

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

***"The Grievant was fired for a pattern of misconduct that included bullying, intimidation, verbal altercation, and coercing employees to falsify witness statements"*** Arbitrator Janet M. Graham noted, but ruled in favor of an employee because the facility did not do a thorough investigation

***"I mean, do they want to dismantle public health?"*** an unnamed employee at the Louisiana Department of Health after employees were told not to advertise or promote any vaccines

***"The long-term care population is a microcosm of what's happening across the country and, unfortunately, covid vaccine reluctance remains persistent"*** Rajeev Kumar, President Post-Acute and Long-Term Care Medical Association

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## **Administrator and 17 Workers Charged In Resident Death**

Eighteen workers including Shawonda Jeter the administrator of Colonial Heights Rehabilitation and Nursing Center in Colonial Heights, VA, have been charged with crimes ranging from neglect to falsifying documents in connection with a resident death.

AG Jason S. Miyares announced charges against the workers following an investigation triggered by an elder abuse complaint involving a 74-year-old resident in October.

The resident was hospitalized and later died from his/her injuries.

Charges include seven counts of felony abuse and neglect, two counts of misdemeanor abuse and neglect, obstruction and 27 counts of falsifying patient records.

WTVR-TV, 12/20/2024

## **Trillions Spent on LTC – Up Again Last Year**

Federal spending for care in nursing homes and continuing care retirement communities increased by 9.5% in 2023, to \$211.3 billion. It was \$192.9 billion in 2022.

Meanwhile, spending on home healthcare grew by 10.8% last year, to \$147.8 billion, compared with \$133.4 billion in 2022.

Medicaid spending for other health, residential and personal care services increased by 9.2% in 2023, compared with 13.2% the previous year, "influenced by continued strong growth in spending for home and community-based services."

Overall national healthcare spending reached \$4.9 trillion and increased by 7.5% from the previous year.

CMS Office of the Actuary, 12/18/2024

## **Federal Spending on Hospital Care and Drugs Also Up**

Although private health insurance spending and Medicare spending grew faster year over year, Medicaid spending and Medicaid enrollment growth has slowed.

The slower growth in federal Medicaid can be attributed to the ending of the continuous enrollment provision of the Families First Coronavirus Response Act.

Most of the increase in healthcare spending overall over the past year can be attributed to hospital care, physician services, and retail prescription drugs.

Growth and spending for all three of these services accelerated in 2023, but the increase largest for hospital services, which increased 10.4%.

Spending on retail prescription drugs grew 11.4% in 2023.

CMS, 12/18/2024

## **1199 Wants SNF to Honor Arb Ruling in Favor of Worker**

A union is suing an Ohio nursing home, to force it to rehire a CNA fired amid allegations that she created a hostile work environment and bullied others on staff. In April an arbitrator ruled on Natalie Ragland's behalf.

SEIU 1199 wants a federal judge to enforce the arbitrator's ruling that found Ragland, an employee at Advanced Health Care Center in Toledo, should have received progressive discipline before she was fired.

The arbitrator noted the facility did not do a thorough investigation before termination, which would have allowed it to bypass the necessity for progressive discipline.

McKnight's, 12/19/2024

## **HHS-OIG: One-in-Five Not Reporting Related Party Deals**

More than 20% of skilled nursing facilities in an OIG audit did not comply with Medicare guidelines that require the disclosure of related-party transactions.

As a result, HHS-OIG is recommending that it compel Medicare administrative contractors to include more information about providers' reporting practices.

The OIG report was released 12/18/2024 and found that of 14 SNFs examined in a non-statistical sample, three did not adequately divulge one or more related parties on their Medicare cost reports; and seven incorrectly reported their costs, ultimately accounting for more than \$1.7 million in overstated costs.

HHS-OIG, 12/18/2024

## **ALF Loan Delinquencies Down But Rising for Skilled Nursing**

Loan delinquencies among senior living community owners trended down for the second quarter of 2024 after reaching their peak in 2023, yet nursing home delinquencies continued to rise in the quarter.

A NIC report includes data trends over eight years for senior living and nursing care construction loans.

Delinquency rates for nursing care loans have continued rising for three consecutive quarters, reaching 2.7% in 2024, up from a low of 0.6% in late 2023.

Foreclosures reported for the first half of 2024 totaled \$51.8 million for senior living and \$43.2 million for nursing homes.

NIC, 12/17/2024

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

**AMERICA:** In its weekly respiratory virus illness updates the CDC said Flu activity continues to rise, and COVID-19 indicators are also starting to rise from very low levels. "We predict COVID-19 illness to increase in the coming weeks, as it usually does in the winter," the CDC said. Wastewater detections are still in the low range and are highest in the Midwest, followed by the West and the South. *(CIDRAP)*.

**THE WORLD:** An analysis of global antimicrobial sales data suggests the decline in outpatient antimicrobial consumption during the first two years of the COVID-19 pandemic was transient and likely linked to non-pharmaceutical interventions such as lockdowns. Japanese researchers examined monthly antimicrobial sales for 69 countries. An analysis of G7 countries showed a decreasing trend in AMC after those countries implemented movement restrictions, and an increasing trend after restrictions were lifted *(JAMA Network Open)*.

**CALIFORNIA:** There are two confirmed cases of H5N1 bird flu in San Joaquin County farmworkers. The farm workers, officials said, had mild symptoms and are recovering. Both were exposed to infected animals, according to the San Joaquin County Public Health Services. Officials said that they are monitoring the farmworkers, in addition to providing flu vaccinations and distributing educational resources to farms *(San Francisco Chronicle)*.

**THE WORLD:** Researchers measured the real-world efficacy of the Pfizer-BioNTech vaccine against long COVID in children and adolescents using data from 20 US health systems. For adolescents during the Delta period, the estimated effectiveness of the vaccine against long COVID was 95.4%. During Omicron, the estimated effectiveness among children was 60.2% and 75.1% among adolescents *(eClinicalMedicine)*.

**AMERICA:** Last year, about 8% of US adults reported that they had ever had long COVID. Those who currently had the condition or currently had activity-limiting

long COVID were both under 4% *(CIDRAP)*.

**SAN FRANCISCO:** Health officials reported the first flu-related death this respiratory virus season, an adult older than 65 who had not gotten the annual influenza vaccine. Each respiratory virus season, which generally runs from November through February and peaks around late December, the flu kills thousands of Americans. During the 2023-24 season, 579 people in California died from the virus *(San Francisco Chronicle)*.

**JAPAN:** In a population-based analysis of nearly 8-thousand people in Japan, the vaccine effectiveness of three or more doses of COVID vaccine against Omicron-related long COVID was 30%. There was no association with one or two doses. Furthermore, the risk reduction was seen in women with three or more COVID vaccine doses but not in men *(Clinical Microbiology and Infection)*.

**WASHINGTON, D.C:** President-elect Donald Trump has tapped the Dave Weldon a 71-year-old former Army doctor, former seven-term GOP Congressman and vaccine skeptic to run the CDC. The CDC is charged with protecting the United States from health threats at home and abroad. That includes making vaccine recommendations — work that has come under fire from Robert F. Kennedy Jr., the longtime vaccine skeptic whom Trump has picked to lead the Department of Health and Human Services, which has oversight over the CDC. *(The Washington Post)*.

**UNITED KINGDOM:** UK investigators found that—while most COVID-19 patients ages 11 to 17 who reported long-COVID symptoms 3 months after the initial infection no longer experienced lingering symptoms at 2 years. However, about a third did. Two years after initial infection 70.8% of the young people who had long COVID had recovered. But 29.2% had not *(Communications Medicine)*.

**WASHINGTON, D.C:** Robert F. Kennedy, Jr. was on the Hill several days sitting down with over two dozen senators. His team is hoping to assuage senators' concerns about his broad criticism of vaccines. He likely told senators that, if confirmed to lead HHS, he isn't planning to take anyone's vaccines away and instead wants to promote transparent, safe, effective vaccines *(The Wall Street Journal)*.

**AMERICA:** In a 2018 survey, 33.9% adults between the ages of 50 and 80 said that they felt lonely some of the time or often, which went up to 41.4% in 2020 as the pandemic commenced. In 2021, that number decreased to 37.1%, then went up to 41.6% in 2022. In 2023, 37.2% of older adults felt lonely, which decreased to 33.4% as the pandemic subsided *(JAMA Network Open)*.

**CALIFORNIA:** State agriculture officials announced a raw milk recall from Stanislaus County producer Valley Milk Simply Bottled. Officials found H5N1 bird flu in bulk milk tanks produced by the raw milk dairy. The order applies to all Valley Milk Simply Bottled raw cow milk and Desi Milk raw cow milk distributed in quart, half gallon and one-gallon plastic jugs with a code date of Dec. 23 through Dec. 30 marked on the container *(Los Angeles Times)*.

**WASHINGTON state:** An animal sanctuary in Shelton, Wash., is under quarantine after a bird flu outbreak killed 20 big cats at the facility over the past month The Wild Felid Advocacy Center of Washington called the deaths "heartbreaking," confirming the virus has claimed more than half its animals, including four cougars and a half-Bengal tiger, since late November *(NPR)*.

<b>COVID-19, 12/13/2024</b>	
World Total Cases	777,026,543
World Total Deaths	7,078,481
U.S. Total Deaths	1,209,547
World Health Organization	

## **SNFs Fell Behind on Resident COVID Vaccinations**

COVID continues to pose a grave threat to the 15,000 certified nursing homes in the U.S. where some 1.2 million people live.

A CDC report in April found that about 40% nursing home residents in the received an updated vaccine last winter.

The CDC report also revealed that during January's COVID peak, the rate of hospitalizations among nursing home residents was more than eight times that of all U.S. adults, age 70 and older.

While the vaccines remain free to patients, clinicians must now bill each person's insurer separately. That makes vaccinating an entire nursing home more logistically complicated.

KFF Health News, 12/04/2024

## **Don't Advertise Vaccines, At Least Not in Louisiana**

Employees at the Louisiana Department of Health were told last month that advertising or otherwise promoting the COVID, influenza or mpox vaccines, an established practice there – and at most other public health entities in the U.S. – must stop.

Supposedly, the policy would be implemented quietly and would not be put in writing.

Staffers were also told that it applies to every aspect of the health department's work: Employees could not send out press releases, give interviews, hold vaccine events, give presentations or create social media posts encouraging the public to get the vaccines.

WWNO – NPR, 12/20/2024

## **Seniors Needing LTC Help May Get it from Congress**

Plans to reintroduce a bill creating a safety net for families to avoid financial disaster due to long-term care needs is being praised by senior living industry advocates.

The act targets benefits for people with disabilities, paid for by an additional 0.6%

payroll tax split equally between employees and employers.

LTC benefits would be available for applicants who reach retirement age, paid the tax for at least six quarters, have difficulty with at least two ADLs.

Insurance NewsNet estimates recipients would receive \$3,600 per month for long-term care.

LeadingAge and other organizations support the bill.

Senior Living, 12/05/2024

## **Changes to Conn. Nursing Home Staffing Ratio Rejected**

The Connecticut Legislative Regulation Review Committee has rejected proposed changes in nursing home staffing.

The motion to reject was approved unanimously after several committee members voiced concerns about the impact the changes could have on pay for nursing home workers and the quality of care nursing homes provide.

The proposed regulation would have increased staffing to three hours per patient day.

A fiscal analysis estimated the additional cost at \$380,000 annually, but some committee members pointed to a previous report that said estimated costs were in the millions.

It also proposed increasing the number of social workers.

CT Inside Investigator, 12/17/2024

## **Wisconsin's County SNFs Sliding to Private Ownership**

Although not the most populous state, Wisconsin has the second-highest number of county-owned nursing homes in the country. But the numbers are dwindling.

*Wisconsin Watch* reported over the past 30 years, about 22 counties closed their nursing homes.

This year alone, at least five counties have considered selling, started the sales process, have already sold off their nursing homes or closed them altogether.

McKnight's, 12/824/2024

## **ONE COLUMN A Bird Flu Pandemic Would Be a Catastrophe**

Almost five years after COVID blew into our lives, the main thing standing between us and the next global pandemic is luck. And with the advent of flu season, that luck may well be running out.

The H5N1 avian flu, having mutated its way across species, is raging out of control among the nation's cattle, infecting roughly a third of the dairy herds in California alone. Farmworkers have so far avoided tragedy, as the virus has not yet acquired the genetic tools to spread among humans. But seasonal flu will vastly increase the chances of that outcome.

If two different viruses infect the same host – a farmworker with regular flu who also gets H5N1 from a cow – they can swap whole segments of their RNA, potentially creating an entirely new and deadly virus that has the ability to spread among humans.

All that would be more than bad enough, but we face these threats gravely hobbled by the Biden administration's failure – one might even say refusal – to respond adequately to this disease or to prepare us for viral outbreaks that may follow. And the United States just registered its first known case of an exceptionally severe strain of mpox.

Robert F. Kennedy Jr., Donald Trump's pick to lead the nation's vast public health agency, has already stated he would not prioritize research or vaccine distribution were we to face another pandemic.

Kennedy may even be hastening its arrival through his advocacy for raw milk, which can carry high levels of the H5N1 virus and is considered a possible vector for its transmission.

Cold weather drives us indoors. Houses and workplaces are poorly ventilated. It's a gamble that the nation is not prepared for.

Of course, viruses don't always manage to adapt to new species, despite all the opportunities. But if there is a bird flu pandemic soon, it will be among the most foreseeable catastrophes in history.

The New York Times, 12/01/2024

## **Former LTC CEO's Sentence Commuted by President Biden**

The sentence of former American Senior Communities CEO James Burkhart was commuted last week – one of nearly 1500 commuted by the President.

Burkhart was sentenced to 9½ years in 2017 after pleading guilty to fraud, kickback and money laundering-related changes in a case the federal government valued at \$19.4 million,

The former CEO was indicted following a 2015 raid of his Carmel, IN, home in which gold coins, gold bars and over \$1 million in cash was discovered.

He is one of nearly 1500 whose sentences were commuted – people who had been placed on home confinement during the COVID-19 pandemic.

*Senior Living 12/16/2024*

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*CT Inside Investigator, 12/17/2024*

## **McConnell Bullish on Polio Vaccine For Good Reason**

Senate Minority Leader Mitch McConnell (R-Kentucky), who battled polio as a child, warned that anyone seeking a Senate confirmation should “steer clear” of

associating with any efforts to undermine public confidence in the polio vaccine.

“The polio vaccine has saved millions of lives and held out the promise of eradicating a terrible disease. Efforts to undermine public confidence in proven cures are not just uninformed — they’re dangerous,” McConnell said in a statement.

“Anyone seeking the Senate’s consent to serve in the incoming Administration would do well to steer clear of even the appearance of association with such efforts.”

*The Washington Post, 12/13/2024*

## **More Training Needed for Increasing Psych Census**

Twenty to 40% of nursing residents – many under age 65 – have serious mental illness, but most facilities don’t have the proper resources or staff to properly care for them.

nursing homes often use one of psychiatrist-centered, nurse-centered or multidisciplinary team models.

Implementing each requires operators to educate staff with distinct training that helps them interact with patients appropriately and respond to their specific needs.

About 50% of the Medicaid residents between 22-and-64 years old are on antipsychotics. The prevalence of residents with serious mental illness has increased 77% in the last decade.

*KFF Health News, 12/02/2024*

## **Covered Wound Care Product List Slashed By CMS**

A new federal payment policy will sharply reduce the number of specialty wound care products available to Medicare patients with non-healing diabetic foot ulcers or venous leg ulcers – wounds linked to amputations among seniors.

But CMS has whittled down the approved skin care products into two small groupings.

Starting Feb. 12, the list of covered products will shrink to 18 as CMS aims to control costs and limit coverage to products whose efficacy has been proven in published research.

*McKnight's, 11/25/2024*

## **Briefly in the News**

Seed oils — which are plant-based cooking oils that are often used in processed, packaged foods — have been linked to an increased risk of colon cancer, according to a new study published this week in the medical journal *Gut*. In Making the connection, Researchers at University of South Florida (USF) Health and Tampa General Hospital Cancer Institute analyzed 162 tumor samples from colon cancer patients (**USF news release**).

Resident physicians at George Washington University Hospital called off a strike after doctors said they reached a tentative labor deal with the medical school. The agreement includes higher wages, more vacation and money for mental health care. They reached the deal less than 12 hours before hundreds of docs were expected to walk off the job for three days (**The Washington Post**).

Until now, just two companies have dominated the obesity-treatment market. ... But the year will also start to show how soon the weight-loss duopoly will face serious challengers. Results from dozens of midstage patient trials of medications for obesity and related diseases are due in 2025. The slew of data, from both upstarts and industry heavyweights, will help determine the options available in coming years. Drugmakers are aiming to offer medicines that can be taken less frequently, spur greater weight loss or cause fewer side effects (**Bloomberg**).

Novo Nordisk A/S's blockbuster shot Ozempic was linked to an increased risk of a rare form of vision loss in a study that backs up Harvard University research published earlier this year. Diabetes patients who used Ozempic were more than twice as likely to be diagnosed with the rare condition, called NAION, than those who took another type of diabetes drug. Researchers studied years of patient records from Denmark and Norway. The study wasn't able to determine whether there was a similar impact among people taking Ozempic's sister drug, Wegovy, for obesity (**Bloomberg**).