

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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Vol 8

09/01/2024

THEY SAID IT:

"The petition sufficiently alleges that respondents repeatedly engaged in fraud and illegal behavior by filing false and misleading Medicaid certifications, violating other Medicaid program regulations, paying fraudulent and collusive fees to related party service providers, and orchestrating fraudulent real estate schemes based on fraudulent loans" NY Supreme Court Judge Melissa Crane in denying Centers Health Care dismissal request

"The best plan going into this winter is for everyone to remain vigilant, to use the tools we have: vaccines, testing, treatment against the illnesses responsible for the majority of fall and winter deaths and hospitalizations" CMS Director Dr. Mandy Cohen

"Payment issues in nursing home settings continue to be a barrier to implementing successful vaccinations for residents" Chad Worz, chief executive of the American Society of Consultant Pharmacists

And Another One Bites the Dust

After six months of preparation the Presque Isle Rehab and Nursing Center in Northern Maine closed its doors for the last time August 22nd after the last remaining resident left the facility.

Presque Isle Rehab and Nursing Center announced on March 1st that it would be closing indefinitely. Stating the main cause to be a lack of staffing.

The closing was a boon for one nursing home. Thirty of Presque Isle's 49 residents went to Caribou Rehab and Nursing Center about 15 miles to the north.

WAGM-TV, 08/27/2024

Pandemic's Cost? Don't try To Count It Up on Your Fingers

Worldwide, the COVID-19 pandemic is considered one of the seven deadliest plagues in human history, with excess deaths topping 28 million, according to some estimates.

The World Bank has characterized the economic upheaval caused by the pandemic as "the largest global economic crisis in more than a century," with low-income countries hit the hardest.

The commission's assessment that the pandemic cost the U.S. alone \$18 trillion includes \$8.6 trillion in "excess deaths," \$1.8 trillion in income lost, \$6 trillion in chronic conditions like "long COVID," \$1.1 trillion in mental health costs, and \$400 million in education losses.

Skilled Nursing News, 08/25/2024

Better Get Used to Lower Rates and Learn to Adapt

NIC said in a blog that skilled nursing providers adjusting to lower reimbursement rates must adapt with more internal oversight and creative programming.

Case managers who can look for lost revenue, follow up on denials and spot opportunities with partners will be key as more patients continue to shift from traditional Medicare to Medicare Advantage.

2024 marked the first time a majority of Medicare beneficiaries enrolled in Medicare Advantage plans, and experts predict the share will continue to rise even amid growing consumer and provider complaints about plan coverage.

NIC Blog, 08/29/2024

Staffing Agencies Pay Up For Over-Billing SNFs

In Massachusetts, two national staffing agencies, IntelyCare and connectRN, will pay more than \$600,000 combined to resolve allegations that they over-billed LTC facilities.

The attorney general's office did not say when the alleged violations took place, or how many providers had been impacted.

Under separate settlements, Intelycare will pay more than \$500,000, including more than \$236,000 in restitution to affected long-term care facilities and approximately \$270,000 in penalties.

connectRN will pay more than \$100,000, including more than \$43,000 in restitution to affected long-term care facilities and \$65,000 in penalties to the Long-Term Care Facility Quality Improvement Fund.

McKnight's, 08/29/2024

Class-Action Lawsuit Targets Carespring After Data Breach

An Ohio long-term care company has been named in a class-action lawsuit over an October cyber-attack in which hackers claim to have accessed a massive trove of data on nearly 80,000 people.

The suit alleges that Carespring Health Care Management was negligent about its cybersecurity, despite warnings from federal law enforcement agencies that bad actors were targeting healthcare companies.

The suit alleges that Carespring "became aware of suspicious activity" in its network in late October 2023 but did not send notices to any affected individuals, current or former, until this month – August.

Pittsburgh Post-Gazette, 08/23/2024

MedPAC Urges CMS to Begin Home Health Clawback

While providers were dismayed to see CMS' recent proposal to cut home health payment rates by 1.7%, MedPAC was disappointed that CMS did not take more drastic measures.

In July, the commission reported that home health providers enjoyed aggregate Medicare margins exceeding 22% in 2022, having been paid "well in excess of their costs for more than 20 years."

Meanwhile, home health providers have only seen Medicare rates decline in recent years. CMS cut home health rates by 3.925% in 2023 and 2.89% in 2024. Industry advocates have described the repeated reductions as "irrational."

McKnight's, 08/23/2024

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

WASHINGTON, D.C.: CMS has issued a new rule requiring hospitals and critical access hospitals to report information about COVID-19, influenza, and RSV Through the National Healthcare Safety Network (NHSN) The new reporting requirement will start November 1, 2024. The old rule expired April 30th (CMS).

WASHINGTON, D.C.: The FDA has okayed the updated mRNA vaccines from Moderna and Pfizer/BioNTech that target a strain of the virus called KP.2. It was unclear whether the agency simultaneously would authorize Novavax's updated shot, which targets the JN.1 strain. Representatives for Pfizer and Moderna said the companies had ample supply of the updated vaccines (**CNN**).

AMERICA: The CDC is giving state and local health departments additional funding to provide free Covid vaccines for uninsured and underinsured adults, and free vaccines will continue to be available to children from low-income families through the government's Vaccines for Children program. Government-purchased supplies of the antiviral drug Paxlovid will also be available at no charge to people who are uninsured or who are on Medicare or Medicaid. (**CNN**).

WASHINGTON, D.C.: Meta CEO Mark Zuckerberg says senior Biden administration officials pressured Facebook to "censor" some COVID-19 content during the pandemic. In a letter to the House Judiciary Committee Zuckerberg alleges that the officials, including those from the White House, "repeatedly pressured" Facebook for months to take down "certain COVID-19 content including humor and satire." He said The officials "expressed a lot of frustration" when the company didn't agree (**NBC News**).

CHICAGO: Multiple attendees at the Democratic National Convention in Chicago subsequently tested positive for the COVID-19 respiratory illness including some members of Vice President Kamela Harris' campaign staff. "You put 20,000 people in an 18,000-person building, it's bound to happen," said Jaimey Sexton, a

Chicago political consultant who attended the convention (**NBC News**).

CALIFORNIA: Los Angeles Unified School District posted on social media that due to high vaccination rates, COVID-19 will be treated like RSV. The district stressed that those with COVID-19 need to stay home if they have symptoms or a fever and cannot come back until symptoms start improving and the fever is gone for 24 hours without medicine (**KRON-TV**).

AFRICA: The World Health Organization (WHO) has a plan to contain a mpox outbreak rapidly spreading in African countries. The plan, which covers the next 6 months, also includes a more fleshed-out price tag of \$135 million, for which the WHO will soon launch a funding appeal. WHO has received information from one vaccine manufacturer to allow consideration for emergency use listing (EUL), which could be issued in the next 3 weeks (**CIDRAP**).

AMERICA: Health experts are urging school staff and families to take active steps to mitigate the spread of COVID-19 amid rising infections as school districts stick to their previous plans to combat the virus similarly to how they would the flu or strep throat. Weekly deaths from COVID-19 have steadily risen in the United States since mid-June (**The Hill**).

DENMARK: In 2020 the country closed it's schools as the pandemic raged. Although memories of COVID-19 lockdowns in Danish school children dimmed in detail and emotion from 2020 to 2021, their mental health remained poor, particularly among girls. Older students and adolescent girls were the most emotional in their memory descriptions, And adolescent girls may be more likely than boys to elaborate on memories of COVID-19 and their emotional well-being (**Child Development**).

ATLANTA: Testing for COVID-19 is sporadic and the true number of cases isn't clear because many infections aren't reported. But looking at positive lab tests, COVID-19 is surging, Nearly 15% of tests coming back positive versus less than 1%

for flu. The proportion of doctor visits for flu-like symptoms remains low And COVID-19-related hospitalizations are rising, but they remain below the levels seen in winter -- and far below the peaks seen earlier in the pandemic (**CDC**).

ATLANTA: The CDC reported respiratory illness activity is low nationally, but many areas of the country continue to see increases in COVID-19 activity. The agency called for vaccinating resident and staff, as well as providing education on the importance of vaccination in reducing severe illness and death (**Senior Living**).

NEW JERSEY: A Rutherford man has been charged in a COVID-19 relief fund fraud scheme. Malak Faltawws, a/k/a Mark Andrews, is alleged to have fraudulently obtained hundreds of thousands of dollars in relief funds. Charges against him include wire fraud and money laundering. Authorities say he appeared in Newark federal court last weekend and was released on bond (**News 12 – Long Island**).

AUSTRALIA: Hundreds of Australians are still dying from COVID-19, especially at-risk elderly people in Australian nursing homes – called aged care facilities (ACFs). In the three-month periods leading up to July 2023 and July 2024, there were very similar numbers of deaths in ACFs from COVID-19: 442 deaths this year and 439 deaths in 2023 (**McKnight's**).

NEW HAMPSHIRE: A state resident infected with the mosquito-borne eastern equine encephalitis virus has died. The resident, whom the state health department only identified as an adult, had been hospitalized due to severe central nervous system symptoms. (**AP**).

COVID-19, 08/23/2024

Global Cases – Deaths

776,007,137 – 7,059,612

U.S. Deaths

1,195,262

WHO

FDA Said Yea! Old Vaccines Are Now Kaput

Pragna Patel, MD, MPH at the CDC, said the 2023-2024 COVID-19 vaccines are no longer approved following the FDA's approval last week of the 2024-2025 vaccines.

Adults 75 and older are at highest risk of being hospitalized and more than half of adults hospitalized with COVID-19 had not received a vaccine within one year of hospitalization.

Of those hospitalized with COVID-19, only 16% of adults 75 and older had received a dose of the vaccine in the preceding year.

Patel said the COVID-19 vaccine halves an individual's risk of being hospitalized with complications.

Senior Living, 08/23/2024

Study: Mask 'em Up And Let 'em Work

Investigators from CUNY Graduate School of Public Health conducted a simulation study of a 100-bed nursing home to measure the impact of furloughing staff with mild COVID on existing staffing shortages and the potential health impacts on residents unrelated to COVID.

Researchers said for a typical 100-bed facility, understaffing unrelated to COVID was associated annually with 649.5 missed tasks, 4.3 resident hospitalizations and 0.7 increased number of deaths.

This modeling study found that mandatory furlough of staff with mild COVID-19 was associated with more resident harm from missed care tasks than with harm from increased COVID-19 transmission.

JAMA Network Open, 08/19/2024

There Really is Something New Under the Sun

A Redding, Connecticut CCRC recently broke ground on a solar installation that is projected to supply 17% of the community's annual electricity at an estimated savings of \$7.6 million over the life of the project.

Meadow Ridge's resident-led Solar Committee first proposed the project to

reduce the community's carbon footprint and is projected to offset 627 metric tons of carbon annually.

The project includes three arrays, two of which will be placed on the top of new carports, the third to be placed on the roof of the CCRC's skilled nursing center. The arrays should be energized later this year.

Senior Living, 08/21/2024

Women Pleads Guilty for Stealing From Residents

An Ohio woman accused of thefts from residents at Stillwater Skilled Nursing Facility, a Covington, Ohio nursing home, has pleaded guilty to a reduced charge of tampering with records.

Tamara Barnes O'Toole, 42, faced a second-degree felony charge of theft from a person in a protected class.

Barnes O'Toole was charged in connection with the theft of \$57,407 from resident accounts. All but \$22,070 has been returned to residents.

She could get six months in jail and a fine, when sentenced in October.

Dayton Daily News, 08/22/2024

Illinois 2Q CMPs Five SNFs Hit with + \$50K

The Illinois Department of Public Health (IDPH) announced the release of the 2024 Second Quarterly Report of Nursing Home Violations. The report, detailing 268 violation reports completed in the second quarter of 2024, is available on the IDPH website.

Five facilities were cited with type "AA" violations indicating the was a condition or occurrence at a facility that proximately caused a resident's death.

The five were all fined over \$50,000 including Jerseyville Nursing & Rehab Center at \$77,200 and St. Anthony's Nursing & Rehab Center in Rock Island which was fined \$75,000.

Prairie State Wire, 08/22/2024

FREE COVID TEST KITS

covidtests.gov

ONE COLUMN

California Bill Would Restrict Private Equity Deals

Legislation pending in California would ratchet up oversight of private equity investments in healthcare.

It's receiving enthusiastic backing from consumer advocates, labor unions, and the California Medical Association, but drawing heavy fire from hospitals concerned about losing a potential funding source.

The legislation, sponsored by Attorney General Rob Bonta, would require PE groups and hedge funds to get consent from his office of planned purchases of many types of healthcare businesses including nursing homes.

Private equity deals in the healthcare sector are coming under increased scrutiny around the country amid mounting evidence that they often lead to higher prices, lower-quality care, and reduced access to core health services.

Opponents of the bill, led by the state's hospital association, the California Chamber of Commerce, and a national private equity advocacy group, say it would discourage much-needed investment. The hospital industry has already persuaded lawmakers to exempt sales of for-profit hospitals from the proposed law.

The legislation would still apply to a broad swath of medical businesses, including nursing homes, clinics, physician groups, testing labs, and outpatient facilities, among others. Nonprofit hospital deals are already subject to the attorney general's review.

In California, the value of PE healthcare deals grew more than twentyfold from 2005 to 2021, from less than \$1 billion to \$20 billion, according to the California Health Care Foundation. Private equity firms are tracking the pending legislation closely

A final vote on the bill could come this month if a state Senate committee moves it forward.

KFF Health News, 08/19/2024

Feds Crack Down on SNF Psych Meds Had Little Affect

Researchers at Brown University and the University of Michigan have found that federal policies designed to reduce use of antipsychotic medications in nursing homes did not lead to clinically significant higher rates of schizophrenia diagnoses among dementia patients.

Schizophrenia, Tourette's syndrome and Huntington's Disease could have been diagnosed more often because CMS excluded residents with those conditions from a quality measure the agency added to the 5-Star program in 2015.

Through 2018 the share of long stay residents with any of those diagnoses rose from a baseline of 2.2% to no more than 2.9%.

Journal of the American Geriatrics Society 08/23/2024

CNA Charged with Abuse in Milwaukee SNF

After Milwaukee police were dispatched to St. Ann's, a nursing home, for an elder abuse complaint, a nursing home employee was criminally charged with neglecting a resident.

57-year-old Jonathan Wallace is facing one count of intentionally neglect resident – likely to cause great bodily harm.

The director of nursing told police that the victim is a 78-year-old blind man. The victim told police that he fell after being pushed down by Wallace, who then refused to help him get up.

There were two witnesses including another employee who allegedly was threatened by Wallace if she reported the incident.

WITI-TV, 08/21/2024

Charged for Antisemitic Bomb Threats Against Care Centers

Federal authorities have arrested an Oregon man in connection with antisemitic swatting bomb threats against Jewish hospitals and care centers in New York.

Domagoj Patkovic, 31, of Portland, Oregon was charged with making a series

of anonymous false bomb threats in 2021.

Most of the facilities targeted with the antisemitic threats were hospitals, but one of the calls was to a call center for a network of hospice and senior care centers with locations in Manhattan, Brooklyn and Queens.

McKnight's, 08/21/2024

Shoddy Bookkeeping in Tennessee Nursing Home

The Tennessee Comptroller in an audit found that the facility failed to refund credit balances on the accounts of 93 deceased or discharged residents totaling \$139,057.56 – over \$83,000 to residents' estates and more than \$55,000 to The state's Medicaid program.

The audit of Good Samaritan Health and Rehab Center, Antioch also found ten resident Trust fund accounts that exceeded the \$2000 limit.

Additionally, the facility included \$281,025.14 in nonallowable expenses on its 2022 Medicare Cost Report and \$26,545.33 in nonallowable expenses on Schedule C of its Medicaid Supplemental Cost Report.

The Comptroller said, "Management has outlined a series of steps to improve financial practices."

Tennessee Comptroller news release, 08/29/2024

\$83M Fraud Case vs Nursing Home Group May Proceed

A New York Supreme Court judge threw out all arguments from lawyers for an embattled group of nursing homes that sought to have charges dismissed in a case accusing the owners and operators of \$83 million in Medicare and Medicaid fraud.

The judge ruled that the owners of Centers Health Care, along with numerous other individuals, did not make sufficient arguments for dropping charges of fraud, "saddling" nursing homes with "excessive debts," colluding to pay "sham vendors," and paying themselves "inflated" salaries.

The facilities' lawyers also sought to have 11 defendants dismissed from the case. That, too, was denied.

McKnight's, 08/27/2024

Briefly in the News

Texas Gov. Greg Abbott has issued an executive order ordering hospitals in the state to collect information on undocumented immigrants receiving inpatient and emergency care, and to report healthcare costs incurred as a result. Texas will use the data to seek reimbursement from the federal government (*Beckers Hospital Review*).

Some seniors with end-stage kidney failure who are too sick for a transplant should probably skip dialysis because the health trade-offs aren't worth it. Stanford Medicine researchers found that seniors who started dialysis immediately after diagnosis with kidney failure only lived an average of nine days longer than those who either waited at least a month to start or never had the treatment at all (*HealthDay News*).

Several studies have shown therapies currently approved for Type 2 diabetes and weight loss – Ozempic and Mounjaro – can diminish the risk of multiple cancers. Compared with Type 2 diabetes patients taking insulin, those who took the medications were less likely to develop 10 of 13 obesity-related cancers (*Becker's Hospital Review*).

A decade-long study followed 1095 patients and shed new light on the treatment of dementia with Lewy bodies (DLB), a condition that significantly impacts older adults. The study found that patients taking cholinesterase inhibitors (ChEIs) experienced slower cognitive decline compared with those using memantine or no treatment at all. The use of ChEIs was also associated with a 34% lower risk of death in the first year following DLB diagnosis. (*Alzheimer's & Dementia*).

Memorial Hermann Health System in Texas has opened what it calls the first-of-its-kind career technical education high school for healthcare fields. The Health Education and Learning High School will share a campus with another high school in Irving, Texas. The program, which just began classes, will have a four-year academic calendar and a 760-student capacity. It was developed with \$31 million in funding from Bloomberg Philanthropies (*Memorial Hermann news release*).