

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"This is not a Covid vaccine company"

Moderna CEO Stéphane Bancel announcing the company will launch 15 new products in the next five years

"It is not hard to imagine that just as the industry seems to be weaning themselves off of agency, this could very easily force them to reverse course"

Fred Bentley, managing director of consulting firm ATI Advisory

"I truly think it would kill half of these people"

Lana Obermeyer daughter of a resident of Good Samaritan Society home in Syracuse, Nebraska on the possibility of the facility closing

"In order to make sure the proposed rule has this intended effect, we must also address the severe staffing shortages my investigation uncovered at state nursing home survey agencies"

Sen. Bob Casey (D-PA) calling for an increase in funding for state survey agencies

Bye-Bye, Booster. Hello "Updated COVID-19 Vaccine"

With an updated vaccine formula rolling out for the fall, officials are moving away from the word "booster."

Instead, doctors and health departments are now working on getting used to calling this year's newly recommended shots the "2023-2024 COVID-19 vaccine" or simply the "updated COVID-19 vaccine."

Virtually all Americans ages 6 months and older are now recommended to get one dose of these updated shots from Moderna or Pfizer, regardless of what vaccines they have or have not received before.

CBS News, 09/15/2023

Court Orders Nearly \$700K Back Pay to SNF Staff

A California nursing home company that split its workers pay into multiple checks to avoid paying overtime wages, has been ordered by a federal court to pay \$690,696 to 108 workers.

The Department of Labor said Neldy's Adult Residential Care locations denied employees overtime wages and made them work through lunch breaks without pay and "deducted meal breaks from workers' wages when their duties required them to work during their breaks.

Splitting worker's check to avoid overtime pay is a violation of federal law.

USA Today, 09/15/2023

..... But it was 'Business As Usual' at Neldy's

Neldy's RC, Inc. took out a \$527,264 PPP loan in 2020 and said it would be used for payroll.

It wasn't.

Now the company must pay \$345,348 in back wages, the same amount in damages and another \$25,000 in civil penalties.

Many workers will get more than \$10,000 back from the employer, with one worker set to receive over \$47,000.

This wasn't the first time Neldy's was ordered to pay out back wages.

It had to pay just over \$1 million to 58 workers for wage violations that occurred from 2013 to 2016.

USA Today, 09/15/2023

Senator Renews Call For More Surveyor Funding

Sen. Bob Casey Jr. (D-PA), chair of the Special Committee on Aging is renewing his calls for increased funding for state survey agencies, following the release earlier this month of a federal staffing minimum that would require extensive on-site inspections to determine compliance.

Casey earlier this year requested \$566 million in funding for CMS and state

surveyors, following an investigation into shortages in most states.

In May the Aging committee released a report that found 32 survey agencies have surveyor job vacancy rates of 20% or higher. The worst were in Kentucky (83% vacancy), Alabama (80%) and Idaho (71%).

McKnight's, 09/15/2023

Bad Debt' Grows as Nursing Home Billing Flounders

Unheard of staffing shortages in nursing home billing offices are leading to billing lapses and major uncollectible or 'bad' debt amounts. A \$4 million case in Connecticut is fueling observers' concerns about the mounting financial impact.

Bad debt is debt that cannot be collected from payers largely because claims were not filed or resolved in a timely manner.

In the case of nursing homes, this typically involves Medicare, Medicaid or managed care plans. Financial experts say that's happening more often as facilities see staffing shortages that have plagued their clinical teams creep into their back offices more frequently.

McKnight's, 08/18/2023

LTC Company Bucks Trend Adds Skilled Beds

While many nursing homes are closing skilled wings or decertifying beds, one healthcare company in northeastern Pennsylvania is adding to its skilled nursing capacity.

Allied Services Integrated Health System repurposed personal care rooms — what Pennsylvania calls assisted living — to add 42 private, skilled nursing beds in a facility it acquired in 2019 from the Catholic Diocese of Scranton.

The group delicensed 48 personal care rooms in early 2021 and also relocated 42 private, skilled nursing facility dual-licenses from its Scranton campus to Wilkes-Barre where there was more demand for skilled nursing due to the closure of two area facilities.

McKnight's, 09/14/2023

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

AMERICA: As Covid-19 cases have climbed as part of a late-summer uptick, right-wing influencers and conspiracy theorists are stoking fears about mass lockdowns and spreading unsubstantiated new ideas about Covid-19's links to world events. "Do they want Covid measures back to put us on war footing in preparation for the war with Russia?" Jack Posobiec, a right-wing personality, said to more than 150,000 followers on his Telegram channel (***New York Times***).

AMERICA: The US government will relaunch a program to provide free Covid-19 home tests to Americans. US households can order four free tests from [Covidtests.gov](https://www.covidtests.gov) starting Sept. 25. The US government has shipped more than 755 million free Covid-19 tests to people who requested them before the program was suspended in May (***CNN***).

CAPITOL HILL: Citing arguments that masks didn't work to slow the spread of the virus during COVID—which most studies contest, Ohio Republican Senator JD Vance has announced plans to introduce the Freedom to Breathe Act, which would permanently prevent the federal government from reimposing federal mask mandates in the United States (***Newsweek***).

AMERICA: Updated coronavirus vaccines are on the way. The shots, designed to provide improved protection against omicron subvariants now circulating, are manufactured by Moderna and by Pfizer and its German partner, BioNTech. They were cleared Monday by FDA and were recommended Tuesday by the CDC and its advisers (***Washington Post***).

NEW YORK CITY: Mount Sinai has received a \$13 million National Institutes of Health (NIH) grant to develop vaccines that can protect against many different types of coronaviruses. The 5-year grant was awarded to the Icahn School of Medicine. The award will fund the "Programming Long-lasting Immunity to Coronaviruses" project (***CIDRAP***).

AMERICA: Cancer patients experienced significantly higher rates of

COVID-19-related deaths during the pandemic. A Massachusetts General Hospital study found that the winter Omicron surge of 2021-2022 was particularly deadly. The number of deaths among U.S. cancer patients increased by 18% (***MedPage Today***).

TEN STATES: The highly mutated version of the COVID-19 virus (BA.2.86) has already affected people in ten far-reaching U.S. states (Colorado, Maryland, Michigan, New York, Ohio Oregon, Pennsylvania, Texas, Virginia and Washington state). The sheer number of mutations (over 30) has caught the attention of scientists and public health officials who fear it may signal the next COVID wave as winter approaches (***WebMD***).

AMERICA: COVID-19 hospitalizations have been increasing in the U.S. for nine weeks, reaching more than 20,500 new hospital admissions during the week ending Sept. 9 – an increase of nearly 8% from the prior week (***U.S. News & World Report***).

SAN FRANCISCO: As the Bay Area experiences a resurgence of COVID-19 cases, one of its most prominent health care providers is requiring patients, staff and visitors to mask up again. Kaiser Permanente Santa Rosa Medical Center has reinstated a temporary mask mandate for people within its facilities. The measure is a direct response to the increasing number of individuals testing positive for the coronavirus (***San Francisco Chronicle***).

THE WORLD: Researchers in Sweden report that the risk of getting long COVID after a COVID-19 infection was higher for the wild type, Alpha, and Delta variants compared to Omicron. Though prior research has shown that severe COVID-19 is less likely from Omicron infections compared to earlier variants, less is known about how each variant increases the likelihood of developing long COVID (***Journal of Infectious Diseases***).

AMERICA: During the first two years of the pandemic, from March 2020 to March 2022, there were approximately 90,000

more deaths in the U.S. attributed to cardiovascular disease than were expected for that time frame. The majority occurred in people 65 and older — the age group with the highest risk for cardiovascular complications. But heart-related deaths also increased dramatically in younger adults. The sharpest rise in deaths from heart attack during that period occurred in 25- to 44-year-olds (***New York Times***).

OHIO: The number of new COVID-19 cases in Ohio climbed again, increasing from 8,607 last week to 9,690 this week - the highest point since Jan. Cases have now risen for 10 weeks in a row. The number of cases reported weekly has been going up since there were just 1,286 new cases reported on July 6. The only time this year the weekly case report was higher was on Jan. 5, with 13,895 cases (***Cleveland.com***).

CALIFORNIA: In the first 2 years of the COVID-19 pandemic, Californians who worked in healthcare, "other services," manufacturing, transportation, and retail trade industries had higher death rates than the professional, scientific, and technical industries, which had some of the lowest rates (***Annals of Epidemiology***).

AMERICA: Instagram's text-based social platform Threads recently rolled out its new search function, a crucial step toward the platform's expansion and one that would give it more parity with X, formerly known as Twitter. Not even 24 hours later, the company was embroiled in controversy. When users went to Threads to search for content related to "covid" and "long covid," they were met with a blank screen that showed no search results and a pop-up linking to the website of the CDC (***The Washington Post***).

COVID-19, 09/22/2023

Global Cases – Deaths
770,778,396 – 6,958,499

U.S. Hospitalizations – Deaths
6,329,246 – 1,143,192

SHOTS Global – U.S. Vaccinated
13.5 billion – 230,637,348

CDC & WHO

Workers Billed for State-Mandated COVID Tests

Former workers at a Little Sisters of the Poor nursing home in Colorado are receiving bills from a lab for between \$2000 and \$11,000 for COVID tests.

One employee received a bill from Discover Labs for \$22,735.

The bill are for hundreds of tests employees received during the pandemic. The state of Colorado would have picked up the cost if the facility had used a state-contracted lab. But it didn't.

The problem is the nursing home closed a year ago and insurance has refused to pay for the tests because they weren't "medically necessary."

CBS Colorado, 09/19/2023

Only Dems, Grads and Well-To-Do Get Boosted

The new Vaccine? Many who need them most won't get them. About 75% of people in the U.S. skipped last year's bivalent booster, and nothing suggests uptake will be better this time around.

"Urging people to get boosters has really only worked for Democrats, college graduates, and people making over \$90,000 a year," said Gregg Gonsalves, an epidemiologist at Yale University.

As the effects of vaccines offered in 2021 have diminished over time, boosters have been shown to strongly protect people against severe covid and death, and more modestly prevent infection.

McKnight's, 09/19/2023

8-of-10 For-Profits Would Have to Hire Staff

Nearly all for-profit nursing homes, which account for two-thirds of US facilities, would need to hire more nurses to meet provisions of the newly proposed federal staffing mandate.

A KFF analysis found that 90% of the for-profits would be required to hire more staff and 60% of the non-profit and government facilities would be similarly affected.

McKnight's, 09/18/2023

According to KFF's analysis, if the staffing rule went into effect today only 19% of facilities would be in compliance. Just more than that half – 52% – would need to hire more RNs and 72% would have to hire more nurse aides.

KFF Health News, 09/18/2023

Agency Cost – What Goes Up, Will Go Up Even More

Nearly two years after skilled nursing providers first took their concerns about massive nursing agency price hikes to federal regulators, they're again warning of overreliance on temporary workers due to a federal staffing mandate.

By CMS' own estimate, 75% of nursing homes will have to hire staff to meet the minimum requirements.

Many facilities say they will be forced to bring in agency staff to comply, ultimately paying more to fill the same jobs.

Providers expect agencies to continue ratcheting up pay to attract even more temporary staff, then pass those increases right back to nursing homes.

McKnight's, 09/11/2023

More Immediate Problems Then the Staffing Mandate

The proposed rule that carries the staffing mandate, carries a more immediate problem for SNFs - a significant overhaul of the existing skilled nursing facility assessment.

The facility assessment was initiated as part of the 2016 Requirements of Participation.

Clarifications outlined in the proposed staffing mandate would strengthen certain assessment components, involve more staff in the assessment process and, possibly, trigger more frequent updates.

Some facilities will have some major work to do to catch up to the potential new considerations.

The new assessment standards would be in play 60 days after the rule is finalized.

McKnight's, 09/18/2023

ONE COLUMN

Staffing – CMS "Naïve" Proposed Hours Too Low

The proposed federal staffing rule is "shockingly low" and will not measurably improve working and care conditions in nursing homes.

Charlene Harrington, RN, PhD, professor emeritus at the University of California-San Francisco School of Nursing, sharply criticized the proposed federal mandate for not going far enough during a webinar presented by the Long-Term Care Community Coalition.

"The government basically ignored all of the research after lobbying by the nursing home industry," she said.

However, a government report leaked just before the rule was unveiled stated there was no way to ascertain precise levels of staffing.

Harrington, an outspoken nursing home management critic for decades, said CMS was "naïve" to believe that facilities would retain the current numbers of LPNs and hire additional RNs to meet the proposed rule.

"They are more likely to reduce overall LPN staffing [since] there is no minimum requirement for that," she said, adding that the phase-in period to be in compliance is "ridiculously long."

Harrington and Richard J. Mollot, executive director of the Long-Term Care Community Coalition, said the staffing problems have been created by the industry itself.

"The industry has been saying for years that they don't have enough funding to hire staff," Mollot said, adding that "sophisticated" owners in private equity and real estate investment trusts are purchasing facilities. "Why would they be buying into the sector if it was a money loser? There's a lot of money being made ... it's just not going into care."

The consumer coalition also wants facilities to be required to have a DON or ADON on duty seven days a week and a two-year implementation of the rules with no waivers.

McKnight's, 09/20/2023

Feds Appeal Racist Case vs Mgt. Company

The EEOC is appealing a court ruling that removed some workers and released Tender Loving Care Management, a retirement community's management company, from responsibility in a case alleging racist treatment by residents against black employees.

EEOC asked a federal court to reinstate the claims of 15 individuals that it said were improperly removed from the case against The Village at Hamilton Pointe in Newburgh, IN.

Government attorney Gail Coleman told the three-judge panel that there should be a new trial for six workers whom a jury ruled against in 2022, saying the judge in that case used "misleading verdict forms."

McKnight's, 09/18/2023

Recession Looming & May Spells T-r-o-u-b-l-e for CCRCs

Slower economic growth and persistent inflation, especially from higher wages for nursing staff, as well as higher costs for food and other supplies, are leading Fitch Ratings economists to predict a possible recession in either late 2023 or early 2024

Some CCRCs have reduced bed - Fewer beds mean fewer staff – a way to fight off wage inflation.

Slowing real estate price growth and higher mortgage rates are also an area of concern as most prospective residents need to sell a home to cover the initial entrance fees.

Senior Living, 09/19/2023

Medical Debt May Be Dropped From Your Credit Score

The Administration announced a major initiative to protect Americans from medical debt, outlining plans to develop federal rules barring unpaid medical bills from affecting patients' credit scores.

The regulations, if enacted, would potentially help tens of millions of people who have medical debt on their credit

reports, eliminating information that can depress consumers' scores and make it harder for many to get a job, rent an apartment, or secure a car loan.

New rules would also represent one of the most significant federal actions to tackle medical debt, a problem that burdens about 100 million people in the U.S.

NPR Shots, 09/21/2023

COVID Nursing Homes Lawsuits Mount in New York

Three years after the coronavirus ripped through overwhelmed nursing homes across New York, killing more than 15,000 people, a wave of civil lawsuits have been filed on behalf of some of those who died.

The cases have been slowed by the question of whether state law shields facilities from liability. Others focus on a directive – later rescinded – from then Gov. Andrew Cuomo that required SNFs to admit patients with COVID-19.

Some other suits simply charge that nursing homes failed to prevent the spread of the virus.

Times Union, 09/11/2023

She Lacks Experience Board Lacks Authority

The newly appointed head of Minnesota's Nursing Home Workforce Standards Board has a great deal of experience.

Leah Solo managed the campaign of Gov. Tim Walz. She headed up political operations for several labor unions.

She appears to have no experience in long-term care.

The regulatory board she heads up has the power to set compensation levels for nursing homes without the authority to appropriate funds for higher wages.

"The charge of the board remains relatively unclear" said Kari Thurlow, CEO of LeadingAge Minnesota, "and there is a high risk for overreaching, unfunded mandates to grow out of this process."

McKnight's, 09/18/2023

Briefly IN THE NEWS

A California company that operates 35 nursing homes in two states has filed for bankruptcy. Windsor Terrace Health, a/k/a Windsor Cares and operating some facilities as S&F Market Street Healthcare, operates 32 nursing homes in California and three in Arizona. Included in the case are at least 15 nursing homes in California, one assisted living facility in Palm Springs, a home health entity and hospice operations (*McKnight's*).

Pay rates for travel nurse assignments have come down significantly from peak periods early in the pandemic, consequently many nurses, a/k/a boomerang nurses, are looking to return to their former positions. Why hire them back? They are familiar with your culture and are less costly to reorient. (*Becker's Hospital Review*).

California, the most populous state, currently has the most nurses in the country 325,620. It is projected to need 21,200 more nurses by 2030. According to the Bureau of Labor Statistics, RNs can earn the highest average wages in California as well - \$133,340 (*Forbes Advisor*).

AHCA/NCAL has launched its **2023 #GetVaccinated Toolkit** which includes: a checklist for providers with suggested best practices in order to prepare for fall vaccination season; poster graphics to raise awareness about the importance of getting vaccinated; social media posts and graphics; template letters to residents and family members; and in-depth resources for providers about recommended vaccines for residents and staff, documenting vaccines, frequently asked questions, and FAQs (*AHCA/NCAL*).

Health and Human Services' OIG did surprise surveys of 20 of the 358 nursing homes in Georgia. OIG found that 19 of the 20 facilities had life safety, emergency preparedness, and infection control deficiencies. Specifically, OIG found 71 deficiencies related to life safety, 66 deficiencies related to emergency preparedness, and 18 deficiencies related to infection control – a total of 155 deficiencies (*HHS-OIG*).