

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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Vol 7

10/15/2023

## THEY SAID IT:

*"Unfortunately, it is a model that is unsustainable financially and will break with too much growth, due to the significantly higher wages"*

Carmela J. Fox, assistant VP for human resources, Allied Services Integrated Health System that has its own staffing agency

*"I've seen a few patients with five infections. Sadly, they were immunized, and they still got Covid five times"*

Dr. Grace McComsey Case Western University

*"Recommending a staffing requirement that something like 80% of facilities cannot comply with is, I think, best described as the definition of policy insanity"*

Brian Miller, a health policy researcher and assistant professor at Johns Hopkins University

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## Prescription Pot – A Nursing Home – A Lawsuit

Medical marijuana is raising concerns about what kind of legal protection job seekers and facilities have – especially amid a national nursing home workforce shortage.

Seth Unger applied to Centre Care Rehabilitation and Wellness Services in January for a job as a nursing assistant student, but the interview ended after he said he used marijuana.

His application was cancelled.

Unger has filed a lawsuit against the Pennsylvania long-term care facility alleging discrimination under the Americans with Disabilities Act, saying that the 1990 law protects his use of marijuana for which he has a prescription i.e., medical marijuana, to alleviate anxiety.

Centre Daily Times, 10/04/2023

## Throwing Money at Staffing Still Not the Solution

Allied Services Integrated Health System, a LTC nonprofit created its own staffing agency in 2022. Workers travel between its facilities in Northeastern Pennsylvania.

Allied pays CNAs who are in its agency up to \$30 per hour in base pay, LPNs up to \$50 per hour, RNs bring in \$70 per hour.

In the last 18 months, it has utilized 50,000 nursing hours from 84 hires to meet local needs – 30,000 thus far in 2023.

The company's internal agency has still resulted in an additional \$1.5 million in staffing costs — payouts it says are "clearly unsustainable."

McKnight's, 10/11/2023

## Doing Whatever It Takes Bonuses & Loan Repayment

Bassett Healthcare, a network of healthcare entities, including nursing homes, in Central New York, is upping the ante for the next 90 days to attract workers.

Sign-on bonus increases took effect Oct. 1, including up to \$35,000 for RNs and smaller amounts for other types of workers.

LPNs and various clinical technicians can get \$20,000; CNAs and other employment categories such as PTAs and COTAs can receive \$15,000.

Bassett also recently announced that annually, up to 50 recent graduates of Hartwick College and SUNY Oneonta who attain a bachelor's degree or higher will qualify for a loan repayment stipend.

Senior Living, 10/04/2023

## The Future of Health Care In the U.S. House

Things are changing fast on the House side of the U.S. Capitol

Two Republicans were running for Speaker: Reps. Steve Scalise (La.) and Jim Jordan (Ohio).

Scalise held a position on one of the chamber's top health care committees, until he became Majority Leader this year. He has withdrawn from the Speaker race.

Jordan went to bat for pharmaceutical executives as ranking member of the House's oversight committee in 2019 by writing a letter urging them not to comply with a Democratic request for information in a drug pricing investigation.

STAT, 10/05/2023

## Expand Early Hospital-To-SNF Payments To Save Millions

An HHS-OIG audit has found expanding the types of conditions for which hospital patients can be discharged early to post-acute care could save Medicare millions of dollars annually.

To discourage hospitals from holding on to patients longer than necessary to receive full payment, CMS pays hospitals a per-diem transfer fee if they discharge certain patients to a nursing home or other post-acute setting ahead of Medicare's expected end of stay.

OIG estimated Medicare could have saved approximately \$694 million annually and hospitals would still have costs covered.

HHS-OIG recommended CMS conduct a new analysis of its hospital transfer payment policy.

McKnight's, 10/12/2023

## CNA Charged with Neglect in Choking Death

Jessica Struhar, 26, was arraigned last week in Romeo, Michigan on one count each of 2nd degree Vulnerable Adult Abuse and Intentionally Placing False Information in a Medical Record.

The Michigan Attorney General alleges that Struhar as a CNA in 2021 at Medilodge of Richmond, a skilled nursing facility, she ignored a 58-year-old resident's Care Plan during mealtime which led to the resident choking to death. She is also charged with falsifying the medical record relating to the incident.

She could receive four years on each charge.

Michigan AG news release, 10/09/2023

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

**STOCKHOLM:** Two pioneers of mRNA research — the technology that helped the world tame the virus behind the Covid-19 pandemic — won the 2023 Nobel Prize in medicine or physiology. Overcoming a lack of broader interest in their work and scientific challenges, Katalin Karikó and Drew Weissman made key discoveries about messenger RNA that enabled scientific teams to start developing the tool into therapies, immunizations, and as the pandemic spread in 2020, vaccines targeting the SARS-CoV-2 coronavirus (*STAT*).

**AMERICA:** Test positivity from September 24 to September 30 was 10.9%, down 1.2% from the previous week. Emergency department visits dropped to 1.6%, down 14.5% from the previous week. Deaths, however, while still at low levels, were up 3.8% (*CIDRAP*).

**THE WORLD:** The best time to take an at-home COVID-19 test may not be when symptoms initially appear. Researchers looked at nearly 350 people and found that viral load peaked a few days after symptoms started. The at-home tests were most accurate on the fourth day of symptoms. They could still pick up some infections in the first three days but were more likely to be negative. The findings show people should not rule out COVID-19 based on a negative test early after symptoms start (*Clinical Infectious Diseases*).

**AMERICA:** The fourth winter with COVID-19 comes as many health officials have shifted to thinking of coronavirus as just one of three viruses that will circulate in the U.S. in the coming months – COVID-19, flu and RSV. High levels of immunity in the population and a new COVID-19 shot that better aligns with circulating strains are setting the U.S. up for what the CDC has described as a “moderate” COVID-19 wave during the fall and winter (*U.S. News & World Report*).

**RHODE ISLAND:** many nursing homes have yet to begin vaccinating their residents, yet nearly three-quarters of all

nursing homes and assisted living centers have reported COVID-19 outbreaks over

the past two months. the state Department of Health said it’s been receiving reports of 100-plus cases each week since the start of August (*The Public’s Radio*).

**AMERICA:** In a report from the CDC, adults aged 65 and older made up 62.9% of all COVID-19-associated hospitalizations between January and August 2023. By comparison, adults in this group made up 45.9% of hospitalizations between March 2020 and December 2022. During the week ending Aug. 26, the hospitalization rates for those 65 and older was nine times higher than the rate for adults aged 18 to 64 and 16 times higher than the rate for those under age 18 (*CDC*).

**THE WORLD:** The WHO has recommended dropping a component of many flu vaccines because the viruses it protects against appear to have been driven into extinction in the Covid-19 pandemic. A family of viruses known as influenza B/Yamagata has not been seen since March 2020, when flu circulation worldwide declined to very low levels in the face of the onslaught of Covid and the protections people took to avoid contracting it. Flu transmission eventually resumed, but B/Yamagata viruses did not reappear (*STAT*).

**AMERICA:** Two new reports, from the CDC’s National Center for Health Statistics found that, in 2022, 6.9% of adults -- equivalent to about 18 million Americans -- reported ever having long COVID while 3.4% -- about 8.8 million -- said they currently have the condition. Among children 1.5% -- roughly 1 million Americans -- ever had long COVID while 0.5% -- about 360,000 -- reported currently had it (*ABC News*).

**FLORIDA:** The Florida Department of Health has agreed to a lawsuit settlement requiring it to provide more detailed COVID-19 data, after initially refusing and saying it didn’t exist. ... That COVID-19 data will detail vaccination counts, case counts and deaths. It’ll be aggregated

weekly for the next three years, grouped by county, age group, gender and race. The department provides more general

data every two weeks (*Tallahassee Democrat*).

**AMERICA:** With a number of states introducing legislation that would make it illegal for employers to require certain vaccines, such as COVID, for their employees, the Advisory Committee on Immunizations Practices, American Nurses Association and 15 other groups are calling for calling for required vaccinations healthcare workers As required by Federal regulations, vaccine exemptions should be provided for religious objections and medical contraindications (*ACIP*).

**AMERICA:** Nearly four years after COVID’s emergence, plenty of people have tested positive at least twice. But an unlucky group has been hit with reinfection after reinfection – five times, and in at least one person, Reanna Sunford Clark in Portland, Oregon – six times. The CDC identified more than 2.7 million COVID reinfections from September 2021 to December 2022. But because some states stopped tracking reinfections or never recorded them, it’s not clear how common it is to be infected multiple times (*NBC News*).

**AMERICA:** A new study from the CDC reveals that adults 65 and above accounted for 63% of all COVID-related hospitalizations recorded from January to August. Only 24% of those hospitalized this year were up to date on their coronavirus vaccinations, and the vast majority had two or more underlying health conditions. The 65 and older age group also constituted 61% of intensive care unit admissions and nearly 90% of COVID-related deaths (*San Francisco Chronicle*).

<b><u>COVID-19, 10/13/2023</u></b>
<b>Global Cases – Deaths</b> 771,191,203 – 6,961,014
<b>U.S. Hospitalizations – Deaths</b> 6,405,961 – 1,147,253
<b>U.S. Nursing Home Deaths</b> 168,316

## **Elderly Have a Tougher Time With RSV Than COVID Or Flu**

A study considered adult hospitalizations in 25 hospitals for RSV in the U.S. between February 2022 and May 2023.

A total of 5,784 adults aged 60 years or older hospitalized with acute respiratory illness and laboratory-confirmed RSV, SARS-CoV-2, or influenza.

Overall, 304 (5.3%) adults were hospitalized with RSV, 4,734 (81.8%) with COVID-19, and 746 (12.9%) with influenza.

The median age of hospitalized RSV patients was 72 years, 74 for COVID-19 and 71 for influenza.

Patients hospitalized with RSV were more likely than hospitalized COVID-19 patients or hospitalized influenza patients to receive standard-flow oxygen or to be admitted to an ICU.

*CMS Morbidity and Mortality Weekly Report, 10/06/2023*

## **Better IPC Linked to Fewer Infections During Pandemic**

University of Texas MD Anderson Cancer Center Researchers during the pandemic analyzed the monthly incidence rate of healthcare-associated infections during a period that covered 42 months before and 25 months after the start of the pandemic.

Stricter infection prevention and control measures implemented during the pandemic – increased use of PPE, enhanced contact precautions, and emphasis on hand hygiene.

Significant decreases were noted in *C. diff*, central line-associated bloodstream infections, and all nosocomial RVIs combined during the pandemic.

Declines were also observed in the infections caused by individual viruses, including flu and respiratory syncytial virus.

*American Journal of Infection Control, 10/12/2023*

## **There Really is Nothing New Under the Sun**

Researchers examined about 14,000 people and compared bathing routines at 28 nursing homes in California for 18 months. Fourteen facilities used regular

cleaning methods, and the others decolonized all residents with a special soap – chlorhexidine – and a nasal swab with povidone-iodine (iodophor) to remove pathogens from residents' skin and nose.

Nursing homes that used the routine also reduced the prevalence of multidrug-resistant organisms by half.

A new innovation? Not really. The soap and swab have been used in healthcare for more than 60 years.

*New England Journal of Medicine, 10/5/2023*

## **Headed to the Slammer Filed \$359M in Bogus Claims**

Lourdes Navarro, 64, of Glendale, California has pleaded guilty to fraudulently submitting claims to governmental and private insurance programs during the COVID-19 pandemic for expensive and medically unnecessary respiratory pathogen panel (RPP) tests.

Navarro and Imran Shams submitted, through a laboratory, approximately \$359 million in claims for the unnecessary RPP tests to Medicare, the Health Resources and Services Administration COVID-19 Uninsured Program, and a private health insurance company.

They were reimbursed approximately \$54 million. The pair will be sentenced in January 2024.

*DOJ news release, 10/05/2023*

## **Ohio SNF Sued by Feds For Age/Sex Discrimination**

The EEOC has sued The Laurels of Athens, a nursing and rehabilitation facility in Athens, Ohio, for allegedly discriminating against a physical therapy assistant because of his age and sex, and then retaliating against him for complaining about discrimination.

The PTA was a few months less than 60-years-old when he was terminated upon returning from an approved medical leave saying there was no work available, even though there was.

The suit claims the company also refused to rehire the employee after he filed a charge of discrimination.

*EEOC, 10/04/2023*

## **ONE COLUMN**

### **Big Fish & Online “Stalkers” Could Affect Nursing Homes**

Three cases before the US Supreme Court this term could have significant repercussions for the long-term care sector, including how much authority federal agencies have to create and enforce regulations that go beyond the intention of Congress.

One involves a fishing company. The “Big Fish” case centers around a herring fishing company’s challenge of a requirement from the National Marine Fisheries Service to allow federal observers onboard and to compensate the observers for their time.

For years, judicial review of regulatory matters had been guided by what’s called the Chevron doctrine, which has given significant deference to federal agencies in how they conduct regulatory oversight.

The “doctrine” was the result of a decision in a 1984 case involving oil and gas giant Chevron in which the Supreme Court ruled that agencies must be able to interpret their own authority.

AARP, in an analysis, noted that the Chevron doctrine was used to affirm a rulemaking by HHS to protect residents in long-term care facilities from pre-dispute binding arbitration agreements as a condition for admission.

Oral arguments have not been scheduled for “Big Fish” as yet, but justices have already heard arguments on a case challenging the existence and authority of the Consumer Finance Protection Bureau, which has recently focused its attention on what it perceived as nursing homes’ strong-armed billing and collection practices.

The third case involves a woman with disabilities who “stalked” a hotel’s website, then sued the hotel, where she did not intend to stay, for not having online information about handicap accessible rooms or giving an option to book such a room.

AARP said the relationship between aging adults and disabilities makes the case relevant.

*McKnight’s, 10/05/2023*

## **Praise the Lord and Pass the Bleach**

A Florida man and his three sons were sentenced to prison for selling more than \$1 million of a fake COVID-19 cure that was actually a bleach solution.

The family used a church as a front for their business dealings, marketing the product to customers using Bible verses through their newsletter, a radio station, and a book.

Mark Grenon, 66, and Joseph Grenon, 36, were sentenced to 5 years in prison for conspiring to defraud the government. Jonathan Grenon, 37, and Jordan Grenon, 29, were sentenced to 12 years for conspiring to defraud the government and contempt of court.

*The New York Times, 10/11/2023*

## **Keeping the Old as Important as Finding New**

With so much of the nursing home staffing spotlight pointed recently at increasing staffing levels, new study results emphasize the importance of experienced nurse and administrator retention as perhaps equally important for providing quality care.

University of Rochester investigation considered 1.45 million facility-weeks of staffing levels involving 13,826 facilities from April 2017 to December 2019.

About 23,000 surveys were observed.

A 10% increase in nurse staff turnover was associated with a 4% increase in citations and a roughly 2% increase in the rate of residents experiencing declines in mobility and independence with ADLs.

*JAMA Internal Medicine, 10/09/2023*

## **Study Finds Unions Reduce Staff Turnover**

Among the 17.3% of U.S. nursing homes that were unionized in 2021, researchers found a 3.2% relative drop in turnover.

In counties where more than 75% of nursing homes were unionized, a George Washington University study found there was 17.1% less turnover.

The study is the first to compare turnover at union and non-union facilities, thanks in part to the CMS reporting its first full year of total nurse staffing turnover for 2021.

Data indicating union presence in facilities was supplied by the SEIU, the nation's largest representative of nursing home workers.

*JAMA Network Open, 10/13/2023*

## **RN Wages Projected to Grow The Most in Healthcare**

Registered nurse salaries are projected to increase over the next decade at a rate that surpasses the rate of increases for some other healthcare professions.

A recent [TollFreeForwarding.com](https://www.tollfreeforwarding.com) study evaluated the future hourly earnings of 16 professions using the BLS annual mean hourly earnings for each job from 2013 to 2022.

Among the healthcare professions that were examined for potential wage changes over the next decade, adjusted for the estimated inflation rate, RN was the only one expected to see growth by \$12.82 per hour.

Dentists' wages, by comparison, are projected to decline by \$13.72 by 2033.

*Senior Living, 10/12/2023*

## **Nursing Home Resident Burned in Bed Fire**

A man was severely burned in a fire in a North Port, Florida nursing home last weekend.

Fire fighters said the blaze was extinguished in the resident's bed at the North Port Rehab and Nursing Center.

The man was taken by air to a hospital for treatment.

No other residents were injured. The building was ventilated, and the state Fire Marshal called to investigate.

*WTSP-TV, 10/08/2023*

## **Free COVID Test Kits**

**COVIDTests.gov**

## **Briefly IN THE NEWS**

Surgeons at the University of Maryland Medical Center in Baltimore transplanted the heart of a genetically altered pig into a man with terminal heart disease who had no other hope for treatment. It's the second such procedure performed by the surgeons (*New York Times*).

Health workers had an increased risk for suicide compared with workers in other sectors. Researchers from New York State Psychiatric Institute using data from 2008 to 2019 found the risk of suicide was 32% higher among the 176,000 healthcare workers in the study. It was highest among support staff, such as CNAs, followed by nurses (*JAMA*).

Since the middle of August there have been multiple outbreaks of salmonella in 18 states linked to small turtles. So far there have been 59 illnesses documented – 40% in small children – and 23 hospitalizations. There have been no deaths (*CDC*).

At its annual convention in Denver the American Health Care Association and National Center for Assisted Living has elected Phil Scalo of New Jersey as AHCA Chair and Mark Maxfield of Idaho as Chair of NCAL (*AHCA/NCAL news release*).

A report from Deloitte, encompassing more than 16 million people, has found that women of all ages pay a total of \$15.4 billion more than men on annual out-of-pocket medical expenses. In 2021, that meant that women paid about 20% more than men – only 2% of which could be accounted for by maternity care (*STAT*).

Sen. Bernie Sanders (I-Vt.), chair of the Senate Committee on Health, Education, Labor and Pensions blasted nonprofit hospitals for charging patients large fees despite the expectation that they provide medical care at free or reduced costs. Sanders criticized hospitals for making information on their charity care programs difficult to access while providing substantial compensation to their top executives. He cited studies that indicated most nonprofit hospitals spend less on charity care than the amount of tax benefits they received (*The Hill*).