

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Washington, DC, is a baffling place. There are folks here that don't fully understand some of the challenges that are out there in the healthcare and business community" Sen. Jon Tester announcing his intent to introduce a resolution calling for a congressional review of the staffing mandate

"CMS' long overdue rule to require minimum staffing levels in nursing homes will help protect the basic rights of residents to live in dignity" Megan O'Reilly, vice president of government affairs, health and family at AARP

I think with the benefits of hindsight, it's clear that those policies that encouraged nursing homes to take COVID-positive patients were probably not the right policies" Brian McGarry, PhD, assistant professor on results of a study he led

Dead at the Nursing Home Alive at the Funeral Home Dead at the Hospital

A 74-year-old woman declared dead at a Lincoln, Nebraska nursing home was found alive two hours later by funeral home employees who were preparing her body for burial.

The employees of the funeral home called 911, and Constance Glantz was taken to a hospital alive.

Chief Sheriff's Deputy Ben Houchin said an investigation was underway but that so far there are no indications that the nursing home acted with malice in declaring Glantz dead.

Unfortunately, after the life squad took her to the hospital, she died for real and permanently, a couple hours later.

NBC News, 06/04/2024

The First Story –

SNF Closes. 85 Moved. Why? It's Something of a Mystery

There are new developments on the sudden shutdown of a Scranton nursing home last weekend. 85 residents of Mountain View Care and Rehabilitation Center were relocated to other facilities in what is being termed an "emergency evacuation."

The specifics of why Mountain View shut down is vague.

"There was physical plant issues that couldn't be corrected quickly enough to ensure the safety of residents," said Zach Shamburg, of the Pennsylvania Health Care Association, which assisted in the evacuation.

Recently, in Pennsylvania a LTC chain declared bankruptcy, two facilities closed and as Stamburg said "and now we've seen an emergency evacuation."

WBRE-TV/WYOU-TV, 06/02/2024

An explanation the next day –

Shaky Finances, Dead Fire Alarm, Bad Electricity

The Pennsylvania Department of Health released a letter sent to Mountain View's Manager on 05/31/2024 informing him of plans to move residents.

The building did not have adequate power, its fire alarms did not work and its sprinkler system — noted in earlier DOH reports as nonfunctional — remained "out of compliance with regulatory requirements." The kitchen made use of a gas stove, but the hood did not work.

Further, state records show the facility, as of August, owed more than \$7 million in unpaid bills, and has had nearly \$1.5 million in CMPs entered against it in the last 1½ years.

WNEP-TV-TV, 06/03/2024

Active Week for Those 'For' And 'Against' the Mandate

A two-day wave of legislative action opposing the nursing home staffing mandate has some supporters of the requirements feeling "very concerned" about the rule's future.

Since Tuesday, when hundreds of long-term care providers and their advocates took to Capitol Hill, lawmakers have introduced a bill in the Senate that could effectively rescind the regulations.

About 30 Senators, most Republicans, signed onto the resolution of disapproval.

They also asked for a new study of the rule's effect on veterans' homes.

Democratic Representatives joined with union members and AARP and Consumer Voice hoping to pressure more Republicans to embrace the mandate.

McKnight's, 06/06/2024

AARP Blasts Attempts To Repeal Staffing Mandate

AARP pressed Congress to forge ahead with a 'long overdue' nursing home staffing mandate, vowing to advocate against any measures to overturn the rule.

AARP plans to oppose the staffing mandate which includes running a campaign to get their members to contact congressional leaders, taking out ads and having a truck mounted with a pro-mandate billboard circling Capitol Hill. In the last several weeks, AARP members have sent 160,000 emails to their representatives.

Washington, DC, long-term care ombudsman Mark Miller said at a recent AARP-organized event, "I find it shameful that Congress is considering overturning nursing home staffing standards."

McKnight's, 06/02/2024

Two Deaths - Medline Recalls 1.5 Million Bed Rails

The Consumer Product Safety Commission (CPSC) and Medline Industries have announced a recall of two models of Bed Assist Bar adult portable bed rails. The recalled bed rails pose a risk of entrapment and asphyxia because users can become entrapped within the rail, or between the rail and mattress.

Medline received two reports of entrapment deaths associated with the Bed Assist Bars in LTC facilities.

Medline has sold about 1.5 million of the recalled bed rails since 2009.

CPSC news release, 05/30/2024

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

THE WORLD: Countries around the globe have failed to reach consensus on the terms of a treaty that would unify the world in a strategy against the inevitable next pandemic, trumping the nationalist ethos that emerged during Covid-19. The deliberations, which were scheduled to be a central item at the weeklong meeting of the World Health Assembly in Geneva, aimed to correct the inequities in access to vaccines and treatments between wealthier nations and poorer ones that became glaringly apparent during the Covid pandemic (*The New York Times*).

AMERICA: Citizens are headed into another summer with new coronavirus variants and a likely uptick in cases. This is shaping up to be the first covid wave with barely any federal pressure to limit transmission and little data to even declare a surge. People are no longer advised to isolate for five days after testing positive. Free tests are hard to come by. Soon, uninsured people will no longer be able to get coronavirus vaccines free (*The Washington Post*).

MINNESOTA: A U.S. appeals court has revived a lawsuit accusing the Mayo Clinic in Minnesota of illegally firing five employees who refused on religious grounds to receive the COVID-19 vaccine or be regularly tested for the virus. A unanimous three-judge panel of the St. Louis-based 8th U.S. Circuit Court of Appeals said the judge who tossed out the consolidated lawsuits last year wrongly ruled that the workers had not connected their objections to Mayo's COVID-19 policies with sincere Christian religious beliefs (*Reuters*).

THE WORLD: A report from the WHO report suggests the COVID-19 pandemic undid a decade of life expectancy at birth and healthy life expectancy gains. In 2019 life expectancy was 73.1. When the pandemic began in 2020, Global life expectancy at birth dropped by 0.7 years and by a further 1.1 years to 71.4 in 2021 – the 2012 level (*World Health Organization*).

AMERICA: An AHRQ analysis of more than 19 million hospital discharges in from 3,283 hospitals in 36 US states suggests that the quality of nonsurgical care for

non-COVID patients declined significantly during 2020 COVID-19 case surges. The pressure ulcer, heart failure mortality, and hip fracture mortality rates all increased by at least 20% during weeks with high compared with low COVID-19 admissions (*JAMA Network Open*).

ENGLAND: Researchers at the London School of Hygiene and Tropical Medicine report long COVID is likely much more prevalent than indicated in electronic health record (EHR) diagnostic and referral codes. Using EHR from November 2020 to January 2023, researchers found that most patients with a long-COVID code (59%) didn't have documentation of a positive SARS-CoV-2 test in the previous 12 weeks or more, and 6.5% were hospitalized. The investigators surmised that there are serious limitations with simply using EHR records as a measure of long COVID (*eClinicalMedicine*).

THE WORLD: A meta-analysis of 173 studies involving nearly 900,000 COVID-19 patients in more than 50 countries finds that 42.9% were infected with multidrug-resistant organisms (MDROs). A total of 76.2% of the 892,312 patients were prescribed antibiotics. The authors led by Sun Yat-sen University researchers in China, said the results underscore the urgent need for stronger antimicrobial stewardship strategies (*Journal of Infection*).

OHIO: Come June 16 about 350 Enterprise Staffing Services nurses in Ohio's University Hospitals are facing a decrease in pay as the Cleveland-based health system pivots from its COVID-19 pandemic model. The statement said those affected by the pay adjustment, representing 1% of the health system's workforce, will still be paid about twice the national average. Pay for staffing services nurses on night shift will decrease from \$75 to \$65 an hour; day shift will decrease 8%, from \$60 to \$55 an hour (*Becker's Hospital Review*).

AMERICA: The researchers, from MIT and University of Pennsylvania surveyed thousands of participants about the influence of the headlines from 130

vaccine-related news stories on their intent to vaccinate. Then the team extrapolated the survey results to predict the influence of 13,206 vaccine-related Facebook links in the first 3 months of the COVID-19 vaccine rollout (January to March 2021) on the vaccination intentions of the platform's roughly 233 million US users. The study shows that unflagged, factual but misleading Facebook posts reduced the intent to receive the COVID-19 vaccine 46 times more than did false posts flagged by fact-checkers as misinformation (*Science*).

CAPITOL HILL: Dr. Anthony Fauci said in congressional testimony that he reviewed no scientific evidence behind the specific recommendations for masking children or maintaining 6-foot social distancing before advocating these policies during the height of the COVID-19 pandemic. The revelations come from the full transcript, released Friday, of Fauci's closed-door transcribed interview session in January before the Select Subcommittee on the Coronavirus Pandemic (*The Washington Examiner*).

THE WORLD: A global malware network responsible for the theft of \$5.9 billion in Covid relief funds and tied to other crimes like child exploitation and bomb threats has been shut down, The DOJ arrested 35-year-old Yun He Wang, a Chinese national who was charged with creating the "botnet," a kind of malware that connects a network of hacked devices, which criminals can then use remotely to launch cyberattacks. FBI Director Christopher Wray said it is "likely the world's largest botnet ever" (*CNBC*).

COVID-19, 06/07/2024

Global Cases – Deaths
775,522,404 – 7,049,617

Vaccine Doses Globally
5.47 billion

U.S. Cases – Deaths
103,436,829 – 1,187,771

FDA Panel: JN.1 Subvariant For Fall COVID Vaccines

The expert advisory panel for the FDA unanimously voted in favor of selecting the JN.1 COVID-19 subvariant to be targeted by the next round of COVID-19 vaccines this fall.

The most recent surveillance data indicates JN.1 currently makes up less than 10% of COVID-19 cases.

Strain selection for annual vaccines is not necessarily based on what lineage will be most dominant by the time the updates shots are deployed but rather on selecting a strain that is closely related enough to whichever strain is dominant in the country at that time that it provides strong protection.

The Hill, 06/05/24

Study Ties COVID Admissions to Avoidable Deaths, State Policies

Nursing homes admitting a COVID-positive patient during the peak months of the pandemic was associated with six additional cases and 1.5 additional deaths over the next 15 weeks.

The authors said the new findings add fuel to the fire for critics of state policies that incentivized nursing homes to admit COVID-positive patients or restricted their ability to deny such patients.

Much of the political backlash to state COVID policies have focused on five states - New York, New Jersey, Pennsylvania, Michigan and California – that prohibited SNFs from admitting residents who were COVID-positive.

JAMA Internal Medicine, 06/03/2024

A SNF Better Wages Rally In Rhode Island

Nursing home workers and supporters rallied for better wages at the State House June 4.

They called on Governor Dan McKee to end nursing home “poverty wages” and for a budget that “works for all Rhode Islanders.”

In a news release, Raise the Bar on Resident care said that despite language in the Nursing Home Staffing and Quality

Care Act stipulating the 80% of any Medicaid increase should be directed toward workers, the majority of the funding has no such requirement, leaving nursing home workers in continued poverty and a system in crisis.

WLNE-TV, 06/04/2024

‘Odd Couple’ Vents On MA’s Lack of Transparency

LTC leaders and consumer advocates – an “odd couple” on nursing home policy – have voiced their shared frustrations about Medicare Advantage plans to CMS.

More than 450 comments were received after CMS asked for consumer input related to transparency in MA plans.

“MA organizations draw down billions of dollars from Medicare each year,” wrote attorneys Kata Kertesz and David Lipschutz “To protect prospective and current enrollees from an overwhelming and confusing amount of data, CMS (or a third party) should provide selected, useful, plain language data to beneficiaries directly, rather than relying on MA plans to do so.”

McKnight’s, 06/03/2024

VA Nurses Rally to Protest Staffing Cuts

Nearly 70 Department of Veterans Affairs nurses rallied in front of the department’s Washington, D.C., headquarters Thursday to protest staffing cuts they say are hurting the quality of veterans’ medical care.

The nurses, from 23 VA medical facilities nationwide, called the expected reduction of 10,000 jobs in the Veterans Health Administration a “hiring freeze.”

VA officials have said the cuts are coming as a result of attrition and retirements.

However, National Nurses United, the union that represents more than 15,000 VA nurses, said there are 66,000 vacancies in the VA health care system, including more than 13,000 nursing positions.

Military.com, 06/06/2024

ONE COLUMN

COVID-19 Becomes Leading Cause of Death

The pandemic set back life longevity worldwide and shifted disease prevalence to noncommunicable diseases.

In 2019, seven of the 10 leading causes of death were non-communicable diseases (NCDs), and in upper-middle-income and high-income countries, NCDs accounted for nine out of 10 top causes of death, with only lower respiratory infections ranking.

By 2021, however, COVID-19 became the third and second leading causes, respectively, claiming 4.1 million and 8.8 million lives globally.

In all but two WHO regions (the African and Western Pacific regions), COVID-19 ranked among the top five causes of deaths in 2020 and 2021, responsible for the largest number of deaths in both years in the Region of the Americas, in 2021 in the South-East Asia Region and the second largest number of deaths in both years in the European and the Eastern Mediterranean regions.

Not only has the pandemic set back healthy longevity worldwide by years, it also reversed the previous trends of shifting disease burden to noncommunicable diseases.

Starting with Y2K in 2000 gains were made with life expectancy. In 2000, life expectancy was 66.8 years and rose to 73.1 years in 2019, but dropped nearly immediately when the COVID pandemic began early in 2020.

The Americas and South-East Asia regions each lost about 3 years of life expectancy at birth between 2019 and 2021. SARS-CoV-2 caused communicable diseases to be the cause of 23.0% of all deaths in 2020 and 28.1% in 2021 – a return to 2005 levels.

In 2020 and 2021, COVID-19 was the top cause of death for the region of the Americas. In 2019, communicable diseases only accounted for three of the top ten causes of death worldwide, a trend swiftly reversed by the novel coronavirus.

World Health Organization, 05/24/2024

4.1% Hike - Don't Get Excited CMS Giveth and CMS Taketh

The pay increase won't prepare SNFs for the federal staffing mandate.

Last year, CMS issued a 4% raise, which could have been higher if the agency hadn't continued a clawback of across-the-board costs associated with the switch to PDPM. That final 4% was a 0.3% increase over the originally proposed 2024 pay rate – much of which inflation gobbled up.

Estimates have put the cost of complying with the staffing mandate at about \$6.5 billion annually; a 4.1% raise would bring the sector \$1.3 billion in new revenue in fiscal year 2025, before deducting 2% for the value-based payment program.

McKnight's, 05/23/2024

12 Years Back Pay for 700 That Will Cost a Bundle

A federal judge has ruled the owner and manager of six Connecticut nursing homes must pay up to 700 former employees replaced during a 2012 strike for up to 12 years of back pay.

Administrative Law Judge Kenneth Chu made the staggering ruling on behalf of the National Labor Relations Board, finding for the New England Health Care Employees Union, a SUIU affiliated union.

The judge ruled against CareOne and HealthBridge Management on four of five complaints and ordered the companies to rehire locked-out employees and reimburse all strikers for lost wages and benefits since July 3, 2012.

McKnight's, 05/31/2024

Senator Urges 'Negligence' Probe in Change Hack

Sen. Ron Wyden is urging regulators to investigate UnitedHealth Group for what he termed "negligent" security practices, which he believes contributed to the February cyberattack on its subsidiary Change Healthcare.

The Oregon Senator wrote letters to the FTC and SEC asking the agencies to

probe UnitedHealth Group for "negligent cybersecurity practices," saying the attack could have been averted if the company had adhered to industry best practices.

On May 1, UnitedHealth Group CEO Andrew Witty told the Senate Finance Committee, that the system was not protected with multi-factor authentication at the time of the Change hack. It is now.

Becker's Hospital Review, 05/30/2024

Senior Living Candidates Would Pay More Upfront

With senior living's affordability a top concern for older adults and their families, 25% of respondents to a new US News & World Report survey said they would be willing to pay more upfront to guarantee continued access at a predictable rate.

Pollfish surveyed 754 adult decision-makers – older adults or their loved ones – who were in the process of selecting a senior living community within the past year.

The good news is that 76% of respondents said they had a positive attitude going into the process of choosing a senior living community. Eleven%, however, said they had a negative attitude.

Senior Living, 05/09/2024

A Win-Win: A SNF and a Day Care Under One Roof

As a number of long-term care and childcare facilities continue to face challenges, even closures, a new intergenerational care grant program seeks to turn the tide.

A bill introduced by Nebraska State Sen. Anna Wishart would establish incentive grant programs for qualified SNFs or ALFs to build childcare in the same facility.

A facility could get up to \$100,000 from the state. Priority will be given to rural communities.

"The bill will have a twofold effect, first supporting children and elders to connect and second to address a critical workforce issue," Wishart said.

Nebraska Examiner, 05/29/2024

Briefly in the News

For the last year, New Hampshire has been staring down a deadline for ending a persistent problem: patients languishing in emergency rooms for days or weeks, due to a lack of inpatient mental health care. Last May, a federal judge ruled that had to end and gave the state 12 months to fix it. That deadline passed May 17. But state officials say they need more time (**NH Public Radio**).

Obesity, high blood sugar and high blood pressure among other metabolic issues now lead to almost 50% more years of healthy life lost to either disease or premature death than in 2000, a major international study showed. Over the same period, the number of years lost due to factors associated with undernutrition for mothers and children, such as stunting or wasting, dropped by 71.5% (**Reuters**).

Capital Funding Group (CFG) has successfully closed a \$9.75 million Bridge-to-HUD loan to refinance a 123-bed skilled nursing facility in Massachusetts. That loan followed CFG's recent closure of a \$36.2 million Bridge-to-HUD loan for the refinancing of five skilled nursing facilities in North Carolina, totaling 522 beds (**Skilled Nursing News**).

Mississippi is the unhealthiest state in the nation for older adults in 2024, according to the United Health Foundation's 12th annual "America's Health Rankings Senior Report." After Mississippi, Louisiana, West Virginia, Kentucky, Oklahoma, Arkansas, Alabama, Tennessee, Nevada and Missouri round out the Top (or bottom) Ten (**Becker's Hospital Review**).

Conversely, in the United Health Foundation's 12th annual "America's Health Rankings Senior Report," Utah is the healthiest state in the country with Colorado, Vermont, New Hampshire and Minnesota not far behind (**Becker's**).

LaVie Care Centers which operates 43 nursing homes and assisted living facilities under names including Consulate Health Care, became the latest chain to file for Chapter 11 bankruptcy as the industry grapples with high labor costs, lower occupancy and uneven reimbursement rates (**Bloomberg**).