

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

Vol 8

11/24/2024

THEY SAID IT:

"America deserves better than RFK

Jr." Georges Benjamin, MD, executive director of the American Public Health Association on President-elect Trump's selection for HHS Secretary

"They need to be preventing illness, and they need to be sitting at the highest level to make sure that people don't get sick. "And if they don't do that, then they're failing"

Michelle Gutierrez Vo, RN, president of the California Nurses Association/National Nurses Organizing Committee, on CDC's revised infection control guidelines

"Dr. Oz will be a leader in incentivizing Disease Prevention, so we get the best results in the World for every dollar we spend on Healthcare in our Great Country"

President-elect Donald Trump announcing he would nominate Dr. Oz to head up CMS

Owner's Son Gains Control of Life Care Centers

A Tennessee judge has granted an emergency conservatorship request by Aubrey Preston to oversee the financial affairs of his 91-year-old father, Forrest Preston,

The hearing precipitated by what Aubrey Preston, among others, called the financial and potential physical abuse of Forrest, described as suffering from dementia.

Forrest's third wife, Kim Preston, and two of her siblings, have been accused of isolating him from other family members, asserting themselves in company business and manipulating the transfer of millions of dollars of real estate and cash to themselves.

Forrest Preston is sole owner of giant Life Care Centers of America.

McKnight's, 11/20/2024

CMS Issues 'Significant' 2025 Survey Changes

CMS issued "significant revisions" to its long-term care surveyor guidance, with changes affecting everything from admission and discharge standards to the use of psychotropic medications and newly adopted infection prevention practices.

CMS released an advance copy of the 900-page document online, including new critical element pathways.

The regulations and guidance for the unnecessary use of psychotropics have been merged into F605, which emphasizes residents rights, including the right to be "free from chemical restraints imposed for purposes of discipline or convenience.

The new guidelines become the law of the land Feb. 24, 2025.

McKnight's, 11/19/2024

But There is a Bright Spot In the New Guidance

Amy Greer, of Zimmet Healthcare Services Group is not surprised by the scope of the changes given that CMS tends to make major updates to its survey process every two to four years.

She noted many current tags are "redundant in their verbiage," and she welcomed changes that might reduce confusion and excessive citations around resident admissions, transfers and discharges.

"They could have been cited on several items on survey for the same issue," she said.

Additions have been made to F605. Two new F-tags are – F627 for Inappropriate Transfers and Discharges and F628 for Transfer and Discharge Process.

McKnight's, 11/20/2024

RFK, Jr. Already Getting Push-Back for HHS Sec.

One of the leading public health associations came out Monday against President-elect Trump's nomination of vaccine skeptic Robert F. Kennedy Jr. for HHS secretary.

"To effectively lead our nation's top health agency, a candidate should have the proper training, management skills, temperament, and the trust of the public," Georges Benjamin, MD, executive director of the American Public Health Association said in a news release, "Unfortunately, Mr. Kennedy fails on all fronts."

Kennedy's selection has been controversial due to his skepticism on the safety and value of vaccines. He supports getting rid of fluoride in the drinking water.

MedPage Today, 11/18/2024

Dr. Oz Under RFK, Jr., We're Not in Kansas Anymore, Toto

President-elect Donald Trump said he will nominate TV personality and unsuccessful Senate candidate Mehmet Oz, MD, a cardiothoracic surgeon, as the next administrator of CMS.

Oz unsuccessfully ran for Senate in Pennsylvania as a Republican in 2022 and has been an outspoken supporter of Trump.

A dual citizen of Turkey and the US, Oz has been most familiar to the public for his many affiliations with television such as Oprah Winfrey show appearances, guest-hosting Jeopardy and his own programs.

McKnight's, 11/19/2024

Former Skyline Boss Pleads Guilty Again

Former Skyline Healthcare owner Joseph Schwartz has, for the second time, pleaded guilty to tax evasion charges.

This time, however, a deal reached with New Jersey federal prosecutors does not bind the judge to follow the six-to-18 months of jail time recommended in a formal plea agreement.

In May, a federal judge rejected a deal that called for Schwartz to serve a year and a day in prison and pay \$5 million in restitution.

Schwartz was indicted in 2022 for his alleged failure pay the IRS for taxes collected from his employees at Skyline's more than 90 nursing homes.

McKnight's, 11/20/2024

THE TRENCHES – COVID-19 & Other Outbreaks in the U.S. and the World

PHILADELPHIA: Flu cases tend to spike after the first week of November, according to the CDC. And with Thanksgiving right around the corner, now is the time to get vaccinated. Health officials say now is the time to get your flu shots and COVID-19 vaccines to protect yourself and those around you. Doctor Delana Wardlaw of Philly said vaccine needs about two weeks to build up immunity (*WPVI-TV*).

CHICAGO: During the pandemic doctors noticed that some cancer patients who developed severe COVID saw their tumors shrink. Now researchers at the Northwestern Medicine Canning Thoracic Institute have determined that although regular immune cells don't enter cancer tumors, inducible nonclassical monocytes (I-NCMs), created during severe COVID-19, retain a unique receptor, allowing them to travel beyond blood vessels and infiltrate a tumor. The team's discovery could pave the way for novel cancer treatments (*Journal of Clinical Investigation*).

THE WORLD: A study of people with mild to moderate COVID-19 showed significant prolonged inflammation of the brain and changes that are commensurate with seven years of brain aging. Severe COVID-19 that requires hospitalization or intensive care may result in cognitive deficits and other brain damage that are equivalent to 20 years of aging. Laboratory experiments in human and mouse brains indicate SARS-CoV-2 infection triggers the fusion of brain cells which effectively short-circuits brain electrical activity and compromises function (*The Conversation*).

WATERLOO, IOWA: The Iowa Supreme Court is considering arguments that could put back on track a lawsuit brought by relatives of Waterloo Tyson workers who died of COVID-19 when the plant stayed open during the pandemic. The suit was appealed to the high court after a district court judge dismissed the case saying it should have been handled through Worker's Compensation (*The Gazette*).

NORTH KOREA: Poland is reactivating its embassy in North Korea's capital to become the second Western nation after Sweden to resume operations that were suspended due to Pyongyang's tight COVID-19 restrictions. The move by NATO member Poland opens another channel of communication between NATO states and Pyongyang, a close ally of Russia, which has provided troops to fight in Ukraine. New NATO member Sweden resumed activity at its Pyongyang mission in September (*The Korea Times*).

BOSTON: Previous diagnostic studies estimated that 7% of the population suffers from long COVID. However, a new study using an AI tool developed by Mass General Brigham indicates a significantly higher rate of 22.8%. The algorithm used was developed by drawing de-identified patient data from the clinical records of nearly 300,000 patients across 14 hospitals and 20 community health centers in the Mass General Brigham system. The results could identify more people who should be receiving care for this potentially debilitating condition (*Journal Med*).

CALIFORNIA: The first known clade 1 mpox case has been reported in U.S., which involves someone who recently returned from an affected African country and sought care in San Mateo County. Health officials have not confirmed if the infection is caused by clade 1b, a more transmissible and severe mpox virus causing a widespread outbreak that started in the Democratic Republic of the Congo (*CIDRAP*).

CANADA: The National Microbiology Laboratory in Winnipeg has confirmed that the H5 avian flu detected in a British Columbia (BC) teen is the H5N1 virus. The confirmation marks Canada's first locally acquired H5N1 infection. BC health officials said the previously healthy teen is hospitalized in critical condition. Genetic sequencing suggests that the H5N1 virus is closely related to those circulating in BC poultry (*Public Health Agency of Canada*).

CALIFORNIA: The USDA Animal and Plant Health Inspection Service confirmed

five more H5N1 outbreaks on poultry farms, including a massive layer farm in California's Kern County that has more than 2 million birds. Two other outbreaks in California involve a large broiler facility in Fresno County that houses 237,000 birds and a turkey breeder farm in the same county that has nearly 37,000 birds (*CIDRAP*).

NORTHERN IRELAND: Former health minister Robin Swann has denied there was a blanket "do-not-resuscitate" order in place for sick patients in Northern Ireland during the pandemic. Mr Swann told a UK Covid-19 Inquiry, it was "ill-founded" to suggest there was a "blanket response" as a policy in Northern Ireland (*BBC*).

AMERICA: About 1 in 20 adults with respiratory syncytial virus (RSV) have to be hospitalized within 28 days of infection. The data came from the study of 67,239 people with RSV who had RSV over the course of six years through 2022 (*JAMA Network Open*).

THE WORLD: Can long COVID kill? Not exactly. Long COVID is a chronic condition that can significantly affect quality of life, mental wellbeing and overall health. It's not directly life-threatening, but it could exacerbate existing conditions and play a role in a person's death (*GAVI-the Vaccine Alliance*).

THE WORLD: A COVID-19 infection can bring on depression or anxiety months after physical symptoms go away. We know that viral infections like the flu can lead to post-viral depression," says psychiatrist Jack Owens, MD "It makes sense — and ongoing research is showing — that some people develop depression, anxiety or other mental health issues after they've had COVID-19 (*Axios*).

COVID-19, 11/21/2024

World Total Cases
776,798,873

World Total Deaths
7,074,400

U.S. Total Deaths
1,206,841

WHO

Senior Vax Rates are Up Except in Nursing Homes

The CDC's COVID-19 Vaccination Dashboard showed that 37.6% of Americans 65 and older had already received this year's COVID vaccine as of Nov. 2.

Nursing homes residents' rates, however, lag community-dwelling seniors' numbers by 8.6%.

And although nursing home residents are recording a larger vaccination number than last year, they fall behind all other older Americans with only 29% being up-to-date on their shot as of Nov. 10.

A study from the *American Journal of Infection Control* that found the ongoing nurse shortage may have reduced the number of providers willing to institute vaccine mandates.

McKnight's, 11/18/2024

SNF Resident Deaths And the Demise of SNFs

An AARP investigation revealed there were 5692 deaths per 100,00 residents in December 2020.

Their analysis measured the change in the overall nursing home population – 1.33 million seniors were living in nursing homes before the pandemic.

By January 2021 – barely a year into the pandemic – the resident numbers had shrunk to 1,091,000 – an 18% decline.

Since the pandemic began, COVID has claimed the lives of about 188,000 nursing home residents.

In Jan. 2017, there were 16,161 nursing homes in the US. By six years later there were 15,054 – 1077 had closed, 514 opened and 42 opened, then closed.

Health Affairs Scholar, 11/18/2024

CDC Advisors Defend IC Draft Guidance

Members of the Healthcare Infection Control Practices Advisory Committee (HICPAC) have voted to defend what some have called weak standards of infection control for healthcare settings.

The committee agreed nearly unanimously that surgical masks provide adequate protection against airborne pathogens, and that sick healthcare workers may return to work after 3 days of viral respiratory symptoms without testing.

Critics have condemned the proposed infection precautions as woefully inadequate for protecting healthcare workers and patients.

MedPage Today, 11/18/2024

HHS Asks Judge to Dump Staffing Mandate Lawsuit

HHS is asking a federal court to reject claims that its nursing home staffing mandate exceeds its rule-making authority.

Attorneys for the department said Congress granted the department "expansive authority" to regulate nursing homes treating patients covered by Medicare and Medicaid and urged the court not to vacate the rule in its entirety.

To prove its case HHS pointed to other recent CMS regulations, including requirements for infection preventionists, nutritionists and other specific staff, and a COVID vaccine mandate upheld by the nation's highest court.

McKnight's, 11/18/2024

SD Fingers Are Crossed That Mandate Goes Bye-Bye

The price tag for South Dakota nursing homes will be just under \$20 million.

Urban areas such as Sioux Falls and Rapid City and midsize cities like Aberdeen, Spearfish and Yankton, must meet requirements by May 2026. Rural areas have until May 2027.

About 12.5% of the nursing home resident population — would be at risk for displacement.

Justin Hinker, of the SD Association of Healthcare Organizations said around 5% of South Dakota facilities currently meet the hours per resident day requirement.

"We're not opposed to adequate staffing, but we're not in favor of a one-size-fits-all"

USA Today, 11/19/2024

ONE COLUMN

Providers Leary of New CMS Survey Guidelines

Providers and consultants who work closely with nursing homes on compliance issues are both bristling at extensive new regulations — especially those that dictate how they can use certain medications — and embracing the application of fewer tags, or citations, in other caregiving areas.

They are reacting to news that CMS last week posted an advanced copy of surveyor guidance that will go into effect in February 2025. The new guidance includes extensive changes to discharge planning, antipsychotic use, chronic pain management and other rules used to guide and assess nursing home quality.

The most extensive changes highlighted in a QSO memo that accompanied the advanced guidance appeared to be related to the agency's efforts to reduce the use of "chemical restraints" and unnecessary psychotropic medications.

The guideline states residents should only receive psychotropics when "other nonpharmacological interventions are clinically contraindicated." Amy Stewart, chief nursing officer for the American Association of Post-Acute Care Nursing, noted there's an addition to F605 that says residents should be free from unnecessary drugs, including those "without indications for its use."

"It is going to be imperative that facilities review these changes and come up with a solid education plan prior to February and that they take the time to review the updated critical element pathways and utilize those documents in their trainings as those are the 'road maps' for state surveyors," said

Sabrena McCarley, director of clinical reimbursement for Transitional Care Management, said education prior to February's launch is going to be the key.

"CMS appeared to be highlighting two key themes in its update: the need for supportive documentation in the medical record and collaboration among a nursing home interdisciplinary team."

McKnight's, 11/20/2024

Don't Swap the Doc - Could Up Hospitalizations

New research has linked clinician discontinuity to an increase in unfavorable outcomes for long-term care residents.

Researchers looked at nearly 34,000 nursing home residents obtained from a randomly selected sample of Medicare fee-for-service claims and found clinician changes linked to a 36.8% higher likelihood that residents would experience hospitalization.

The analysis also found a correlation between clinician discontinuity and lower quality care, as well as higher healthcare costs.

The most common chronic conditions among all residents in the sample were hypertension, Alzheimer's disease and related dementias, anemia, and rheumatoid arthritis/osteoarthritis.

McKnight's, 11/21/2024

Millions & Millions Eligible for Anti-Fat Meds

Researchers estimate more than half of all adults in the U.S. are eligible for high-cost *semaglutide* Ozempic, Wegovy, Rybelsus.

Among 25,531 participants in the National Health and Nutrition Examination Survey from 2015 to 2020, 8,504 were eligible for *semaglutide*, representing an estimated 136.8 million (129.2 million weight management) adults across the country.

All met the criteria for at least one of three indications that the drug is currently approved for -- diabetes, weight management, or secondary cardiovascular disease (CVD) prevention.

That exceeds the number of adults eligible for statins (approximately 82 million), currently the most prescribed pharmaceuticals among U.S. adults.

JAMA Cardiology, November 2024

As Nursing Costs Soar W. Va. Considers Selling

State lawmakers talked about the possibility of privatization or sale of state-

owned health care facilities during a legislative meeting Tuesday.

From FY 2015 to FY 2023, the total annual expenditure for contract clinical staff increased 955% and the total cost for current contract labor at the seven facilities during this period was about \$284 million.

None of the seven facilities were mentioned by name, but Department of Health and Human Resources Chief Financial Officer Aaron Snodgrass confirmed there is a process in place.

Lument Securities is helping to develop a plan to sell or privatize four state-run nursing homes.

WVA Metro News, 11/12/2024

Centers HC To Pay \$45 Million To Quash Medicaid Fraud

A nursing home company has settled with New York's attorney general to resolve allegations that four of its nursing homes committed financial fraud and neglected residents for years.

Centers Health Care's owners, Kenneth Rozenberg and Daryl Hagler, and other partners will pay \$45 million to close the investigation.

NY sued Centers in June 2023 for allegedly misusing \$83 million in Medicaid and Medicare funds.

In August, a New York Supreme Court judge threw out the defendants' arguments to have the case dismissed.

McKnight's, 11/15/2024

Small Town SNF Closing - City's Largest Employer

An Illinois nursing home that has been a community staple for over 50 years is shutting down.

Piper City Rehab & Living Center, a 60-bed facility and Piper City's largest employer, was operated the past 13 years by financially strapped Petersen Health Care.

It was sold in August through a bankruptcy auction. Cascade Capitol Group now owns the nursing home, which is operated by Arcadia.

Ford County Chronicle, 11/12/2024

Briefly in the News

Several hundred primary care physicians at Mass General Brigham notified the National Labor Relations Board that they support unionization. Through a union, the doctors hope to fight back on what they perceive as too many layers of bureaucracy that hinder physicians' access to leadership to help solve problems such as long hours, staff turnover and workload related to patient email especially since the beginning of the pandemic (***MedPage Today***).

The Drug Enforcement Administration and HHS ended an impasse over the virtual prescribing of controlled substances that threatened access to drugs like Adderall by extending pandemic-era flexibilities through the end of 2025. Keeping the status quo leaves the question of whether to make controlled substances available without an in-person doctor's visit for the Trump administration to decide (***Axios***).

People diagnosed with type 2 diabetes at a younger age are at a higher risk for developing dementia than those diagnosed later in life. Researchers at NYU found that Adults diagnosed with diabetes before age 50 were 1.9 times as likely to develop dementia as those diagnosed at 70 and older., while those diagnosed between 50-59 years were 1.72 times more likely and those diagnosed between 60-69 years were 1.7 times as likely (***PLOS ONE***).

Ensign Group executives during the week offered an optimistic outlook for the LTC sector and the company's future, driven by operational improvements, disciplined acquisitions, and the potential easing of regulations and steady reimbursement rates under President-elect Donald Trump, with the minimum staffing mandate likely never seeing the light of day (***Skilled Nursing News***).

President-elect Donald Trump has chosen Marty Makary, MD, MPH, to run the FDA. Makary has written three books on medicine and healthcare the last of which was turned into a TV series -- "The Resident." He was also editor-in-chief of MedPage Today. Trump also announced the nominations of Dave Weldon, MD, for CDC Director and Janette Nesheiwat, MD, for U.S. Surgeon General (***MedPage Today***).