

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"If our staff can be happy and they feel respected and appreciated and well paid, then they are going to be at work focused on the care that's needed" Bernie McGuinness president and CEO Journey Healthcare

"Large chains benefit in terms of administrative efficiency, but staffing is one of those inputs to the process that does not 'scale' well" Matthew P. Maughan

"These aren't cattle that you load on the back of a truck and take up to a higher pasture. And that's the current model they're using" Tampa Attorney Jim Wilkes who represents residents in nursing home cases referring to questionable SNF evacuation plans

Police Kill Chainsaw Wielding ALF Intruder

An investigation is underway after police fatally shot a chainsaw-wielding man who threatened residents of an assisted living center in St. Charles, Illinois, last Sunday morning.

Witnesses called police when a shirtless man holding a chainsaw was attempting to cut down a tree on the property of the River Glen of St. Charles assisted living center. He then entered the facility and confronted residents with the chainsaw.

Police used a Taser on the man which was ineffective. When he continued threatening behavior, police shot him. He later died at the hospital.

WGN-TV, 12/01/2024

Misclassified Workers – Companies to Pay Millions

Gate Solution Systems and Healthcare Services Group must shell out more than \$2.4 million to 341 workers for allegedly violating the Fair Labor Standards Act.

According to documents from the District Court of Massachusetts,

The agencies classified housekeepers, laundry and dietary workers hired by Gate Solution and managed by Healthcare Services as independent contractors.

That excluded the workers from receiving mandatory overtime pay after being on the job more than 40 hours per week.

McKnight's, 12/05/2024

Groups Urge Congress Not to Stop Mandate

Eighteen consumer advocacy groups and unions have formally asked congressional leaders to reject any proposed repeal of the new federal nursing home staffing rule as part of its year-end budget wrangling.

It's a reminder for providers that even amid promising lawsuits, the mandate requiring major increases in registered nurse and certified nurse aide hiring maintains popular support in many circles.

Making clear the influence of unions, the letter also notes the rule's purported ability to "make nursing home jobs better," although CMS has not set aside funding for nursing homes to institute wage hikes likely needed to attract more workers.

McKnight's, 12/12/2024

More Staffing Proposed For Maine's ALFs

In the first major update to assisted living and residential care regulations in more than 15 years, the Maine Department of Health and Human Services has proposed significantly increasing staffing requirements.

The ratios would be increased to one direct care worker for eight residents during day and evening shifts and one for 15 residents overnight.

Currently, facilities with 10 or fewer beds must at all times have at least one

responsible adult present. That would be increased to two on duty at all times.

A recent investigation found over 100 incidents of elopement the the state's largest facilities.

The Maine Monitor, 12/01/2024

Dems in Congress Concerned About Dr. Oz and Medicare

This week some Democratic members of Congress sent a letter to Dr. Mehmet Oz, President-elect Trump's pick to lead CMS, raising stark concerns about his advocacy to eliminate Traditional Medicare and his deep financial ties to the private health insurers.

In 2022, ahead of his unsuccessful campaign for U.S. Senate in Pennsylvania, Dr. Oz outlined his vision for the Medicare program, in which he advocated to eliminate Traditional Medicare and instead lean on private insurers that run Medicare Advantage.

Non-partisan estimates project that these insurers overcharged CMS \$88 billion in 2024 alone, especially through the practice of "upcoding."

Sierra Sun Times, 12/11/2024

Says She Was Fired Over Religious Beliefs

Rebecca Spears filed a federal lawsuit in Kentucky against Signature HealthCare for alleged religious discrimination and retaliation.

Spears claimed she was treated differently and ultimately fired because she is Wiccan - a nature-based religion and a part of the contemporary pagan movement.

When Spears filed a discrimination complaint with the company, she alleged that no official investigation began, and she was later terminated because she was "no longer a good fit."

The nursing home responded in federal court, saying the lawsuit should be dismissed because Spears signed an agreement saying employment-related disputes would be handled by mediation or arbitration.

WDKY-TV, 11/30/2024

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

CAPITOL HILL: A Republican-led House committee investigating broad aspects of the Covid-19 pandemic and its effects in the US released a final report summarizing its two-year effort. In the 520-page report, the House Select Subcommittee on the Coronavirus Pandemic concludes that the coronavirus “most likely emerged from a laboratory in Wuhan, China,” citing factors like biological characteristics of the virus and illnesses among researchers at the Wuhan Institute of Virology in fall 2019. (CNN).

MEXICO: A study of sex-based differences in the risk of COVID-19 pneumonia finds that men were more likely to develop the complication than women (12.0% vs 7.0%) during the declared pandemic period and the early months of the endemic phase of the disease in Mexico. The study is based on national COVID-19 epidemiologic surveillance data on more than 1.6 million adult COVID-19 patients (*Scientific Reports*).

AMERICA: A farm that supplies organic, pasture-raised eggs for Costco has issued a recall for more than 10,000 products sent to 25 retail locations in five southern states. Handsome Brook Farms said the eggs, which were sold in packs of 24 under the label of Kirkland Signature, could be contaminated with salmonella (*The Washington Post*).

SWEDEN: Research at at örebro University and örebro University Hospital in Sweden indicates COVID-19 may be a risk factor for multiple sclerosis (MS). The results showed that nearly 26 per 100,000 patients with serious Covid-19 subsequently developed MS. That was more than double the risk than in those without a Covid-19 diagnosis (*Brain Communications*).

AMERICA: SunFed, an Arizona produce company is recalling all sizes of its whole, fresh American cucumbers in 26 states and parts of Canada because they could be contaminated with salmonella. The cukes were sold between Oct. 12 and Nov. 26 (*NBC News*).

ATLANTA: An Emory University lab has found the presence – or absence – of a particular antibody in the nose of patients can predict how severe their COVID illness would be. The presence of the antibody, called anti-interferon alpha, indicated the infection would likely be limited to mild symptoms like coughing or sore throats. Those without the antibodies in their nostrils often experienced shortness of breath, indicative of a more severe case of COVID-19 (*Chattanooga Free Press*).

THE WORLD: A new meta-analysis of 25 studies published up to February 2024 involving more than 14 million people shows that COVID-19 vaccination is associated with a lower risk of developing long COVID, with two doses reducing the odds by 24% and one dose reducing the odds by 15% (*Journal of Infection*).

BRAZIL: Western lowland gorillas were among the species that tested positive at the Belo Horizonte Zoo. A new paper provides a stark reminder that the virus responsible for COVID-19 is still spreading, with 9 animals out of 47 testing positive for SARS-CoV-2. It's likely that the animals caught the virus from humans (*Virology Journal*).

UNITED KINGDOM: Pregnant women have been encouraged to take up the offer of flu and Covid vaccines this winter and expectant mothers in the UK can receive the shots for free. Those over the age of 75, frontline healthcare workers and immune-suppressed individuals are eligible for the program as well (*BBC*).

GREECE: during the pandemic, exposed patients with idiopathic pulmonary fibrosis (IPF) experienced an increased risk of COVID-19–related severe acute respiratory syndrome (SARS) and faced about 50% higher rates of hospitalization and mortality. One month after the first COVID-19 vaccination, the researchers found a significant reduction in both depression and anxiety in IPF patients (*Advances in Respiratory Medicine*).

AMERICA: Although NIH director-designee Jay Bhattacharya's record

during the COVID-19 pandemic includes making catastrophically wrong predictions, he was also correct, especially later, on the need to consider the societal cost of prolonging early pandemic measures, including closures, hospital rules limiting visits, extended mask and vaccine mandates and social distancing rules (*The New York Times*).

WASHINGTON, D.C.: Former Gov. Andrew Cuomo may have tried to “inappropriately” influence the testimony of a former aide before speaking to a House panel investigating his administration's Covid-19 policies. The former governor has insisted his text to Malatras, his first contact with him in three years, was a simple check in with a former staffer. But the GOP-led determined Cuomo “acted in a manner consistent with an attempt” to influence Malatras' testimony (*Politico*).

AMERICA: Covid's rampage through the country's nursing homes killed more than 172,000 residents and spurred the biggest industry reform in decades: a mandate that homes employ a minimum number of nurses. But with President-elect Donald Trump's return to the White House, the industry is ramping up pressure to kill that requirement before it takes effect, leaving thousands of residents in homes too short-staffed to provide proper care. (*KFF Health News*).

CALIFORNIA: Federal disease trackers report that the first child diagnosed with bird flu in an ongoing U.S. outbreak was infected with a virus strain closely related to one moving rapidly through dairy cattle, even though there is no evidence the youngster was exposed to livestock or any infected animals. The CDC finding deepened the mystery about the spread of H5N1 bird flu (*Washington Post*).

COVID-19, 12/13/2024

World Total Cases
776,947,553

World Total Deaths
7,076,993

U.S. Total Deaths
1,208,476

World Health Organization

Woman Going to Prison For COVID-19 Relief Fraud

An Oklahoma City woman who fraudulently took COVID-19 relief money has been sentenced to two years in federal prison.

Prosecutors say Madinah Malikh Montgomery, 33, submitted three fraudulent applications for an Economic Injury Disaster Loan from the Small Business Administration and received a total of \$300,000.

Some of the money was used for personal expenses.

In a separate federal court case, Montgomery has pleaded not guilty to a charge of possessing fentanyl with intent to distribute.

Montgomery has previous drug-related felony convictions.

The Oklahoman, 12/02/2024

St. Pete SNF Evacuated Without Evacuation Plan

As Hurricane Helene approached Florida surveyors say 283 elderly residents were stacked side-by-side and head to toe in a church without working air conditioning or sufficient food supply.

Further, Aventura at the Bay did not have a county approved evacuation plan as required by the state.

About 20 residents in wheelchairs were left outside in bad weather, one resident was seen wandering wearing only a brief, another resident fell and broke an arm.

Families called 9-1-1 and county rescue workers stepped in and relocated the residents to a county-operated special needs shelter 10 miles away.

WFTS-TV, 12/10/2024

Cop Who Tasered 95-year-old Resident Found Guilty

A police officer in Australia who Tasered a 95-year-old nursing home resident has been found guilty of manslaughter.

Clare Nowland, a great-grandmother who had dementia and used a walker, refused

to put down the steak knife when Constable Kristian James Samuel White tased her in 2023.

Nowland, a resident of Yallabee Lodge, a nursing home in the town of Cooma, fell backwards after White shocked her. She hit her head and died a week later in hospital.

A jury found White guilty in the New South Wales Supreme Court in Sydney after 20 hours of deliberation.

The Independent, 11/27/2024

Managed Care Company To Pay Re: SNFist Care

One of four insurers providing care for Illinois Medicaid patients has agreed to pay \$1.2 million to settle allegations it failed to provide SNFists to nursing homes as required by its state contract.

SNFist coordinate care for Medicaid beneficiaries living in nursing homes.

The settlement, initiated seven years ago between Molina Healthcare of Illinois, the state of Illinois, the US government and whistleblower Thomas Prose, MD, was filed Dec. 6.

Prose, owner of his own SNFist group, argued that Molina submitted false claims for payment to Illinois, knowing it was in violation of its managed care contract.

McKnight's, 12/13/2024

Antipsychotic Meds Worsen Behavior, Elevate Alzheimer's

A study of nearly 500,000 nursing home residents who were prescribed antipsychotic medications has found an increase in negative behaviors compared to those who were not given such drugs.

The analysis captured results over a 22-year span — from 2000 to 2022 — and found that about 68% of residents taking antipsychotics had more behavior challenges in check-ups, including a higher percentage of Alzheimer's disease or related dementia (72.2% vs 51.7%); cognitive impairment (26.5% vs 15.2%); symptoms of depression (26.9% vs 17.6%) and frailty (24.0% vs 19.8%).

The results were not surprising, some sector experts said the numbers support decades of research.

McKnight's, 12/11/2024

ONE COLUMN

Stimulant, Antidepressant & Opioid Telehealth PHE Prescriptions

The COVID-19 pandemic accelerated telehealth expansion, including telehealth prescribing of controlled substances under temporary public health emergency (PHE) policies, which are set to run until December 2024.

This analysis included 55.3 million people - mean age 45.6 years, of whom 61.1% were female. From 2019 to 2022, prescriptions filled for stimulants increased by 37.5%, with the proportion prescribed from a telehealth visit growing from 1.4% in 2019 to 38.1% in 2022.

In Q2 of 2020, telehealth prescriptions accounted for 51.8% of stimulant prescriptions. Although in-person prescribing rebounded to 62.0% in 2022, it remained below the pre-pandemic average of 97.6%.

Antidepressant prescriptions increased by 20.9% during this period, with telehealth's share growing from 1.5% to 31.4%. Telehealth prescriptions reached their peak in Q2 of 2020, accounting for 46.7% of antidepressant prescription volume.

Opioid prescriptions declined before Q2 of 2020 and continued to decrease by 17.2% from 2019 to 2022. In-person visits accounted for most opioid prescriptions, with telehealth prescriptions reaching 24.1% in Q2 of 2020 and leveling off at 8.4% in 2022, an increase from 0% in 2019.

Telehealth prescribing for all 3 prescription types rose among both females and males however, females exhibited a higher rate of increase across all 3 drug types.

From 2019 to 2022, overall prescription volumes for stimulant and antidepressant medications increased, while prescription volume for opioids decreased. Concurrently, the proportion of telehealth prescriptions climbed across medications, increasing by a factor of 188 in opioids and more than 20 for antidepressants.

JAMA Network Open,

Alleged Shooter of United CEO Has Family Ties To LTC

The suspect in the Dec. 4 murder of UnitedHealthcare CEO Brian Thompson last week grew up in a prominent Maryland family that started a company that provides assisted living, nursing home and home care, among other business ventures.

Luigi Mangione, the suspect, is the grandson of Nicholas Mangione Sr., who founded Lorien Health Services, a long-term care company in 1977 and continues to lead the company today.

Mangione is apparently not involved in the organization today but was an activities volunteer at Lorien as a high school student for several months in 2014.

Senior Living, 12/11/2024

NJ Removes Provider From Medicaid Program

New Jersey has dropped the state's worst-rated nursing home from its Medicaid program after an investigation uncovered years of fraud, abuse and neglect.

"We looked at 1-star nursing homes, which are the worst ones, and found a group of them were ... never improving for years despite receiving millions in Medicaid funds." Said state comptroller Kevin Walsh. "We followed the money."

The owners and operators of the South Jersey Extended Care in Bridgeton, – Mordechay "Mark" Weisz, Michael Konig and Steven Krausman – were found to have embezzled millions of dollars through the shuttered nursing home and into their own businesses.

McKnight's, 12/13/2024

SNF Orgs Sue State Over Holiday Pay Mandate

Two trade associations representing Minnesota nursing homes are suing the state to block a rule requiring them to pay workers holiday pay.

The challenge comes after the Minnesota Nursing Home Workforce Standards Board in November proposed to mandate nursing homes to pay workers time-and-

a-half on 11 state holidays, starting Jan. 1, 2025.

Representatives said the decision puts LTC facilities between a rock and a hard place, as they'll be forced to dish out extra funds that the state has so far refused to reimburse.

Star Tribune, 12/01/2024

Families Demand Auditor Meeting re: COVID Report

Relatives of New York nursing home residents who died during the COVID-19 pandemic are calling for a meeting with the Olson Group, the firm behind a \$4.3 million state-commissioned audit.

Families claim the report on New York's pandemic response is riddled with errors and lacks transparency due to non-disclosure agreements.

Critics accuse the Olson Group of misrepresenting facts, such as implying the state comptroller didn't consult health officials for prior audits.

The controversy centers on a 2020 directive from then-Governor Andrew Cuomo requiring nursing homes to accept COVID-positive patients.

Fingerlakes.com, 12/01/2024

Number of SNFs Down 5% - Citations Up 40%

In a decade (2015-to-2024), the number of deficiencies assessed by nursing home surveyors – especially those alleging serious violations – has skyrocketed.

The average number of deficiencies per survey steadily increased 40% from 6.8 to 9.5. The share of facilities cited for serious deficiencies, including serious harm or Immediate Jeopardy, climbed from 17% to 28%.

A KFF analysis found that nationally, the number of nursing homes certified by CMS fell from 15,648 in 2015 to 14,827.

Examples: Nebraska's facilities shrunk from 219 to 84; Illinois 762 to 682; Maine 103 to 81.

KFF also found that the average PPD declined by 8%.

KFF, 12/10/2024

Briefly in the News

The pharmaceutical manufacturer Amgen announced that an experimental obesity drug helped patients lose up to 20% of their weight in a year. The drug, MariTide, is given by injection once a month, compared with once a week for other obesity drugs like Wegovy and Zepbound that are already on the market. Those drugs have stunned longtime obesity researchers, who had all but given up on ever seeing safe and effective weight loss drugs (*New York Times*).

Medicare Advantage insurers would no longer be allowed to reconsider approved prior authorization requests for inpatient hospital admissions and face new limits on using artificial intelligence for pre-certifications under a proposed rule. The CMS draft regulation also would introduce Medicare and Medicaid coverage of glucagon-like peptide-1 receptor agonists, or GLP-1s, such as Ozempic and Zepbound, to treat obesity as a chronic disease (*Modern Healthcare*).

Nationwide about 2 million adults 65 and older are completely or mostly homebound, while an additional 5.5 million seniors can get out only with significant difficulty or assistance. It's a population whose numbers far exceed those living in nursing homes — about 1.2 million — and yet it receives much less attention from policymakers, legislators, and academics who study aging (*KFF Health News*).

Private health information of over 2300 Veterans was obtained in a nationwide cyberattack. The documents were encrypted and potentially copied by a "malicious party." The information was managed by DBP, a medical transcription company. The VA says DBP shut down the server, disconnected it from the internet, purchased new hardware and created new security controls on the equipment in an effort to prevent future attacks (*CBS News*).

In issuing a report that found LTC pharmacies spend an average of \$14.98 dispensing each prescription – more than double the costs of retail pharmacies – the Senior Care Pharmacy Coalition encouraged Congress to adopt a special LTC pharmacy service fee on medicines subject to Medicare negotiations before the end of the year (*McKnight's*).