

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

Edited by Drew Vogel

[drewvogel5255@msn.com](mailto:drewvogel5255@msn.com)

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## THEY SAID IT:

***"By both balancing working hours and maintaining consistent teams, healthcare facilities can greatly reduce staff turnover"***

Kevin Mayo, PhD, assistant professor of finance and management science at Washington State University author of study

***"I went to talk to the administrator near the end of my shift and she just said there were no funds to pay us"***

Marvetta Harrison, a 37-year employee of Northview Village Nursing Home in St. Louis that abruptly closed last week

***"In the midst of a historic labor crisis, allowing facilities the ability to offer CNA training programs to train crucially needed caregivers is exactly the type of workforce solutions we need"***

American Health Care Association statement urging CMS to go easy on in-house CNA training programs

## **Congress Gets Outta Dodge Leaves Docs Hanging**

A 3.4% physician fee cut that affects key nursing home services is set to go into effect Jan. 1, and Congress did nothing to provide relief before adjourning for its winter recess.

The cut which was finalized by CMS in November, affects doctors working in nursing homes and other long-term care settings, as well as pay for therapists and other ancillary services.

Congress included a 3% offset to conversion factor cuts for 2023 and planned another 1.25% offset for 2024. But bills that would help make that 2024 change more significant have not moved forward yet this session.

*McKnight's, 12/21/2023*

## **Big St. Louis SNF Abruptly Closes – Employees Not Paid**

The 320-bed Northview Village Nursing Home, the largest in St. Louis, abruptly shut down Friday December 15, forcing the relocation of the entire census of about 175 residents by shuttle bus and leaving more than 160 workers unpaid. The HR director attended a corporate training for a new payroll system Wednesday, unaware the facility would close two days later.

Employees learned Friday afternoon that their two-week paychecks could not be cashed.

Just before 4 p.m. Friday shuttle buses from several other area nursing homes arrived to relocate all residents.

The last resident was gone before dawn Saturday.

*St. Louis Post Dispatch, 12/17/2023*

## **SNF Lost \$1M Payment Then Closed the Doors**

Northview Village Nursing Home, a huge St. Louis nursing home that abruptly closed Friday 12/15/2023, leaving workers unpaid and some families unable to locate loved ones, had recently lost a special \$1 million annual Medicaid payment.

The chaos following the closure of Northview Village continued to unfold during the week as workers, union officials and city leaders gathered in front of the building to air their anger at the shuttering of what had been the largest nursing home (320 beds) in Missouri.

Almost 175 residents were moved to more than a dozen different nursing homes last weekend.

*St. Louis Post Dispatch, 12/20/2023*

## **Pay Attention to Yet More MDS Changes**

Another critical change in the MDS is coming Jan. 1: Providers will need to submit a higher percentage of MDS data than in years past to remain eligible for a value-based purchasing payment bump.

Providers can stay ahead of some of the challenges by taking a few steps as 2024 gets underway.

Experts recommend auditing MDS forms to make sure information is being collected and submitted correctly; a standard size nursing home could make it a quality improvement goal to review 10 charts per month and include charts from a variety of patients involving a range of interdisciplinary staff.

*McKnight's, 12/21/2023*

## **Unions In LTC Poised For 'Enormous' Growth In 2024**

Multiple factors make it likely that the trend of rising union activity in long-term care will continue in 2024.

In 2023, care workers and others – from writers and actors, to auto workers — launched high-profile strikes, often successfully bargaining for higher pay and improved working conditions.

These strikes capitalized on shifting workforce conditions and public opinion, Adam Dean, PhD, associate professor of political science at The George Washington University, told *McKnight's Long-Term Care News*.

Only 16% of nursing homes currently have workers that are represented by a union.

*McKnight's, 12/21/2023*

## **A Union Oops! That's Not What Becerra Meant**

SEIU skewed comments made by HHS Secretary Xavier Becerra to imply federal regulators had proposed an 80% direct care spending requirement for the nursing home sector.

Becerra called for additional accountability measures to ensure direct care workers see more of the money the government is spending on caregiving.

In an interpretation by the union's communications firm, Becerra's remarks were edited to state that he was talking about the nursing home staffing mandate proposed in September.

The staffing mandate would impose new cost reporting requirements but stopped short of proposing a minimum spending threshold.

*McKnight's, 12/11/2023*

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

**THE WORLD:** Students around the world suffered historic setbacks in reading and math during the COVID-19 pandemic, with declines so widespread that the U.S. climbed in global rankings simply by falling behind less the others. The average international math score fell by the equivalent of three-quarters of a year of learning. Reading by half a year (*AP*).

**MINNESOTA:** Kris Ehresmann, MPH, former director of the Minnesota Department of Health, said her experience during the pandemic included daily hate mail and threats to her personal safety beginning shortly after the pandemic started in spring 2020 and ramped up when vaccines were introduced statewide in early 2021. Eventually, the threats pushed her to retire early in 2022, a move she had been contemplating. "I just decided I don't want to die early from stress"(*CIDRAP*).

**AMERICA:** Though the United States saved over 40,000 lives due to COVID-19 from September 2021 to June 2022 from the help of boosters, 29,000 lives could have been saved if the U.S. moved at a faster speed resembling Israel's booster rollout. The booster campaign in Israel successfully turned increasing infection rates associated with the Delta variant, leading to a decrease in hospitalizations and death (*Manage Healthcare*).

**FLORIDA:** Health officials are predicting an incoming COVID-19 surge. Health officials believe the uptick they're seeing right now started after Thanksgiving and will get worse as gatherings and traveling continue through the holiday season. Officials expect numbers to peak at the end of the month, going into January (*WFTS-TV*).

**AMERICA:** Wastewater analysis sites nationwide are showing high levels of COVID-19 as we head into the holiday travel season, per the latest CDC data. Almost every state reporting such data is showing at least "high" levels compared to baseline trends, with many reporting "very high" levels (*Axios*).

**ST. LOUIS:** BJC HealthCare has reinstated a mask requirement for employees in response to rising virus cases in the community. The health

system said that it will institute temporary, heightened mask requirements from time to time, when infection rates are particularly high, and will loosen the requirements when appropriate. Employees will be required to wear masks in patient care areas (*St. Louis Post-Dispatch*).

**CALIFORNIA:** hospitals are seeing increased strain heading into the winter holiday season, with more than three-quarters of inpatient beds occupied and nearly 67% of intensive care beds in use. But for the first time in three years, the surge is not solely attributed to COVID-19, as various viral and bacterial infections, including influenza and respiratory syncytial virus, contribute to the burden on the state's health care system. (*San Francisco Chronicle*).

**AMERICA:** Only about 15% of Americans over 60 have received one of the two new R.S.V. shots, which the FDA approved in May and are the first-ever vaccines against the disease. Just 16% more said they definitely planned to, according to the CDC. By contrast, more than 62 percent of adults over 65 have received the recommended flu shot this fall, and a third have gotten the updated Covid-19 vaccine. (*New York Times*).

**HONG KONG:** A randomized controlled trial in Hong Kong finds that the synbiotic drug SIM01 relieves multiple symptoms of long COVID, or post-acute COVID-19 syndrome. SIM01 contains strains of anaerobic Bifidobacterium bacteria (which are probiotics) and soluble fibers (prebiotics) to alter the gut microbiome and possibly modify immune response (*CIDRAP*).

**THE WORLD:** Current injectable COVID-19 vaccines are unable to induce robust immunity in the mucosal tissues lining the airways. The next generation of vaccines may correct that problem in the form of inhalable dry powder COVID vaccines. A protein-based vaccine delivered to the lungs in the form of an inhaled dry powder shows promise as a way forward (*Nature*).

**AMERICA:** This is the fifth consecutive week of increasing COVID-19

hospitalizations, reaching levels not seen since the end of February. However, they remain lower than rates seen at the same time last year. Flu hospitalizations are continuing to rise. In the past month, for all age groups, hospitalizations have increased 200% for COVID-19 and 51% for flu (*CDC*).

**AMERICA:** The CDC estimates that the coronavirus subvariant JN.1 is now causing about 20% of new Covid-19 infections in this country, and it's the fastest-growing strain of the virus. It's already dominant in the Northeast, where it is estimated to cause about a third of new infections. JN.1 is descended from BA.2.86, or Pirola, a subvariant that came to the world's attention over the summer because of the large number of changes to its spike proteins: more than 30. (*CNN*).

**LOUISIANA:** Louisiana and South Carolina are is one of two states leading the nation in flu activity. Additionally, information released by the Louisiana Department of Health indicates that the New Orleans Metro area has some of the highest flu activity in the state. In fact, LDH found that over the first week of December, 54 new patients were admitted to area hospitals with the flu. (*WDSU-TV*).

**NORTH CAROLINA:** Probiotics, specifically lactobacillus, demonstrated significant ability to delay a COVID infection and reduce symptoms among a group of unvaccinated people who had been in contact with someone in their household diagnosed with COVID. The randomized, placebo-controlled study suggests that probiotics could be a relatively simple and inexpensive approach to treating people after a COVID exposure (*Duke Health*).

### **COVID-19, 12/22/2023**

**Global Cases – Deaths**  
772,838,745– 6,988,679

**U.S. Hospitalizations – Deaths**  
6, 593,929 – 1,161,602

**U.S + Tests Last Week**  
11.7% Up +0.2%

## **COVAX Winds Down - Vax Shift to Regular Programs**

COVAX, a program formed in 2020 to increase equitable distribution of COVID-19 vaccines, will close on December 31 as distribution shifts to regular immunization programs. COVAX was jointly led by Gavi, the Vaccine Alliance, UNICEF, and the WHO.

So far, it has distributed nearly 2 billion doses to 146 economies, the WHO said in a statement.

The groups estimate that the vaccines distributed through COVAX averted 2.7 million deaths and helped lower-income countries achieve 57% two-dose coverage, compared to the 67% global average.

*CIDRAP, 12/19/2023*

## **Wrongful Firing Continues - Retaliation & \$2 Million Dies**

The US District Court for Massachusetts cleared Sharon Hines, former director of recreation therapy at Ellis Rehabilitation and Nursing Center in Northwood to pursue her federal wrongful termination case.

Hines alleges Ellis fired her for not complying with state COVID vaccination guidance — despite the fact that she previously had applied for and received a medical exemption from the nursing home.

But the court also dismissed Hines' accusations of retaliation and found no basis for her to pursue due process claims under the US Constitution or a state law she cited in a lawsuit seeking upwards of \$2 million in damages.

*Bloomberg, 11/28/2023*

## **NJ: Consolidated Cost Reporting By SNFs & Related Businesses**

Two identical bills in the New Jersey legislature would require nursing homes and any related business entities operating in New Jersey to file consolidated financial statements to be audited by the state.

The laws are aimed at curbing a method some industry critics say nursing home owners have used to hide their profits.

In related party transactions, nursing home owners may pay well above market rate for rent and management services to third-party companies that are also owned by the same person or group. That makes it hard for state and federal officials to determine owners' true operating costs.

*McKnight's, 12/18/2023*

## **SNFs Guilty of Criminal 'Ghost' Staffing**

In a rare case in which a nursing home business faced criminal charges over staffing misconduct, two Pennsylvania facilities owned by Comprehensive Healthcare Management Services were found guilty of healthcare fraud.

Five company and facility leaders were also tried and acquitted for their roles in a scheme that led to overbilling.

Prosecutors said leaders falsified payroll documents to make it look like there was more staff than there actually was, which included having non-working direct care staff clock in for shifts they didn't work.

Administrators were also accused of changing assessments to delay discharge and increase Medicare or Medicaid reimbursements.

*TribLive, 12/18/2023*

## **Rude Awakenings at A Care Center in the UK**

Workers at a private care home in England forced dementia sufferers out of bed as early as 5am and woke them by blasting loud radio music because, whistleblowers have alleged, the owners won't hire enough staff.

The management of Icen Care Home in Swaffham, Norfolk, received repeated complaints about the practice last summer.

The whistleblowers allege day staff would turn up Alexa speakers in the corridors to play rock music outside residents' rooms at 6.45am to wake them; and incontinence pads were locked in a cupboard at night.

*The Guardian, 12/03/2023*

## **ONE COLUMN**

### **AAPR Makes Four COVID Predictions for '24**

Despite pills, test kits and vaccines COVID-19 is still with us. Here's what we can expect as we head into our fifth year with COVID-19.

~ **COVID probably won't settle into a predictable pattern:** The cold-weather months are synonymous with respiratory viruses. But unlike flu and RSV — where activity picks up in the fall and winter and peters off in the spring and summer — COVID-19 doesn't have a set season. While COVID could settle into a more predictable pattern in the future, that likely won't happen in 2024.

~ **New variants will continue to emerge:** Remember how easy it was to keep track of the virus during those first years of the pandemic? There was alpha, then beta, then delta, then omicron. Now, the variant pool is more like a crowded alphabet soup, with new descendants of omicron emerging every few months, and with names that don't exactly roll off the tongue — BA.2.86 and FL.1.5.1, for example. Virus experts say we can expect to see more variants in 2024.

~ **We'll get closer to solving the mystery of long COVID:** Millions of people who have had COVID-19 experience lingering, sometimes disabling symptoms that can interfere with everyday life — a phenomenon known as long COVID. A big reason has to do with new studies underway. The National Institutes of Health recently launched large-scale clinical trials to better understand, treat and prevent long COVID.

~ **We'll probably have new vaccines:** Given the changing nature of the virus, it's likely the COVID-19 vaccine will be updated next year to match whatever new versions of the virus are spreading, much like how the flu shot gets updated annually, says Rachel Presti, M.D., professor of medicine and medical director of the Infectious Disease Clinical Research Unit at Washington University School of Medicine in St. Louis.

*AARP, 12/18/2023*

## **Wanna Be a LNHA Quickly? Go to Wisconsin**

By the midpoint of 2023, Wisconsin's Department of Safety and Professional Services had already issued more licenses to nursing home administrators than in recent full years.

The department focused on streamlining its licensing workflow and added both new avenues and clarity to existing paths for those seeking licenses.

DSPS also is working to clarify which classes and programs help candidates meet the requirements for licensure.

The new policies will help nursing homes address an increasingly worrisome turnover rate of nursing home administrators, said Rene Eastman, of LeadingAge Wisconsin.

*McKnight's, 12/20/2023*

## **Tweaking the Schedule May Help with Staffing Issues**

Researchers at the University of Washington found that scheduling part-time CNAs regularly with the same group of teammates reduced turnover by nearly 25%.

Building cohesive, consistent teams is the most important factor to consider, Mayo said, but nursing homes should consider all aspects of the study to achieve the best results.

The study also found that giving part-time CNAs one additional hour of work per week could reduce turnover by about 2%.

Turnover was increased both by too few hours worked and too many.

*McKnight's, 12/19/2023*

## **Genesis Dodges Bullet In Federal Insurance Case**

A federal appeals court has overturned a decision that could have cost Genesis Healthcare millions of dollars in COVID-19 claims not covered by its insurer.

The case revolves around National Fire & Marine Insurance's attempt to have individual COVID claims considered separate healthcare events which would

have forced Genesis to pay \$3 million in out-of-pocket fees in each COVID case before insurer would pay anything.

On Monday, a three-judge panel ruled that the lower court had erred in even considering National's request for a quick, summary judgment. The case was returned to a lower court for further consideration.

*McKnight's, 12/20/2023*

## **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*

## **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*

## **Briefly IN THE NEWS**

New CDC data show significant declines in healthcare-associated infections (HAIs) at US acute care hospitals in 2022. acute care hospitals saw a 19% decrease in ventilator-associated events from 2021 to 2022, a 16% decrease in hospital-onset MRSA bacteremia, a 12% decrease in catheter-associated urinary tract infections, a 9% decrease in central line-associated bloodstream infections, and a 3% decrease in hospital-onset of *C. diff* infections (**CIDRAP**).

A growing number of hospitals and health systems nationwide are pushing back and dropping some or all contracts with Medicare Advantage plans. Among the most commonly cited reasons are excessive prior authorization denial rates and slow payments from insurers. Some systems have noted that most MA carriers have faced allegations of billing fraud from the federal government and are being probed by lawmakers over their high denial rates (**Becker's Hospital CFO Report**).

A new LGBTQ+ and HIV long-term care bill of rights prohibits long-term care facilities and their staffs New York from discriminating against any resident on the basis of a resident's actual or perceived sexual orientation, gender identity or expression, or HIV status. This prohibition includes denying admission to a long-term facility, transferring or denying a transfer within a facility or to another facility, or discharging or evicting a resident from a facility (**Senior Living**).

Crestfield Rehabilitation Center & Fenwood Manor filed a Petition for Closure with the State of Connecticut in October, which was approved by the state in November. The Closure Plan was approved the first week in December and the facility announced it will close by February 5 (**Crestfield news release**).

Good news for people who received a high-dose recombinant influenza vaccine this year. The vaccine offers more protection against flu than an egg-based standard-dose vaccine for older adults aged 50 and 64 (**New England Journal of Medicine**).