

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"To say that we are disappointed that President Biden chose to move forward with the proposed staffing ratios despite clear evidence against them is an understatement" LeadingAge President and CEO Katie Smith Sloan

"We are working to make sure no nursing home can sacrifice the safety of their residents just to add some dollars to their bottom line" President Joe Biden in guest column in USA Today

"This unfunded mandate, which will cost billions of dollars each year, will worsen this growing crisis" Mark Parkinson, president and CEO of the American Health Care Association

"Establishing minimum staffing standards for nursing homes will improve resident safety and promote high-quality care so residents and their families can have peace of mind" HHS Secretary Xavier Becerra

MANDATE! 'Pert Near' Everyone Will Staff Up

The first-ever proposed federal staffing mandate calls for a minimum of 3.0 direct care house PPD – not all that far over what facilities are currently providing.

But the devil is in the details. CNAs would provide 2.45 hours of that time and RN would provide the remaining .55 PPD.

The phase-in would be five years for urban and three years for rural facilities.

However, the 3.0 benchmark may not be around in three years. CMS has asked for feedback on changing it to 3.48 hourly standard.

McKnight's, 09/01/2023

'Mandate-Spandate' - There's More to the Proposed Rule

Although the staffing mandate received the most attention there are other elements to the proposed rule.

Requirement that facilities must use evidence-based methods in care planning which take into consideration behavioral health; an assessment of each resident's adjustment to the facility; and developing a staffing plan to include retention.

New proposed institutional payment reporting requirements that would require states to report to CMS on the percentage of nursing home Medicaid payments spent on compensation for direct care workers and support staff.

AHCA had called for such a measure, following adoption of similar standards for home- and community based services.

McKnight's, 09/05/2023

Biden Unloads On Nursing Home Operators

While nursing home operators scurried to read proposed new demands regarding a first-ever nursing home staffing mandate Friday, they were also left with another powerful blow to absorb: A full-on attack by President Joe Biden.

The president aggressively detailed the rationale for the new rule in a guest column in *USA Today*.

Operators are generally up in arms about being mandated to employ more workers amid nationwide staffing shortages.

The Biden column titled *"Nursing homes are putting residents at risk. We're ending the abuse today"* made it abundantly clear who is being targeted - for-profit and private-equity-owned nursing facilities.

USA Today, 09/01/2023, McKnight's, 08/06/2023

Unions Give the Staffing Mandate a Thumbs Up

To the surprise of no one, labor unions came out in favor of the mandate, which figures to increase nursing home

employment figures. President Biden publicly gave a nod to union membership in an op-ed column on the issue that he wrote for *USA Today*.

Union leaders' comments, along with consumer advocates', are an indication of the stiff resistance providers will face while trying to get the proposed rule amended.

"Our country doesn't have a shortage of good nursing home workers — just a shortage of good nursing home jobs," said AFL-CIO President Liz Shuler.

McKnight's, 09/05/2023

Need More RNs? Just Convert LPNs – Not!

Could LPNs be transitioned to associate degree RNs?

"We couldn't be more thrilled with CMS supporting staffing by having \$75 million to support tuition, scholarships and training said Amy Stewart, chief nursing officer for the American Association of Post-Acute Care Nursing, "But that's going to take more than three to five years to phase in and fully implement that."

Many LPNs do not have the time or inclination to pursue even two-year program while working to support a family, she pointed out. And nursing schools turn away tens-of-thousands of students annually for lack of qualified teachers.

McKnight's, 09/05/2023

How Much Will the Unfunded Mandate Cost?

Consulting firm CliftonLarsonAllen in an analysis shortly before the mandate was published said the additional annual cost of a 4.1 PPD would be in the neighborhood of 11.7 billion - \$400 million more than its January estimate.

The potential cost has is driven higher by inflation, continued wage pressures related to staffing shortages.

Using simple arithmetic that means the 3.0 PPD would cost providers an additional \$8.6 billion annually and the price tag for 3.78 PPD would be around \$10.8 billion each year.

Drew Vogel's Calculation

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

AMERICA: Three-and-a-half years since SARS-CoV-2 spread around the world, scientists are still documenting the virus' myriad effects on human health. What's clear already is that those effects can continue long beyond the original infection. Now, researchers have attempted to quantify this long-term harm using a massive database of U.S. veterans' health records. They found a dramatically increased risk of dozens of conditions including heart failure and fatigue, sometimes years post-infection. Overall, the team estimates, COVID-19's public health impact is more than 50% greater than that of cancer or heart disease (*Science*).

FLORIDA: Bay Pines VA Community Living Center, just north of St. Petersburg in Pinellas County, Florida leaders increased screening and testing protocols but not under any specific state or federal guidelines. Nationwide, roughly 7,880 nursing home have reported COVID cases as of Aug. 20, adding to an uptick that started in mid-July (*WFLA-TV*).

THE WORLD: For many people who get Covid multiple times, subsequent infections will be as mild as or milder than their first, emerging data shows, likely because of partial immunity from previous infections, vaccination and the fact that the latest circulating variants generally cause less severe symptoms. There are a few exceptions — notably, among some people who are immunocompromised, older or had particularly severe previous infections. People who had a severe first infection are more likely to end up hospitalized or to require medical attention for a reinfection (*The New York Times*).

AMERICA: Veterans who had been infected with COVID from March 2020 to April 2021 had a mortality rate of 8.7% during the 2-year period after their infection, compared with a rate of 4.1% for uninfected veterans. The risk of excess death went down over time, with the highest risk on days 0 to 90 after infection and risk still elevated during days 91 to 180 (*JAMA Internal Medicine Open*).

MISSOURI: growing number of people are testing positive for the coronavirus, but Missouri scientists say the virus still poses a smaller threat to residents than during the height of the pandemic. Coronavirus-related hospitalizations in Missouri rose 6% in early August from the week before, according to the Centers for Disease Control and Prevention. In Illinois, the number of new hospitalizations rose more than 25% during that same period (*St. Louis Public Radio*).

AMERICA: As COVID-19 cases and hospitalizations creep up during a summer wave of heightened virus activity, updated vaccines are still likely weeks away. Americans have largely tuned out COVID, but the latest COVID uptick is a reminder that the virus continues to circulate and mutate — though the threat is far below pandemic-era levels (*Axios*).

CALIFORNIA: COVID-19 hospitalization rates across rose 8% between June and July amid signs of a late summer wave sweeping the country. With so little testing happening these days compared to the height of the pandemic, hospitalization rates are now one of the best proxies for estimating broader viral spread. (*Axios*).

AMERICA: Just days after warning that pharmacies would not provide free Covid vaccines to the uninsured until October, the Biden administration and retail pharmacies are trying to accelerate the timeline. Biden health officials are now attempting to finalize contracts that would allow pharmacies like CVS and Walgreens to offer the shot to uninsured Americans as early as mid-September, (*Politico*).

WASHINGTON, DC: In one of the largest national crackdowns on fraud targeting federal coronavirus aid, the Justice Department said it had brought 718 law enforcement actions in connection with the alleged theft of more than \$836 million. The vast array of criminal charges and other sanctions — part of a federal sweep conducted over the past three months — reflected the ongoing, costly work in Washington to recover stolen pandemic funds roughly

three years after the peak of the public health crisis (*The Washington Post*).

NEW ORLEANS: A federal appeals court revived a lawsuit brought by three doctors alleging that the FDA overstepped in its court public statements about ivermectin as a COVID-19 treatment. The lawsuit argues FDA messaging such as, "I'm not a horse!" interfered with their practice, and in "most of that messaging," left out the human version of ivermectin that the plaintiffs were prescribing (*MedPage Today*).

AMERICA: Most Americans have had one or more shots of the flu and Covid vaccines. New this year are the first shots to protect older adults and infants from respiratory syncytial virus, a lesser-known threat whose toll in hospitalizations and deaths may rival that of flu. Federal health officials are hoping that widespread adoption of these immunizations will head off another "triple-demic" of respiratory illnesses, like the one seen last winter. For people with insurance, all of the vaccines should be available for free (*The New York Times*).

DELEWARE: Jill Biden, the First Lady, tested positive for COVID-19 Labor Day evening. She is currently experiencing only mild symptoms and will remain at their home in Rehoboth Beach, Delaware. President Biden tested negative and resumed his regular schedule (*White House news release*).

WASHINGTON, DC: President Joe Biden turned up in a mask for the first time in months on Tuesday, a day after his wife tested positive for COVID-19. But the president quickly ditched it during a ceremony honoring an 81-year-old Vietnam veteran, and the two unmasked octogenarians shared a hearty handshake before they parted (*AP*).

COVID-19, 09/08/2023

Global Cases – Deaths
770,437,327 – 6,956,900

U.S. Hospitalizations – Deaths
6,289,643 – 1,140,278

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

CDC & WHO

In Battling COVID Most Measures Worked

Speedy implementation of a combination of measures such as face masks, lockdowns and international border controls, "unequivocally" reduced COVID-19 infections.

A report by the Royal Society looked at findings from six evidence reviews that analyzed thousands of studies to assess the effect of masks, social distancing and lockdowns, test trace and isolate systems, border controls, environmental controls and communications.

It found evidence that each of these "non-pharmaceutical interventions" were effective, albeit to varying degrees, when looked at individually.

However, the evidence in favor of using these tools was stronger when countries combined several measures.

Politico, 08/24/2023

Sign of the Times Gun Detection in Healthcare

UMC Health System is the latest healthcare organization to incorporate artificial intelligence into its operations. But it's one of the few to use it to detect guns.

The health system in Lubbock, Texas, is adding an AI-based video analytics platform onto its existing security system that will detect, without using facial recognition software, whether someone is carrying a gun.

If the system from ZeroEyes detects a weapon, it will alert someone at ZeroEyes, who will determine whether a real threat exists. If so, UMC security staff at the hospital will be notified.

Modern Healthcare, 08/12/2023

Poor Lifestyle Habits May Put You in a SNF

Researchers at the University of Sydney in Australia used five lifestyle risk factors — smoking, physical inactivity, sitting time, sleep duration and diet quality — to determine how they might affect the need for nursing home care.

Four of the five risk factors were "independently associated with nursing home admission, which was highest among current smokers," the authors found.

Diet was the only factor that was not an independent factor.

People with healthy lifestyles were 30% less likely to be admitted to a nursing home.

Those with multiple risk factors were 43% more likely to require a nursing home.

Epidemiology & Community Health

No Pay for Working Thru Lunch – Case Can Proceed

The case of a nurse who claims the Ohio nursing homes she worked at docked her pay for more than three years of lunch breaks she worked through, can proceed with her case.

The facilities argued that LPN Donna Gifford was a contracted nurse who was not covered by the state and federal labor laws.

Experts say providers can strengthen their policies and avoid potential lawsuits by having non-exempt employees clock in and clock out for meal periods so there is no question of the time taken for a meal period.

McKnight's, 08/25/2023

Two Iowa Not-For-Profits Placed in Receivership

A Dubuque area nonprofit that provides LTC care for older adults, has been placed in receivership after failing to pay back more than \$15 million in loans.

An Iowa District Court appointed Kansas-City-based attorney Michael Flanagan to serve as receiver of Luther Manor Communities' two locations in the Debuque area.

Court documents state that the receiver was appointed at the request of Mid-WestOne Bank, to whom Luther Manor owes \$15.7 million.

Telegraph Herald, 08/29/2023

ONE COLUMN

Three Vaccines? We need More Arms!

Many adults ages 60 and up will be eligible for three vaccines this fall -- a COVID booster the flu shot, and the new respiratory syncytial virus (RSV) vaccine so the big question is, can they get them all at once?

No surprising, since there are no data on giving the three vaccines at the same time, most experts advise different strategies.

There's also some evidence from the clinical trials of the two RSV vaccines that it's okay to give flu and RSV shots together, said William Schaffner, MD, of Vanderbilt University Medical Center in Nashville, Tennessee, who is also a spokesperson for the Infectious Diseases Society of America (IDSA).

But Schaffner said some practitioners may be "a little bit more cautious about giving RSV along with the others," and there "may not be too many people who want to get all three at the same time."

Experts recommended getting the RSV vaccine at least 2 weeks on either side of the COVID and flu combination, and getting the RSV shot as soon as possible, since it's currently available, and since its protection is likely to sustain through the entire winter and RSV season.

It's a single-dose vaccine, so that means seniors would need just two appointments this fall: one for COVID and flu, and the other for RSV.

It appears RSV will provide substantial long-term protection, at least through the flu season and possibly longer.

That said, it's OK to give all three at once if that is the only opportunity to do so, said Aaron Glatt, MD, of Mount Sinai South Nassau in Oceanside, New York, who is also a spokesperson for IDSA.

"We don't have a ton of data, but if someone is really that sick, I'd want them to get all those vaccines."

MedPage Today, 08/29/2023

AARP Backs Bill to Get Rid of 3-Day-Stay

The nation's largest advocacy group for seniors, AARP, is again joining providers in pushing Congress to eliminate the three-day requirement that patients must meet before Medicare coverage for a skilled nursing facility kicks in.

In a letter to the four sponsors of the "Improving Access to Medicare Coverage Act of 2023," AARP's Senior Vice President for Government Affairs Bill Sweeney endorsed the bill, noting that many seniors wind up with "surprise medical bills" for the full cost of care.

Both LeadingAge and the American Health Care Association/National Center for Assisted Living have endorsed the legislation.

McKnight's, 09/07/2023

Facility Sued After RN Charged with Murder

Joseph Campbell, 83, died in 2022 after receiving a lethal dose of insulin allegedly intentionally administered by RN Heather Pressdee while she worked at Quality Life Services in Chicora, a SNF in Western Pennsylvania.

Campbell's family has now sued the facility for failing to prevent his death.

Pressdee, who remains in jail, has also been charged with the death of a 55-year-old man and the attempted murder of a 73-year-old man who survived.

The lawsuit says Quality Life Services failed to supervise Pressdee properly, allowing her to access and administer drugs to patients to whom the medicine was not prescribed.

WPIX-TV, 08/28/2023

Residents Displace By Louisiana Wildfires

A number of nursing home residents from Beauregard Parish were moved to Sabine Parish due to the wildfires in the area.

Late Saturday night (Aug. 26), officials helped move about 30 residents with all their equipment, including mechanical beds, breathing machines, wheelchairs to

Sabine Retirement and Rehabilitation in Many and Toledo Nursing Center in Zwolle.

It was unclear how long the patients would remain in Sabine Parish before it's safe to move them back to Beauregard.

KSLA-TV, 08/30/2023

Admins Who Want Out – Lower, But Still High

The share of nursing home administrators "seriously considering quitting" their jobs has fallen just below the 50% mark for the first time since the early pandemic.

The 2023 *McKnight's* Mood of the Market survey found that 46.8% of LNHA are giving serious thought to leaving the business. It was 55% last year.

It's still far above the 44% recorded a few months into the pandemic and even farther above the 37% in 2019.

The fact that 47% of administrators and 54% of nursing directors said they were considering leaving their current jobs should still not be viewed as good news.

McKnight's, 09/08/2023

Federal & Opioid Money To Repay Nursing Student Loans

Massachusetts will use a combination of funding from the federal government and opioid settlements to help repay more than \$140 million of student loan debt for healthcare workers, including stipends for PTO for people to attend nursing school.

The first awards in the MA Repay program will range between \$12,500 and \$300,000 per person for approximately 3,000 primary care and behavioral health providers who commit to working in community health centers, acute-care hospitals and other eligible providers for four or five years.

An upcoming round of awards will target skilled nursing providers and other home- and human services providers.

Daily Hampshire Gazette, 08/28/2023

Briefly IN THE NEWS

Seniors, and not the high-school kind, are the fastest-growing population of cannabis users, a trend that illustrates what a long, strange trip the legalization movement has been. The share of over-65 Americans who have used marijuana nearly tripled in a decade, from 11 percent in 2009 to 32 percent in 2019, according to a respected federal survey on drug use. More than half of the 60-64 demographic reported cannabis use, another sharp increase (*The Hill*).

In the past three years, the U.S. Justice Department's Health Care Fraud Strike Force has rooted out health care fraud related to the COVID-19 pandemic. To date, 53 defendants have been charged in nationwide COVID-19 Health Care Fraud Enforcement Actions for causing over \$784 million in loss associated with the pandemic (*DOJ*).

Companies are selling body scans to seemingly healthy patients, promising peace of mind. Traditional medical professionals are concerned about the costs. The financial cost for preventive scans range from \$650 to several thousand dollars. Insurance generally doesn't cover it. Demand for these types of procedures has surged, particularly among the wealthy (*The Wall Street Journal*).

Tens of thousands of workers at Kaiser Permanente hospitals and clinics across the country will soon vote on whether to authorize a strike. The Coalition of Kaiser Permanente Unions, which includes a dozen local unions with members in seven states and the District of Columbia, said voting has begun and extend into the middle of September. Any strike would start no earlier than Oct. 1 (*The Los Angeles Times*).

Clarest, owner of eight ProCare LTC pharmacies in the Northeast and Midwest regions of the U.S have paid \$499,525 to resolve allegations that they violated the civil provisions of the Controlled Substances Act. The government found that ProCare distributed controlled substances to SNFs that were not registered to dispense them on 96 occasions. There were also violation of "E-Box" regulations (*DOJ news release*).