

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

The enemy is hitting people who have nothing to do with the war; they are just sick individuals. Acting Sumy, Ukraine Mayor Artem Kobzar after the Russians hit a nursing home with rockets killing one and injuring 14

I think anything the government openly describes as a 'bounty program' should be concerning to anyone LTC attorney Paul Werner on the government's new Corporate Whistleblower pilot program

"Now we call on our partners to match our pledge and make this a billion-dollar commitment to the people of Africa" President Joe Biden in his farewell speech to the United Nations

It Seems Nothing is Off Limits in Ukraine

On September 19, the Russians attacked a retirement home for the elderly in Sumy, Ukraine with guided bombs.

One woman was killed, and 14 others were injured, some in serious condition.

There were over 250 people in the building – over 200 residents and 60 staff members.

"Russia could not have been unaware that this nursing home for the elderly is not a military base, not a military target, said Ukrainian President Volodymyr Zelenskyy.

Russians attack Sumy – a city in northern Ukraine with a population of over 250,000 – nearly daily, destroying critical and civilian infrastructures.

Sumy Debates, 09/19/2024

There's A New, More Potent "Whistleblower" Program

The Corporate Whistleblower Awards pilot program started quietly in August. Despite the "pilot" in its name, the label merely means federal officials are in the process of honing it to make it more ironclad by the time it becomes permanent.

The new pilot is being conducted under the auspices of the Criminal Division of the Department of Justice. It is "quite a bit more" than the False Claims Act.

First, it doesn't limit its scope to federal healthcare payers and second, it focuses on allegations as criminal — as opposed to civil.

McKnight's, 09/24/2024

There They Go again – Adding to the Workload

CMS considering significantly expanding how much information nursing homes must record in the Minimum Data Set, potentially adding reporting for patients outside of Medicare to requirements.

The agency has asked for input on its plans to possibly extend the Skilled Nursing Facility Quality Reporting Program to include all residents receiving short-term nursing home care — regardless of their payer.

For facilities with large Medicaid populations, that could mean an explosion of data collection and submission responsibilities and careful strategizing to avoid payment deductions.

A high Medicare Advantage caseload also would increase required data collection and reporting time.

CMS news release, 09/26/2024

LeadingAge: A Need to Admit More Foreign-Born Workers

Foreign-born workers can help alleviate staffing constraints plaguing aging-care industries, but strict immigration policies are keeping many qualified caregivers out of providers' reach.

Turnover rates are as high as 64%, and burnout, stress and retirement threaten to

strip the field of hundreds of thousands of registered nurses.

In a new report, LeadingAge recommended that Congress raise the caps on all employment-based immigration visas to 210,000 each fiscal year – a 50% increase over the current level.

"The time has come to embrace new approaches to strengthening the nation's caregiving workforce," LeadingAge CEO Katie Smith Sloan.

LeadingAge, 09/11/2024

Staffing Mandate May End in Supreme Court

A lawsuit challenging the federal staffing mandate for nursing homes could be headed to the US Supreme Court in the coming session.

The AARP Foundation's preview said legal experts expect the staffing regulation lawsuit to move quickly through the lower courts.

Three provider associations and three Texas nursing homes filed suit against the mandate alleging CMS exceeded its authority in requiring certain staffing levels for nursing facilities.

Regardless of who prevails in the Texas court, sector observers expect the losing side to appeal, which would take the case to a federal appeals court, one level below the US Supreme Court.

McKnight's, 09/22/2024

U.S. Senator Rails Against Staffing Mandate

US Senator Kevin Cramer (R-ND) criticized the new federal minimum staffing rule for nursing homes during a speech on the Senator floor last week, saying the mandate will exacerbate staffing shortages, reduce access to care and potentially lead to more nursing home closures in rural communities.

The rule will require nursing homes to provide at least 3.48 hours of direct nursing care PPD and to have an RN onsite 24/7.

Cramer said on the floor of the Senate that these requirements will be nearly impossible for facilities to meet, particularly in rural areas.

McKnight's, 09/25/2024

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

AMERICA: US COVID activity continued to decline in many areas, the Centers for Disease Control and Prevention (CDC) said today in its latest updates. Detections of SARS-CoV-2 in wastewater are still high nationally, according to CDC tacking. The highest levels remain in the West, followed by the Midwest and the South. However, all regions show downward trends (*CIDRAP*).

AMERICA: A growing number of U.S. adults are hesitant to get recommended vaccines this fall. A poll, which included 1,006 people, found that only 43% of respondents have gotten or plan to get the COVID vaccine. Only a slight majority (56%) of adults said they have gotten or plan to get the flu shot this fall (*Fox News*).

NEW YORK CITY: Even as he was instructing New Yorkers to stay home and away from others to stop the spread of Covid-19, Dr. Jay K. Varma, the official in charge of New York City's pandemic response participated in sex parties and attended a dance party underneath a Wall Street bank during the height of the pandemic. He acknowledged his transgressions after being caught on hidden camera boasting about his exploits. Varma was City Hall's senior public health adviser under Mayor Bill de Blasio (*New York Times*).

WUHAN, CHINA: Remember the raccoon dog? The adorable fox-like critter made headlines in the spring of 2023, when it was implicated in some preliminary research on the source of the virus that causes COVID-19. Researchers had found genetic evidence that raccoon dogs, an exotic species known to be susceptible to the virus, were among the animals for sale at the wet market in Wuhan, China, where the outbreak was first identified. Now that research has been updated and published in the peer-reviewed journal *Cell* (*NPR*).

AFRICA: Mpox outbreak in Africa is still not under control, the Africa Centres for Disease Control and Prevention (Africa CDC) warned on Thursday, adding that cases were still increasing in several countries. The number of mpox cases in

Africa has surged 177%, and deaths have increased 38.5% compared with the same period a year ago, data from the Africa CDC showed (*Reuters*).

CALIFORNIA: After the federal government ended its program for free COVID vaccines for uninsured Americans last month, California has extended its own version that will cover the cost of COVID vaccination for uninsured Californians through the end of the year. The federal Bridge Access Program was supposed to last until December 2024, ended in August after running out of funding, leaving millions of uninsured Americans facing out-of-pocket costs of up to \$200 per shot, just as the updated 2024-25 COVID vaccine was getting rolled out. (*San Francisco Chronicle*)

THE WORLD: Amid a new Mpox outbreak, a study Suggests the Jynneos vaccine wanes significantly over the course of a year, raising new questions about just how protected vaccinated people are against reinfection and if booster doses of the vaccine are needed among at-risk populations. (*CIDRAP*).

CALIFORNIA: The number of California dairy herds reported to have outbreaks of H5N1 bird flu has grown to eight. Officials have refused to disclose the locations of the infected herds, but have said they are in close proximity somewhere in California's Central Valley — an 18,000-square-mile expanse that is roughly the size of Vermont and New Hampshire combined (*Los Angeles Times*).

THE WORLD: Some industry players are still trying to move past the COVID-19 pandemic 4 1/2 years after health officials declared it a global health crisis, though the lingering effects are giving others a financial boost. Executives at health systems, insurers, home health agencies and virtual care companies have pointed to the pandemic's continuing impacts as they feel out the latest trajectories for labor costs, utilization rates and investment priorities during earnings calls, investor presentations and conferences (*Modern Healthcare*).

AMERICA: In preliminary data from the CDC, whooping cough is surging in the U.S. with cases now five times higher than they were at the same point last year. It's the highest number of whooping cough infections since 2014, "with no indication of slowing down," said Dr. Susan Hariri of the CDC's National Center for Immunization and Respiratory Diseases, who presented the data at a meeting of experts who advise the US Food and Drug Administration on its vaccine decisions. (*CNN*).

MISSOURI: A third close contact of a patient in Missouri who was hospitalized with H5N1 bird flu has reported that they also experienced symptoms. according to the CDC the person, a health care worker, was not tested because their symptoms resolved before the investigation into the illnesses began. A CDC spokesperson said the close contact was within the household of the Missouri patient and developed symptoms that weren't typical of flu (*CNN*).

FLORIDA: In what has become a pattern of spreading vaccine misinformation, the Florida health department is telling older Floridians and others at highest risk from COVID-19 to avoid most booster shots, saying they are potentially dangerous. Clinicians and scientists denounced the message as politically fueled scaremongering that also weakens efforts to protect against diseases like measles and whooping cough (*KFF News*).

UNITED NATIONS: In a farewell address to the United Nations where he expressed optimism in the face of wars and other global challenges, President Biden announced new aid to try to stem the mpox epidemic. Biden said the United States would give African countries \$500 million to help prevent and respond to mpox and will donate 1 million doses of mpox vaccine. (*NPR*)

COVID-19, 09/27/2024

World Deaths 7,065,880

U.S. Deaths 1,204,697

U.S. Total Cases

111,820,082

WHO, CDC

Belief in & Use of T-medicine Improved After COVID

Telemedicine helped improve the quality of doctors' patient care during the COVID-19 pandemic and has the potential for improving physician satisfaction and reducing clinician burnout in the future.

New research from the Binghamton University School of Management in New York highlights the increased use of telemedicine since the start of the COVID pandemic.

Telemedicine has not only increased the quality of patient care, it also has increased physician satisfaction.

During the early days of the pandemic some physicians were uncomfortable with the new telemedicine tools and techniques, but that perspective changed as physicians became more comfortable using the technology.

McKnight's, 09/26/2024

Medicare Telehealth Has Room for Improvement

Medicare broadly covers remote patient monitoring of health data for any chronic or acute condition.

Both OIG and CMS have raised concerns about fraud related to telehealth.

In an investigation the HHS-OIG noted that use of remote patient monitoring increased dramatically from 2019 to 2022 at the beginning of the pandemic. But nearly half (43%) of enrollees did not receive all components of it.

The agency recommended several courses of action including that Medicare require remote patient monitoring be ordered and that information about the ordering provider be included on claims and encounter data for remote patient monitoring.

HHS-OIG news release, 09/24/2024

Missing Timesheets at Issue In Appeal of Meal-Break Suit

The success of a legal challenge involving Levering Regional Health Care Center, a Hannibal, Missouri nursing home, looks to hinge on whether a

federal appeals court believes that employee statements other courts have ruled against count as proof that workers were not paid for interrupted meal breaks.

The facility's timesheet records are missing.

Before 2018, Levering's payroll system automatically deducted a 30-minute, unpaid meal period for employees working shifts of six or more hours. The company's unwritten rule was to have employees use a supplemental timesheet that required a supervisor's signature when that meal period was disrupted.

McKnight's, 09/26/2024

A Dozen New California Laws Aimed at Senior Care

Gov. Gavin Newsom signed into law 12 bills aimed at improving a wide range of services and protections for seniors 60 and older.

One specifically targets long-term care facilities while others address issues in other kinds of senior care communities, continuing education for medical professionals and law enforcement training.

Long-term care providers in California who participate in the state's Medicare program must now post on their websites their daily resident census and nursing staff data.

Representatives of LeadingAge California and the California Association of Health Facilities said they were neutral on the statute.

McKnight's, 09/24/2024

More Residents Ripped Off In Canadian Nursing Home

An unspecified fraud at a Southwestern Ontario retirement home is "bigger than it first appeared" and has cost victims more than the \$50,000 originally estimated.

More individuals have contacted officials since Ontario Provincial Police were notified a few weeks ago that multiple people Trillium Care Communities in the Oxford County town of Norwich had fallen victim to a scam. At least 7 people were affected.

The London Free Press, 09/11/2024

ONE COLUMN

Avante Group Puts Employee Retention First

After centralizing all its holdings in Florida and coming out of the pandemic, Avante Group had a leaner organization and has not only grown its own staff but completely eliminated agency workers.

Having a corporate team that can get to any building within three or four hours has fostered better teamwork and helped promote two-way communication with building-level staff,

The Avante Group has hired more than 1,100 new full-time employees for its 11 buildings and corporate team since the beginning of 2022, but the company is also investing heavily in programs meant to keep them.

Those range from recognition programs to routine employee satisfaction surveys to a new advancement program that offers team members the chance to earn a degree for free in exchange for a long-term commitment to the provider.

The company has focused of staff retention "The cost for recruitment and hiring of these staff and turning over and burning these staff or the cost of agency staffing is astronomical" Biegasiewicz said.

Those range from recognition programs to routine employee satisfaction surveys. There's to a brand new advancement program that offers team members the chance to earn a degree for free in exchange for a long-term commitment to the provider.

Employee achievements — personal and professional — are lauded in monthly public meetings or during virtual "Coffee with the CEO" events. Coworkers and residents can recognize staff with a card in the Way to Go program,

Each month, one nominee is selected to win a TV. At the end of the year, the Avante Group sends the employee with the most Way to Go recognition on a three-day cruise with a friend or loved one.

McKnight's, 09/08/2024

Nursing Home COVID Deaths Are Way Up

COVID-19 deaths at US nursing homes jumped 43% this summer versus summer 2023.

The reason seems obvious – vaccination rates among residents and staff continue to lag.

Resident deaths from the virus increased fivefold between May and August of this year, climbing from roughly 100 in the month ending May 26 to about 500 for the month ending Aug. 25.

That compares to about 350 deaths for a similar period last August.

One out of every 28 nursing home residents tested positive for COVID from July 29 to Aug. 25, and resident and staff cases increased sevenfold for that period.

AARP, 09/25/2024

NLRB Rule = Harder To De-certify Unions

A new labor regulation is set to take effect this week that could make it more difficult for workers to undo union representation.

In a long-anticipated move, the National Labor Relations Board (NLRB) ditched agency rules issued in 2020 that had cleared the path for more equitable decertification procedures.

The prior rules allowed workers to vote on the issue even after unions alleged interference with the process (formerly known as “blocking” charges). Now, the NLRB can once again delay decertification procedures until the charges are resolved – which would inevitably result in a prolonged process to remove a union.

Fisher Phillips Insights, 09/25/2024

Small House Concept Comes To the State of Arkansas

The Arkansas Health Care Association and state leaders have officially opened The Cottage of Texarkana, a new long-term rehabilitation and skilled nursing facility.

The facility is a first for the Texarkana area. Instead of one large building for its residents, residents are housed in a series of smaller buildings across the campus.

Administrator Shelia Milam said “The Cottage of Texarkana is long term care reimagined. It is home for our residents. It is private rooms with private bathrooms, giving our residents some of the independence back that they may have lost in long term care.”

KSLA-TV, 09/09/2024

SNFs Not Meeting Needs Of Cancer Patients

Neither clinicians nor cancer patients’ or their families typically understand who will lead their care if they’re transitioned to a skilled nursing facility, a concern that presents health systems and nursing homes themselves with an opportunity to do much more in oncology.

That’s the belief of several physicians who published a series of recommendations in JCO Oncology Practice meant to help improve cancer care before and during a SNF stay.

Their letter follows a June study that found acute and post-acute care clinicians defer serious illness conversations to the oncologist even when patients “are on a steep trajectory of decline.”

McKnight's, 09/10/2024

Sentenced For Selling Bogus Nursing Credentials

Ejike Asiegbunam, 55, a school of nursing owner was sentenced to 21 months in federal prison for selling fake nursing diplomas at a fee of \$15,000-to-\$22,000 His school was not licensed to offer LPN degrees. Students received degrees without attending labs, classes, or completing required clinical assignments.

In addition, Asiegbunam conspired with another school to sell false RN degrees, to individuals located in Maryland and New York.

Asiegbunam sent student grades to the registrar for the Palm Beach School of Nursing in Florida, and would receive false transcripts in return, which were sold to individuals in Maryland and New York.

DOJ news release, 09/18/2024

Briefly in the News

Thomasville (Ala.) Regional Medical Center has suspended operations abruptly and indefinitely amid staffing shortages, with community stakeholders set to meet Sept. 23 to discuss the facility's future. The rural hospital has faced significant financial strain since opening just four years ago. In April, the hospital was listed on a foreclosure filing for nearly \$40 million owed on the property (*Becker's Hospital Review*).

The Health Resources and Services Administration, an agency HHS announced nearly \$75 million to support health care services in rural America. The funding will launch new opioid treatment and recovery services in rural communities, strengthen maternal health care in the South, and help rural hospitals stay open (*HHS news release*).

The Department of Labor has announced the publication of the AI & Inclusive Hiring Framework, a new tool designed to support the inclusive use of artificial intelligence in employers’ hiring technology and increase benefits to disabled job seekers. Published by the Partnership on Employment & Accessible Technology, the framework is designed to help employers reduce the risks of creating unintentional forms of discrimination and barriers to accessibility as they implement AI hiring technology (*DOL news release*).

Newsweek has released its list of the best nursing homes in America. This year's list recognizes 1,050 nursing homes across the 25 states with the highest number of facilities. The list is available at [newsweek.com/rankings](https://www.newsweek.com/rankings) (*Newsweek*).

In Florida, Pinellas County (St Petersburg) officials issued a mandatory evacuation order Tuesday for residents in evacuation Zone A who live in health care facilities, such as hospitals, nursing homes and assisted living centers. The county spokesperson said the order impacts two hospitals, 14 nursing homes and 10 assisted living facilities. Hurricane Helene passed the county about 100 miles out in the Gulf and went ashore in the Big Bend area of the panhandle (*Tampa Bay Times*).