

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

Vol 8

08/11/2024

THEY SAID IT:

"I think that people at this point have a little bit less concern about getting infected with COVID. I don't think they're necessarily correct" Cindy Prins, an epidemiologist at the University of Central Florida

"Since the public health emergency, serious complaints have continued to increase across provider and supplier settings while in the context of a flat budget." CMS report on why surveys are so far behind

"They do this in part through illegal contracts that offer no way for the nurses to leave their employment and demand upwards of \$40,000 — often more than these nurses' net annual pay — should the nurses stop working for defendants for any reason" from a DOJ lawsuit charging National Health Corp. with human trafficking of foreign nurses

VP Nominee Gov. Tim Walz's Record on Healthcare

While in Congress (2006-2018) Walz helped pass the Affordable Care Act.

He also is credited with working to protect the Medicaid and Medicare programs, lower prescription drug costs and protect access to reproductive healthcare.

Since he began serving as governor of Minnesota in 2019, Walz signed a bill that established minimum staffing requirements and training requirements for assisted living as well as eviction protections for assisted living residents.

He signed into law bills for paid family and medical leave and prioritizing vaccines for older adults during the COVID-19 pandemic.

Senior Living, 08/07/2024

Beware! Immediate Jeopardy Cites Are Up Again

A return to "normal" nursing home operations in the post-pandemic world has also often meant a return to more serious citations.

Survey tags citing SNFs for accident hazards, lack of supervision, and inappropriate or misused devices (F-689) continue to run high nationwide this year.

Elolements were the top reason for F-689 citations in 2023, but most did not become adverse incidents.

CMS data for the 2023 calendar year shows a total of 6,115 F-689 tags, with 784 rated as Immediate Jeopardy. In calendar 2024 thus far, there have been a total of 2,990 F-689 citations with 406 classified as IJ.

McKnight's, 08/03/2024

LTC Entity Seeking Dismissal In Human Trafficking Case

A national nursing home company is seeking dismissal of a class-action lawsuit that alleges the company and its staffing recruiter violated US labor laws in the recruitment of immigrant nurses.

Specifically, the DOJ suit alleges National Health Corporation and Infinite Care Partners recruited hundreds of nurses from the Philippines to work at NHC facilities in the U.S., and through illegal contracts threatened baseless legal action should the nurses stop working for the company.

Last month the defendants filed a motion to dismiss, denying allegations of human trafficking, forced labor, and other violations cited in the complaint.

Bloomberg Law, 08/05/2024

Court Denies SNF's Effort To Withhold Safety Records

Internal investigative documents used to help providers learn from errors and accidents can't be held back from trial attorneys if they're also used for other purposes.

The decision by the New Jersey Supreme Court reverses a 2003 lower court

decision that protected self-critical documentation from discovery.

That law is meant to support reflective processes that can help all kinds of healthcare providers improve quality and build in new or better safeguards.

The ruling in two consolidated cases found that a CareOne nursing home and ALF had invalidated the protection by sharing self-critical documentation outside of its safety committee.

McKnight's, 08/07/2024

Minnesota Funding to Keep Nursing Homes Open

Five nursing homes in one area have received a second round of direct payments totaling approximately \$1.8 million to help stabilize finances, ensure adequate staffing and pay, repair infrastructure, and provide quality services for their residents.

It's part of a statewide nursing home package totaling \$300 million passed by Minnesota lawmakers in 2023.

Additional funding also increased Critical Access Nursing Facility rates - program intended to address the financial viability of rural nursing homes at risk of closure in order to maintain access to nursing facility care within a reasonable distance from resident's homes and family.

Valley News Live, 08/05/2024

CMS Reports Surveys And Revisits Are Just So-So

For fiscal 2023, CMS required states to reduce the number of past-due recertification surveys by 50%. Thirty-four states received a score – only 20 hit the 50% target.

Of 47 states with at least five surveys requiring a nursing home revisit, 33 states met the goal. Performance was even worse for acute and continuing care providers needing follow-ups: Of 39 states with at least five surveys requiring a revisit, just 10 met a goal of 70% within 45 days.

Last fiscal year CMS required states to reduce delays in processing Immediate Jeopardy investigations by 25%. Fourteen of 17 states CMS scored, met that requirement.

McKnight's, 08/06/2024

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

AMERICA: After Covid-19 vaccines transitioned to the commercial market last fall, CMS stepped in to ensure that adults without insurance, or those whose insurance plans did not fully cover the vaccine, could receive shots for free. The agency's Bridge Access Program provided roughly 1.5 million shots. Nationwide, about 27 million adults do not have health insurance. But the program ends this month, making it even harder for health centers to provide shots for free (*New York Times*).

PARIS: The first shocker came when Noah Lyles, the fastest man on Earth, won bronze in his specialty event, the 200-meter. Then, moments after race on Thursday night, the other shoe dropped: Lyles said he'd tested positive for COVID two days earlier. After crossing the finish line, Lyles looked ill, bent down to the ground, struggled to control his breath, and called for water. He was later seen rolling out in a wheelchair (*NPR*).

PARIS: After two pandemic-disrupted Olympics, most teams haven't given Covid a second thought in Paris. The one from the Netherlands is the exception. All athletes and staff members in the Netherlands' Olympic delegation were told before arriving in Paris that handshakes, high-fives and hugs were forbidden. Official team policy held that the fist bump was the only permissible physical greeting (*New York Times*).

SAN FRANCISCO: The Contra Costa County health department recommended people wear masks in crowded indoor settings as COVID-19 infections increase throughout the Bay Area. The department said masking is particularly important for those at high risk of serious illness if infected. However, the department also stressed that it is a recommendation, not a health order (*CBS News*).

CANADA: A new study shows that older Canadians with diabetes experienced spikes in depression during the COVID-19 pandemic. Almost half the participants with diabetes and a history of depression reported a new episode depression during COVID-19. Among participants with diabetes and no history of depression, the incidence of new depression was just

12.9% (*Archives of Gerontology and Geriatrics Plus*).

NORTHERN IRELAND: A study led by the University of Bristol has found nearly nine months of joint replacement surgery has been lost - around 160,000 fewer operations - since the start of the COVID-19 pandemic. The research suggests returning to pre-pandemic levels will not tackle the backlog. Even with rapid expansion, it will take many years, if not decades, to fix this joint replacement crisis in England, Wales and Northern Ireland (*The Bone & Joint Journal*).

AMERICA: COVID activity continues to increase across much of the United States, with an upward trend in all regions, but with some regional differences. percentage of KP.3.1.1 sequences jumped from 14.4% to 27.8% over the past 2 weeks. The variant is cutting into the proportion of its parent variant KP.3, which currently makes up 21.1% of sequences (*CDC*).

THE WORLD: A summer covid wave — and the accompanying fevers, coughs and general misery — continues to wash over the Americas and parts of Asia and Europe, including the Paris Olympics, offering the latest evidence that the coronavirus moves in ways distinct from other respiratory ailments. The World Health Organization said this week that the virus is increasing in at least 84 countries despite perceptions that the pathogen is a remnant of the past (*The Washington Post*).

AMERICA: Between June 2019 and June 2023, acute myocardial infarction (AMI) hospital encounters dropped by 20%. A recent study explored why AMI hospital visits dropped so sharply after the COVID-19 pandemic began, and found the reason is likely twofold: initial care avoidance and the continuation of a downward trend in AMI incidence in the United States (*JAMA Cardiology*).

FRANCE: A study of three nursing homes in France from March through May of 2020 found that among 403 residents having a history of COVID-19 was not associated with 2-year mortality. Instead, factors like older age, more severe

disability and malnutrition were more closely linked with two-year mortality. Vaccination against COVID-19 also was associated with better survival (*BMC Geriatrics*).

AMERICA: Emergency department visits for COVID make up only 2.2% of visits but rose 12.1% in the most recent reporting week. The highest levels—all in the moderate range— were in Texas, Louisiana, Florida, and Hawaii. Hospitalization levels remain elevated, especially in seniors, the CDC said. Deaths from COVID were up 25% compared to the previous week, but overall, COVID is responsible for only 1.5% of all deaths (*CDC*).

MINNESOTA: Three new veterans homes built in the “small-home” style aim to help mitigate the kinds of living conditions that led to major COVID-19 outbreaks at vets' homes nationwide. Several studies have shown that models such as the Green House were safer for residents during the pandemic (*McKnight's*).

THE WORLD: The COVID-19 pandemic hit low-income countries harder than wealthier nations, further slowing progress toward health-related Sustainable Development Goals (SDGs). On average, the pandemic caused low-income countries to experience an average progress loss of 16.5% across all health indicators, whereas high-income countries have seen losses as low as 3% (*PLOS One*).

AMERICA: In 2022 COVID-19 was the fourth leading cause of death in the U.S. behind heart disease, cancer and preventable accidents. The latest figures from the CDC now put COVID-19 as the tenth most common cause of death (*CDC*).

COVID-19, 08/09/2024

Global Cases – Deaths
775,830,200 – 7,056,108

U.S. Cases – Deaths
103,436,829 – 1,192,328

WHO

Iowa Nursing Homes Owe Millions In Unpaid Fees

Forty-nine Iowa nursing homes owe the taxpayers more than \$10.7 million in fees the state has so far failed to collect.

Accura Healthcare, for example, operates 18 facilities that collectively owe the state \$3.6 million in unpaid fees. The company's top two executives, meanwhile, have made \$293,000 in political donations.

Eight nursing homes are subject to sanctions for failure to pay, plus 41 other facilities that are currently on what the state calls a "repayment plan."

Collectively, the 49 homes are \$10.7 million in arrears on payments. Two of the 49 homes reportedly owe \$1 million or more.

Iowa Capital Dispatch, 08/02/2024

CMS Schizophrenia Audit Penalties Drag On-and-On

A year and a half ago CMS began auditing thousands of nursing homes for inappropriate schizophrenia diagnoses.

The agency said SNFs with violations would have their short-stay QM ratings downgraded to one star for six months and their long-stay antipsychotic QM for 12 months.

During a SNF Open Door Forum conference call last week many callers had yet to see the penalty reversed after a year, despite repeated attempts to talk with CMS about what more needed to be done.

Evan Shulman, director of the Division of Nursing Homes, said CMS did not automatically reverse affected star-ratings "based on a timeframe."

McKnight's, 08/06/2024

Major Operator Accused Of Whistleblower Reprisal

A former nursing manager at the two Centers Health Care nursing homes in New York state, is suing the company for alleged whistleblower retaliation, claiming she was fired for raising concerns about patient safety and the mishandling of patient records.

Cheri Reppenhagen charged she was ultimately instructed not to make any formal reports, even when, on several occasions, patient safety was threatened.

Reppenhagen is also claiming gender-based harassment, based on a culture of sexism she alleges was pervasive among the company's male-dominated corporate headquarters and which trickled down into the facilities where she worked.

Times Union, 07/31/2024

Workers at Non-Profit SNF Ratify Contract

Nursing home workers at Weinberg Campus, one of the last non-profit facilities in Western New York, averted a two-day strike and ratified an 18-month agreement with their employer.

The 18-month agreement includes wage increases based on years of service, 10-step wage scale, pension increases, shift differential, and Martin Luther King Jr Day as a paid holiday.

Beginning the first pay period following ratification, workers with less than 10 years of service will receive a raise on the wage scale while Nursing home workers with more than 10 years of service will receive a 3% wage increase.

1199SEIU, news release, 08/02/2024

Nursing Home Workers Authorize Strike

Union members at River Oaks, a CommuniCare nursing home in Clarksville, W.Va, have voted to authorize a strike.

The Teamsters represent approximately 45 employees which include CNAs and workers in housekeeping and dietary.

The union said the company's latest office was inadequate and that employees regularly must work 16-hour shifts because the facility is so short-staffed.

According to law, the union must send a minimum of ten days' notice before a strike at a healthcare facility. The current contract expired on August 1st.

WDTV-TV, 08/06/2024

ONE COLUMN

The New DOJ

Whistleblower Program

A new federal program that will reward whistleblowers who help the government successfully prosecute corporate wrongdoing could incentivize long-term care workers to dig into their facilities' records and cause added hassles for operators who ignore internal reports.

Overall, the new program should not be seen as an existential threat to nursing homes but it does raise the specter of a new class of professional whistleblowers.

Moreover, some employees and former employees could see the program as encouragement to bring prosecutors heaps of data that can be used to question nursing homes' practices.

The US Department of Justice's Corporate Whistleblower Awards Pilot Program went into effect Aug. 1. it does not specifically address nursing homes or the long-term care, a background statement notes that it will fill in "important gaps" in current programs and also "supercharge" prosecutions.

A major threat to the long-term care sector, however, is professional agitators using publicly available information such as Medicare data to file *qui tam* cases

The program also encourages companies to strengthen internal compliance programs as a platform where employees should report misconduct before acting as a government whistleblower.

DOJ noted that, if an employee submits a whistleblower report within six months of the internal report, they may still be eligible for a reward.

Experts also recommend that nursing home owners and operators educate employees on their rights and ensure that those rights will be respected.

The new program could incentivize a different kind of whistleblower – professional whistleblowers who combine AI and data mining technologies.

Those technologies can sort through large volumes of data that were previously cumbersome and time consuming.

Senior Living, 08/06/2024

It's Logical – More Women Will Need LTC Than Men

Just over half of women age 65+ will need paid long-term care services according to data shared by the American Association for Long-Term Care Insurance (AALTCI).

"Women are more likely to need long-term care because they generally live longer lives," explains Jesse Slome, AALTCI's director. "Among women, 61% are likely to develop a chronic disability often simply due to living a long life."

About 51% of women age 65+ will need paid long-term care before they die, while only 39% of men will.

Also, only 43% of married people are likely to need long-term care.

AALTCI, PR.com, 07/27/2024

New Structure, & Standards For LTC Ombudsman Program

Sens. Bob Casey and Tim Kaine have introduced a bill to strengthen and expand long-term care ombudsman programs.

The bill would reinstate a national director for the ombudsman program, a position that was phased out during the Trump Administration.

It would also establish categories of duties for ombudsman volunteers and assign appropriate training requirements.

The bill would update for the first time in 30 years the ratio of ombudsmen to the number of facility beds. It would also make it easier to recruit volunteers.

McKnight's, 07/23/2024

Three New Small Homes For Veterans in Minnesota

The recent unveiling of three new veterans homes in Minnesota could set a new standard for small-home model design of veterans' homes in the future.

The completion of the new facilities, located in the communities of Montevideo, Preston and Bemidji, marks the first time three major veterans homes have been built simultaneously.

The Montevideo and Bemidji facilities have a total of 72 units each, while the Preston facility has 54. Each campus is arranged with households for 18 residents, which are connected to a "town center" area in the middle of the campus for larger events.

McKnight's, 08/05/2024

Delaware Gov. Signing LTC Package of Laws

At the Delaware Division of Health Care Quality' budget hearing last winter, the department reported a backlog of LTC inspections, complaints of care and new facility applications.

Current state law only requires facilities to be inspected only "regularly" – so two lawmakers – a state senator and a state representative – introduced legislation requiring facilities to be inspected at least every 15 months.

The bill will officially go into effect in October.

A bill to increase the oversight of staffing agencies by requiring said agencies to register with the state is expected to be signed by the governor soon.

Delaware Public Media, 08/05/2024

Sweeping LTC Reforms In Massachusetts

The state Senate's legislation requires insurers to approve admissions requests from hospitals to long-term care facilities within 24 hours and that the approvals be waived over weekends.

Skilled nursing facilities would be required to create a Certified Medication Aide Role for CNAs that would allow them to dispense non-narcotic medications to residents.

In an effort to address the state's staffing crisis, the bill creates a Long-Term Workforce and Capital Fund for workforce training programs for new CNAs, a CNA-to-LPN pathway, and supervisory training for clinicians.

McKnight's, 7/29/2024

Briefly in the News

The more isolation an older adult experiences, the higher their risks are for dementia, disability and/or death. Researchers evaluated 13,649 participants in the Health and Retirement Study from 2006 to 2020. Experiencing more isolation was associated with 1.29-fold higher risk for mortality, a 1.35-fold higher risk for disability and a 1.4-fold higher risk for dementia (***JAMA Network Open***).

Eating two servings of processed red meat a week over decades raised the odds of subsequent dementia a significant 14%. A serving of processed red meat was equivalent to two slices of bacon, one hot dog, or 2 ounces of sausage, salami, bologna, or similar foods. The Harvard School of Medicine study also found replacing a daily serving of processed red meat with nuts or legumes was tied to a 20% lower risk of developing dementia (***MedPage Today***).

Untreated vision loss and high LDL cholesterol have been added as two new potentially modifiable risk factors for dementia. In a report from the Lancet Commission. These new additions join 12 other risk factors outlined by the commission in previous reports on dementia prevention, intervention, and care. The other risk factors are lack of education, hypertension, physical inactivity, diabetes, social isolation, excessive alcohol consumption, air pollution, smoking, obesity, traumatic brain injury, and depression (***STAT***).

More than 700 rural U.S. hospitals are at risk of closure due to financial problems, with more than half of those hospitals at immediate risk of closure. About 25% of rural hospitals across the country are in danger of closing for financial reasons. Currently 360 rural hospitals are at immediate risk of shutting down. (***Becker's Hospital Review***).

Roughly 7% of women of reproductive age in the US have attempted to induce their own abortions outside the formal healthcare system. That's up from 5% before Roe v Wade fell in 2022. People of color and LGBTQ+ people were more likely to report having ever attempted to end their own pregnancies (***The Guardian***).