

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Somebody in Belarus isn't going to be clicking on individual files. They're going to do mass exfiltration of data through a bot" *PointClickCare* spokesman on why they ban bots from their system

"The goal is not just to be able to pass the CRA. The goal is to be able to stop that policy implementation" Sen. James Lankford (R-Okla.) who regarding the GOP decision not to pursue at Congressional Review Act effort to overturn the Biden staffing mandate

"Skilled nursing and senior housing operators should be relieved by the Fed's 50 basis points cut to short-term interest rates today" Brent Holman-Gomez, senior vice president of Cambridge Realty Capital Companies

'Jerk' said No One in SNFs Should Vote

A series of Democratic Senatorial Campaign Committee ads call Wisconsin GOP candidate Eric Hovde a "jerk."

A political TV ad plays a clip of Hovde saying those in nursing homes typically have a life expectancy of five to six months and "almost nobody in a nursing home is at a point to vote."

The DSCC had almost \$1.5 million in anti-Hovde spots on TV during one recent week – part of a \$5.6 million reservation between Labor Day and Election Day.

WisPolitics, 09/11/2024

**Changes coming in
NHSN reporting**

**See "ONE COLUMN"
on Page 3**

Fed's Rate Cut May be Boon To LTC

The Fed's 0.5% cut, described by some analysts as unusually large, also may be an indication that the nation's top economic policymakers are becoming increasingly concerned with the labor market.

The central bank's Federal Open Market Committee voted Wednesday afternoon to lower its key overnight borrowing rate by a half percentage point.

Both the limited availability and cost of loans have been cited as reasons for an acceleration of nursing home sales and closures. They are also likely contributing to a virtual standstill in the construction of new nursing homes.

McKnight's, 09/18/2024

GOP Won't Force Vote On Staffing Mandate

Republicans are not planning to force a vote on a resolution to overturn the Biden administration's plan mandating minimum staffing levels in nursing homes.

A resolution under the Congressional Review Act isn't subject to the 60-vote filibuster and needs only a simple majority of votes. The CRA is a fast-track legislative tool that allows lawmakers to nullify rules even after the executive branch has completed them.

Se. James Lankford said since President Biden could veto it, the CRA would be ineffective.

There are other options, including using a year-end funding bill to stop the administration from implementing the policy.

The Hill, 09/17/2024

Challenges to Staffing Mandate Heating Up

HHS filed more than 75,000 pages of rule-making records with a federal court to begin its formal defense of the controversial nursing home staffing mandate.

The submission is the first significant advance in the case since AHCA, Leading Age and others challenged it in court in May.

Meanwhile, a district court is considering whether to hear a separate federal challenge of the mandate.

Texas AG Ken Paxton asked the court to vacate the rule, citing the Major Questions Doctrine, which holds agencies such as CMS cannot issue regulations that could cause significant economic damage without prior direction from Congress.

McKnight's, 09/15/2024

For A 'Lifetime' as Long as You Only Live 81 More Days

Washington state's new, long-term care insurance program gives residents a lifetime benefit of \$36,500, which can pay for approximately 81 days in a nursing home – where the state's average private room cost is \$450 a day.

The benefit is a first-in-the-nation payroll tax plan (0.58% tax on every \$100 of most workers' paychecks) for long-term care costs and as such has been closely watched by the provider and insurance industries.

Washington state voters will consider a ballot initiative in the November election that would let people opt out of the tax, which would prevent them from participating in the program.

McKnight's, 09/15/2024

They Ain't Swify Lazar, but They're Looking for Talent

"Director of Talent" positions led the list of new corporate roles among the nation's 200 largest nonprofit senior care organizations. The DT position encompasses both HR

Ten organizations — 5% of the total — added the position last year, reflecting a greater need in corporate-level labor hiring, including planning for the coming staffing mandate for nursing homes.

Recruiting and human resources are combined into the Director of Talent position, although some organizations add additional duties.

Both nonprofit and for-profit organizations are getting creative about expanding roles that, in some cases, largely have been limited to the building or regional level.

LZ 200, 9/12/2024

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

TEXAS: A team of researchers at the University of Texas has discovered an antibody that can counter all known variants of the COVID-19 virus. The scientists also claim the antibody can also resist distantly related viruses. The coronavirus causing COVID-19, uses its spike protein to invade and infect the host. Antibodies, produced by a host in response, bind to the spike protein to block its action and prevent infection (***Cell Reports Medicine***).

THE WORLD: The fall virus season is upon us, and the U.S Food and Drug Administration just approved one of the newest tools to protect Americans from severe illness. The mRNA vaccine is not a booster. It won't prevent a person from infection, but it will lessen the severity of COVID. It's recommended for those 6 months and older as a once-a-year vaccine. For people over 65 it might be wise to get a second jab in six months (***WGIL Radio***).

AMERICA: A study of adolescent brain development that tested children before and after coronavirus pandemic lockdowns in the United States found that girls' brains aged far faster than expected. The researchers attributed that to social isolation. The study from the University of Washington measured cortical thinning, a process that starts in either late childhood or early adolescence, as the brain begins to prune redundant synapses and shrink its outer layer (***Proceedings of the National Academy of Sciences***).

EUROPE: A newly discovered more contagious COVID-19 strain spreading rapidly through Europe is sparking concerns among health authorities around the globe as the United States U.S. Identified in Germany, it may eventually overtake the current dominant subvariant, KP.3.1.1, which is currently most common in the U.S. (***MSN***).

FLORIDA: The Florida Department of Health in Palm Beach County has confirmed one case of locally acquired dengue fever. Dengue viruses are spread to humans through the bites of infected female *Aedes aegypti* or *Aedes albopictus* mosquitoes. The health department said it is treating the affected area, though it did

not specify where in the county the case was reported (***WLRN***).

AMERICA: An analysis of data from 620 hospitals showed about one in five U.S. COVID deaths during the Delta wave were because of overwhelmed hospital capacity. The findings reinforce the need to minimize surges of patients during future health emergencies or staffing crises (***Annals of Internal Medicine***).

MISSOURI: A mysterious human case of the H5N1 bird flu was recently discovered in Missouri — and experts are still working to determine how the patient was infected. The avian flu has been circulating among poultry and wild birds since 2022 but jumped to dairy cows earlier in 2024. About a dozen livestock workers have been infected. This patient reported no contact with animals, leaving experts wondering whether the case suggests that the virus is now traveling between humans (***The Kansas City Star***).

MISSOURI: That patient who was hospitalized after an infection with bird flu had the H5N1 strain of the virus. The viral sequence was uploaded to the GISAID database, which makes genetic sequences of viruses publicly available for research and study. It shows that the virus is closely related to the strain that has been infecting dairy cattle in 14 states this year (***CNN***).

SPAIN: A team of Spanish investigators came to the conclusions that nursing home residents suffered such extreme social isolation, cognitive decline and mental health issues from facility lockdowns during the COVID-19 pandemic and that leaders must come up with new strategies to address the emotional and mental well-being of residents (***McKnight's***).

FLORIDA: Even as the COVID wave in Florida continues, Gov. Ron DeSantis' administration is once again advising against the mRNA vaccines: this time in the most vulnerable residents. In updated guidance for health care providers, the Florida Health Department and state Surgeon General Joseph Ladapo questioned the safety and effectiveness of

the mRNA Covid vaccines from Pfizer and Moderna (***NBC News***).

THE WORLD: A newly discovered COVID strain known as XEC continues to spread rapidly across multiple countries, including the U.S. Scripps Research's Outbreak.info page, last updated on Sept. 5, reported 95 XEC cases across 12 U.S. states and 15 different countries. However, Australia based data integration specialist Mike Honey wrote on X that the new strain, which emerged in Berlin last June, has shown up in hundreds more patients across 27 countries in Europe, North America and Asia. (***USA Today***).

THE WORLD: Scientists remain on alert as XEC carries a mutation that is hypothesized to confer it "superpowers," said Peter Chin-Hong, an infectious disease specialist at UCSF. While it is unlikely to cause a spike in hospitalizations and deaths, it is expected to infect more people. "With these new transmissible variants, they will likely infect people who were otherwise not going to get infected," (***SF Chronicle***).

AMERICA: Sanofi and partner AstraZeneca have received approval from the U.S. Food and Drug Administration for a manufacturing line for their preventive respiratory syncytial virus (RSV) therapy. The expanded capacity will help the drugmakers meet the demand for *Beyfortus* ahead of the RSV season. The therapy was in tight supply last year (***Reuters***).

MASSACHUSETTS: Testing was completed on all 95 licensed farms in Massachusetts that have dairy herds, the first state in the nation to do so. The results were "100 percent negative" to Bird Flu. The testing program is likely to be repeated on a regular basis going forward and could serve as a national model (***Boston Globe***).

COVID-19, 09/20/2024

World Deaths 7,064,380

U.S. Deaths 1,219,487

U.S. Total Cases

111,820,082

WHO, World Meters

Missouri Dems Can't Overturn Gov.'s Veto of SNF Bill

Missouri House Democrats made an unsuccessful push to override Missouri Gov. Mike Parson's veto of \$2.5 million in funding for oversight of the state's nursing homes, with all but eight Republicans voting to sustain the governor's action.

The additional funding would have helped the state's long-term care ombudsman program hire more staff to advocate for nursing home residents.

State Rep. Deb Lavender, a Democrat from Manchester, led the effort, arguing that the money would make Missouri's nursing home residents safer.

It is the second year in a row Parson has vetoed funding for nursing home oversight.

Missouri Independent, 09/11/2024

PCC Fires Back in Court Battle Over Bots

PointClickCare asked a federal appeals court to overturn what it calls a "dangerous and unprecedented" injunction that is preventing the massive electronic health records firm from blocking bots from its platform.

The filing in the Fourth Circuit follows a lower court's July 29 decision supporting Real Time Medical System's effort to access records as it conducts analytics work on behalf of its skilled nursing clients.

A spokesman for PCC said, "We are very active about making sure that our customers, especially those in the facilities — the registered nurses, the administrators — they continue to get access."

McKnight's, 09/16/2024

Long Time Maine SNF Closes and Opens

MaineHealth closed its Saint Joseph Rehabilitation and Residence in Portland Sept. 20. Residents, however, will be transferred to Fallbrook Commons, a new long-term care residential and rehabilitation facility operated through a partnership with North Country Associates.

Saint Joseph, which has operated since 1975, had an outdated building.

Traditionally, Saint Joseph had capacity for 121 beds. The new facility will have 102, including three distinct "neighborhoods" of 34 beds, one dedicated to nursing home level memory care, one designed for short-term skilled nursing care and the third for traditional long-term care nursing.

McKnight's, 09/16/2024

Memory Care Beds Rise As Skilled Beds Fall

The memory care segment in continuing care retirement/life plan communities has been steadily growing over the past decade, answering a "clear need" from its resident base.

In 2024 about 4.2% of all CCRC units were devoted to memory care

Given recent trends the number of memory care units in CCRCs is expected to increase over the next several years to meet the growing demand of the baby boomer population.

The reasons for the growth of memory care units can be attributed to the growing population of older adults with cognitive impairment, and downsizing of SNFs within CCRCs.

Senior Living, 09/16/2024

Nurse Pleads Guilty To Stealing Percocet

A Pennsylvania nurse, Christina Drayer, 41, charged with stealing oxycodone from a nursing home has pleaded guilty.

Drayer took the pain medication from Kinzua Healthcare and Rehabilitation Center in Youngsville. She is charged with obtaining a controlled substance by fraud and four counts of endangering the welfare of a care-dependent person.

Staff told investigators that blister packs for four patients had been tampered with and that "the back of the medication cards had tape affixed to them where the pills were pressed out of the paper foil area."

Drayer allegedly told investigators took the pills for personal use.

Times Observer, 09/10/2024

ONE COLUMN

Changes Coming to The NHSN Reporting System

The CDC announced updates affecting long-term care facilities' reporting through the National Healthcare Safety Network (NHSN) system.

Beginning with the week of September 30 – October 6, NHSN users will report on a new definition of "up to date" for COVID vaccination and long-term care facilities will report on a new combined form for residents in the respiratory pathogens module.

Individuals will be considered up to date with COVID vaccination if they have received the 2024-2025 updated COVID-19 vaccine.

New surveillance definition

Beginning September 30, individuals will be considered up to date with COVID vaccination if they have received the 2024-2025 updated COVID-19 vaccine. With this definition most individuals will not be up to date and long-term care facilities should report zero up to date until residents and staff receive the 2024-2025 vaccine

New combined resident form.

In the Respiratory Pathogens module of the Long-Term Care Facilities component of NHSN, users will begin using a new combined resident reporting form that will include vaccination, case, and hospitalization data for COVID, flu, and respiratory syncytial virus (RSV).

Flu and RSV reporting remain optional at this time.

Reporting requirements related to COVID cases and hospitalizations remain in flux at the moment. Set to expire on December 31, 2024, the Centers for Medicare & Medicaid Services (CMS) proposed in the Calendar Year 2025 Home Health payment rule to make these requirements permanent and to expand requirements to include reporting on flu and RSV. The comment period on this proposed rule closed on August 26 and a final rule is expected in fall 2024.

LeadingAge, 09/17/2024

Two Dead from Legionella In NY Assisted Living

Two people who tested positive for Legionella died and 20 people were hospitalized after an outbreak of the bacteria in an assisted living facility on in Albany, NY.

An Albany County spokesperson said the county first became aware of the outbreak September 6 at Peregrine Senior Living at Shaker, one day after the state Department of Health said it was notified.

Nine of the 20 people hospitalized tested positive.

Times Union, 09/04/2024

Kaiser Permanente Shutters Its Last SNF

Kaiser Permanente has closed its last skilled nursing facility in California, the Kaiser Permanente Post Acute Care Center in San Leandro.

The closure, which began in June, will result in the loss of 249 jobs. The last patients were transitioned from the facility the end of July.

In its statement, the health system said it is working with employees and union officials to find other positions within Kaiser Permanente. The system said it will also assist employees who are not able to find another position within the system.

San Francisco Chronicle, 9/10/2024

Walgreens Billed Gov't For Prescriptions Not Dispensed

Walgreens has agreed to pay \$106.8 million to resolve alleged violations of the False Claims Act and state statutes for billing government health care programs for prescriptions never dispensed.

The government alleges that, between 2009 and 2020, Walgreens submitted false claims for payment to Medicare, Medicaid and other federal health care programs for prescriptions that it processed but that were never picked up by beneficiaries.

As a result, Walgreens received tens of millions of dollars for prescriptions that it never actually provided to health care beneficiaries.

DOJ, 09/13/2024

New Drug Shows Promise Against *C. diff*

Crestone Pharmaceuticals announced positive results from a phase 2 trial of its investigational drug treatment for *Clostridioides difficile* infection. The drug called CRS3123 was compared to vancomycin.

Among the 43 patients in the primary intention-to-treat analysis, 28 of 29 (97%) who received one of the two dosages of CRS3123 achieved clinical cure at the day 12 test-of-cure visit, compared with 13 of 14 (93%) who were treated with vancomycin.

In addition, only 4% of CRS3123 patients experienced *C. diff* recurrence at day 40, compared with 23% in the vancomycin group.

CRS3121 was also well-tolerated, with no serious side effects reported.

Crestone news release, 09/05/2024

Employers Expecting Spike In Health Insurance Costs

U.S. employers expect health insurance costs to rise an average 5.8% in 2025, largely due to increased cost of medical services as well as higher use.

A survey by consulting firm Mercer found that 2025 is projected to be the third consecutive year in which healthcare costs for employers rise by more than 5%.

Costs increased an average 3% during the prior decade.

In part, the higher cost of each medical service is driven by a continued shortage of healthcare workers, linked to providers raising prices.

Reuters, 09/12/2024

**FREE COVID TEST
KITS**
covidtests.gov

Briefly in the News

A new study found that individuals who have experienced a stroke are more likely to experience abnormal sleep patterns compared than those without a history of stroke. After adjusting for factors such as age, weight, and high blood pressure, researchers found that individuals with a history of stroke were 54% more likely to report sleeping more than 8 hours per night and 50% more likely to sleep less than 6 hours compared with those who hadn't had a stroke (*Neurology*).

The Agency for Healthcare Research and Quality, a division of HHS, has partnered with other federal agencies and health systems to create a national safety alliance as part of broader commitments from the federal government to reduce preventable harm and improve care quality industrywide. On Nov. 1, the alliance will release an initial version of a dashboard to monitor the nation's progress toward eliminating preventable patient and workplace harms across all settings (*Becker's Hospital Review*).

Every day, 12 people die waiting for a kidney donation. Living donations, where someone donates one of their kidneys, are more effective but aren't as common. However, there is a proposal to change that with a financial incentive. ... Central Valley Congressman Josh Harder says a fix could be financial. He's introduced a bill that would give living donors \$50,000 in tax credits over five years (*CBS News*).

The Veterans Health Administration, a component of the Department of Veterans Affairs, will roll out a new national program next year to prevent falls across care settings. All VA health system leaders will also sign a safety culture commitment by mid-2025 (*Becker's Hospital Review*).

A study by Griffin Hospital in Derby, Conn. reports a comparison of hospital room cleanliness using standard disinfectant wipes versus wipes with a color additive that allows users to see which surfaces have been sanitized. With the color additive, rooms were 69.2% cleaner and were able to be cleaned in slightly less time compared to cleaning with standard wipes (*American Journal of Infection Control*).