

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"They're shockingly low" Charlene Harrington, RN, PhD, professor emeritus UCSF School of Nursing said of the proposed staffing hours

"What's it to them?" The mandate would completely tilt an uneven playing field in their direction" Brendan Williams, CEO New Hampshire Health Care Association on the ever-increasing agency costs

"When nearly every nursing home in the country would be considered out of compliance if this went into effect today, it demonstrates how out of touch Washington bureaucrats are with reality" AHCA CEO Mark Parkinson on a report that the proposed mandate would cost \$6.8 billion annually

The LPN role has become probably 75 to 80% of the workforce in post-acute care. To eliminate them is huge. It's huge" Sally Cantwell PhD, RN at consultant group PACS

Hardly Anyone is Bullish On the Biz These Days

While the rate of inflation has cooled considerably this year, nearly 60% of administrators and nursing leaders say they have seen no relief in the past year.

In the 2023 *McKnight's* Mood of the Market survey nearly 30% reported they'd seen pressures ease "by a small amount.

Among the "glass is half full" group 8% reported moderate improvement and just about 3% of respondents said they had seen inflation or wage pressures ease by "a significant amount" compared to a year ago.

2023 *McKnight's* Mood of the Market survey, Sept. 2023

New Staffing Costs! Damn! That's a Lot of Money

Nursing homes would need to spend more than \$6.8 billion annually to meet the proposed federal staffing mandate.

Accounting firm CliftonLarsonAllen reported LTC would also need to hire over 102,000 new workers if the rule is enacted as originally introduced by CMS.

That projected cost is nearly 60% higher than the \$4 billion annual cost estimated by CMS in the draft rule.

The CLA analysis was conducted in conjunction with AHCA/NCA whose CEO Mark Parkinson said, We all want to grow the nursing home workforce, but this impossible policy is absolutely not the way to do it."

AHCA new release, 09/26/2023

Analysis Shows Mass Mandate Closings in Mich.

The Health Care Association of Michigan surveyed its members and accessed facility statistics to find that 71% of facilities in the state would not meet the proposed staffing rule for CNAs.

About 41% would not be able to meet the requirement to provide 0.55 hours of direct care by RNs and "almost no" facilities are capable of having an RN on duty 24/7.

The 433 Michigan facilities would lose about 4000 of their 45,000 skilled beds. To meet the mandate the state would need an additional 2600 full-time CNAs and 460 more RNs.

McKnight's, 09/26/2023

SNF Staffing Mandate Unlikely to affect CCRCs

The minimum staffing rule that most nursing homes will be required to meet within the next three years will add to staffing pressures at CCRCs but it will not affect their ratings.

They will not be affected, Fitch said because although most CCRCs contain a skilled nursing component, they also include independent living and assisted living, and can adjust the number of skilled nursing beds in service.

Fitch noted "Private-pay units, which are a key driver of financial performance and generally comprise the largest number of units at Fitch-rated [life plan communities], are not subject to the proposed staffing requirements."

Senior Living, 09/21/2023

Senate Bill Addresses Home Care for Veterans

U.S. Senators Moran (R-Kan.), Tester (D-Mont.) and Hassan (D-N.H.) – members on the Senate Veterans' Affairs Committee – introduced the *Elizabeth Dole Home Care Act*.

The legislation would expand community-based services for aging veterans as well as improve VA support for veterans and caregivers of all ages.

It calls for the creation of a centralized website to disseminate information; creates a pilot program to provide home health aide services for veterans in communities where there is a shortage of home health aides; and increases the expenditure cap for noninstitutional care alternative programs from 65% to 100% of nursing home care costs.

U.S. Senate Committee on Veterans Affairs, news release

As Pandemic Ebb and Flowed – So Did TeleMed

Telemedicine visits in long-term care facilities as the pandemic was growing soared by 266% in May 2020, but by 2022 had dropped by 33%. Still, it is far above historic levels.

A Harvard study found that by 2020 all US states were using telemedicine at varying levels of participation. But by the first half of 2022, just one state used telemedicine for more than 10% of nursing facility visits and eight states had returned to using it less than 1% of the time.

The authors cautioned that, despite "big gains" in usage, telehealth visits remain underutilized in general.

JAMA Network Open, 08/18/2023

Free COVID Test Kits

COVIDTests.gov

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

AMERICA: The COVID-19 omicron subvariant EG.5 – unofficially nicknamed “eris” – was responsible for about 1 in 4 new coronavirus infections in recent weeks. It’s the highest prevalence for any coronavirus strain, though omicron subvariant FL.1.5.1 is quickly rising behind it, according to CDC data. The CDC’s variant tracker does not yet include BA.2.86, or “pirola,” a highly mutated strain that has been found in low levels (*U.S. News & World Report*).

THE WHITE HOUSE: President Joe Biden received the updated Covid-19 vaccine, according to a memo from White House physician Kevin O’Connor released Saturday. “As we enter the cold and flu season, the President encourages all Americans to follow his example and to check with their healthcare provider or pharmacist to assure that they are fully vaccinated (*Politico*).

AMERICA: A former White House aide claims Donald Trump stopped wearing masks during the pandemic because they messed up his makeup. Cassidy Hutchinson, a senior assistant to then-Chief of Staff Mark Meadows, writes in her memoir “*Enough*” that the former president had selected a white mask to wear during a May 2020 visit to a Honeywell mask production facility. But after removing the mask he saw the straps were covered with bronzer and refused to wear it (*The Guardian*).

IOWA: the Iowa Health Care Association reports 27 nursing homes have closed over the past two years. Most were in rural areas. A combination of COVID-generated staffing woes and poor state reimbursement is generally cited as the reason. About 400 SNFs remain open in the state (*NPR*).

UNITED KINGDOM: People bereaved during the first two waves of the Covid pandemic are three times more likely to have prolonged grief disorder (PGD), which can leave them lonely and in intense emotional pain. The disorder can result in persistent longing for the deceased, intense emotional pain including guilt and denial, and trouble engaging with friends and planning for the

future, all of which goes on for longer than six months (*The Guardian*).

THE WORLD: Scientists at NYU found that the SARS-CoV-2 virus can directly infiltrate atherosclerotic plaques in coronary arteries providing one mechanism for how COVID-19 infection can lead to cardiovascular complications in some people. Directly infected atherosclerotic tissue was found in both people who died with severe COVID-19 and those who survived. The findings provide for the first time a direct link between COVID-19 infection and heart complications (*Nature Cardiovascular Research*).

AMERICA: Long COVID in the U.S. is rare among children and has affected roughly one in 14 adults. In 2022, an estimated 1.3% of U.S. children had long COVID. In adults in 2022, an estimated 6.9% had long COVID (*MedPage Today*).

THE WORLD: In a large study by the Norwegian Institute of Public Health, women who don’t menstruate — including postmenopausal women and those on contraceptives — were several times more likely to experience unexpected vaginal bleeding after COVID-19 vaccination than before the vaccines were offered. The team didn’t investigate the reasons for the unexplained bleeding but suggested that it could be linked to the SARS-CoV-2 spike protein used in the vaccines (*Science Advances*).

AMERICA: Experts largely agree with the CDC’s latest decision—all eligible people should get vaccinated for COVID this fall. Unlike the bivalent shots from last year, this new vaccine doesn’t protect against the original strain of COVID or early Omicron strains. The new shot is formulated specifically to target the XBB.1.5 subvariant, which made up a considerable percentage of COVID cases through July (*Health*).

THE WORLD: *Molnupiravir*, (Lagevrio) a blockbuster drug developed by US pharmaceutical group Merck to treat Covid-19, has been linked to mutations transmitted when the coronavirus spreads between patients. The finding will

increase scrutiny about its usefulness and the billions spent by governments on its procurement. *Molnupiravir* works by inducing small mutations in the virus itself. The study also suggests there were small clusters of mutations that were able to transmit between patients, though the genetic signature is not linked to any current variants of concern (*Nature*).

UTAH: An “alarming” new, highly mutated COVID-19 variant has been detected in Utah wastewater. The new variant, labeled BA.2.86 by scientists and dubbed Pirola, turned up in a wastewater sample collected Sept. 7. The sample came from the sewage treatment plant in Tooele Utah but has not yet been found in samples from individual positive COVID-19 tests (*Deseret News*).

THE WORLD: Experts stress that the drug *Paxlovid* is an effective, lifesaving treatment that helps to keep people out of the hospital. There is also “Paxlovid rebound,” or testing positive days after recovering from the virus. In a clinical trial, Pfizer researchers estimated that 2.3% of people who took Paxlovid and 1.7 % of the control group experienced a rebound, but outside research has shown that the rate may be as high as around 14% for those who took the drug, and around 9% for those who did not (*NY Times*).

WASHINGTON, D.C: After Pfizer and Moderna hiked the prices of their Covid-19 vaccines this year, the federal government will now pay nearly three times more than it did previously for each dose. CDC is paying \$81.61 for the Moderna booster this year, and \$85.10 for the Pfizer shot. Last year, Moderna charged the government \$26.36 per booster dose last year, and Pfizer charged \$30.48 (*MedPage Today*).

COVID-19, 09/29/2023

Global Cases – Deaths
770,875,433 – 6,959,311

U.S. Hospitalizations – Deaths
6,368,333 – 1,144,539

Vaccinations Global
13.5 billion

CDC & WHO

No Interruption in Medicaid & Medicare - Not at First

Nursing home providers should not see any interruption in Medicaid and Medicare benefits during a short-term government shutdown, experts and sector observers said as Congress moved closer to the precipice this week.

HHS said CMS has “sufficient funding” for Medicaid through the end of the year, due to its allocation under the federal government’s 2023 appropriations.

But the agency has not said if all activities – such as nursing home surveys and facility site visits – will continue.

Both LeadingAge and AHCA/NCAL said they’re closely monitoring the day-to-day information trickling out of Washington, DC, on budget negotiations.

McKnight's, 09/29/2023

B-more LTC Workers Score Cash Grant from City

Baltimore Mayor Brandon M. Scott announced an American Rescue Plan Act (ARPA) funded investment to provide Baltimore’s nursing home and homecare direct care and service workers a direct cash grant of \$500.

A \$2 million ARPA grant will be funneled to 1199SEIU Training and Employment Funds (TEF), who will issue the money to direct care and services workers.

Each worker must be a resident of Baltimore and have been employed in a qualified SNF for a cumulative of at least 6 weeks between March 1, 2022, through August 31, 2022.

Baltimore Mayor's news release, 09/27/2023

Nursing Home Sales a 'Symptom' Of Poor Outcomes

Researchers from the University of Washington Department of Rehabilitation Medicine evaluated the impact of 1,459 sales on about 11,000 nursing homes and their short-stay patients.

Over four years, they found that urban skilled nursing facilities with lower occupancy rates, larger Medicaid

populations and lower staffing had higher odds of changing owners, as did for-profit facilities and chains.

The study revealed that across measures tracking readmission rates, emergency department visits and community discharge among those short-stay residents, only the emergency visit measure worsened.

Such visits increased by 0.32% after a change in ownership.

McKnight's, 09/20/2023

\$25/hr Minimum Wage Headed to California Governor

A sweeping agreement between labor and the health industry would gradually raise the minimum wage for hundreds of thousands of health workers in California to a nation-high \$25 an hour.

The pact would phase in the wage increase for hospitals, nursing homes, and other medical and psychiatric services providers.

The hourly minimum at large health facilities to \$23 next year, \$24 in 2025, and \$25 in 2026.

The bill now heads to the governor’s desk where Gavin Newsom has an October 14 deadline to act on the legislation.

KFF Health News, 09/15/2023

Whistleblower Claims Dismissed in Federal Court

A federal judge has dismissed False Claims allegations against eight skilled nursing facilities, a therapy company and several physicians saying the whistleblower did not offer enough proof.

Former executive assistant and controller Terri Winnon charged the nursing homes paid physicians to “illegally induce patient referrals,” and of upcoding to obtain more therapy minutes, falsifying cost reports and of attempting to include private airplanes and yacht cost in company expenses.

The judge wrote Winnon’s proof was “woefully” inadequate and were based largely on her beliefs and not evidence that would support the allegations in court.

McKnight's, 09/22/20023

ONE COLUMN

CDC Overhauling Lab Ops After Covid Test Flop

In early February 2020, Kirsten St. George and her team at New York state’s public health lab received a test developed by the CDC to diagnose people infected with the new, rapidly spreading coronavirus.

But, like many labs around the country, it quickly found the test gave inaccurate results. So, test samples had to be sent back to the CDC for processing, wasting time and leaving state officials “sort of blind to what the situation was with the disease,” said St. George, chief of the laboratory of viral diseases at the Wadsworth Center, one of the nation’s largest state public health labs.

“It was extremely unfortunate that it happened at such a critical time, in the early days of this emerging pandemic,” she said.

Experts, including doctors, say the CDC’s flawed diagnostic test was one of the “most consequential” of the agency’s pandemic missteps because it stymied national efforts to contain COVID-19 as the disease spread.

They blame the test’s shortcomings on a series of problems rooted in how the CDC operated its laboratories: a lack of unified leadership for the labs developing the test; insufficient planning and quality control systems for producing tests for novel pathogens; and ineffective governance that sometimes placed clinical laboratory decisions in the hands of “non-laboratory experts” without diagnostic testing expertise.

The CDC says it’s working to address its liabilities. It’s a big job complicated by new leadership at the agency, constrained resources, and continued antagonism and threatened budget cuts from members of Congress.

Failure to make sweeping changes could add to a growing lack of trust in the agency post-pandemic and threaten the nation’s preparedness for the next public health threat.

KFF, 08/21/2023

Fireman Remembers Mom 20th Anniversary of Fatal Fire

Two decades ago, over a dozen people died in a fire at NHC nursing home, including the mother of a Nashville firefighter.

Bobby Connelly, former district chief wasn't working at the time, but got a call from his sister-in-law. The fire quickly turned personal with his 91-year-old mother, Thelma, inside.

Those who died were taken to a patio in the facility.

Connelly said. "I recognized my mom through a, she had a little gold band that she wore, and I found her and... the firefighters gathered around, we had a prayer and we carried her out of the building."

WKRN-TV, 09/28/2023

Doc Guilty in Ruse Involving Residents

Chicago-area physician Benjamin Toh has been convicted by a federal jury for issuing orders for cancer genetic testing for telemedicine companies without proof of medical necessity.

The kickback scheme targeted unknowing Medicare and Medicaid patients at nursing homes.

From March to September 2019, Toh participated in the kickback scheme in which more than \$9.5 million in fraudulent claims were submitted to Medicare and Medicaid for the tests.

DOJ said Toh ordered thousands of genetic tests despite not seeing patients either in person or via telemedicine, nor reviewing test results with any patients.

Toh will be sentenced in January 2024.

DOJ news release, 09/07/2023

Mental Health and Cancer Major Workforce issues

In a survey of 152 large employers, covering more than 19 million workers in the U.S., 77% reported an increase in workforce mental health needs – a 33% increase in the past year.

In the Business Group on Health survey, companies cited mental health challenges as the "top area of significant prolonged impact resulting from the pandemic."

Among all healthcare issues half of the employers participating in the survey cited cancer as a primary driver of healthcare costs, and 86% said that it is among their top three concerns related to employee healthcare.

Senior Living, 08/24/2023

Study Looking at UV Protection from Viruses

One promising new solution for sterilizing nursing home environments could come from UV lights.

A research team is studying whether UV lights mounted on the ceilings of LTC facilities could kill airborne diseases like COVID. Three facilities in Canada – where 81% of the COVID deaths among seniors occurred, have been outfitted with the lights.

The lights are programmed to emit safe levels of light, although residents in the study sites will still have their bodies checked to make sure their health isn't compromised.

The goal is to collect data through early 2025.

McKnight's, 08/11/2023

What Works Best? Flip 'em Every Two Hours

Two- to four-hour repositioning intervals significantly lowered the rate of pressure ulcers compared to no repositioning or longer intervals, found a review by Chinese researchers of 15 previous studies involving more than 8,500 patients.

Two- to four-hour repositioning had significantly lower PU rates than four- to six-hour repositioning in at-risk adults. Previous research also backed a turning system using two, 30-degree body wedges.

A turning team also considerably reduced formation of pressure ulcers, though the authors acknowledged the expense might make such an approach impractical.

McKnight's, 09/12/2023

Briefly IN THE NEWS

A new poll shows that any immediate political boost that President Biden gets for enacting the overwhelmingly popular policy may be limited. The poll from AP-NORC Center for Public Affairs Research indicates three-quarters of Americans, favor allowing Medicare to negotiate prices for certain prescription drugs. That includes majorities of Democrats (86%) and Republicans (66%). About one in five Americans are neutral on the issue, while only 6% outright oppose it (**KFF**).

Philips Respironics received thousands of complaints about a dangerous defect in its breathing machines but kept them secret for years as stock prices soared. The devices, including the popular DreamStation for sleep apnea, went to children, the elderly and veterans before the global giant announced a massive recall last summer (**ProPublica**).

Johnson & Johnson, Procter & Gamble and Walgreens are among several companies accused in lawsuits of deceiving consumers about cold medicines containing an ingredient that a unanimous FDA advisory panel declared ineffective. Proposed class actions were filed after the panel reviewed several studies and concluded that the ingredient phenylephrine marketed as a decongestant was essentially no better than a placebo (**Reuters**).

Recipients of public assistance in San Francisco – a city once known for its embrace of counterculture drugs — would have to submit to drug tests under a proposal announced Tuesday by Mayor London Breed who is facing mounting pressure to address the city's fentanyl epidemic. Her proposal would require all recipients of locally funded cash assistance participate in a substance abuse treatment program if screening showed drug use (**Politico**).

Occupancy rate for senior living in 31 primary markets tracked by NIC edged up to 84.2% in the August reporting period – 0.1 percentage points from July. From its pandemic record low of 77.8% in June 2021, occupancy has increased 6.4 percentage points and now sits 2.9 percentage points below pre-pandemic March 2020 levels of 87.1% (**Senior Living**).