

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"If your Administration imposes this mandate, more nursing homes will close" AHCA/NCAL CEO Mark Parkinson in letter re: proposed staffing mandates to President Biden

"There's not really a workforce shortage. There's a shortage of people who are going to continue to work in conditions where they are unsafe or the residents are safe"
President of SEIU Healthcare PA Matthew Yarnell

"Generational tort reform to kick attorneys who make a living out of putting nursing homes out of business out of our state" Iowa Health Care Association President and CEO Brent Willett on tort reform passed by the state Legislature

CMS Giveth, and Now CMS Taketh Away

CMS has paused most grants distributed from its civil monetary penalty reinvestment program, leaving some nursing home leaders without a much-needed funding source for patient- and staff-centered programming.

The agency this week gave no end date for potential delays related to "an ongoing comprehensive review" of the CMP reinvestment program, which began in April.

CMS declined to elaborate on the reasons for its review, or what components of the largely state-driven reinvestment program it was examining, saying merely, "During this review, the approval of some applications for CMP reinvestment funds may be delayed as we work to ensure the integrity of distributions."

McKnight's, 07/13/2023

Parkinson to Biden: It'd Be "A Disaster"

In a letter to President Biden during the week AHCA/NCAL Boss Mark Parkinson said a federal staffing mandate would be "impossible to implement" and a "disaster," especially for seniors on Medicaid.

Parkinson reiterated the association's serious concerns regarding an expected federal staffing mandate, once again highlighting historic labor shortages and unabating financial pressures in a system primarily supported by government payers.

Parkinson said more SNFs would close and that "Nursing homes that primarily care for residents on Medicaid won't have the resources to recruit staff or pay for this mandate."

OMB began reviewing the CMS drafted rule May 30.

AHCA/NCAL news release, 07/12/2023

Unions Join Fight for SNF Staffing Minimums

During a live Facebook event last week, SEIU and the AFL-CIO brought out the top brass and dug deep into their ranks so that nursing home staff, family members and a resident could share the ways understaffing has affected them.

The unions billed the event as a rally in support of a federal nursing home staffing mandate, but speakers were also more than willing to lob broad accusations of corporate profit-taking in the healthcare system.

Union members and Rep. Jan Schakowsky attacked the American Health Care Association for protesting the Biden administration's soon-to-be-released planned staffing minimum.

McKnight's, 07/14/2023

California Working on \$25/hr Healthcare Wage

The California legislature is debating a bill that would raise the minimum wage for a wide range of health care workers to \$25 per hour by June 1, 2025.

This would be especially beneficial to Black women, who are disproportionately represented in the health care sector — particularly in the lowest-paying jobs. The passage of the bill would provide an income boost to employees throughout healthcare from nurses to janitors and food service workers, and for employees of hospitals, nursing homes, dialysis centers and others.

Researchers from the University of California, Berkeley predict the bill would affect 469,000 to 1.5 million workers.

Stat, 07/07/2023

Legal Fight re: Medicaid Providers & Wages DOA

Industry groups and the Florida Agency for Health Care Administration (AHCA) have agreed to end a legal fight about part of last year's state budget that could have opened Medicaid providers to litigation if they didn't pay a \$15 minimum wage to "direct care" workers.

Attorneys for the Florida Ambulance Association, Florida Assisted Living Association, two other plaintiffs and AHCA last week filed a joint motion in Leon County (Tallahassee) circuit court to dismiss the case.

The motion said a new state budget that took effect July 1 did not include the disputed issue.

Health News Florida, 07/11/2023

By Miscoding During SNF Stays Docs Got Extra \$22.5M

A new report from the HHS-OIG found physicians billed Medicare for at least \$22 million in services that should have been included under a skilled nursing stay.

Those overpayments came from 1.1 million claims during 2019 and 2020. They reflect inappropriate Medicare payments to physicians whose patients were in the middle of a Part A Medicare stay, during which most costs are covered through per-diem rates.

Part B physician services can be billed but must be delivered outside the scope of the skilled nursing facility to receive the higher payment rates questioned by the audit.

McKnight's, 06/01/2023

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

AMERICA: Last week HHS Secretary Xavier Becerra sent a letter to the CEOs of Pfizer, Moderna and Novavax detailing that, after government transitions vaccines to the commercial market next month the transition to commercialization, HHS expects “that vaccines will remain available in the types of locations where the public currently receives them. Becerra advised the three companies that they should plan for this fall’s vaccine supply and regulatory submissions in enough time for the FDA to take action and the CDC to make recommendations “by the latter part of September” (*CNN*).

AMERICA: Excess mortality - the difference between expected and observed mortality in the United States reached nearly 1.2 million during the first 2 years of the pandemic. In the pandemic’s first year, 634,830 excess deaths occurred. Yet the numbers remained surprisingly high in year two, which saw 544,194 excess deaths. That’s noteworthy, as vaccinations were available for much of 2021 and 2022 (*Science Advances*).

CALIFORNIA: During the pandemic, there have been more than 70,000 COVID-19 cases at SNFs in L.A. County, nearly evenly divided between residents and staff; more than 4,000 deaths have been reported among residents highlighting the vulnerability of individuals receiving care at the sites. The proportion of COVID deaths among residents has dropped steadily since vaccinations became available. In the summer of 2020, 58% of COVID deaths were among skilled nursing facility residents; in June of 2023, this number declined to 11% (*L.A. County Health Department*).

CANADA: Canada will pay \$349.6 million to Novavax to settle the forfeiting of certain doses of its COVID-19 vaccine previously scheduled for delivery. The U.S. vaccine maker also reached a deal with the country’s public works and government services department to amend the advance purchase contract after a sharp decline in global demand left a raft of COVID-19 doses unused. The

payment will be made in two equal installments in 2023 and the original value of the contract remains unchanged (*Reuters*).

THE WORLD: Researchers are longing to better understand “Long Vax Syndrome,” a rare condition in which people’s immune systems may be overreacting to the Covid-19 vaccine. It affects some people after vaccination and is characterized as “pins and needles” on the face and extremities. It’s being called “Long Vax” because the symptoms have resembled long Covid - headaches, major fatigue, etc. There are far fewer cases than long COVID (*Forbes*).

AMERICA: A study has found cases of COVID-19 spreading from deer to humans, and back, multiple times. The study, published Monday in the scientific journal *Nature*, revealed samples taken from deer showed mutated variants of COVID-19 spreading to humans, after humans spread the virus to deer. Additionally, there were at least 39 cases of deer-to-deer transmission and, more notably, three cases of deer-to-human transmission. While researchers were able to track down the three people infected with COVID-19, none had reported being near deer prior to getting infected (*Nature*).

CALIFORNIA: The state Supreme Court has ruled that the wife of a worker who contracted COVID-19 from her husband who caught it at work is not eligible for workers’ compensation. The Court said that although doing so would be a moral good, that good is outweighed by the potential flood of litigation that would force businesses to close, tie up courts and send commercial insurance rates skyrocketing (*The Press Democrat*).

MISSOURI: Scientists at Washington University in St. Louis say they have developed a new type of air monitor that can detect COVID-19 in the air in real time (*The Weather Channel*).

AMERICA: In 2019, 38% of teenagers said they had had sex, but by 2021 the

number had dropped to 30% - the sharpest drop ever recorded in a CDC

survey. The CDC also noted declines in students who said they were currently having sex or who’d had at least four sex partners. The declines clearly had a lot to do with the pandemic that kept kids isolated at home for long stretches and, often, under extended adult supervision (*CDC*).

THE WORLD: In a study of 18 studies factors associated with a positive mental health change during the pandemic included having a supportive environment and access to resources, such as mental health supports, PPE, and COVID-19 testing kits. Factors associated with an adverse change in mental health included female sex, younger age, being a frontline worker, working longer hours, and having a fear of contracting COVID-19 (*2 Minute Medicine*).

CALIFORNIA: The Department of Public Health changed its definition of “outbreak” to mean three or more cases during a seven-day period. Previously, CDPH and Cal/OSHA had defined a COVID-19 “outbreak” as three or more cases in an exposed group during a 14-day period. An employer in an “outbreak” had to follow additional requirements under the COVID-19 nonemergency regulation until there are one or fewer COVID-19 cases for a 14-day period (*SHRM*).

NEW YORK: New Yorkers will soon have to bid adieu to one of the last remaining vestiges of the state’s COVID-19 pandemic response regulations – the Excelsior Pass Plus app, once used as a digital record of a person’s COVID-19 vaccination status. It’s being discontinued July 28 due to a lack of interest (*cityandstateny.com*).

COVID-19, 07/07/2023

Global Cases – Deaths
767,972,961 – 6,950,655

U.S. Hospitalizations – Deaths
6,202,800 – 1,134,710

U.S. Vaccination Doses
144,182,870

CDC & WHO

Staffing Not Bouncing Back At Least Not Quickly

In April 2023, only 5% of organizations reported having between 0% and 5% of full-time positions open. In June, 20% of owners and operators report having the same lowest range of openings across full-time positions.

This represents a four-fold increase over the past two months in the number of organizations reporting the lowest range for vacancies in full-time positions.

Almost half of respondents said occupancy in their independent living (47%) and nursing care segments (44%) have returned to pre-pandemic levels, with approximately one-third of their memory care (37%) and assisted living care segments (30%) having returned to pre-pandemic occupancy levels.

NIC, June 2023

14 Charged in Largest COVID-19 Fraud

A group of about 14 individuals have been charged in a massive fraud scheme involving a COVID-19 pandemic relief program in Texas.

The case, considered the largest investigated by the government thus far, has led to the arrest of the defendants in Texas, California, and Oklahoma.

They are alleged to have defrauded the Paycheck Protection Program (PPP), a financial program introduced during the pandemic, and various financial institutions, out of over \$53 million in loan proceeds.

The charges including conspiracy to commit bank fraud, bank fraud, wire fraud, making false statements, and conspiracy to commit money laundering.

The Hindustan Times, 07/08/2023

Six Dead 80 Injured in Italian Nursing Home Blaze

An early morning fire in a Milan nursing home early killed six residents and injured about 80 others at least two critically.

The blaze began about 1:30 a.m., apparently in the room of two female residents who were among the dead. A man and three other women also died.

Milan Mayor Giuseppe Sala told reporters at the scene that about 100 uninjured residents were being transferred to other facilities in the northern Italian city.

The fire's cause was not announced.

ABC News, 07/07/2023

After a Year New Fla. Vets Home Slow to Fill Up

The Ardie R. Copas State Veterans' Nursing Home in Port St. Lucie, Florida opened a year ago and today has a waiting list to get in.

With a waiting list, you'd think that all the beds would be filled, but that's not the case. The 120-bed state-of-the-art facility still wings that are empty.

It comes down to the bane of the LTC business these days – not having enough staff.

There was recently a hiring push and a 5% pay raise from the state. The hope is that the building will be full by next July.

WPTV-TV, 07/05/2023

Take Care of Your People They'll Take Care of You

Researchers have found that nursing homes with leaders committed to worker safety, health and well-being had staff turnover rates 10% lower than facilities with leaders who aren't.

Researcher Jessica Williams of Penn State and colleagues discovered that leaders who prioritized worker well-being, drove accountability and provided staff with ample resources created positive working conditions and increased staff members' willingness to stay on the job.

"From cleaning to providing patient care, all employees can improve the organization if given the chance to work in a safe and respectful environment," Williams said.

JAMDA, 07/05/2023

ONE COLUMN

Coalition Finalizing Action Plans To Improve Nursing Homes

Two years after a national report condemned nursing homes for not providing the kind of safe and caring environments residents require and made seven broad goals and numerous recommendations for how to improve the quality of care and operational conditions in nursing homes, a coalition is readying nine action plans to address inadequacies.

The Moving Forward Nursing Home Quality Coalition has gathered more than 100 government leaders, experts, clinicians and consumer advocates to develop the actionable projects that came out of concerns raised by the National Imperative to Improve Nursing Home Quality report from the National Academies.

That report made seven broad goals and numerous recommendations for how to improve the quality of care and operational conditions in nursing homes.

The action plans, taking their cues from those goals and recommendations, will focus on issues such as culture changes, care planning, financial and ownership transparency and accountability, and health information technology.

Conceding that some action plans may take longer than others to implement, coalition chairwoman Alice Bonner said, "Our vision is that every nursing home is a community in which lives are nurtured, residents are empowered, and where people want to work."

Organizers said they were partnering early on with states that had infrastructure or funding for nursing home pilot projects.

"It might be that some of the action plans are going to take longer to get all the way to outcomes, Bonner said, "and for some of them, we might be able to do more in the short-term."

The coalition's action plans are expected to be released in mid-July.

McKnight's, 07/10/2023

New \$200M Staffing Rules in Pennsylvania

Pennsylvania now requires one CNAs per 12 resident days and evenings and one per 20 at night. The ratio also requires one LPN for every 25 residents on day shifts, one per 30 evenings, and one per 40 residents on nights. The ratios will decrease in FY2024.

The state estimates additional staff required will cost an additional \$58 million in the first year and \$142 million in the second year.

The regulations also set a minimum of 2.87 hours PPD (up from 2.7) which will increase to 3.2 hours next year.

McKnight's, 07/05/2023

Iowa's Lawmakers Help But SNFs Keep on Closing

Iowa has increased its Medicaid rate, put millions of dollars into workforce development, approved tort reform, and enacted a moratorium on new nursing home licenses, but the state continues to see nursing homes closing.

Countryside Health Care Center in Sioux City is the most recent to close its doors.

The state has lost 29 nursing homes since 2020 - 26 of them in the past year-another 1238 beds have been taken offline.

Staffing is the issue, even though wages are up 32% (36% for CNAs). Currently about 5800 nursing positions are vacant in Iowa.

McKnight's, 07/10/2023

Could Be More New York 'Grieving Families'

In May, the state legislature approved a bill known as the Grieving Families Act, which would make it easier for more people to sue nursing homes.

Gov. Kathy Hochul vetoed a similar bill last year and the legislature did a "do over" and extended the statute of limitation from two years to three years.

It also expanded discovery requirements and reduced the number of people considered "surviving close family members" who are eligible to file suit.

In NY the governor's office must request a bill be sent to it to be signed. So far that request has not been made.

McKnight's, 7/07/2023

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.

The Milwaukee Journal, 06/13/2023

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.

McKnight's, 05/10/2023

Six Dead 80 Injured in Italian Nursing Home Blaze

An early morning fire in a Milan nursing home early killed six residents and injured about 80 others at least two critically.

The blaze began about 1:30 a.m., apparently in the room of two female residents who were among the dead. A man and three other women also died.

Milan Mayor Giuseppe Sala told reporters at the scene that about 100 uninjured residents were being transferred to other facilities in the northern Italian city.

ABC News, 07/07/2023

Briefly IN THE NEWS

In a new study the U.S. Geological Survey has concluded that almost half of the tap water in the U.S. is contaminated with chemicals known as "forever chemicals." The number of people drinking contaminated water may be even higher than what the study found (**U.S. Geological Survey**).

Danish scientists studied 125,000 people to determine if working long hours is a factor in high blood pressure and heart disease. About 80% of the subjects worked 32 to 40 hours a week. Only 6% worked longer than 48 hours. There was no significant difference in the development of high BP and heart issues in those groups. There was a slight trend toward increased heart disease among workers of low socioeconomic status who worked very long hours. It is possible that Denmark is not typical of all countries (**BMJ Open**).

Most Maine workers will get up to 12 weeks of paid time off for family or medical reasons as part of a supplemental budget Democratic Gov. Janet Mills signed into law on Tuesday. The spending bill included \$25 million in startup costs for the state program which allows workers — starting in 2026 — to receive paid leave to deal with illness, to care for a relative, or for the birth of a child. Maine joins a dozen other states that have paid family and medical leave programs (**AP NEWS**).

Lincoln Illinois Mayor Tracy Welch announced last week that Christian Village will be closing its three skilled nursing neighborhoods. The last day of operations in those three neighborhoods will be September 8, 2023. The independent living and assisted living neighborhoods of The Christian Village will remain fully operational and are not affected (**WAND-TV**).

Diversicare Healthcare Services, LLC, along with Certified Occupational Therapy Assistants Kellie S. Lemons and Charles M. James, have agreed to pay the United States \$1,377,696.00 to resolve allegations that they violated the False Claims Act by submitting claims to Medicare for occupational therapy services that they did not provide (**DOJ news release**).