

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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"It's really got nothing to do with quality of care. It's got everything to do with punishing nursing homes" Sabra Health Care CEO Rick Matros

"To use our taxpayer-funded healthcare system as a cover for assisting illegal immigration is completely disgraceful" Texas Attorney General Ken Paxton after the arrest of a suspect for using an ALF as a cover for smuggling migrants

"New Jersey is home to many good nursing home providers that score well on federal quality metrics, with staff who performed heroically and with very little public acknowledgement during the worst of the COVID-19 pandemic. However, the current framework for delivering nursing home care is outdated and generally does not support person-centered care" from a report of the New Jersey Task Force on Long-Term Care Quality and Safety

A Helicopter and an ALF to Smuggle in Migrants

Texas Attorney General Ken Paxton announced the arrest of a suspect who was allegedly using a fake LTC facility as a front for migrant smuggling.

authorities with the Texas Medicaid Fraud Control Unit, alongside the Department of Homeland Security, arrested Jesus Cantu-Trevino, for conspiracy to smuggle undocumented migrants via air ambulance.

The Attorney General's Office alleges that Trevino used a fictitious assisted living facility, along with Skyline Air Ambulances, as a means to transport individuals into the country illegally, circumventing border checkpoints.

WOAI-TV, 05/12/2024

Bill to Overturn Mandate Introduced in Congress

An act to overturn the federal government's minimum staffing rule for nursing homes was introduced Tuesday by Representatives Michelle Fischbach (R-Minn.) and Greg Pence (R-Ind.).

The legislation aims to reverse CMS' staffing mandate.

Rep. Fischbach criticized the staffing mandate as a "half-baked, one-size-fits-none plan" that fails to address the ongoing nursing staff shortage and could potentially harm nursing homes.

"This administration has been insistent on moving forward with this rule, despite the fact that a report commissioned by CMS itself found that there is no single staffing level that guarantees quality care," she said in a press release.

Skilled Nursing News, 05/15/2024

House Members Also Propose a Second Tactic

A rare congressional resolution was introduced in the House that presents a new opportunity for federal lawmakers to block the nursing home staffing mandate.

Lawmakers can use the Congressional Review Act to nullify regulations enacted by executive branch agencies. Reps. Michelle Fischbach (R-MN) and Greg Pence (R-IN) introduced a measure calling for a review of the nursing home rule, which they have also moved to block through proactive legislation.

This new resolution signals significant opposition to the staffing rule finalized by CMS in April.

The resolution's expected to pass the House, but its future in the Senate is in doubt.

McKnight's, 05/16/2024

Senate Race Underscored By Staffing Mandate

A squabble between Sen. Bob Casey and challenger Dave McCormick has focused on nursing home staffing mandates. McCormick has been critical of Casey's support for the new federal rule mandating minimum staffing at nursing homes.

McCormick noted that Casey had almost 18 Senate-years to address the staffing problem, yet "applauds an unfunded Biden mandate....."

Casey, however, argues that a staffing minimum rule needs to happen as part of a systematic solution. "Staffing shortages at nursing homes have meant that seniors in Pennsylvania and around the nation are not getting the high-quality care that they need and deserve," he said.

The Bradford Era, 05/16/2024

Chicago Man Charged with Impregnating DD Resident

A Chicago man was charged with sexually assaulting a person with a profound developmental disability who later gave birth, authorities in suburban Kane County said.

The victim, a resident at Marklund Hyde Center in Geneva, Illinois, a care home serving individuals with severe and profound developmental disabilities, gave birth last month.

Isaiah Fields, 22, was charged after the Sheriff's office conducted DNA tests on current and former employees. Fields' DNA test came back positive at which point a warrant was issued for his arrest.

WMAQ-TV, 05/11/2024

Nursing Home Staff Praised - They Kept Residents Safe

Staff members of Barnsdall Nursing Home (Oklahoma) were quick to jump into action during a tornado that damaged the facility, about 40 miles north of Tulsa.

The five on-duty employees were able to successfully keep all 25 residents safe throughout the storm damage and flooding.

When emergency warnings hit, employees moved quickly to get residents awake, dressed appropriately, out of their rooms, to take shelter in the building's interior hallways.

While all residents of the nursing home were safe, the building itself sustained serious damage.

Two people died in the community of Barnsdall.

McKnight's, 05/13/2024

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

AMERICA: More than a third of COVID-19 cases in the U.S. are now estimated to be from a new, fast-growing member of a group of so-called "FLiRT" variants, nicknamed for their small but distinctive changes relative to the JN.1 strain. JN.1 was the variant behind this past winter wave of infections. The largest among them, called KP.2 by scientists, has quickly multiplied in recent weeks to become the now-dominant new COVID-19 strain. KP.2 and another strain with the same FLiRT mutations, called KP.1.1, together make up a projected 35.3% of infections this week – up from 7.1% a month ago (*CBS News*).

SWEDEN: AstraZeneca said on it had initiated the worldwide withdrawal of its COVID-19 vaccine due to a "surplus of available updated vaccines" since the pandemic. The drugmaker has previously admitted in court documents that the vaccine causes side-effects such as blood clots and low blood platelet counts. The firm's application to withdraw the vaccine was made on March 5 and came into effect on May 7 (*The Telegraph*).

AMERICA: A new set of COVID-19 variants, nicknamed FLiRT, has been detected in wastewater surveillance. At the end of April the variant, labeled KP.2, made up about 25% of the cases in the U.S., making it the, new dominant variant in the country, overtaking JN.1 (*USA Today*).

WASHINGTON, DC: The National Institutes of Health (NIH) is launching four more long-COVID clinical trials, which will examine sleep disturbances, exercise intolerance, and post-exertional malaise. The studies add to six earlier investigations that are part of the NIH's Researching COVID to Enhance Recovery (RECOVER) Initiative. The new trials will assess potential treatments for the symptoms and will enroll about 1,660 people across 50 study sites (*NIH*).

SAN DIEGO/ TIJUANA: Closing the border separating San Diego and Tijuana, Mexico, during the COVID-19 pandemic didn't stop drug tourism and may have increased the spread of HIV. From March 2020 to November 2021, the United States and Mexico suspended all

nonessential travel across their borders. University of California at San Diego researchers recruited 612 adults from the streets and underwent HIV and Hepatitis C testing every six months. During the study, nine people tested positive for HIV – a relatively high number because in the US, HIV incidence is relatively low (*The Lancet Regional Health Americas*).

WASHINGTON, DC: FDA has changed the date of its upcoming Vaccines and Related Biological Products Advisory Committee (VRBPAC) from May 16 to June 5, during which the group will discuss and make recommendations on the strain or strains to include in 2024-25 COVID vaccines. The FDA said the new date will allow more time to obtain surveillance data and other information so that the group has the most up-to-date information for making its recommendations (*FDA*).

THE WORLD: Novavax has signed a multibillion-dollar deal with French drugmaker Sanofi to co-commercialize the company's Covid vaccine starting next year and develop combination shots targeting the coronavirus and the flu, among other efforts. It marks a turning point for the struggling vaccine maker and its protein based Covid shot. The licensing agreement will allow Novavax to lift its "going concern" warning, reflecting doubts about its ability to continue operating (*CNBC*).

SAN FRANCISCO: The emergence of a new set of coronavirus variants, known colloquially as FLiRT, is sparking concerns about a potential summer uptick in COVID-19 cases in California and elsewhere, after an extended period of calm and a relatively mild winter. The variants, known as KP.1.1 and KP.2, have recently overtaken JN.1 as the dominant omicron offshoot in the U.S. They now account for 1 in 4 infections nationwide (*San Francisco Chronicle*).

LONDON: Talks to draw up a global pact to help fight future pandemics have ended Friday without a draft agreement. Negotiators from the WHO's 194 member states were hoping to have a final draft agreement by the end of Friday, with a view towards adopting the legally binding

text at the World Health Assembly later this month. But they stopped negotiating on the text at lunchtime and moved instead to working out how best to continue work on the treaty - either in the next few weeks, months or even years (*Reuters*).

AMERICA: A study by University of British Columbia researchers found that while US adults with long COVID have a higher rate of psychiatric conditions such as depression and anxiety and are just as likely to receive treatment, many cite cost as a reason for not seeking care. The researchers parsed data on 25,122 US adults with and without long COVID from the 2022 National Health Interview Survey (*CIDRAP*).

ENGLAND: A rare yet deadly autoimmune disorder appears to be on the rise in the north of England, and new research indicates that the outbreak may be linked to COVID-19. Known as Anti-MDA5 positive dermatomyositis, the disease was mainly observed in Asian populations prior to the pandemic yet is now surging among the Caucasian residents of Yorkshire (*IFL Science*).

TOYKO: Japan is set to destroy 77% of the COVID-19 oral medications it purchased. The Japanese government secured the oral drugs for 5.6 million people during the pandemic, but those for 4.3 million people remain unused (*Kyodo News*).

ARKANSAS: In a scene that played out on many college campuses in recent weeks, the University of Arkansas hosted commencement ceremonies last week. Significant because due to COVID-19 it was the first commencement for many students who had their high school graduations cancelled due to the pandemic (*KNWA/KFTA*).

COVID-19, 05/17/2024

Global Cases – Deaths
775,364,261 – 7,046,320

U.S. COVID-19 Deaths
1,190,953

CDC, WHO

Bill: Family Access To SNFs During Emergencies

The Resident Access Protection Act has passed the California Assembly's Aging and Health committees and is now before the Appropriations Committee.

The bill would allow access to chosen support providers who aren't nursing home employees as long as they follow the same safety protocols required of the staff.

The legislation would apply not only to a pandemic but go into effect with any health emergency declared by state or local officials.

It is supported by AARP, the Long-Term Care Ombudsman and other organizations.

KPBS-NPR, 05/13/2024

Family Members Sue Billings Nursing Home for Neglect

The families of three former residents have filed a federal lawsuit against Canyon Creek, a SNF in Billings, Montana and parent company Koelsch Senior Communities alleging the facility failed to care for the residents.

The allegations include a stroke victim left with food but no ability to feed herself, failure to do weekly weights on residents until ordered to do so by the state and lack of notification to the daughter of a resident who had fallen 40 times.

Company attorneys say many of the concerns were a function of dealing with the COVID-19 pandemic, not the quality of care.

Daily Montanan, 05/15/2024

Florida Providers Join Forces To Improve Perception

The Florida Health Care Association and the Florida Assisted Living Association will collaborate to strengthen the LTC workforce and improve the coordination of high-quality care.

As part of the initiative, the two groups will work together to educate consumers, policymakers about the important role of both skilled nursing and assisted living providers in the continuum of long-term care.

The collaboration will include joint tours of member operations, informational meetings with state and federal stakeholders, a public awareness campaign and combined communication to support member recruitment and retention efforts, emergency preparedness and response, and coordination of care.

Senior Living, 05/15/2024

Judge: Staffing Agency Can't Take Back Wages

DOL in March 2023 filed suit against Advanced Care Staffing, Brooklyn, NY, and Priority Care Staffing, New York, NY, alleging they violated the Fair Labor Standards Act by making employees sign contracts that would force them to work for the company for three years or repay rightfully earned wages.

The owner of the companies last July filed a motion to dismiss the suit.

This month a federal judge denied the employers' motion, saying that the DOL sufficiently alleged that the employers violated the FLSA by pursuing arbitrations against former employees who resigned before their contract ended.

DOL news Release, 05/08/2024

PACS Group is Bullish On Its First Earnings Call

Fresh off a \$423 million IPO, PACS Group is looking for opportunities to expand.

CEO Jason Murray said during the company's first-ever earnings call, the outlook "remains strong, with a robust acquisition pipeline and continued improvement both clinically and financially in the recently acquired operations.

PACS Group already is one of the nation's largest nursing home operators. Founded in 2013, the company's portfolio includes more than 200 facilities, mostly skilled nursing facilities but also some assisted living communities.

Of the total, most (109) are located in California, with others in Arizona, Colorado, Kentucky, Missouri, Nevada, Ohio, South Carolina and Texas.

Senior Living, 05/15/2024

ONE COLUMN

Horror Stories in the Comments to the Staffing Rule

The Biden administration's plan to set minimum staffing levels for nursing homes prompted comments from more than **46,500** people and organizations — including residents of homes and nurses with harrowing stories about conditions inside:

~ **One resident purchased a bullhorn with a siren** to get nurses' and aides' attention because he was often left sitting in his own stool.

~ **Nurses at one facility declared a "med holiday,"** according to a dietitian, and threw away all the drugs for a shift because they didn't have time to pass them out.

~ **A day shift nurse found a resident choking on vomit** and having seizures after a night when there had been only one nurse and one aide on duty — for **100** residents.

Hundreds of comments like these cemented the resolve of officials at CMS to stick to plans to set minimum numbers of RNs and CNAs for nursing homes. Despite the industry's insistence it's infeasible, CMS added a third mandate for minimum total staffing.

The crackdown on staffing is among the most significant health-care regulatory moves Biden's pursuing in what could be his last year in the White House.

CMS is allowing exemptions from the staffing minimums if facilities are in areas with workforce shortages and will allow homes to request exemptions from one of the toughest mandates in the regulation: having a registered nurse on-site around-the-clock.

If there's a shortage of RNs in an area, nursing homes can request to have coverage just **16 hours** a day. CMS estimates that a quarter of the nation's **15,000** nursing homes will end up obtaining exemptions from part or all of the staffing rules.

KFF Health News, 05/08/2024

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Judge: Staffing Agency Can't Claw Back, Back Wages

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DOL news Release, 05/08/2024

There is a Way for Petersen To Get Out of Bankruptcy

A federal bankruptcy judge ruled Petersen Health Care can borrow \$45 million while in Chapter 11 to maintain operations at its nursing homes and make the properties more appealing to potential buyers.

The back-to-back rulings allow the Midwestern provider to advance its plans to restructure and sell off some of its holdings.

The operator of nearly 100 rural facilities has been embroiled in multiple legal battles this year over around \$50 million in allegedly missed loan payments tied to 17 nursing homes in Illinois, Iowa and Missouri. The company's total debts were around \$300 million by the end of April.

McKnight's 05/16/2024

Policy Changes Recommended To 'Goose Up' NC Workforce

A North Carolina task force is recommending sweeping policy changes to support RNs and LPNs in long-term care.

One estimate of North Carolina's workforce predicts there will be a 27% shortfall of LPNs in healthcare by the end of 2033 and almost double that in long-term care – 49.0%.

Key recommendations focused on building pipelines for nursing into the workforce, strengthening opportunities for career advancement and meeting the needs of nurses already in the sector to boost workplace conditions and retention.

The task force also called on the state government and insurance payers to invest additional funding into nurse education programs.

McKnight's, 05/17/2024

In Ireland, a Demonstration To Keep a SNF, a SNF

A major demonstration took place in Nenagh, Co Tipperary by citizens angered by a decision to use a new 50 bed community nursing home as a temporary stepdown facility to alleviate hospital overcrowding.

The new facility is a replacement LTC facility for residents of St Conlon's nursing home in the town, just over 20 residents currently live there.

Residents and families anticipated they would be moved to the new facility shortly, until a decision by authorities to use the beds to alleviate the significant congestion problems at University Hospital Limerick, the region's only acute hospital.

RTE News, 05/11/2024

Briefly in the News

Sabra Health Care CEO Rick Matros said the "ludicrous" staffing rule wouldn't stop the REIT from pursuing acquisitions of SNFs especially as occupancy improves and contract labor reliance diminishes. At the end of last year, the Sabra's skilled holdings were at their lowest point since company's inception (*McKnight's*).

The FDA has pushed back its review of Moderna's respiratory syncytial virus (RSV) vaccine owing to administrative issues. The FDA informed Moderna that it is working to conclude the review by the end of May 2024. Moderna said the mRNA vaccine remains on track to be reviewed at the CDC's Advisory Committee on Immunization Practices at the end of June (*Moderna news release*).

The Global Polio Eradication Initiative confirmed two new polio cases this week, both caused by circulating vaccine-derived poliovirus type 2. Angola has its first polio case since 2022. Chad reported its second of the year. In 2023, Chad reported 55 cases (*Polio Global Eradication Initiative*).

As of April 15, American Healthcare REIT owns 76% of Trilogy Health Services. The REIT acquired additional stock in Trilogy that was owned by members of Trilogy management team and some members of Trilogy's advisory committee. AHR still has the option, until Sept. 30, 2025, to purchase at a predetermined price the remaining 24% of Trilogy (*Senior Living*).

Records from nearly 30,000 nursing home residents indicate that blood pressure medications more than double the risk of life-threatening bone fractures, according to Rutgers Health research. The authors of the study said the increased risk stems from the medications' tendency to impair balance, particularly when patients first stand up and temporarily experience low blood pressure that deprives the brain of oxygen. Interactions with other drugs and low baseline balance in many nursing home patients compound the problem (*JAMA Internal Medicine*).

"With COVID-19, we've made it to the life raft. Dry land is far away"
Marc Lipsitch, epidemiologist