

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"I believe that young minds can make a positive impact on the world" Heman Bekele, 14, who invented a soap to treat skin cancer

"Here we are, over three years into the pandemic, with a president that regularly demagogues about COVID-19 deaths to justify an unfunded staffing mandate, and we're playing 'The Hunger Games' in trying to access vaccines" Brendan Williams, president of the New Hampshire Health Care Association

"We're going to throw everything we have at them" Connecticut AG William Tong on a fraud investigation into Stone Academy, a nursing school that abruptly closed this year

AARP's 2023 State Scorecard Rates Long-Term Care

In its state-by-state review, AARP specifically called out nursing homes for their ongoing workforce crisis, turnover rates, allegedly inequitable care for minorities and the ongoing prevalence of pressure injuries.

In addition, AARP leaders said states are giving less-than-adequate attention to natural disasters and the importance of nursing home emergency preparedness.

Minnesota and Washington were the top-ranked states, with relatively strong support for family caregivers and a wide range of healthcare providers and long-term care settings. The lowest performing states were Alabama and West Virginia.

The report found the highest average turnover rates in Montana, Vermont and New Mexico.

AARP 2023 State Scorecard, 09/2023

Verma: CMS In Over Its Head on Staffing

Former CMS Director Seema Verma said Federal regulators are in over their heads with the proposed first-ever nursing home staffing mandate.

She added there appears to be a strong window of opportunity for influencing how the final rule will be shaped. Although 22,000 comments have been posted to the Federal Register, she advised that members of Congress should be contacted individually because the Hill will weigh in on this as well."

Verma predicted that if a final rule is not issued by the end of the year, it could very well be put off until after the 2024 presidential election.

McKnight's, 11/02/2023

Staff Solutions? Coalition To 'Goose' Congress

The new Healthcare Workforce Coalition will push Congress to focus on education of new nurses and clinicians, retention, and recruitment of international health workers.

In its initial news release the coalition pointed out that 85% of the nation's healthcare facilities are facing staff shortages and that U.S. nursing schools turned away 78,191 applicants in 2022 alone.

The coalition urged Congress to quickly pass bipartisan proposals including the Healthcare Workforce Resilience Act which would direct 40,000 visas, unused during COVID border closures, to healthcare professionals, with 25,000 going to nurses.

McKnight's, 10/23/2023

Staffing Woes Affect More Than Nursing Homes

Staffing prompted permanent closures of AL communities in 27 states in the past year.

KFF data showed that AL was among the Medicaid care settings most likely to have permanently closed in response to workforce challenges, behind 29 states

that reported closure of group homes. Adult day cares closed in 32 States.

Another 27 reported permanent closures for "other home and community-based" settings. Only 11 states reported such permanent closures for home health agencies.

Most states — 43 out of 50 — reported permanent closures of home and community-based providers within the last year.

Senior Housing News, 10/24/2023

Docs Sue FDA Over Social Media Comments

"You are not a horse. You are not a cow," the FDA posted to social media in mid-2021, as COVID-19 vaccines were already widely available in the USA. "Seriously, y'all. Stop it."

Those warnings are now the subject of a pending lawsuit by three doctors who claim the FDA overstepped its authority by weighing in with medical advice they say should be left to physicians.

The *ivermectin* suit is one of several working through federal courts challenging the FDA's power to make decisions or dispense information.

USA Today, 10/28/2023

Governor Orders Agencies to Investigate Themselves

Arizona Governor Katie Hobbs is directing two state agencies to investigate their own responses to complaints at Heritage Village a Mesa assisted living facility where a resident was killed by her roommate. Heritage Village has received 148 citations in the last three years.

Hobbs ordered the Department of Health Services and Adult Protective Services to immediately launch an investigation into what she called the agencies' unacceptable response to complaints at Heritage Village.

The Hobbs administration is also cracking down on bad actors, implementing robust licensure requirements, and increasing regulation and certification of facilities advertising Alzheimer's, memory and dementia care.

KJZZ Public Radio, 10/25/2023

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

AMERICA: Just over 7 percent of adults and 2 percent of children in the United States have received the new COVID shots as of Oct. 14, a CDC survey released Thursday said. Even older people, who are more vulnerable to COVID and its consequences, are getting vaccinated at a low rate with just one in five people above age 75 receiving it (*The Daily Beast*).

MARYLAND: A Congressional committee is now investigating a COVID-19 policy at University of Maryland. Starting in September, if a student tests positive, they have to quarantine off campus. For students who live on campus, this means having to either go back to their family's home, or book lodging off campus like a hotel. Its cost falls squarely on the student's shoulders (*CBS News*).

AMERICA: As the nation reeled from COVID-19, the federal government sent many Americans a financial lifeline. But some recipients say the covid relief payments have triggered financial distress by jeopardizing their Social Security benefits. The government has demanded they repay much larger amounts — thousands of dollars in benefits for the poor and disabled distributed by the Social Security Administration (*KFF Health News*).

WALL STREET: Shares of Moderna fell 6% in morning trading Thursday after the company posted a loss of \$9.53 per share. Moderna's stock is down more than 57% for the year as of Wednesday's close. The company said the loss was primarily driven by \$3.1 billion in mostly non-cash charges related to tax allowances and changing its manufacturing footprint (*CNN*).

THE WORLD: Viral load in COVID-19 infection peaks later now than in the early days of the pandemic. Researchers found that viral loads in the Omicron era peaked about 4 days after the onset of symptoms. Today typically the peak comes at about the same time as the onset of symptoms and maybe even a few days before (*Clinical Infectious Diseases*).

SOUTH KOREAN: Researchers have identified a significantly higher risk of multiple new-onset autoimmune and autoinflammatory connective-tissue disorders after COVID-19 infection. These findings suggest that autoimmune and autoinflammatory connective tissue disorders may manifest as post-COVID-19 sequelae, i.e., the consequence of previously having COVID-19, highlighting the potential long-term health ramifications associated with the disease (*JAMA Network Open*).

AMERICA: Outpatients with mild-to-moderate COVID-19, should forget about inhaled fluticasone furoate — it doesn't shorten time to symptoms go away. In a University of Minnesota in Minneapolis, study non-hospitalized symptomatic adults were randomly assigned to inhaled fluticasone furoate or placebo. The researchers observed no evidence for fluticasone furoate resulting in a shorter time to recovery (*New England Journal of Medicine*).

NEW HAMPSHIRE: The "hostage situations" for nursing homes learning at the last minute that a staffing agency has double-booked a worker are nearing an end here. A new law prohibits staffing agencies from scheduling nurses or licensed nurse assistants at multiple assignments and then pushing facilities into bidding wars. "Double-booking would be illegal. Using COVID-19 as a pretext to upcharge would be illegal. (*McKnight's*).

CANADA: Adults treated outpatient with *Paxlovid* for their COVID infections during the earlier Omicron variant months had a high prevalence of drug interactions — 70% overall and 82% in people over age 70. About 62% had an adverse drug event, i.e., a reaction to taking the drug such as bad taste in the mouth or diarrhea, although 95% completed the five-day *Paxlovid* course (*PLOS One*).

THE WORLD: SARS-CoV-2, the coronavirus that causes COVID-19, is still with us, along with the risk it poses to heart health, especially in people with blocked arteries, hypertension, diabetes, and other predisposing factors. Millions of people who recover from COVID-19 have

gone on to develop lingering cardiovascular symptoms, including abnormal heartbeats, dizziness, and shortness of breath (*Harvard Medicine*).

THE WORLD: Use of *nirmatrelvir-ritonavir* (*Paxlovid*) during the acute phase of COVID-19 appeared to significantly reduce the risk of post-COVID conditions (PCCs) in older adults (50+) at high risk for severe disease. For adults ages 18 to 49, the use of *Paxlovid* appeared neutral. However, in adolescents ages 12 to 17, the overall risk was significant. (*MedPage Today*).

UNITED KINGDOM: Nationwide lockdowns in the UK during the pandemic were a "failure" of public health policy. At a COVID-19 public inquiry Prof Mark Woolhouse of the University of Edinburgh — a member of the Scientific Pandemic Influenza Group on Modelling (SPI-M-O) — said the group failed to adequately assess the negative consequences of a nationwide lockdown. (*The Guardian*).

CANADA: In two clinical trials, intravenous vitamin C did little to increase days free of organ support in adult patients hospitalized with COVID-19. Researchers wrote "Although the results do not completely exclude the possibility that vitamin C is effective, they are far more consistent with vitamin C being ineffective" (*MedPage Today*).

THE WORLD: Pfizer said its combination vaccine candidates targeting Covid and the flu will move to a final-stage trial in the coming months after showing positive initial results in an early to mid-stage study. Earlier this year, Pfizer said it hopes to launch a vaccine targeting those two respiratory viruses in 2024 or later (*CNBC*).

COVID-19, 11/03/2023

Global Cases – Deaths
771,679,618 – 6,977,023

U.S. Hospitalizations – Deaths
6,542,832 – 1,151,435

Global Vaccine Doses
13.5 Billion

The Free Pill Bus Has Left the Station

Covid meds were free during the pandemic, but that's over.

Pfizer, for example, is setting the price for a five-day Paxlovid treatment at \$1,390.

Under an agreement between Pfizer and the feds, people with Medicaid, Medicare or those who are without medical insurance will not pay any out-of-pocket costs for the treatment through the end of next year.

Millions of the free pills will remain at pharmacies, hospitals and doctor's offices across the country.

People with private insurance may notice copays once their pharmacy or doctor's office runs out of the treatments they received from the government.

Associated Press, 10/27/2023

Bosses Not Liable for Early COVID Deaths at Vets Home

A Federal appeals court has reaffirmed a decision that ruled top managers at the Soldiers' Home in Holyoke, MA are immune from a worker's lawsuit claiming his constitutional rights were violated by poor COVID management during the early days of the pandemic.

The worker charged risks were ignored and proper procedures were not undertaken, resulting in a dangerous workplace that included a deadly COVID-19 outbreak.

Eighty-four veterans died.

The court ruled the then-superintendent and other managers had limited immunity due to the lack of established law that could have guided their actions during the unprecedented health crisis.

McKnight's, 10/30/2023

Grabowski & Bowblis: Count All Nurse Hours

Two preeminent skilled nursing researchers are calling for significant changes to the CMS-proposed staffing mandate. that would build on "the rule's strengths while addressing shortcomings and minimizing unintended consequences."

In the short term, Harvard's David Grabowski, and Scripps Gerontology Center Fellow John Bowblis urged CMS to use a total nurse-hour measure to ensure that licensed practical nurses remain a core component of daily nursing home care.

In the long-term, the researchers encouraged CMS to shorten its implementation window and take a harder look at system-level challenges in paying for nursing home care.

McKnight's, 11/01/2023

Catholic Political Group Gives Thumbs-up to Mandate

Citing nursing home residents who are "plainly among the most vulnerable of all populations in the U.S. and stating that the country must do better for "low-wage workers who overwhelmingly bear the burdens of caring for nursing home residents," NETWORK Lobby for Catholic Social Justice has endorsed the Biden administration's staffing mandate.

NETWORK said the lack of strong, science-based standards does not just leave nursing home residents more vulnerable to poor conditions and worse health outcomes. It also threatens the safety and wellbeing of nursing facility workers, creating a harmful cycle of understaffing.

NETWORK news release, 10/26/2023

Virginia Staffing Numbers, Like All of U.S. - Are Grim

A survey from the Virginia Health Care Association/Virginia Center for Assisted Living of its members found that 31% of respondents said they had "few to no applicants" for open positions; 91% said they have vacancies for CNAs.

Based on the survey results, many facilities would find it hard to meet the new rules. Eighty-one percent of the respondents had vacancies among LPNs – 64% had RN vacancies.

A state nursing home staffing mandate to take effect 07/01/2025 and supported by VHCA-VCAL, requires 3.08 hours of total nursing care PPD and doesn't specify nursing categories to fulfill the mandated time.

McKnight's, 11/01/2023

ONE COLUMN

Is There a Nursing Shortage? Depends on Who's Talking

Healthcare entities are frustrated with a nationwide nursing shortage that's only gotten worse since the pandemic. In 2022, the American Hospital Association quoted an estimate that half a million nurses would leave the field by the end of that year, bringing the total shortage to 1.1 million.

At the same time, National Nurses United insists there isn't a nurse shortage at all. There are plenty enough nurses for the country, they say — merely a shortage of nurses who want to work under current conditions.

So, who's right? Who's wrong?

Experts say everyone — including patients who are frustrated that they're not getting proper nursing care — is a little bit right, though not in the way they might expect.

Linda Aiken, the founding director of the Center for Health Outcomes and Policy Research at the University of Pennsylvania, said that the problem is a shortage of nursing care.

"These two things can exist at one time," she said. "You can have a lot of nurses, but really at the intersection of care that's delivered to the public, you could have a shortage because those institutions are not hiring enough of them."

According to nurses, this behavior makes healthcare workers frustrated and want to quit, making the cycle worse.

It's all coming to a head in healthcare where worker strikes have focused on understaffing, not pay, as their top priority.

They want more staff on the floor so they can provide the appropriate care. Healthcare entities, on the other hand, are frustrated with higher labor costs driven by the temporary staff they have to hire and don't see the problem abating without an infusion of new nurses for them to hire.

STAT, 10/16/2023

Paying SNFs Upfront Fees Could Lead to M'caid Savings

Researchers from UCLA, Mathematica, and Cornell conducted an in-depth analysis of more than 500,000 nursing home stays across four states.

They found that nursing homes can be financially motivated to retain Medicaid patients, but when more profitable Medicare or private payers seek their services, nursing homes tend to discharge less-profitable Medicaid patients, implying that these patients stay longer than medically necessary.

The researchers found that shifting 10% of Medicaid reimbursements into an upfront fee for a new Medicaid patient reduces the length of Medicaid stays by 17% and overall spending falls by 8.4%.

Skilled Nursing News, 10/26/2023

And Another One Bites the Dust

Accura HealthCare announced the closure of the Accura HealthCare of Manning facility located in Manning, Iowa.

The company said the continued financial challenges faced by the facility, "coupled with the daily obstacles to meet the evolving healthcare standards, have led us to make the difficult decision to close the facility."

Accura HealthCare said it would "work closely with residents, their families, and the Iowa Department of Inspections and Appeals to facilitate the transition to new living arrangements that best suit their needs."

The Carroll Times Herald, 10/30/2023

SNF Dodges Picket Lines By Promising Bonuses

A group of nursing home workers who threatened to picket their employer, put down the placards after being promised more than \$80,000 in bonuses their union says they are owed.

The local SEIU has been tussling with the owners of Safire Rehabilitation of Northtowns in New York over three types of bonuses that were negotiated to encourage retention.

They had been paid since being added in November 2021. But employees said

that since January, they are receiving only intermittent bonuses for working with COVID patients, picking up extra shifts or working when the building is short-staffed.

McKnight's, 10/26/2023

Judge Denies Monitor For Embattled NY SNF

New York Supreme Court Justice Lisa Cairo judge will not name independent monitors for an embattled nursing home, saying the state attorney general's request was "unwarranted at this juncture."

The owners of Cold Spring Hills Center in Woodbury were directed to make all payments to ensure unionized employees retain their benefits, which were nearly suspended for lack of payment last summer.

NY AG Letitia James filed suit in December alleging the owners had siphoned off \$22.6 million in Medicare and Medicaid funds through a "fraudulent network of companies that were used to conceal up-front profit taking."

McKnight's, 10/25/2023

Illinois SNF Slapped With Six-figure CMP

Arcadia Care Danville was issued four fines for violations, totaling over \$100,000 half of which came from one violation, a Type AA related to a resident's death.

Arcadia had failed to obtain an ordered blood workup for a resident who had been experiencing weakness and "feelings of impending death."

The resident died at a hospital of "cardiac arrest due to severe anemia" stated on her death certificate.

The facility was cited for three other violations, two of them resulting in \$25,000 fines each.

There were only three other Type AA violations in Illinois during that reporting period.

WCIA, 10/16/2023

Free COVID Test Kits

COVIDTests.gov

Briefly IN THE NEWS

A group called the Incubate Coalition, comprising the venture capital firms that bankroll most biotech startups, is pressing US lawmakers to extend by four years the time that pills can be on the market before they become subject to price negotiations with Medicare. Such an extension could mean billions of dollars in extra profits to biopharma companies and their investors over time — and billions in additional costs to Medicare and its recipients (*The Boston Globe*).

Pharmacy chain Rite Aid has settled a critical dispute with drug supplier McKesson Corp to ensure that customers' prescriptions will continue to be filled during Rite Aid's bankruptcy. Rite Aid, which filed for Chapter 11 bankruptcy on a week ago in New Jersey, sued McKesson seeking to stop it from terminating a drug supply agreement that accounts for 98% of the pharmacy chain's prescription drug sales (*Reuters*).

The Department of Veterans Affairs provided 88 abortions in the first year that it offered the procedure — although, citing privacy concerns, the VA declined to provide more than raw numbers. The figure was given to the House Veterans Affairs Committee after the Republican-led panel threatened to subpoena the VA if it did not provide detailed data on the abortions it has provided (*Military.com*).

CVS Health is pulling some of the most common decongestants from its shelves and will no longer sell them, after FDA advisers recently determined that an ingredient doesn't work. Oral phenylephrine, an almost-century-old ingredient in decongestants such as Sudafed PE and over-the-counter pills, syrups and liquids to clear up congested noses (*KFF*).

Each year, more than 6.6 million people worldwide die from strokes, and researchers caution that the number is increasing, especially in young and middle-aged people and in low- and middle-income countries. Researchers predicted that stroke deaths will increase by about 50%, reaching 9.7 million deaths annually in 2050 (*The New York Times*)