

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

Vol 7

12/17/2023

THEY SAID IT:

"This unfunded mandate threatens access to long-term care for seniors everywhere, but especially our nation's rural and underserved communities" AHCA statement after U.S. Sen. Deb Fischer (R-NE) introduced a bill to block the Biden staffing mandate

"Many times people say no to the COVID shot and a lot of times, people say yes to the flu shot" Alexandria Thompson whose job in Kansas City is to convince people to get a COVID vaccine

"I had no idea people you didn't know could be so hateful on something. It was just so surprising to me that something like wearing a mask could elicit this response" Kris Ehresmann, retired director of Minn. Dept of Health on threats she received during the pandemic

"The bad news is that test positivity is up, hospitalizations are up, and emergency department is up, visits, I mean" Dr. Jill Roberts, associate professor for the USF College of Public Health.

A KitchrnAid Mixer! Is That a Bribe?

Nursing homes are always under pressure to receive stellar online reviews. But the aggressive tactics of one Massachusetts facility has raised questions of how far they should go to get 5-star reviews.

Hathorne Hill, a 120-bed home in Danvers, MA, is offering a chance to win a \$480 KitchenAid stand mixer in return for 5-star reviews left on Google before the winner is selected on Jan. 2.

While the practice of incentivizing reviews is not against the law, it has come under increased scrutiny from both private entities and regulatory bodies.

McKnight's, 12/14/2023

Nursing Home Occupancy 'Disappointingly Flat' in Nov.

CMS data revealed that national SNF occupancy remained stagnant month-over-month through November 19, 2023, following a prior month increase of 4%.

In contrast, BMO Capital Market's Juan Sanabria said, REITs exhibited a 1% decline during the same period.

Among the REITs noted by BMO analysts, Ventas National Health Investors and Welltower, they singled out Ventas' SNF portfolio as leading in occupancy growth. Conversely, Omega and Sabra had lagged behind in occupancy.

The BMO report noted that the slow upward trend in occupancy since January 2021 had been influenced by labor shortages and the shift to home health services.

Skilled Nursing News, 12/01/2023

Supreme Court Declines Nursing Home Mogul Esformes' Appeal

The US Supreme court has rejected the appeal of Phillip Esformes, clearing the path for his continued prosecution on other charges related to a massive nursing home fraud scheme.

Esformes was convicted in 2019 on 20 counts in an elaborate \$1.3 billion scheme called by the Department of Justice at the time "the largest single criminal health care fraud case ever brought against individuals."

Esformes was ultimately pardoned by President Donald Trump in 2020 but can still be tried on six counts that the jury did not reach a decision on and that the pardon, therefore, did not cover.

McKnight's, 12/12/2023

Skilled Nursing Leader's Medicare Exclusion Upheld

A federal judge rejected a skilled nursing executive's appeal to overturn his 15-year exclusion from Medicare. Judge Steven Kessel cited a probable cause affidavit connecting Chaim Charles Steg's management to three resident deaths at the his nursing facility.

In 2021, he pleaded nolo contendere (no contest) to three counts of reckless

endangerment for failing to invest adequate staffing at the nursing facility

A grand jury found those injuries could have been avoided if longstanding staffing deficiencies had been addressed at St. Francis Center for Rehabilitation and Healthcare in Darby, PA, where Steg was the regional director of operations.

Center for Medicare Advocacy, 11/30/2023

Wrongful Death Suit Against SNF Linked to 'killer nurse'

A second family of a nursing home resident whose death is linked to nurse Heather Pressdee has filed a wrongful death lawsuit against a Pennsylvania nursing home alleging the facility should have seen the woman's pattern of abuse and habit of bouncing from one facility to the next.

Pressdee worked at five facilities in the 2 ½ years prior to being hired at Belair Nursing and Rehab in Lower Burrell.

Investigators say Pressdee admitted to killing or attempting to kill 22 nursing home residents at various Western Pennsylvania facilities near Pittsburgh.

Pittsburgh Post-Gazette, 12/07/2023

Understanding When Home Supports Reach Breaking Point

A recent study seeking to uncover the largely "hidden circumstances" preceding and following older adults' transition into residential care settings called out the need to strengthen long-term services.

Researchers from the University of California, San Francisco and several VA Medical Centers determined assisted living and nursing home residents experienced severe disabilities and escalating help at home, usually from unpaid caregivers, in the year leading up to a move into a long-term care setting.

Along with improving LTSS for older adults and their families, the authors also suggested the data would help clinicians understand when home supports approach a breaking point.

JAMA Internal Medicine, 12/07/2023

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

AMERICA: Food and Drug Administration inspections of drug manufacturing facilities in the U.S. and abroad dropped well below pre-pandemic levels between 2020 and 2022. The findings are further evidence of a fragile global drug supply chain at a time when some critical medicines are in short supply. Some of the squeeze was due to inspections that took overseas facilities offline because of safety concerns (*Health Affairs*).

MICHIGAN: During a visit to Detroit, CDC Director Dr. Mandy Cohen encouraged Michiganders to be vaccinated for COVID-19 as well as a flu shot as Americans celebrate the holiday season and the winter months approach. Cohen said over the course of the several days that there have been about 800 Michigan residents in the hospital due to COVID-19. “COVID is still causing the most number of hospitalizations,” she said (*Michigan Advance*).

AMERICA: A Northwestern University study estimated that through June 2022, if the FDA and CDC moved at a faster pace to get people boosted, and had plied stronger vaccine messaging, an estimated 29,000 lives could have been saved in the U.S. (*CBS News*).

MISSOURI: The Kansas City Health Department administered 1,420 doses between September and early December, fewer than the number given in just one week during the height of the pandemic. Although COVID cases are a fraction of what they were three and four years ago, people still end up in the hospital with the disease. On Dec. 8, for example, seventy-three people were hospitalized for the virus in Kansas City (*Kansas City Beacon*).

AMERICA: The U.S. is heading into peak respiratory virus season, and some of the most vulnerable Americans are unprotected against COVID-19. Only 27% of nursing home residents and just 6% of staff have been vaccinated since the updated version of the shot became available in September, according to the CDC (*CDC*).

IOWA: COVID-19 vaccination rates among Iowa's nursing homes are significantly lagging this year, highlighting the toll that vaccine fatigue is taking on front-line health care workers as the respiratory virus season nears. Only 8% of nursing home staff statewide are up to date on their coronavirus shots. And only 45% of Iowa's nursing home residents are up to date on COVID-19 vaccines, according to the CDC. While that's better than the national average of 27%, it still trails rates from previous years (*Des Moines Register*).

WASHINGTON state: Generic drugmaker Emcure Pharmaceuticals convinced a federal court in Seattle to throw out a lawsuit that accused it of stealing trade secrets from biopharma company HDT Bio to develop a COVID-19 vaccine. A sealed entry in the court's docket said that U.S. District Judge James Robart dismissed the case without prejudice, which means it can be refiled. India-based Emcure had argued that the court lacked jurisdiction over the company (*Reuters*).

AMERICA: Adding a throat swab specimen to a nasal specimen significantly increased sensitivity of COVID-19 rapid antigen tests, whether self-collected or collected by a healthcare worker. With combined nasal and throat specimens, sensitivity reached 81.4% for healthcare worker-collected specimens and 73.4% for self-collected specimens. To date, the FDA has not approved any rapid antigen test that uses throat specimens (*JAMA Network Open*).

HOLLAND: The coronavirus crisis has significantly impacted Dutch society. Research indicates that one in four Dutch people encountered conflicts with family, friends, or acquaintances due to the pandemic, with one in ten even losing contact with them. The majority of the disputes (72%) revolved around the vaccine. Other contentious topics included coronavirus measures (58%), the perceived danger level of the virus (44%), and conspiracy theories – 40% (*NL Times*).

THE WORLD: Silly cat videos could be good for your health — at least if you are about to get one of the seasonal vaccines. For instance, a British study found that when people who were in a positive mood got a flu shot that day, they produced higher levels of antibodies to help them fight the disease. A substantial body of research shows many other lifestyle factors — such as diet, exercise and even social interactions — may affect how much protection people get from vaccines (*The Washington Post*).

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 November 18 (*CNBC*).

FLORIDA: Surgeon General Joseph Ladapo is raising alarms about what he sees as the risk of potential cancer posed by COVID vaccines. Ladapo, who rose to national prominence during the pandemic for spreading misinformation about the virus and promoting vaccination hesitancy, sent a letter to the FDA and CDC asking for answers to his concerns regarding DNA integration in mRNA vaccines. (*Newsweek*).

CAPITOL HILL: The Supreme Court threw out several cases challenging the federal government's now-defunct Covid-19 vaccine mandates for executive branch employees and military service members. The court's action comes after the federal employee vaccine requirement was rescinded by President Joe Biden in May, and the Pentagon – as a result of congressional action – rescinded its mandate for the military in January (*CNN*).

COVID-19, 12/15/2023

Global Cases – Deaths
772,386,069 – 6,987,222

U.S. Hospitalizations – Deaths
6, 568,418 – 1,159,864

U.S + Tests Last Week
11% Down -0.4%

CDC, WHO

She Was the ‘Butt’ of The Jokes So She Sued

Milouse Laguerre, a nursing assistant working at an assisted-living facility in suburban New York City, claims her colleagues simply could not believe her ample derriere was all-natural, for months demanding the name of the physician who gave her the supposed butt implants.

Laguerre insisted, again and again, that she wasn't hiding anything the others became enraged with her "for not disclosing to them the non-existent doctor/s who did [Laguerre's] butt implant.

After she complained to management of Andrus on Hudson, Laguerre was suspended, then fired. She has now filed a lawsuit against the facility.

The Daily Beast, 12/12/2023

In Miss. a Percentage of SNFs Can Meet Mandate – 1%

In Mississippi, all but two of the 200 skilled nursing facilities – those licensed to provide medical care from registered nurses – would need to increase staffing levels under federal regulations the Biden administration proposed in September.

That's according to data analyzed by Mississippi Today, USA TODAY and Big Local News at Stanford University.

That's in line with the national trend: Over the first quarter of 2023 – from January to March – less than 1% of skilled nursing facilities in the U.S. met the draft rule's two core standards of provider care.

Mississippi Today, 12/13/2023

Florida Appeals Kids In Nursing Homes Ruling

Florida is asking a federal appeals court to overturn a district judge's ruling in a decade-long battle about children with complex medical needs receiving care in nursing homes.

The state is challenging a Federal court ruling that found the practice violated the Americans with Disabilities Act describing. The Florida appeal described a key part of the ruling as an "arbitrary and unachievable" goal.

The appeal particularly focused on part of the ruling that requires the Medicaid program to provide 90 percent of private-duty nursing hours that are authorized for children to help them live in family homes or communities.

Health News Florida, 12/12/2023

Suit Targets MA Plans Use of AI to Cut Payments

Two skilled nursing residents have filed a class action suit against Humana alleging their Medicare Advantage benefits were cut prematurely short because of Humana's wrongful reliance on artificial intelligence.

The lawsuit alleges that Humana regularly overrides clear post-acute care needs and the recommendations of doctors in order to cut costs.

The suit asserts patients who would receive 100 days in a nursing home after a three-day hospital stay receive far less under the Humana plan - Patients rarely stay in a nursing home more than 14 days before they start receiving payment denials."

McKnight's, 12/14/2023

Woman Made \$100K by Not Working in Missouri SNF

St. Louis County prosecutors have charged Cia Hardin, 34, after she allegedly earned \$100,000 for unworked hours at a Chesterfield nursing home over parts of the last two years.

Hardin had been employed at Delmar Gardens, a Chesterfield, Missouri nursing home. Investigators say she submitted fraudulent time sheets with her supervisor's forged initials from June 2022 to August 2023.

Per court documents, Hardin was paid at least \$100,000 for hours not worked at the nursing home.

If convicted, Hardin could face anywhere from 3-10 years in prison.

KTVI-TV, 12/09/2023

Free COVID Test Kits

COVIDTests.gov

ONE COLUMN

Stress & Burnout Affects Nurses – New and Seasoned

Nurses need focused training and reliable support networks if the healthcare sector hopes to head off retention woes that are trending in a "dangerous" direction, a group of nursing experts said last week.

A National Council of State Boards of Nursing (NCSBN) study released in April revealed that up to 20% of registered nurses could leave the industry within five years. Critically, this includes a large minority of younger nurses, at a time when a proposed federal staffing mandate for nursing homes could drive up RN demand considerably. Indeed, 24% of the nurses who want to leave the profession have less than ten years' experience.

"A nursing shortage like this, either because nurses are dropping out or young people aren't coming into the profession, is a very dangerous trend for us," said Karen Lyon, PhD, CEO of the Louisiana State Board of Nursing.

The root cause of the problem revolves around teaching – both in the schools of nursing, where there are not enough professors, and for graduated nurses in the facilities.

One major problem in nursing education is the ability to find good placements for students. The quality of clinical placements is impacted by the stress and burnout of veteran care workers. New care workers who aren't given the time and personalized training to succeed feel left behind.

"A huge percentage of education takes place in the clinical setting," said Eileen Fry-Bowers, PhD, dean of the University of San Francisco School of Nursing and Health Professionals. "When [currently working] nurses are fatigued or burned out, their ability to work with our students is reduced."

"I would say it takes a village to raise a new nurse."

McKnight's, 11/13/2023

After 8-Year Lawsuit High Court Removes Judge

The Arkansas Supreme Court has chastised a county circuit judge in a ruling that kicked an eight-year-long class action lawsuit against a North Little Rock nursing home back to the circuit court, where a new judge will be placed over the case.

The majority of justices found that Judge Timothy Fox had repeatedly failed to follow directions issued by the high court and berated the justices in the course of five appeals.

The suit pits residents of the Robinson Nursing Center against the nursing home and two other companies owned by Michael Morton of Fort Smith.

Arkansas Gazette, 12/02/2023

Medicaid Consultant Charged With Swindling Residents

Attorney General Andrea Campbell announced the Statewide Grand Jury has returned indictments of 16 counts against a Medicaid consultant who stole thousands of dollars from elderly victims, her employer and a local bank.

Kaylie Giberson allegedly used her access to poor seniors at “various” unnamed nursing homes to exploit secure private documents and information she handled while helping individuals apply for Medicaid funding.

Giberson allegedly forged multiple signatures to falsely gain durable power of attorney privileges, which then gave her access to the victims’ bank accounts.

*Mass. Attorney General
news release, 12/05/2023*

Nursing Home, CCRC-Related Spending Tops \$191 Billion

National health spending reached \$4.5 trillion in 2022, or \$13,493 per person, according to an analysis from the CMS Office of the Actuary Services.

That’s a year-over-year increase of 4.1%, which was slower than growth in the nominal gross domestic product, which increased 9.1% during the same time.

Spending for services provided at freestanding nursing homes and continuing care retirement communities, which represented 4% of overall spending, increased by 5.6% in 2022, to \$191.3 billion, after reporting a 7.8% dip in spending in 2021.

Senior Living, 12/14/2023

Staffing Rule May Take Every Bit of 3 Years

Federal regulators concede it may take up to three years to finalize a proposed nursing home staffing rule. Federal rules allow CMS up to three years to finalize a Medicare rule, and the agency can seek an extension beyond that “under exceptional circumstances.”

The Fall 2023 Unified Agenda sets September of 2026 as the deadline to finalize the “Minimum Staffing Standards for Long-Term Care Facilities” proposed in September.

The rule would require nursing homes to revamp facility assessments; meet hourly thresholds per-patient, per-day for certified nurse aides and registered nurses; and staff RNs around the clock.

McKnight’s, 12/13/2023

Colorado Pushes Back Against Feds SNF Exit Plan

Colorado is disputing allegations by the U.S. Department of Justice that the state discriminates against disabled people by forcing them to live in nursing homes rather than receiving available care at home.

In September the Civil Rights Division filed a lawsuit alleging Colorado violates the Americans with Disabilities Act by failing to adequately help eligible disabled people transition out of nursing homes.

The lawsuit accused Colorado of inefficiency and repeated delays in coordinating the available Medicaid-funded services so disabled people can leave restrictive settings.

Colorado’s rebuttal accused DOJ of being vague, and disputed the core of the federal government’s case.

The Denver Gazette, 12/05/2023

Briefly IN THE NEWS

More people died from suicide in the United States last year than any other year on record, dating to at least 1941, according to provisional data from the US Centers for Disease Control and Prevention. At least 49,449 lives were lost due to intentional self-harm in 2022 – more than 14 deaths for every 100,000 people (*CNN*).

Despite widely claimed concerns that mobile apps can cause depression and anxiety, a study of more than 2 million people’s internet use found no “smoking gun” for widespread harm to mental health from online activities such as browsing social media and gaming. Researchers at the Oxford Internet Institute said they found no evidence to support “popular ideas that certain groups are more at risk” from the technology (*Financial Times*).

Following two disasters within less than a three-year span — Hurricane Maria in 2017 and the earthquakes in 2020 the Federal Emergency Management Agency (FEMA) has awarded more than \$1.2 billion for about 1,100 permanent construction projects in private, nonprofit facilities across Puerto Rico, including long-term care and nursing homes. Three nursing homes have received a combined \$6.6 million (*News Is My Business*).

A \$5 billion plan to redesign Mayo Clinic’s Rochester campus will attempt to upend the traditional health care model where patients ping-pong between buildings and appointments and replace it with health care neighborhoods that bring services to patients based on their clinical needs (*Minnesota Public Radio*).

Contrary to popular wisdom among many gym-goers and even some scientists, healthy people in their 60s, 70s and beyond can safely start lifting weights and rapidly build substantial muscle mass, strength and mobility. A new study of resistance exercise and the elderly found that even people in their 80s and 90s — who hadn’t weight trained before — showed significant gains after starting a supervised program of lifting weights three times a week (*The Washington Post*).