

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

**"It is in the shelter of each other that the people live"** Irish proverb repeated by Martha's Vinyard Hospital president Denise Schepici at groundbreaking of new nursing home and affordable housing facility

**"Now more than ever due to increasing prevalence of eMDROs, healthcare facilities require strong, well-supported IC programs to reverse the MDRO trends seen in recent years"** from CDC study on emerging multidrug-resistant organisms in healthcare facilities

**"She's finally able to set her nametag down and spend more time with her son and granddaughter"** Tyler Wilkins, owner and administrator at Wilkins Nursing where 92-year old CNAs Lorena Sweeney is retiring

**"Sadly, it appears that efforts to provide the public with the most up-to-date information and tools for mitigating COVID have backfired"** from LeadingAge letter to Maj. Gen. (ret) Paul Friedrichs, MD, FACS, director of the Office of Pandemic Preparedness and Response Policy

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## **She's 92 and Just Now Retiring as a CNA**

A nursing home in Duncan, Oklahoma is saying farewell to a staple of their community.

92-year-old Lorena Sweeney has worked as a CNA at the Wilkins Nursing home for 25 years stepping down from her role. They're sad to see her go, but grateful for all she's done.

"She's been a staple in our community for 25 of the 33 years we've been a facility," said Tyler Wilkins, administrator and owner. "So we're very honored to have her for so many years, and we're sad to see her go."

KSWO-TV, 08/09/2024

## **Texas Sues Biden Over Staffing Mandate**

Texas Attorney General Ken Paxton sued the Biden administration seeking to block a rule that requires nursing homes to have a minimum level of nurse and aide staffing.

The lawsuit argues CMS does not have the authority to require more staffing in nursing homes and that the rule violates the major questions doctrine, a legal theory that states agencies cannot issue regulations carrying significant economic consequences without clear direction from Congress.

The lawsuit argues the extra costs of hiring more staff will force many nursing homes in Texas "out of business."

*The Janesville Gazette, 08/14/2024*

## **We Could Have a Staffing Decision in January**

The American Health Care Association, LeadingAge and four other parties in a lawsuit challenging the federal nursing home staffing mandate have told the case's judge they expect a decision to be reached on motions alone and proposed a schedule that could lead to a resolution as early as January.

AHCA intends to seek a summary judgment by mid-October. Which would allow a judge to decide a case based on submitted briefs and oral arguments, without a trial.

HHS, Secretary Xavier Becerra, the CMS, and Administrator Chiquita Brooks-LaSure also have agreed to the proposed timeline.

*McKnight's, 08/14/2024*

## **In NY Healthcare Workers Get \$2 Billion in Bonuses**

More than 800,000 healthcare workers in New York have received bonuses of up to \$3,000 per person from the state through the Health Care Worker Bonus Program.

The program was launched in 2022, which has awarded workers in total over \$2 billion.

Those who provide patient-facing services and have an annual base salary of \$125,000 or less were eligible for payments and received them over two vesting periods.

*Becker's Hospital Review, 08/13/2024*

## **Surprise! Top Shelf SNFs Don't Want Druggies**

Medicare patients with opioid use disorder are less likely to be admitted to high-rated skilled nursing home facilities.

Investigators from Brown University conducted a study to investigate whether there were any discrepancies in admissions practices of skilled nursing facilities for patients with opioid use disorder issues.

The nationwide study included 30,922 Medicare patients with opioid use disorder and 137,444 patients without.

All were admitted to skilled nursing facilities following hospitalization. The median age of the patients studied was 71.

In general, the study found patients with opioid use disorder were more likely to be admitted to lower-star skilled nursing facilities.

*McKnight's, 08/09/2024*

## **Dead Man's Video Leads to SNF Lawsuit**

Video found on a murder victim's phone put Lafayette, Louisiana investigators on the trail of an unrelated, elder abuse case at Maison De Lafayette, a nursing home.

The investigation has resulted in the arrest of Christal Howard, 34, and an arrest warrant for 33-year-old Dontrielle Harris who remains at large.

In a lawsuit the family of a resident alleges the video on a phone belonging to the boyfriend of one of the suspects shows the resident being physically abused.

The family alleges the two suspects were not properly trained and hold no certified nurse assistant licensure from the state.

*KLFY-TV, 08/14/2024*

## IN THE TRENCHES – COVID-19 & Other Outbreaks in the States, the SNFs, the World

**THE WORLD:** Four years after SARS-CoV2 sparked a devastating global pandemic, U.S. health officials now consider COVID-19 an endemic disease. That means, essentially, that COVID is here to stay in predictable ways. The classification doesn't change any official recommendations or guidelines for how people should respond to the virus. (*NPR*).

**AMERICA:** US COVID indicators show no sign of slowing down, with most areas of the country seeing consistent rises. Emergency department encounters for COVID make up 2.3% of all visits, an increase of 4.1% from the previous week. Levels are highest—in the moderate range—across the South and Southeast (*CDC*).

**OHIO:** The number of new COVID-19 cases in Ohio rose again this week, climbing from 6,660 last week to 7,347. It was the 11th straight week that the case number has moved upward, continuing an upward swing that began in early June. This week's total is the highest the case count has been since the beginning of February. At the same time last year, the state reported just over 4,000 cases (*Cleveland.com*).

**AMERICA:** testing and surveillance problems that marred the response to Covid-19 are now being repeated with H5N1, with recent genetic analyses suggesting that the virus circulated undetected in cattle for months. Because of inadequate testing, the actual number of cases among dairy and other agricultural workers is also unknown. As with meatpacking facilities in the early months of the Covid-19 pandemic, the reluctance of dairy-farm employers to cooperate with health officials has hampered widespread testing and surveillance (*NEJM*).

**EUROPE:** New show that at least 1.6 million European lives have been directly saved by COVID-19 vaccinations, with 60% of those lives saved when Omicron became the dominant strain of the virus—and those numbers may be an undercount. As of March 2023, 2.2 million COVID-19-related deaths have been

reported across Europe (*The Lancet Respiratory Medicine*).

**SEVERAL STATES:** The CDC tracker indicates that COVID levels in parts of the country – California, Florida, North Carolina and Texas – are “high” (*CDC*).

**THE WORLD:** Psychiatric and cognitive symptoms appear to increase over the first 2 to 3 years post-hospitalization for COVID-19, due to both worsening of symptoms already present at 6 months and the emergence of new symptoms. Overall, psychiatric symptoms at 2 to 3 years post-infection were linked not to COVID-19 severity, but to persistence of COVID-19 symptoms at 6 months post-infection (*Lancet Psychiatry*).

**AMERICA:** Through the American Rescue Plan (ARP) Act of 2021, the Centers for Disease Control and Prevention (CDC) awarded nearly \$244 million to 64 State, Local, and Territorial recipients (recipients) to develop and implement strategies in strengthening COVID-19 vaccine confidence using CDC's COVID-19 Vaccine Confidence strategy framework (*HHS-OIG*).

**CALIFORNIA:** Meta Platforms defeated an appeal by Children's Health Defense, an anti-vaccine group founded by Robert F. Kennedy Jr., challenging its censorship of Facebook posts that spread misinformation about vaccines' efficacy and safety. A federal court in Pasadena ruled the nonprofit did not show that Meta worked with or was coerced by federal officials to suppress views challenging "government orthodoxy" on vaccines. (*Reuters*).

**AMERICA:** A new study by CDC researchers describes outbreaks of emerging multidrug-resistant organisms (eMDROs) in 18 healthcare facilities in 10 states over the course of the pandemic. Survey results from the facilities indicate that changes in IC practices linked to the pandemic—along with shortages of and strategies to conserve personal protective equipment (PPE)—may have contributed to eMDRO transmission (*American Journal of Infection Control*).

**AFRICA:** Africa CDC has declared its first public health emergency of continental security amid a complex and worsening mpox situation in Africa, especially a surge in the Democratic Republic of the Congo (*CIDRAP*).

**AMERICA:** Although average margins have shown some improvement in recent months, they remain significantly lower than pre-pandemic levels for many U.S. hospitals. According to Kaufman Hall, 40% of U.S. hospitals are still operating at a loss, and the disparity between the best and worst-performing hospitals is growing (*Becker's Hospital Review*).

**THE WORLD:** Data from the COVID Fog (C-Fog) study showed up to 3 years after being hospitalized with acute SARS-CoV-2 during the first months of the pandemic, some patients still had mild to severe cognitive and psychiatric outcomes. At the 2- to 3-year point, a group of early COVID survivors showed an average deficit equivalent to 10 IQ points (*Lancet Psychiatry*).

**AMERICA:** New survey data from the Women's Health Initiative (WHI) reveal that 34% of postmenopausal women infected with COVID-19 had symptoms lasting at least 8 weeks. For the WHI study, a Fred Hutchinson Cancer Center-led research team surveyed 37,280 women aged 50 to 79 years at 40 US clinical centers about long-COVID symptoms (*Annals of Epidemiology*).

**CALIFORNIA:** Experts say there are a number of possible culprits behind the worst summer infection spike since 2022. Heat waves and smoke from devastating wildfires have kept many Californians indoors, where the disease can more easily spread. Most adults are also well removed from their last brush with the virus, or vaccine dose — meaning they're more vulnerable to infection. (*Los Angeles Times*).

### COVID-19, 08/16/2024

Global Cases – Deaths  
775,867,547 – 7,057,145

U.S. Cases – Deaths  
103,436,829 – 1,193,165

WHO

## **COVID Cases and Deaths Rise in Nursing Homes**

Although COVID-19 has dropped to the 10<sup>th</sup> leading cause of death in America, cases are once again spiking across the US this summer.

In nursing homes, the COVID has been steadily increasing since May, when cases had dropped to 1,554. But that rebounded to 9,915 by Aug. 4 — similar to numbers seen during last winter's spike.

The number of nursing home deaths attributed to COVID are also on the rise. In May, that was at 52 — the lowest reported since COVID emerged in early 2020. But there were 114 reported deaths during the week ending Aug. 4.

*McKnight's, 08/11/2024*

## **Hurricane Debby Waivers Available in Three States**

CMS waivers are available to Florida, Georgia, and South Carolina providers who have been affected by Tropical Storm Debby. Providers can submit a request to CMS.

CMS will make available special enrollment periods for eligible individuals to enroll in coverage through the Federal Health Insurance Exchange. This gives people impacted by the tropical storm the opportunity to enroll in coverage if they miss their original special enrollment period.

During a public health emergency, the HHS Secretary may waive sanctions and penalties against a provider that does not comply with certain provisions of the HIPAA privacy rule.

*CMS news release, 08/08/2024*

## **New Leadership Position for Familiar Face at NADONA**

The hole that the death of NADONA Executive Director Sherrie Dornberger left may never be fully patched, colleagues say, but the recovery will at least be led by a knowledgeable, familiar teammate.

Cindy Fronning, the group's director of education, has assumed the top spot at the National Association of Directors of Nursing in Long Term Care.

She drops the "acting executive director" title she was given after Dornberger died due to organ failure in May, and she'll retain her education post.

*NADONA news release, 07/26/2024*

## **SNF's Insurer Not on Hook for \$2.1 Million**

A federal judge has ruled the insurance company of a now-bankrupt nursing home is not responsible for a 2023 state-court verdict.

In 2014, Mary Francis Logan, a resident of Macon Rehab, a SNF in Macon, GA, her allegedly fell, fracturing her hip as an employee was taking her to the shower.

Logan died two years later, and her children filed a personal injury lawsuit against the nursing home.

The judge ruled the insurance company was not responsible for the damages because the family had released the insured parties from liability when it reached the settlement agreement three years earlier.

*Mc Knight's, 08/05/2024*

## **Record-Breaking Healthcare Bankruptcy Filings**

Bankruptcies in healthcare had another record-breaking quarter.

The latest Polsinelli-TrBK Distress Indices Report shows the Healthcare Index reached the highest level of distress in the report's history for the fifth consecutive quarter.

The current level of Chapter 11 filings is almost 50% higher than at the height of the Great Recession in 2008-2009.

For senior living and care settings — including ALFs, SNFs and CCRCs — Chapter 11 bankruptcy filings have comprised approximately half of the distress in healthcare for the past several years.

CCRCs were particularly hard-hit with bond debt and labor costs 30%-to-40% higher than projected.

*Senior Living, 08/14/2024*

## **ONE COLUMN**

### **Many High-Performing SNFs Miss Out on Referrals**

Skilled nursing facilities earning the highest rates under PDPM aren't necessarily bringing in the most referrals. The data experts behind the research said they were surprised to learn that high quality measures and higher reimbursements weren't necessarily linked to referral quantity.

"In most cases, there were no glaring reasons why these SNFs should not be getting more [Medicare] Part A referrals from their top hospital," said Sarah Scott, senior client success coordinator for long-term care software provider Simple.

"Picking and choosing your focuses and using all the data will really help us result in some better referral positioning and translate into better reimbursements so shifting that strategy from a 'hope for the best' approach to a data-driven approach [will benefit facilities]."

Scott dispelled several common myths about referrals, such as believing that a facility's proximity to a referring facility is a primary factor, lower readmission rates will automatically result in more referrals, and 5-star rated facilities will "always" get more referrals."

Scott stressed that the more successful facilities use quarterly Limited Data Sets from CMS to examine quality measures and understand where they excel.

Lower readmission rates don't necessarily disqualify providers from going after more referrals for certain conditions. A facility that specializes in cardiac care, for instance, may have a lower star rating or a higher readmit rate that aligns with the seriousness of those diagnoses.

The five most important areas to benchmark when analyzing internal data are compliance, PDPM categories, end splits, quality measures and referrals, Scott said. The most common PDPM errors are related to speech-language pathology, and Simple estimates that 38% of errors occur in this category, followed by non-therapy ancillary costs.

*McKnight's, 08/11/2024*

## **A Landmark in Affordable SNF Staff Housing**

Groundbreaking ceremonies were held recently on Marth's Vineyard for a new facility to replace an old nursing home.

Navigator Homes will transform a 28-acre plot into a campus with housing for 70 Island seniors, Navigator Homes nurses and MV Hospital staff.

The project cost a total of \$68 million including a \$53 million loan of USDA funds to develop the project.

So far, the land has been cleared, a road has been installed and utilities are in place. Construction is expected to end in November of 2025.

*Vineyard Gazette, 08/06/2024*

## **County Home May Become State Veterans Home**

In the latest example of difficulties local governments face on in running nursing homes, a NJ county has asked the state to take over their nursing home and turn it into a veterans home.

While the Atlantic County nursing home would technically remain public if a proposal were accepted by the state's Department of Military and Veterans Affairs.

Staffing issues have seen the 200-bed county-owned facility's capacity reduced to 100 beds.

Since 1999 NJ's county-owned homes have dwindled from 23 to just three.

*The Press of Atlantic City, 08/14/2024*

## **Closed SNF Owes Workers \$420K & Growing Monthly**

With increasing financial pressures, unpaid wages have become a significant issue throughout the long-term care industry this year

Salem Village, a Joliet, IL, nursing home that closed in March still owes 117 employees more than \$420,000 in unpaid wages.

Illinois Attorney General Kwame Raoul filed the suit Aug. 2 against Salem Village alleging that the owners underpaid the

employees approximately \$350,839. The additional \$70,000 is unpaid wages that continue to accrue since the filing date, the lawsuit stated.

The amount will continue to grow at \$17,496 per month "without limitation until judgment is entered," per the filing.

*McKnight's, 08/13/2024*

## **Oklahoma Board Approves Nursing Home Rate Increase**

The Oklahoma Health Care Authority Board approved a nearly \$29 million increase in state Medicaid funding for regular nursing facilities.

The vote will put over \$100 million in state and federal funds toward providing direct care and other costs in nursing homes.

Seventy percent of this funding supports direct care, and 30% supports other costs.

The direct care cost component is defined as the sum of the salaries and benefits for registered nurses, directors of nursing, licensed professional nurses, certified nurse aides, certified medication aides and therapy aides and assistants.

*KGOU NPR Radio, 08/13/2024*

## **Nurse Imposter Now on the Lamb**

A woman who repeatedly passes herself off as a nurse — despite no formal training — is now a wanted felon.

Leticia Gallarzo, 49, who has convictions in two states for impersonating an RN was supposed to appear in court this week for sentencing but was a no-show in a Michigan federal courtroom.

Gallarzo did prison in time Texas on similar charges.

After being released from federal supervision in the Texas cases, Gallarzo got a nursing job in western Michigan in 2022 using the identity of an actual nurse.

The ruse included false diplomas from Davenport and George Washington University.

*KTLA-TV, 08/03/2024*

## **Briefly in the News**

Brockton (Mass.) Hospital reopened Aug. 13 after a fire closed the hospital in February 2023. The fire started in an electrical equipment room and required the hospital to shut off its utility power and emergency generators to put out the flames. Emergency crews transported 162 patients safely without injury (***Becker's Hospital Review***).

In three separate transactions in the second quarter, Omega Healthcare Investors acquired 34 facilities for a total of \$114.7 million and leased them to an existing operator and two operators new to its giant portfolio. Omega has completed \$648 million in new investments through July (***Senior Living***).

Researchers at Cambridge Public Health aren't sure if Alzheimer's disease drugs targeting amyloid protein will have a large-scale effect on reducing the disease. They say that challenges including the risk-benefit ratio, limited eligibility and high costs may limit the treatments from making an overall impact (***Alzheimer's & Dementia***).

Medicare Advantage giant Humana expects to lose a "few hundred thousand" members in its marquee business next year, after seriously shrinking its benefits and exiting markets for 2025 in a bid to boost profits. After the announcement last week, Humana's stock fell more than 9% in morning trade Wednesday (***Healthcare Dive***).

In a new actuarial analysis from Willis Towers Watson, liability costs continued to rise for long-term care operators last year. Loss costs experienced by providers increased by 3.74% on a compounded annual growth rate over the decade between 2012 and 2022. Resident falls account for 31% of the total losses for the sector (***Senior Living***).

It's often cited that dementia occurs in about 80% of Parkinson's patients, But now a University of Pennsylvania study has found that the estimated risk of dementia by duration of Parkinson's disease is 3%-12% at year 5; 9%-27% at year 10; 50% at year 15; and 74% at year 20 (***Neurology***).