaviruses, ranging from SARS to common cold coronaviruses. Their goal is to guide the development of vaccines that could halt future pandemic by combatting many types of coronaviruses at once (*Cell Reports Medicine*).

CHINA: China’s lackluster economic recovery since emerging from strict “zero-Covid” lockdowns has caused weaker sentiment toward the country, prompting investors to look for alternative options — like its near neighbors. In particular, stock markets in Japan (+23%), South Korea (+7%) and India (+18%) have all been major beneficiaries of the disappointment from China’s reopening, highlighted by softer-than-expected data from the world’s second-largest economy (*CNBC*).

AMERICA: An Associated Press analysis found that fraudsters potentially stole more than \$280 billion in COVID-19 relief funding; another \$123 billion was wasted or misspent. Combined, the loss represents a jarring 10% of the \$4.2 trillion the U.S. government has so far disbursed in COVID-relief aid. Before leaving office, former President Donald Trump approved emergency aid measures totaling \$3.2 trillion, President Joe Biden authorized another \$1.9 trillion. About a fifth of the \$5.2 trillion has yet to be fully paid out (*ABC News*).

WASHINGTON, DC: U.S. Food and Drug Administration staff said updated

Covid boosters should target XBB omicron subvariants for the upcoming fall and winter vaccination campaign. The campaign should feature a monovalent vaccine targeting either XBB.1.5, XBB.1.16, or XBB.2.3. (*CNBC*).

THE WORLD: A recent trial evaluated the effect of hyperbaric oxygen therapy (HBOT) on the cardiac function of post-COVID-19 patients with ongoing symptoms. Post-COVID-19 syndrome patients often have subclinical left ventricular dysfunction that is characterized by mildly reduced global longitudinal strain. The trial found that HBOT promotes left ventricular systolic function recovery in patients suffering from post COVID-19 condition (*Health Affairs*).

UNITED KINGDOM: The “potentially massive impact” of lockdowns on society was not thought through before the pandemic, the lead lawyer for a Covid inquiry stated. As an investigation into the government’s handling of the pandemic began hearing evidence, Hugo Keith KC said the UK may not have been well prepared “at all”. It was “extraordinary” that lockdowns had received little thought,” he added. Government figures show 227,321 people have died in the UK with Covid mentioned on their death certificate (*BBC*).

ITHACA, NY: The City of Ithaca and the Downtown Ithaca Alliance (DIA) have partnered to help relieve retail businesses who may have been affected by the COVID-19 pandemic. The “Ithaca Retail-Mini Grant Program.” Is a three-year project made possible by the City’s allocation of state and local relief funding received from the American Rescue Plan Act (*The Ithaca Voice*).

COVID-19, 06/16/2023

Global Cases – Deaths
767,984,989 – 6,943,390

U.S. Hospitalizations – Deaths
6,183,076 – 1,132,206

U.S. Vaccination Doses
139,918,910

CDC & WHO

Study: 'Dramatic' Fluctuations In Prescribing Of COVID-19 Meds

Investigators tracking the use of COVID-19 medications in nursing homes describe prescribing patterns as "fluctuated dramatically" during the pandemic.

The use of nirmatrelvir co-packaged with ritonavir (Paxlovid), for example, made up only 21.3% of orders involving one of its two components, ritonavir, in the first quarter of 2022. In comparison, ritonavir use alone rose sharply after the Paxlovid EUA.

Overall, the antibiotic azithromycin and the steroid dexamethasone were the most common COVID-19-related medications used during the study period. These were followed by the immunosuppressive and anti-parasite drug hydroxychloroquine and the off-label anti-parasite drug ivermectin.

JAMDA, 05/25/2023

Medicaid Disenrollments Up Resident Concerns Persist

Although hundreds of thousands have been knocked off state Medicaid rolls this spring, worries about dropped coverage for Medicaid-dependent nursing home residents have so far not proven reality in large numbers.

A dozen state associations were surveyed about the impact the end of the COVID-19 PHE and its Medicaid continuous coverage requirement.

Some, for example, in New Jersey said they worried staff shortages at the state agency handling reenrollments could create delays in processing required patient paperwork.

New Jersey association's CEO Andy Aronson said those concerns, while still being voiced by members, had not become reality.

McKnight's, 06/05/2023

New Florida State Vets Home To Have Adult Day Care

Collier Country's planned veterans' nursing home could include adult day care and outpatient therapy services with help from local taxpayer dollars.

The County Commission has unanimously approved setting aside \$10 million for the construction of additional square footage in the future nursing home to provide adult day care and outpatient therapy.

The money would come from the 1-cent sales surtax approved by voters in 2018 for a variety of projects.

Both day care and outpatient therapy are covered benefits for veterans, however the space needed to provide them cannot be part of a construction grant application to the VA.

Naples Daily News, 06/14/2023

Veterans Have a Growing Need for Long-term Care

At a recent LTC hearing, witnesses supporting the Expanding Veterans' Options for Long-term Care Act, told the Senate Committee on Veterans' Affairs that approximately half of the 9 million veterans enrolled in VA health programs are aged 65+ and that over the next decade the number veterans over age 75 is expected to approach 3 million.

Further, the number of veterans aged 85 or more years who are receiving care from the federal government is expected to grow 535% over the next 20 years.

The VA predicted that approximately 80% of veterans will develop the need for long-term care.

Senior living, 06/09/2023

State Rep. Proposes More Funds for Wis. SNFs

A local legislator is seeking additional funding from the state to assist skilled nursing facilities in Wisconsin.

State Rep., Calvin Callahan, has submitted two budget motions to the Joint Finance Committee. The first motion would provide a one-time grant to county-owned nursing homes that had experienced a decrease in supplemental payments last fiscal year.

The second motion would provide a longer-term funding solution for all nursing homes in the state by creating a flat payment standard for nursing home support services at the median facility cost plus 25%, a cost of \$73.2 million annually.

The Milwaukee Journal, 06/13/2023

ONE COLUMN

The Great 80+ Migration - To Florida for Sure, et al

Adults aged 75 or more years generally are attracted to the same destinations to live as people of all ages, and places that are unpopular with them also are unpopular with people of all ages.

But things start to change when people reach their 80s, notes "*Migration Trends of Older Adults*." The report, by Francesco "Frank" Rockwood, president of Rockwood Pacific, analyzed data mainly from the US Census Bureau's American Community Survey. The pandemic has not materially changed migration patterns.

Some differences do exist between the preferences of the general population and those of adults aged 75 or more years. For instance, Florida is a magnet, but even more so for seniors. Many flee California, but seniors are more likely to stay.

Connecticut, Oregon, Idaho and Arizona also attract people of all ages, according to the research, but "they are relatively more popular with seniors."

And adults 75+ are attracted to Virginia, Maryland, and Washington state even though those states have "overall unpopularity" among those moving within the United States.

On the other hand, according to the report, Georgia, North Carolina, and Tennessee, "while popular destinations overall, are relatively less attractive for seniors." And despite Nevada's attractiveness to domestic movers, it is not as popular for older adults who are moving.

"Only when one reaches their mid-eighties do migration patterns diverge significantly from the general population," the brief noted. "The draw of the sun is diminished, with many older seniors returning to their legacy homes or reuniting with their adult children in locales outside the sunbelt, including, notably, the states of Washington, Virginia and Idaho."

American Seniors Housing Association, April 2023

Judge Denies Bail for “nurse” Working with Stolen License

A woman accused of working without a license as a nurse in eight states will remain in the Cobb County (Georgia) Jail.

Corissa Laws is charged with stealing the identity of a Florida nurse and using that woman’s nursing license to care for people with developmental disabilities.

Laws was employed as a licensed nurse with Walton Community Services where she was tasked with working with eight people in a Cobb County home who needed care around the clock from a licensed nurse.

She also has an active warrant for her arrest in Vermont and has pending charges in Orlando, Florida.

WSB-TV, 06/06/2023

Allegations in NY of SNFs Pilfering M’caid Funds

The NY AG wants a state court to force the owners of a Syracuse nursing home to answer questions about “pocketing” \$37.6 million in government funding.

The owners of Van Duyn Center for Rehabilitation and Nursing, face numerous allegations of diverting Medicaid funds for their own financial gain, inadequate staffing, and neglect.

The accused’s attorneys say such related-party transactions and other suspect business transactions are common and acceptable.

In a court filing asking the New York Supreme Court to compel the owners to talk, AG Letitia James’ office also alleges that the owners are intentionally “keeping staffing levels low.”

McKnight’s, 06/13/2023

Texas Grand Jury Declines to Indict in SNF Death

A Texas grand jury declined to indict a “person of interest” this week in the March 25 death of a Waco woman, who died nine days after a possible assault in the long-term care facility where she lived.

Tina Foster, 70, died in an area hospital after “a disturbance when she entered another resident’s room” in March.

Autopsy results listed her death as from blunt force trauma.

The initial investigation into the “disturbance” found that Foster had been assaulted, but the grand jury apparently took the mental capacity of the alleged perpetrator into consideration.

Waco Tribune Herald, 06/09/2023

Higher Reimbursement Rates For Sex Offender SNF Units

A new law requires the Iowa Department of Health and Human Services to come up with a formula to raise the Medicaid reimbursement rate for nursing homes that establish a separate unit for sex offenders.

Hundreds of the nearly 6,600 people listed on the state’s sex offender registry are in declining health or have been diagnosed with need for skilled nursing care.

The law’s origin dates back six years when lawmakers initially discussed LTC for sex offenders.

The Department is to present their proposed Medicaid reimbursement rate for sex offenders in nursing homes by January 1.

KGLO-TV, 06/13/2023

Nevada - the Latest State To OK Grannie Cams

Henry Owens passed away in February 2021 after enduring what a lawsuit calls severe neglect at a Life Care nursing home in Las Vegas.

Following Owens’ death, his family started advocating for better monitoring of loved ones in nursing facilities.

That effort resulted in the State Assembly passing “Henry’s Law,” a bill allowing cameras in nursing home resident rooms.

The bill finally made it to Governor Joe Lombardo desk last week, where he officially signed it into law.

KTNV-TV, 06/09/2023

Briefly IN THE NEWS

Virginia pharmacist Ronald Beasley II was sentenced to 2 years in prison for his role in a scheme that siphoned \$1 million from Medicare by billing for expensive compounded drug creams that they never purchased or gave to patients. **(DOJ)**.

Merck has sued to stop the federal government from implementing a new Medicare drug price negotiation program. The company argued the Inflation Reduction Act is unconstitutional – in that it violates the Fifth Amendment by forcing drugmakers to sell their products without “just compensation **(STAT+)**”

New Jersey’s Manasa Health Center, a provider of psychiatric services for adults and children, has agreed to pay HHS \$30,000 for allegations that it revealed protected health information about its patients in replies to negative Google reviews. **(MedPage Today)**.

Multiple arrests have been made after human remains donated to Harvard Medical School’s morgue were stolen and sold. morgue manager Cedric Lodge and five others including his wife Denise are accused of letting buyers come into the morgue to pick what remains they wanted to buy **(WBTS-TV)**.

Lawmakers in Minnesota have created a regulatory board – The Nursing Home Workforce Standards Board – to set compensation levels for nursing homes. The legislature also declined to approve an amendment to a proposed law that would have given workers a \$2/hour raise **(McKnight’s)**.

After finding a “cascade of failures” at a manufacturing plant run by India-based Intas Pharmaceuticals, a key chemotherapy supplier, the FDA will not allow the company to resume distribution in the U.S. other than some cancer medicines that are in short supply. The agency issued the import alert after its inspectors found a litany of quality-control problems. The inspectors found issues with data integrity and procedures designed to prevent microbiological contamination, among other problems **(STAT+)**.

