

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

*"Over the last few years, it's [SNF investment] shifted to these boutique private equity firms or family investment offices that I see as the bottom feeders of the PE world"* Eileen O'Grady, research and campaign director for healthcare at the Private Equity Stakeholder Project

*"The slow, complex U.S. authorization process was combined with muddled public health advice on whether boosters were needed, how badly, when, and by whom"* from a Northwestern University study that predicted 29,000 lives could have been saved if the government would have been more forceful about COVID-19 vaccine boosters

## Therapy Dogs? Therapy Cats? Therapy Pigs – Say What???

It's no secret that animals are sometimes used in roles of therapy.

But pigs? If they're Kunekune piglets, you bet.

Mark Bengtson raises Kunekunes at his farm in Huggins, Missouri and has been taking some young piglets on visits to residents of Kabul Nursing Home and Landmark Villa Assisted Living Center, both in Cabool.

Recently Bengtson took two piglets – one 10 months old and one 10 weeks old. His visits were labeled Holiday Pig Therapy Day.

"These pigs are so gentle," Bengtson said. "And they [residents] absolutely love it; they just go crazy."

Houston Herald, 11/29/2023

## Senate Bill Introduced to Block Staffing Mandate

Sen. Deb Fischer (R-NE) officially introduced a bill late Tuesday aiming to block CMS from implementing its proposed nursing home staffing mandate.

The widely anticipated Protecting Rural Seniors Access to Care Act, S. 3410, had been held up for weeks as Fischer sought bipartisan co-sponsors. At introduction four other Republicans, two Democrats and two Independents had signed on as cosponsors of the bill.

Fischer's bill mirrors one introduced in the House in September would prohibit federal officials from finalizing the draft rule introduced on Sept. 1 and convene a nursing home workforce advisory panel instead.

McKnight's, 11/06/2023

## No Shock, Providers Endorse Anti-Mandate

The introduction of a Senate bill intended to block the Centers for Medicare & Medicaid Services from implementing its proposed nursing home staffing mandate was met roundly with applause from providers.

But whether it will stop the rule dictating registered nurse and certified nurse aide coverage "dead in its tracks," as one co-sponsor boasted, is far from a foregone conclusion.

Given that there is some Democratic support, particularly from lawmakers in largely rural states, the bill may have a chance of passage.

The American Health Care Association, not surprisingly, endorsed the legislation Wednesday.

McKnight's, 128/07/2023

## HHS Expects to Recover More Than \$3B from Fraud

The HHS' Office of the Inspector General is expected to recover more than \$3.44 billion in fiscal year 2023 as a result of investigations into fraud and misspent funds in Medicare, Medicaid and other government health programs.

The OIG's semiannual report tallied 707 criminal enforcement actions and 746 civil actions — including false claims, unjust-enrichment lawsuits and CMP settlements — from Oct. 1, 2022 through Sept. 30, 2023.

The OIG also banned more than 2,000 people and entities from participating in federal healthcare programs.

Healthcare Dive, 12/04/2023

## Nursing Home Stepped Up When Nearby ALF Flooded

Residents of Glarner Lodge in New Glarus, Wisconsin had to be evacuated last week after the sprinkler system malfunctioned and flooded the facility.

Families were contacted and some were able to house their loved ones until a more permanent solution is found, but 20 seniors were left.

those twenty were taken via school buss to Pleasant View Nursing Home in Monroe – about 13 miles away. Local firefighters were called in to help many of the seniors onto the bus.

WMTV-TV, 12/03/2023

## Man Charged with Beating His Mom in a Nursing Home

A Richmond, Indiana man has been accused of battering his mother at a local nursing home.

Phillip R. Collins, 64, was charged with domestic battery against an endangered adult, a Level 6 felony carrying up to 30 months in prison.

A Wayne County sheriff's deputy was called to Richmond Health Care Center on Sept. 28 after staff members reported Collins a day earlier had battered his 86-year-old mother, who was a resident there.

The staff members said they had called on Collins for assistance when his mother would not take her prescribed medications and displayed "unruly behavior."

Richmond Palladium-Item, 12/04/2023

**Free COVID Test Kits**

**COVIDTests.gov**

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

**CHINA:** Communist Party officials are denying rumors on social media that the recent surge in respiratory illness is caused by mutations of coronavirus or immune deficiency induced by the coronavirus, claiming that the current pathogens are completely different from the COVID pathogen. The officials are blaming western media outlets for "disregarding both common sense and facts" (*Fox News*).

**OREGON:** The Oregon Health Authority reports very few nursing home residents have gotten this year's COVID-19 booster. The updated vaccines are targeted at XBB 1.5, an omicron subvariant whose close relatives have been detected in recent Oregon samples. However, the most current state data from October showed that at long-term care facilities, only 6% of staff and 11% of residents had gotten this booster and less than 9% of all Oregon citizens are up-to-date, (*The Lund Report*).

**CHINA:** Researchers looked at participants with confirmed COVID-19 who were discharged from the Jin Yin-tan hospital in Wuhan, China, between Jan 7 and May 29, 2020. Of 1359 COVID-19 survivors who completed 2-year and 3-year follow-up, 728 (54%) had at least one sequelae symptom at 3 years after the initial symptom onset and before omicron infection. Symptoms were mainly mild to moderate in severity. During the omicron wave, participants with long COVID at 2 years had a significantly higher proportion of re-infection (573 [76%] of 753 vs 409 [67%] of 606 without long COVID (*KFF Health News*).

**AMERICA:** The prevalence of a highly mutated COVID-19 variant has tripled in the past few weeks, new government data shows. The CDC reported that currently nearly 1 in 10 new COVID-19 cases are fueled by the BA.2.86 variant. Scientists first warned of the highly mutated variant back in August, but it has since spread in several regions of the United States. The CDC's estimates carry wide margins of error around BA.2.86's prevalence, but the latest estimate is triple what it was on Nov. 11 (*HealthDay News*).

**THE WORLD:** Novavax's updated vaccine has been granted emergency-use authorization by the World Health Organization (WHO) for active immunization to prevent COVID-19 in individuals aged 12 and older. The updated Novavax shot, which was authorized in the U.S. last month, targets a descendant of the XBB lineage of the coronavirus that was globally predominant earlier this year (*Reuters*).

**CAPITOL HILL:** After months of negotiations, former chief White House medical adviser Anthony Fauci has agreed to testify in Congress on the U.S. response to the Covid-19 pandemic and the virus's origins in China. The testimony by Fauci, who led the National Institute of Allergy and Infectious Diseases from 1984 until last year, will be his first before the Republican-controlled House (*The Wall Street Journal*).

**AMERICA:** Three years into the Covid-19 pandemic, few Americans are rolling up their sleeves to get a Covid vaccine. Only 15.7% of U.S. adults had received the newest Covid shots from Pfizer, Moderna and Novavax as of Nov. 18, according to the latest data from the Centers for Disease Control and Prevention. Those jabs, some of which won approval in mid-September, are designed to target the omicron subvariant XBB.1.5 (*CNBC*).

**ILLINOIS:** The Illinois Supreme Court has ruled the state's strongest-in-the-nation biometric information privacy law does have an exemption: health care workers who use fingerprints or similar scans to access things like medication, materials or patient health information. In a unanimous opinion, the justices ruled against a pair of nurses who sued their employers over their use of fingerprint-enabled medication storage – a technology many hospitals have adopted to curb abuse or theft of certain drugs (*Capital News Illinois*).

**CYPRUS:** There are reports of a cat coronavirus has been responsible for thousands of cat deaths in Cyprus. Depending on who you believe, the number of deaths reported to this new

virus ranges from about 8,000, to higher than 300,000. it looks as though an existing cat coronavirus has recombined with a dog coronavirus, in much the same way as the SARS-CoV-2 virus emerged from a 'recombination event', to create a completely new coronavirus. One cat in the UK has been discovered with the disease (*BBC Science Focus*).

**SOUTH KOREA:** The Organization for Economic Co-operation and Development reported babies born in South Korea last year are expected to live 82.7 years, down from 83.6 years in 2021. Life expectancy fell in 2022 for the first time since 1970, hit by a spike in deaths linked to COVID-19. Following a global trend of such declines over the past few years, the OECD grouping said last month that average life expectancy had dipped 0.7 years across its 39 member nations between 2019 and 2021 (*Reuters*).

**AMERICAN MIDWEST:** Several key COVID-19 trends that authorities track are now accelerating around the country. CDC data from emergency rooms and wastewater sampling have tracked some of the steepest increases so far this season in the region spanning Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. It's the first major nationwide uptick in the spread of the virus seen in months (*CBS News*).

**OHIO:** The number of new COVID-19 cases in Ohio jumped to 13,215, a seven-day average of 1888, when regular seven-day updates resumed after the Thanksgiving holiday. That's higher than the average of 1,604 a day reported on Nov. 30, which included an eight-day stretch over the Thanksgiving holiday (*Cleveland.com*).

### **COVID-19, 12/08/2023**

**Global Cases – Deaths**  
772,138,818– 6,985,964

**U.S. Hospitalizations – Deaths**  
6, 544,614 – 1,158,185

**U.S + Tests Last Week**  
11.5% up +0.9%

CDC, WHO

## **Texas Sues Pfizer for COVID-19 “Fear-Mongering”**

In a lawsuit, Texas Attorney General Ken Paxton accused drugmaker Pfizer of fear-mongering and lies about the effectiveness of its COVID-19 vaccine, which the company insinuated would end the pandemic.

The lawsuit alleges Pfizer “engaged in false, deceptive, and misleading acts and practices by making unsupported claims regarding the company’s COVID-19 vaccine in violation of the Texas Deceptive Trade Practices Act.”

But the lawsuit comes at a time when Texas conservatives are pushing bans on COVID-19 vaccine mandates and trumpeting other anti-vaccine positions that are espoused by their grassroots supporters in the months leading up to election season.

*The Texas Tribune, 11/30/2023*

## **Repealed COVID Protection Law Can’t Be Applied Retroactively**

A state appeals court has rejected arguments that nursing homes sued for negligence in COVID-related cases early in the pandemic could be forced to face trial after a later revocation of a shield law.

after the pandemic’s first year, New York repealed its shield law. But plaintiffs’ attorneys also argued that the April 2021 repeal should erase promised protections retroactive to the pandemic’s start.

New York Supreme Court Appellate Division for the Third Judicial Department dismissed the plaintiff’s call for a retroactive case, noting that most courts interpret laws — even repealed ones — to be forward-looking in nature.

*McKnight’s, 12/04/2023*

## **Young Docs Not Interested in Old People**

Although the country is aging rapidly, America’s newer physicians aren’t that interested in geriatric medicine.

Noctors matched into 100% of fellowship spots available in interventional pulmonology, while almost every spot was

filled for cardiology, gastroenterology, allergy medicine and hematology-oncology.

However, less than half of 348 post-residency fellowships for geriatric internal medicine filled up in the initial matching process this year, according to the National Resident Matching Program, the nonprofit that oversees placement of physicians in training.

Little exposure to geriatric care during training and poor reimbursement compared to more lucrative specialties may affect young physicians’ interest in geriatric medicine.

*Axios, 12/01/2023*

## **A Blue Christmas For Staff at Viviant Homes**

This weekend CMS will terminate Medicare payments to Viviant Healthcare of Bristol (Tennessee) controlled by the Goldner Trust. That comes on the heels of two Viviant facilities in South Carolina being moved to the Ensign Group, following a state-initiated receivership this summer.

A bank that helped finance operations at two other Viviant sites in Tennessee asked a federal court last month to appoint a receiver for both, calling the Goldner trust “insolvent on both a cash flow and a balance sheet basis” and “unable to pay their debts.”

The related parties owe nearly \$15.5 million in payments and interest alone.

*McKnight’s, 12/05/2023*

## **Residents Saved in Wisconsin Nursing Home Fire**

Milwaukee firefighters rescued two people from a fire at a nursing home on the city’s eastside,

Crews were called to the Edenbrook Lakeside nursing home around 3:15 a.m. one morning last week where they found fire and smoke on the second floor.

Officials said the sprinklers kept the fire in check, and staff sheltered others in place with proper use of fire doors.

The two people rescued were in the room where the fire started. The cause has not been announced.

*WISN-TV, 11/30/2023*

## **ONE COLUMN**

### **60-Million “Zero-Dose” Kids Have Not Received Vaccines**

Large outbreaks of diseases that primarily kill children are spreading around the world, a grim legacy of disruptions to health systems during the Covid-19 pandemic that have left more than 60 million children without a single dose of standard childhood vaccines.

An additional 85 million children are under-immunized as a result of the pandemic — that is, they received only part of the standard course of several shots required to be fully protected from a particular disease.

It’s not only COVID-19. By midway through this year, 47 countries were reporting serious measles outbreaks, compared with 16 countries in June 2020. Nigeria is currently facing the largest diphtheria outbreak in its history, with more than 17,000 suspected cases and nearly 600 deaths so far. Twelve countries, from Afghanistan to Zimbabwe, are reporting circulating polio virus.

Many of the children who missed their shots have now aged out of routine immunization programs. So-called “zero-dose children” account for nearly half of all child deaths from vaccine-preventable illnesses, according to Gavi, the organization that helps fund vaccination in low- and middle-income countries.

A report from WHO and CMS indicates the cost of the failure to reach those children is fast becoming clear. Deaths from measles rose 43% in 2022. The figures for 2023 indicate that the total could be twice as high again

One of the biggest challenges is that the children who missed their first shots between 2020 and 2022 are now older than the age group typically seen routinely at primary health care centers and in normal vaccination programs.

Protecting children from diseases that can easily turn fatal in countries with the most fragile health systems will require an extra effort.

*The New York Times, 11/25/2023*

## **The Real RN Had Gone To the Big SNF in the Sky**

A Mississippi woman has been charged with obtaining an RN position in a nursing home using the license number of a dead nurse with the same name.

Authorities said at one time Mary Moore was a licensed RN but had a mental breakdown. Her license expired in 2017.

Moore also was hired at a second Mississippi, nursing home but someone called anonymously telling that facility she wasn't really a registered nurse.

Moore is in the county jail charged with false pretense, a felony.

USA Today, 12/01/2023

## **An Old Story - Another Struggling Nursing Home**

Like many other nursing homes in the U.S. Linn Health & Rehab in East Providence, R.I. has financial problems. During COVID costs increased 35% while Medicaid reimbursement increased only 15% - and 80% of the facilities 70 residents are on Medicaid.

Since last year six Rhode Island nursing homes have closed and three more have gone into receivership – that's 12% of the total facilities in the state.

Even Linn Health's residents have tried to help out. They ran a bake sale in the building that raised \$2000. A nice jester, but it hardly off-sets the six-figures monthly losses.

McKnight's, 12/06/2023

## **Laws Protect Healthcare Workers – But Why Bother**

Two new Michigan laws to protect healthcare workers don't appear to protect anyone. The new laws doubled fines to those who attack healthcare workers, but they don't increase jail time.

And the bills carve out one significant exception: patients who attack healthcare workers are exempt from the higher fines.

It has left the workers – the very people who have been slapped, punched, bitten, spat at, questioning who other than

patients – in general – would attack healthcare workers.

As one nurse said "If you remove the patients from the equation, who's really going to be at fault?"

Bridge Michigan, 12/04/2023

## **Court Says No to Union Garb On the Job**

In a reversal of a previous decision from the National Labor Relations Board, the 5th Circuit Court of Appeals ruled employers may prohibit employees from wearing union insignias on their uniforms.

The ruling is based on an instance in which the NLRB shot down a Tesla policy prohibiting workers from wearing T-shirts displaying union insignias.

The NLRB ruled that any effort to quash union sentiments was unlawful.

Long-term care is bit different.

if an employee is directly interfacing with patients, the employer can restrict displaying union insignia on the uniform – it's considered akin to making a political statement.

Senior Living, 12/04/2023

## **Athena Behind on Paying Worker Health Claims**

Athena Health Care Systems, one of the largest providers of long-term care in Connecticut with 23 facilities, is six months behind on paying health claims for workers in its health plan.

President and CEO Lawrence Santilli said in a memo to employees recently that the company has hired outside people "to assist us to properly administer the health plan moving forward."

Santilli asked workers whose claims had been sent to collection agencies, whose credit had been damaged and whose out-of-pocket medical expenses had exceeded amounts they were required to pay to contact the company's benefits manager.

CT Mirror, 12/05/2023

## **Briefly IN THE NEWS**

A 318-year-old book has sparked a mystery in Iowa. Kathy Magruder found a leather-bound Bible in the back of a nursing home library. This book was the King James version of the Christian Bible printed in Scotland in 1705. Through death and marriage records handwritten into the Bible, Magruder was able to trace the family who originally owned it. Magruder's next mystery to solve is how the 318-year-old Bible made its way from Scotland to Iowa (***YouTube***).

A multifaceted outpatient antibiotic stewardship intervention implemented at Mayo Clinic hospitals was associated with reduced unnecessary antibiotic prescribing for upper respiratory infections (URIs), researchers reported today in *Open Forum Infectious Diseases*. The intervention, implemented across Mayo Clinic facilities in Minnesota, Wisconsin, Florida, and Arizona in July 2020, aimed to reduce antibiotic use for Tier 3 URI syndromes, which are defined as URIs for which antibiotics are never indicated (CIDRAP).

American Association of Nurse Practitioners recently released data showing that the ranks of NPs has grown 8.5% over last year. According to the organization's numbers, there were about 355,000 practicing NPs nationally in 2022. In 2023, that number grew to 385,000. This year, U.S News & World Report ranked the NP role first on its "2023 Best Jobs That Help People" list and also first on its "2023 Best Health Care Jobs" list (***Healthcare Finance***).

CVS Health, the nation's largest drugstore chain, will move away from the complex formulas used to set the prices of the prescription drugs it sells, shifting to a simpler model that could upend how American pharmacies are paid. Under the plan, CVS's roughly 9,500 retail pharmacies will get reimbursed by pharmacy-benefit managers and other payers based on the amount that CVS paid for the drugs, in addition to a limited markup and a flat fee to cover the services involved in handling and dispensing the prescriptions (***The Wall Street Journal***).