

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"We've known for a while that as the belly size gets larger, the memory centers in the brain get smaller"

Alzheimer's disease researcher Dr. Richard Isaacson, a preventive neurologist at the Institute for Neurodegenerative Diseases of Florida

"AMDA has strongly advocated for the public reporting of nursing home medical directors for many years. We are happy that CMS has addressed this in its new rule"

Milta Little, president of AMDA on Medical Directors inclusion in new transparency rule

"If it's a defense verdict, we'll know our laws are somewhat protective of patients. If it's a plaintiff's verdict, patients around the state could be dumped"

senior staff attorney Tony Chicotel, with the California Advocates for Nursing Home Reform on a hospital suing patients who refused to leave

Take This to the Bank Health Care is Big Business

Spending on nursing home care has increased 9.8% since September 2022, while spending on home care showed the slowest growth rate among major categories of national health spending, increasing just 5.5%.

According to Altarum's monthly Health Sector Economics Brief, year-over-year spending growth among the other major healthcare categories, according to the report: prescription drugs (11.8%), dental care (9.8%), physician and clinical services (8.9%) and hospital care (6.9%).

National health spending overall increased 5.7%, year over year, reaching a seasonally adjusted annual rate of \$4.78 trillion, accounting for 17.2% of gross domestic product.

McKnight's Business Daily, 11/20/2023

Squatters? Patients Won't Discharge - Hospital Sues

Dignity Health, a California Catholic hospital system is suing patients who refused to leave its hospitals while awaiting post-acute placements, saying their refusal to be discharged amounted to trespassing.

The unusual legal move paints patients as wrongdoers as the healthcare system faces deep staffing shortages that have limited skilled nursing access and left patients boarding in hospitals from coast to coast.

To pursue its claims, Dignity is using a state law meant to keep trespassers from preventing access to family planning clinics.

It has filed three suits in California, calling the patients' resistance to discharge a "commercial blockade."

McKnight's, 11/21/2023

Strikes Expanding But Not Only by Nursing Staff

Strikes like the massive one threatened by Kaiser Permanente's California blue collar workers last month could be a sign of what's to come for the broader healthcare sector, if providers can't find ways to raise pay and otherwise improve working conditions.

That was the warning from a panel of nursing experts who spoke during a KFF-hosted webinar late last week on strikes, shortages and staffing requirements.

Increasingly, unions representing nursing home workers have been spearheading strikes or pickets for their therapists and support staff members, who say they too are being squeezed by chronic understaffing.

McKnight's, 11/20/2023

New Jersey Nurses File For Election to Join Union

The more than 40 nurses at Complete Care at the Harborage, a 245-bed long-term nursing care facility in North Bergen, are petitioning the National Labor Relations Board for an election to join

HPAE – Health Professionals and Allied Employees.

The nurses are saying a lack of safe staffing and a general lack of respect for workers by the employer is the reason they are petitioning to join New Jersey's largest union of healthcare workers.

More than 120 workers at The Harborage—CNAs, housekeepers, and dietary Staff are already members of HPAE Local 5097.

HPAE is affiliated with the American Federation of Teachers.

Insider NJ, 11/20/2023

Bill Would Provide Provider Assistance

Massachusetts House Democrats during the week teed up a bevy of LTC reforms whose roots predate the COVID-19 pandemic.

The legislation would implement several changes a nursing facility task force recommended in January 2020, such as empowering the Department of Public Health with more regulatory muscle and creating career ladder and grant programs to support the industry's stretched-thin workforce.

All long-term care facilities would be required under the bill to develop individualized infection outbreak response plans, which would need to be submitted to DPH for review every year.

Berkshire Eagle, 11/14/2023

There's a Staffing Exemption But Don't Hold Your Breath

Nursing homes could receive a hardship exemption for the minimum staffing proposal – but it won't be easy.

Facilities will need to meet four criteria for an exemption, proving workforce is unavailable (or the facility is at least 20 miles from another long-term care facility); the facility is making a good faith effort to hire and retain staff; the facility provides documentation of its financial commitment to staffing; and, the facility has not failed to submit PBJ data.

It's unclear how operators will prove some aspects of the criteria to CMS.

Skilled Nursing News, 11/13/2023

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

AMERICA: Households can now order four free tests through [COVIDTests.gov](https://www.covidtests.gov), which directs people to a U.S. Postal Service site. If you have not placed an order since the program reopened on Sept. 25, you can place two orders for a total of eight tests. New orders will ship starting the week of Nov. 27, per USPS (*Axios*).

ITALY: The loss of taste and smell — hallmarks of a coronavirus infection early in the pandemic — became a stubborn blight for many long Covid sufferers, but new research shows that the sensory problems gradually abate over about three years' time. Researchers followed two groups of people who had and did not have COVID. They found that smell and taste disturbances were reported in almost two-thirds of the people who had caught a mild case of Covid-19 in the fall of 2020 in Trieste, Italy (*Bloomberg*).

AMERICA: Several states are experiencing increases in deaths related to COVID-19 as the holidays approach and this year's respiratory viral season sets in. CDC reports eight states saw increases in coronavirus deaths through Nov. 11: Colorado, Illinois, Maine, Maryland, Missouri, Michigan, North Carolina and Tennessee. The absolute increases ranged from 0.1 percent in Colorado to 3 percent in Maryland (*The Hill*).

SINGAPORE: Infants as old as 6 months were protected from COVID-19 infections only when mothers were vaccinated during pregnancy, but not before pregnancy. The large study (7292 births) compared outcomes among infants whose mothers were vaccinated before pregnancy, during pregnancy, or were unvaccinated at the time of birth. The present study was based on outcomes seen among all infants born to registered Singapore citizens. Infants younger than 6 months remain the only group ineligible for COVID vaccination in the United States (*JAMA Network Open*).

AMERICA: Kindergarteners vaccine exemptions increased 0.4 percentage points during the 2022–23 school year. Exemptions increased in 41 states

exceeding 5% in 10 states. In the present study, 3.0% of kindergartners had an exemption (0.2% medical and 2.8% non-medical), with a range of less than 0.1% in West Virginia to 12.1% in Idaho (*CDC Morbidity and Mortality Weekly Report*).

NEW YORK: The famed media personality and sex therapist Dr. Ruth Westheimer, 95, will serve as New York's loneliness ambassador, a first-of-its-kind role intended to assist an underserved mental health need. Surgeon General Vivek Murthy declared loneliness an epidemic in May, saying that governments must be prepared to foster all aspects of their citizens' mental health. He also noted that the COVID-19 pandemic likely worsened what was already a critical concern (*THE HILL*).

VIRGINIA: The state has spent all of a \$40.8 million American Rescue Plan appropriation to boost Medicaid payments to nursing homes, and all of a \$34 million to reimburse hospitals for vaccine clinics. However, of \$4.29 billion it received for various projects it has spent less than half — just 2.06 billion. The state has to spend the money by Dec. 31, 2026, and has to obligate funds — that is, make definitive agreements to disburse them for specific projects and programs — by the end of next year (*Richmond Times-Dispatch*).

AMERICA: A third of Americans surveyed in a new poll from researchers at Ohio State University said they do not believe they need vaccines for the flu or COVID-19 this season because they do not consider themselves high risk for complications from the viruses. Eighty-seven percent of those surveyed said they are doing everything they can to avoid spreading respiratory illnesses to others, but the researchers say one third of those polled said their vaccine decisions do not affect others (*CIDRAP News*).

WASHINGTON, DC: The U.S. Supreme Court has declined to hear an appeal filed by four New Jersey nurses over the state's COVID-19 vaccine mandate for health care workers. Even though the mandate has since been rescinded, a 2022 lawsuit brought by four nurses from Hunterdon Medical Center

was still winding its way through the court system. The nurses had challenged the constitutionality of three of Gov. Phil Murphy's executive orders requiring health care workers in New Jersey to be immunized (*NJ.com*).

MARYLAND: Back-to-school vaccine clinics got off to a rocky start in some Maryland counties this year after the state health department did not renew a statewide contract with a Baltimore-based nonprofit that supported coronavirus immunization efforts. At least three counties did not hold their usual flu vaccination clinics without the help of nurses from the Maryland Partnership for Prevention or PrepMod. (*The Baltimore Sun*).

THE WORLD: The demographics of eating disorders, based on 43 billion private health insurance claims are shifting younger, now most commonly affecting teens between 14 and 18 years old. The shift comes amid a youth mental health crisis that experts say has been exacerbated by the pandemic's isolation and social media (*AXIOS*).

ENGLAND: Pfizer announced it will cut 500 jobs at its Sandwich, Kent site in the U.K. as part of its \$3.5 billion cost-cutting plan. The U.S. drugmaker announced the cost-cutting program in October after slashing its full-year revenue forecast due to lower-than-expected sales of its COVID-19 vaccine and treatment (*KFF*).

AMERICA: A study from Harvard T.H. Chan School of Public Health and UCSF finds that the average American was projected to live about three fewer years in 2021 than in 2019. Women are now estimated to live nearly six years longer than men, largely due to the COVID-19 pandemic. (*CBS News*).

COVID-19, 11/22/2023

Global Cases – Deaths
772,166,517 – 6,981,263

U.S. Hospitalizations – Deaths
6,484,329 – 1,153,910

U.S + Tests Last Week
8.4% up 0.1%

CDC, WHO

Cooking-the-Books Trial Begins in Penna.

Sam Halper co-owner of two Western Pennsylvania nursing homes when on trial for an alleged scheme in which worker hours were intentionally inflated and patient records falsified to boost revenues and limit costs.

The ruse is alleged to involve keeping staffing illegally low and having employees clock-in and be paid for shifts they did not work; keeping two sets of books reflecting staffing levels, with one containing accurate information and the other falsified records; and falsifying staffing documents for federally mandated inspections.

Also on trial are a former administrator, DON, Director of Social services and two corporate managers.

McKnight's, 11/17/2023

Yet Another Poll Shows U.S. Not Doing Well in Healthcare

A Commonwealth Fund summer poll of adults living in nine countries found broad gulfs in healthcare utilization between residents with higher incomes and those with low or average incomes.

Specifically, 46% of U.S. adults with average or lower incomes said they had a cost-related reason for skipping medical care during the prior year, well above the next-highest 34% of New Zealand or the 16% reported in the U.K., Netherlands, Germany and France.

Twenty-nine percent of Americans with incomes above average reported the same, outpacing the second place Australia's 25% rate and the lowest 6% among the French and the Dutch.

Fierce Healthcare, 11/16/2023

AI-Shortened Stays Drive Potential Class Action Suit

A potential class action lawsuit claims, UnitedHealthCare, illegally uses artificial intelligence to override the decisions of medical professionals to wrongfully force seniors from nursing homes.

The case is being brought by the estates of two Medicare Advantage beneficiaries whose coverage for skilled nursing care

was abruptly cut off just days into their stays.

Doctors overseeing their treatment insisted they needed further in-patient services, but both cases were denied on appeal.

A lawyer representing the plaintiffs said the class, if certified by the court, could include tens of thousands of plaintiffs, and that claims for damages could reach billions of dollars.

McKnight's, 11/16/2023

Lawmakers Consider Allowing Spouses in Veterans Homes

A Florida Senate committee reported out a bill that would allow veterans' spouses to qualify to live in state-run long-term care facilities for veterans.

The measure also would allow parents of military members who died in service to be eligible. The expanded eligibility would apply to veterans' nursing homes and what are known as domiciliary homes.

The Senate Military and Veterans Affairs, Space and Domestic Security Committee approved the bill in a unanimous vote.

Florida, which has 1.5 million veterans, currently operates eight skilled nursing facilities and one ALF.

WLRN public radio, 11/15/2023

Artificial Joint Recall May Affect LTC Residents

A recall of defective artificial joints has put about 140,000 older adults' health in question and could result in new surgeries.

artificial joint manufacturer Exactech first began "quietly" recalling its artificial joints beginning in late 2021 because certain plastic components wear out earlier than expected. Since then, more than 1,000 patients have sued the company as the prospect of new surgeries or complications becomes a reality.

Many who opt for new surgery will end up in long-term care for rehabilitation, Current residents of LTC facilities who are affected could have new, and costly, care needs.

KFF, 10/10/2023

ONE COLUMN

Most Nursing Students Don't Want to Nurse People

A majority of nursing school students say they don't want to work direct care jobs. Nearly 60% of today's nursing students envision careers that take them away from direct patient care — even while they're still in school.

That's a problem for skilled nursing facilities, which are being pressured, and increasingly required, to hire more nursing staff to deliver direct patient care.

Elsevier Health recently released the third installment of its Clinician of the Future 2023: Education Edition series, looking at the experiences of nursing and medical students. It pinpointed the consequences of the ongoing pressures on frontline workers when it comes to the country's healthcare system.

Twenty-three percent of students are considering quitting their undergraduate studies, while 54% are worried about their mental health. Already, 57% of students believe they will suffer from clinician burnout and 65% worry about clinician shortages.

Perhaps most striking is that 58% say that their studies are "a stepping stone toward a broader career in healthcare that will not involve directly caring for patients."

"They are getting their APN so they can set their own hours and get paid more for their worth," said Sherrie Dornberger, executive director of the National Association of Directors of Nursing Administration. "Many are also getting Master's [degrees] in Administration to be nursing home administrators, and vice presidents of nursing, chief nursing officers, or work as legal nurse advisors, consultants or whatever else they can do working remotely."

Meanwhile, Iowa Rep. Zach Nunn (R) introduced legislation to address the nursing shortage through grants to training programs. The Train More Nurses Act would direct more funding to community colleges, which often train skilled nursing nurses, and also focus on nurse faculty retention.

McKnight's, 10/31/2023

Advocates Not Thrilled With New Transparency Rule

In the recently proposed CMS disclosure rule, nursing homes must disclose names and titles of each member of the facility's governing body as well as anyone serving as an officer, director, partner or managing employee of the facility.

However, because the data is to be reported as part of an every-five-year Medicaid-revalidation process, advocates have complained that care facilities that recently went through that process won't have to report the required data until 2028.

Advocates have asked for annual reports, but CMS said it is concerned "about the burden on nursing homes" if annual reporting is required.

Iowa Capital Dispatch, 11/17/2023

Docs & NPs Have Same Inappropriate Scripts Rate

In an analysis of Medicare Part D claims, the mean rates of inappropriate prescribing by NPs and primary care doctors were "virtually identical" at adjusted rates of 1.66 and 1.68 per 100 prescriptions.

Researchers at UCLA looked at Part D recipients 65+ in 29 states written by 23,669 NPs and 50,060 primary care doctors.

NPs, 32.1% of the study sample, accounted for 51.8% of clinicians in the lowest decile of inappropriate prescribing and 48.8% of those in the highest decile.

Utah and Virginia had the highest rates of inappropriate prescribing for both NPs and physicians.

MedPage Today, 10/23/2023

Post-Acute=Better Results, Higher Costs

People who receive short-term treatment at nursing homes that specialize in post-acute care have lower rates of hospital readmission (2% lower) and death (7% lower), according to a new study from the University of Pennsylvania Leonard Davis Institute.

But a study from the University of Pennsylvania Leonard Davis Institute

indicates those positive outcomes came with tradeoffs.

Patients at those facilities had 10% longer stays, on average, or about three additional days of care per patient.

Longer stays also meant greater costs: Medicare bills averaged \$1,200 more for patients at the more specialized facilities.

McKnight's, 11/20/2023

Nursing Home "Reform" Passes in Massachusetts

Lawmakers in Massachusetts have backed a sweeping long-term care reform bill.

A House bill, which passed 158-0 last week, prods the development of more "small house" nursing homes, promises better infection control responses and launches a pre-authorization pilot designed to thwart delayed coverage of nursing home care.

It would establish a long-term care workforce and capital fund to support several workforce programs that are necessary to address the public's concern about closures in the state and ongoing backlogs for patients waiting to be admitted.

The bill will rebase state LTC funding every two years.

McKnight's, 11/21/2023

PA Senator Addresses LTC Workforce Challenges

In Pennsylvania Dave Argall, a state senator, has turned his attention to the nursing home workforce crisis.

The Senator intends to introduce a package of bills that would establish state-wide CNA training program, allowing nurse graduates and students to take the CNA certification exam without completing the nurse aide training program.

It would also allow high school juniors and seniors to obtain credit towards graduation requirements for working in congregate care settings; and allows for interested caregivers to take a skills competency examination if they cannot produce a high school diploma or GED.

Pennwatch, 11/19/2023

Briefly IN THE NEWS

As of Sept. 30, Omega Healthcare Investors had sold 27 facilities in the third quarter for a total of \$161 million in gross proceeds. After the end of the quarter, on Nov. 1, Omega sold 29 skilled nursing facilities for \$305.2 million that had been leased to LaVie Care Centers; the total consisted of \$91.9 million in gross cash proceeds and \$213.3 million for the pay-off of HUD-related mortgages (**Senior Living**).

Jacksonville is launching an initiative aimed at helping uninsured people get coverage, just as the season to enroll in health plans opens. About 120,000 residents under age 65 don't have affordable private health care, the city said in launching "Get Covered Jax." The program will help residents navigate the Florida Health Insurance Marketplace at to find affordable or even no-cost options (**Health News Florida**).

As part of an ongoing investigation into the May 2023 data breach of Progress Software's MOVEit Transfer, CMS has learned of an additional 330,000 individuals whose personally identifiable information (PII) may have been compromised. As a result CMS and Maximus Federal Services are sending letters to the 330,000 affected people, who will receive free-of-charge credit monitoring services for 24 months (**CMS news release**).

The U.S. Food and Drug Administration on Monday warned healthcare providers and facilities not to use Cardinal Health's Monoject syringes with patient-controlled pain management pumps and syringe pumps. The regulator's warning comes after Cardinal Health initiated a recall for due to incompatibility concerns with syringe pumps (**Reuters**).

Scientists at the UC Davis Comprehensive Cancer Center in Sacramento, California, have identified a protein on the CD95 receptor that can "program" cancer cells to die. CD95 receptors have gained the nickname "death receptors" because they send a signal that causes cancer cells to "self-destruct" (**Fox News**).