

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

*"It's going to continue to be a long, slow grind upward back toward pre-COVID occupancy rates"* LTC Properties CEO Wendy Simpson

*"The state reimburses nursing facilities for their costs, but workforce shortages and other post-pandemic conditions have made it difficult for some to keep up"* Joint statement from Minn. State Reps. Smith, Hicks and Leibling on payments made to SNFs for expenses during COVID

*"We take care of very sick people, we have a challenged workforce, and we expect them to be experts in so many things"* Donna Kelsey past CEO American Senior Communities

*"Right now, what we're seeing with the changes in the viruses, they're still susceptible to our vaccine, they're still susceptible to our medicines, they're still picked up by the tests"* CDC Director Dr. Mandy Cohen

## **You Might Even Get Your Name on a Bedpan**

Island Nursing Home, on Deer Isle, Maine closed in 2021 due to staffing issues. It has since received a conditional license to operate a 32-bed residential care facility.

But won't open it until \$1.5 million has been raised. It's about a third of the way there.

Now the Board is taking a new route to raise the funds - naming rights.

From outdoor benches to the cafeteria to the facility at large, the Island Nursing Home is looking for sponsors who will pay a fee for three years of their name on the facility.

*Bangor Daily News, 08/07/2023*

## **SNF to Stop Paying for Bennies – Workers Protest**

Workers at Cold Spring Hills nursing home in Woodbury, NY are finishing up an 11-day picket this week – after the facility's ownership announced it would no longer pay their portion of the workers' healthcare and other benefits. workers will lose their benefits by August 25.

The employees, members of SEIU1199 United Health Care Workers East are asking the state to appoint an emergency receiver to stabilize the facility.

Last December the NY Attorney General filed a lawsuit against the facility charging it diverted \$22.6 million in government funding from resident care, causing widespread neglect and abuse."

*Long Island Press, 08/09/2023*

## **Wyoming Wants M'caid Waiver to Keep People Home**

The Wyoming Department of Health is seeking public input on its application for a Medicaid waiver, a proposal meant to save state and federal dollars while also preventing or delaying nursing home stays for some older Wyoming residents.

The waiver would expand a limited menu of Medicaid home- and community-based services to adults over 65 years who meet certain criteria – mostly financial.

Wyoming Medicaid aims to prevent or delay Medicaid-paid nursing home stays by "intercepting" people who may later qualify for Medicaid only by spending down assets after they are residing in an institutional setting.

*Cap City News, 08/07/2023*

## **Fake Nurse Charged with Trying to Fake It Again**

A Michigan woman was charged with identity theft for fraudulently posing as a licensed nurse.

The DOJ in a criminal complaint said Leticia Gallarzo, 48, used the Michigan license number and the name of a person licensed as a nurse to obtain employment as a nurse at a Grand Rapids-area hospice.

After Gallarzo was hired, the scam was discovered in a background check when her fingerprints matched the fingerprints on record due to her previous state and federal convictions for practicing nursing without a license in Texas in 2015 and 2016.

*DOJ news Release, 08/02/2023*

## **At \$1 Million a Month SNF Asks to Close**

If a Superior Court judge approves a request from the state to close a facility, Connecticut may soon be left with a single nursing home ventilator unit.

Waterbury Gardens has been operated by a receiver since 2019.

There are currently 28 residents, seven of whom are on ventilators and at least three others with trachs.

Why not just sell? Receiver Katharine Sacks told the court it costs the state nearly \$1 million a month to operate the facility, which needs \$3 million in improvements and a large-scale mold remediation project.

Both complicate any sale prospects.

*CT Mirror, 08/03/2023*

## **Cascadia Scores Two Golds The Only Two in the U.S.**

Two Cascadia Healthcare's Idaho facilities, Aspen Park of Cascadia, in Moscow and Lewiston Transitional Care, have become the only winner this year's Gold – Excellence in Quality award from AHCA/NCAL.

Company leaders said trusting employees, giving leaders tools and autonomy, and focusing on core values have set the Cascadia Healthcare nursing homes apart.

The company also had a 2022 Gold winner.

Cascadia has 51 facilities in 46 locations. It comprises 46 SNFs and five assisted and independent living facilities in six states: Arizona, Idaho, Montana, New Mexico, Oregon and Washington.

*AHCA/NCAL news release, 08/07/2023*

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

**NEW YORK:** Wastewater testing shows COVID-19 levels remain high in communities across New York state. Epidemiologist Dustin Hill at Syracuse University said wastewater testing is just one data point to consider, and when positive tests increase alongside hospitalizations, then it is time to take further action. {But} "We're actually at some of the lowest levels we've seen in a year," he said (*Spectrum News*).

**AMERICA:** The FDA granted clearance to BD for its respiratory viral panel (RVP). The BD Max system as a single molecular diagnostic that identifies several viruses. It distinguishes SARS-CoV-2, influenza A, influenza B and respiratory syncytial virus (RSV) in approximately two hours. It uses a single nasal swab or single nasopharyngeal swab sample to determine if a patient has COVID-19, the flu or RSV (*Mass Device*).

**ST. LOUIS:** A team of scientists at Washington University say they have developed a test that can detect the virus that causes COVID-19 in just a minute and requires no swabbing. the test requires the user to blow one or two breaths into the device, which then detects the virus. The device is still in the clinical studies phase, but researchers are planning to use the device in clinics beyond Washington University's Infectious Diseases Clinical Research Unit soon (*Washington University School of Medicine, news release*).

**AMERICA:** Pfizer recorded no U.S. sales of its treatment, *Paxlovid*, in the recently completed quarter, as the company shifts to selling the pills on the commercial market after contracting with the government. *Paxlovid* brought in only \$143 million total sales during the quarter after recording \$8 billion in last year's quarter (*Yahoo Finance*).

**WEST VIRGINIA:** Imeesha Bradley of South Charleston has pleaded guilty to receiving stolen money in a COVID-19 relief fraud scheme. Bradley admitted to a scheme to defraud \$18,703 in COVID-19 relief CARES Act loans from the Paycheck Protection Program for her supposed business. She admitted in court

that her alleged business had never been "engaged in legitimate business activity" and was not a registered business entity at the time she applied (*WOWK-TV*).

**CANADA:** Newly discovered antibodies can neutralize virtually all known variants of COVID-19 and may have the potential to prevent future coronavirus outbreaks. A study in the peer-reviewed *Science Advances* journal describes how a team of researchers was able to isolate potent neutralizing antibodies from a recovered SARS patient, who was vaccinated against COVID-19, that "exhibited remarkable breadth" against known sarbe-coviruses, or respiratory viruses, like SARS and COVID-19 (*CTV*).

**THE WORLD:** EG.5 includes a strain with a subgroup of variants designated as EG.5.1, which a biology professor, T. Ryan Gregory, nicknamed "Eris" — an unofficial name that began trending on social media. Experts say EG.5 is one of the fastest growing lineages worldwide, thanks to what might be a "slightly beneficial mutation" that is helping it outcompete some of its siblings (*KFF Health News*).

**CHICAGO:** The numbers of COVID-19 cases and hospitalizations in the Chicago area have been slowly creeping upward as summer winds down, following a national trend and reminding people that COVID-19 is still lurking, even if it's no longer top-of-mind. In Chicago, laboratory-confirmed cases of COVID-19 were up 27%, to 67 new cases a day, on average, as of July 28, compared with the previous week, according to the Chicago Department of Public Health (*The Chicago Tribune*).

**MASSACHUSETTS:** Eleven State Troopers and one sergeant were fired in April over their refusal to get vaccinated. Now an arbitrator ruled in the troopers' favor, resulting in seven of them being given the option to be reinstated. All impacted troopers will be offered their previous positions with full back pay retroactive to their initial suspension, full seniority rights and all benefits minus any interim earnings and/or unemployment compensation (*WCVB-TV*).

**AMERICA:** The first new COVID-19 vaccines updated for this fall season are now expected to be available by the end of September, once both the FDA and CDC sign off on the new shots. The new shots are designed to target the XBB variants which are now the most common form in circulation. Three vaccine manufacturers, Moderna, Pfizer and Novavax are expected to offer the revised shots for this fall, which virtually all children and adults will be eligible for (*CBS News*).

**OHIO:** The state medical board has indefinitely suspended the license of Dr. Sherri Tenpenny and fined her \$3,000. Tenpenny refused to answer medical board questions and failed to show up for a deposition and an investigative conference after, in testimony before an Ohio legislative committee, she claimed the COVID vaccine magnetized people. The board also asked her to back up her claims about "some major metropolitan areas liquifying dead bodies and pouring them into the water supply" (*The Columbus Dispatch*).

**TEXAS:** Covid cases are on the rise again. Hospitalizations have spiked noticeably since the beginning of July. But doctors say we're far from a place of panic. In the first hospitalization spike we've seen this year, just over 8,000 hospital admissions were reported on July 22. That was up 12% compared to the prior week (*WDFW-TV*).

**CONNECTICUT:** Within the last few weeks, CDC data has shown COVID-19 hospitalizations are on the rise. CDC data taken from the last full week in July shows that Connecticut has seen 103 confirmed COVID-19 hospitalizations, which represents a 6.2% change from the previous week (*WVIT-TV*).

### **COVID-19, 08/11/2023**

**Global Cases – Deaths**  
769,369,823 – 6,954,336

**U.S. Hospitalizations – Deaths**  
6,233,900 – 1,137,057

**SHOTS Global – U.S. SHOTS**  
13.5 billion – 152.5 million

*CDC & WHO*

## What Does and Doesn't Boost Risk of COVID

Exposure and demographic factors emerged as primary determinants of COVID-19 outcomes. Factors associated with an increased risk of COVID-19 included workplace exposure and living conditions.

Conversely, previous SARS-CoV-2 infection, age 65 or older, and Black or African American race were associated with decreased rates of COVID-19.

The study also delved into severe COVID-19 risk factors among individuals who contracted COVID-19. Age of 65 years or older, American Indian/Alaska Native, Black/African American race, higher body mass index, and diabetes were linked to increased rates of severe COVID-19.

However, previous SARS-CoV-2 infection was associated with a notably decreased risk of severe outcomes.

Contagion Live, 07/17/2023

## Help for New Group Of LTC Leaders

American Senior Communities, Indiana's largest skilled nursing operator is developing a new program to advance leaders organization-wide, focusing on soft skills and people management techniques.

Designing the program falls to ASC's top executive for the last seven years. Kelsey stepped back from the CEO role this spring but will stay on into 2024 to focus on leadership and government advocacy.

The program began with a survey asking executive directors, directors of nursing and home office staff what qualities they want to see the company develop in its rising leaders. Key themes included motivating employees, building effective teams and developing others.

McKnight's, 08/07/2023

## Cyberattack Affects 180 Clinical Sites – 16 Hospitals

Prospect Medical Holdings disclosed August 3 that it was hit with a cyberattack that brought computer systems offline and continues to disrupt care in certain areas.

The Los Angeles-based private equity firm runs 16 hospitals and more than 165 other clinical locations across Connecticut, Pennsylvania, Rhode Island and Southern California.

The company said it took its systems offline as a preventive measure upon learning of the breach and is conducting an investigation alongside third-party cybersecurity specialists.

Reports also cite an ongoing investigation being conducted by the FBI.

Fierce Healthcare, 08/07/2023

## Minn: \$300M to SNFs 3 Grouping with Restrictions

In the waning hours of the of the state's legislative session, lawmakers approved funds for three different buckets totaling about \$300 million.

In the first of the grants – distributes in two payments this year and next – a 50-bed facility will receive about \$465,000.

A second bucket – about \$50 million can be used for wages and benefits.

The final funding – approximately \$75 million – is for workforce development grants that facilities must apply for and explain how they plan to use the money, which is aimed at recruiting and retaining employees who earn \$30 per hour or less.

McKnight's, 08/08/2023

## Labor Campaign Aims to Prioritize Child & Senior Care

A new union-backed campaign plans to spend at least \$50 million ahead of the 2024 election to put child and senior care legislation back on the priority list, after it fell out of the Biden legislative agenda.

The "Care Can't Wait" campaign is focused on resurrecting parts of Biden's "Build Back Better" program, including universal child care and guaranteed paid family and medical leave that Democrats were forced to abandon due to opposition from Republicans and moderate Democrats.

It will also push for billions in new spending for child and senior care.

NBC News, 08/04/2023

## ONE COLUMN

### What Do Kidney Transplants Have to Do With Airplane Regulations?

Tucked into the hundreds of pages of legislative language to reauthorize the Federal Aviation Administration is a provision to change the life-or-death process by which human organs are flown commercially from donor to recipient.

Donated organs can't be treated like a golf bag or an Amazon box. They are delicate and have an imminent expiration date, which for kidneys – the most donated of organs – is usually within 24 hours of surgical removal.

A section of the bill pending in Congress aims to change regulations and move organs to the cabin from an aircraft's cargo hold.

There is precedence.

It used to be a member of a transplant team could take a packaged organ to a plane's gate and hand it off to the aircraft's crew who would safely stow it in a safe place in the cockpit or on the flight deck.

But the terrorist attacks of 9/11 led to tighter security protocols, including a rule that permitted only people with tickets to go through TSA checkpoints.

The organ delivery people don't have tickets.

Instead, they are part of a relay network to get the organs to the people who need them.

Another consequence of the [2001 policy changes](#) was that donor organs flown on commercial airplanes are stashed in cargo spaces below the wing along with boxes and luggage. Further, they have to be at the airport at least two hours before the wheels go up which at times, limits where in the country an organ can be shipped.

But things can move slowly on Capitol Hill – and Congress is in recess for the month of August. The Bill faces a September 30<sup>th</sup> deadline.

USA Today, 07/20/2023

## **Observation Status Bill Reintroduced in House**

US House lawmakers have reintroduced a bill that would apply hospital 'observation status' designation toward Medicare's three-day qualifying hospital stay requirement.

If the legislation passes, more post-acute patients could qualify for care in skilled nursing facilities, a reprieve for providers following the end of pandemic-era waivers, industry advocates said.

The bipartisan bill is aimed at fixing what its sponsors called an "arbitrary Medicare policy that excludes coverage of skilled nursing care for certain patients, resulting in exorbitant and unexpected out-of-pocket costs."

*McKnight's, 08/10/2023*

## **Salmonella Outbreak In Seattle Nursing Home**

Public health officials in Seattle are investigating a Salmonella outbreak that has sickened more than two dozen residents at Washington Care Center, a long-term care facility.

Public Health Seattle & King County identified 29 people as outbreak patients. Six of them have had to be admitted to hospitals.

The health department said the outbreak, reported on July 3, was likely from contaminated food - but didn't say what food was involved.

The DOH inspected the kitchen and identified risk factors that could contribute to the spread of Salmonella, including potential cross-contamination, inadequate handwashing, and improper glove use.

*Food Safety News, 08/02/2023*

## **DOL Sues United Healthcare Over ER and Drug Screens**

The U.S. Department of Labor is suing UnitedHealth Group alleging it denied thousands of patients' payments for emergency room services and urinary drug screenings.

The lawsuit states that UMR, a third-party administrator and UnitedHealth subsidiary, denied claims based on

diagnosis codes and failed to abide by requirements of the Affordable Care Act (ACA) and Labor Department's claims procedures regulation.

The lawsuit further alleges UMR denied all urinary drug screenings from August 2015 to August 2018, when it should have determined whether a claim was medically necessary. That, if true, violated the Employee Retirement Income Security Act (ERISA).

*Fierce Healthcare, 08/01/2023*

## **Oregon Trying to Put Constraints on Agencies**

Oregon lawmakers recently enacted legislation directing the state's Health Licensing Office to create a process to investigate complaints about temporary staffing agencies.

The office can impose fines and even revoke permission for an agency to operate within the state.

The legislation requires that temporary staffing agency workers be properly trained and hold the correct licenses or certifications.

The law also directs the state Health Authority to set allowable rates for 18/2023 staffing agencies.

*McKnight's, 07/18/2023*

## **"Inflammaging" the Aging-Causing Inflammation**

University of Virginia School of Medicine researchers found that mitochondria in cells called macrophages lose their ability to use calcium with age, which leads to chronic inflammation responsible for many of the ailments that afflict our later years.

Because macrophages reside in all organs of the bodies, including the brain, targeting such "tissue-resident macrophages" with appropriate drugs may slow age-associated neurodegenerative diseases.

This discovery has pinpointed the precise molecular machinery involved in the process and scientists think they should be able to discover ways to stimulate this machinery in aging cells.

*UVA news release, 07/25/2023*

## **Briefly IN THE NEWS**

Stafford Healthcare in Des Moines, Washington sold for a little under \$18 million, according to King County records. The seller was SHS Properties III LLC, which acquired the property in 2003 for over \$5.5 million (*The Daily Journal of Commerce*).

The June 2022 Urban Institute Health Reform Monitoring Survey found more than 1 in 5 black parents reported they were treated or judged unfairly in healthcare settings in the past year. That compared to about 1 in 8 parents overall. The survey reached more than 9,490 adults. Black parents (9%) were also more likely than other parents (3%) to report that any of their children were treated unfairly because of their race or ethnicity (*Fierce Healthcare*).

The AHA, AMA, AHIP and the Blue Cross Blue Shield Association are urging CMS not to move forward with implementing electronic transaction standards for healthcare attachments during prior authorization they say would create "costly burdens" and widespread confusion across the healthcare industry. (*Becker's*).

The owner of one of California's largest chains of pain management clinics has agreed to pay nearly \$11.4 million to California (\$2.1M), Oregon (\$130K), and the federal government (\$8.5) to settle allegations of Medicare and Medicaid fraud. The agreement indicated that Dr. Francis Lagattuta and his Lags Medical Centers performed — and billed for — medically unnecessary tests and procedures on thousands of patients over more than five years (*Los Angeles Times*).

A study from Queensland Centre for Mental Health Research in Brisbane, Australia, used 156,331 adult participants in the World Mental Health surveys to estimate age-of-onset distributions, lifetime prevalence, and morbid risk for mental disorders. By age 75 years, the risk for any mental disorder was 46.4% for male and 53.1% for female respondents (*The Lancet Psychiatry*).