

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

*"I truly feel for the first time that we are getting back to normal. "This is evidenced by us filling our existing vacancies and utilizing temp agency staffing much less"* a respondent to McKnight's 2024 Mood of the Market survey

*"Hell, I Wrote the Book on Head Trauma"* Former NFL quarterback Brett Favre who was recently diagnosed with Parkinson's disease

*"The corporate parent of the Arbors directing the staff to do the impossible, to work harder, longer hours, to take more patients, do more with less. We think that was a recipe for disaster"* Matt Mooney, an attorney representing a family that wants to file a wrongful death suit against an Oregon, Ohio nursing home

## **Bill in Congress – Creates Nursing Shortage Pipeline**

US Reps. James Comer (R-KY) and Morgan McGarvey (D-NY) have introduced a bill which would fund grants through HHS to create State Health Care Workforce Improvement Plans.

The legislation does not specifically mention the extreme staffing challenges the long-term care sector faces, but AHCA and LeadingAge both commended the legislation.

The legislative text does not specify how much funding will be made available. States can use up to 50% of their appropriated match to the Medicare Improvement Fund. The legislation also creates oversight mechanisms called the State Health Care Workforce Council, which can be an existing state-level entity or agency.

McKnight's, 10/04/2024

## **The Southeast Still Reeling from Helene**

Many LTC facilities in Florida and North Carolina are reeling in the aftermath of Hurricane Helene. The storm resulted in forced evacuations of residents, major property damage and power outages.

For example, a number of facilities in the Asheville, N.C. area were without power or cell service and lacked access to running water and food.

The hurricane was being blamed for at least 200 deaths in six Southeastern states and federal officials said at least 600 people were still unaccounted for.

In some areas near Asheville, emergency supplies were being delivered by mule.

Staff was having difficulty getting to work.

McKnight's, 10/01/2024

## **100 SNF Evacuations in Florida Went Smoothly**

As states in Hurricane Helene's path grapple with its devastating effects days after it made landfall in Florida, nursing home operators are dealing with significant repair and maintenance challenges that could last a while.

While some nursing homes remain without power, proactive evacuations—including to neighboring Alabama – along with close communication in preparation for the storm have been a key to re-entry efforts.

The Florida Health Care Association (FHCA) was in constant communication with providers from Sept. 23 on.

"We had about 100 long-term care centers evacuated and the process for those evacuations went smoothly," said FHCA's Kristen Knapp.

Skilled Nursing News, 09/30/2024

## **Administrator Charged with Embezzling From Residents**

Alex Ambrose, 27, of Southfield, was arraigned in Warren for allegedly embezzling over \$7,000 from eight nursing home resident between September 2023 and January 2024.

The former manager with Mission Point Nursing & Physical Rehabilitation Center of Warren, Michigan is charged with nine counts of Embezzlement from a Vulnerable Adult., for allegedly acquiring \$7,792 in checks from nursing home residents and then depositing them into his personal accounts.

Ambrose was arraigned in Michigan's 37th District Court and released on bond.

Michigan AG news release, 09/25/2024

## **Healthcare CEOs Could Be Off to the Pokey**

New legislation aimed at improving cybersecurity in healthcare could see leaders at skilled nursing facilities, home health agencies, hospices jailed if they lie about their cybersecurity precautions,

Senate Finance Committee Chair Ron Wyden and Sen. Mark Warner revealed the bill recently.

The bill requires HHS to develop and enforce a set of minimum cybersecurity standards for healthcare providers.

The bill requires HHS to develop and enforce a set of minimum cybersecurity standards. It also removes the existing cap on HIPAA fines and authorizes HHS to conduct annual compliance audits.

Senior Living, 09/30/2024

## **Family Wants to Sue After Mom Died of Pressure Wound**

The family of an Ohio woman who died of sepsis after she developed a pressure wound, wants to file a wrongful death suit against the nursing home.

Lucy Garcia, 72, died on July 2 at Arbors of Oregon, a nursing home near Toledo, where she had lived for 4½ years.

The coroner's report says her death was the result of "caretaker neglect resulting in complications of a sacral pressure wound" and ruled her manner of death homicide.

Family attorney Matt Mooney said, "I've never seen a coroner that unequivocal about the cause of a person's death being medical neglect."

USA Today, 09/29/2024

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

**EUROPE:** A new variant – XEC – is mostly being spotted in central Europe, where it was at around 10% of cases last week. It's probably a little bit more than that now. It hasn't been picked up by the CDC's variant tracker yet, but another estimate puts it at almost 2% of cases in the U.S., and most of these are concentrated on the coasts. XEC is a descendant of other Omicron variants. cases have been steadily growing in Germany, where it was first spotted (MedPage Today).

**AFRICA:** The US will continue to work with the Africa Centres for Disease Control and Prevention and the World Health Organization to ensure the spread of a lethal outbreak of mpox in Africa doesn't develop into a pandemic. "We'll stay committed until we bring this outbreak under control," said John Nkengasong, US senior bureau official for global health security and diplomacy, who previously headed up Africa CDC (Bloomberg).

**CALIFORNIA:** Gilead Sciences, Inc. (Nasdaq: GILD) announced it is issuing a voluntary recall of one lot of Veklury® (remdesivir) for Injection 100 mg/vial, to the consumer level. Gilead received a customer complaint and confirmed the presence of a glass particle in the vial during the company's investigation (GILEAD news release).

**BAVARIA:** Bavarian Nordic A/S, one of the only companies with a vaccine approved for mpox, has received regulatory approval in Europe for the use of its jab for adolescents. The European Commission extended the current marketing authorization for Bavarian's inoculation to include adolescents 12 to 17 years of age. To date, the shot has only been indicated for adults (Bloomberg).

**MINNESOTA:** The Department of Health has reported two variant H3N2 (H3N2v) flu infections, both involving young people who visited agricultural fairs, where they were exposed to pigs. Investigators found that the patients were not contacts of each other but had attended the same agricultural fair. One child had indirect contact with pigs, and

the other had direct contact. Both have recovered from their infections (CIDRAP).

**THE WORLD:** A new study sheds light on long-term neurological consequences of COVID-19. Researchers found that individuals who had anosmia (the loss of smell) during COVID-19 showed alterations in brain functionality and even physical structure during recovery. This study is among the first to link COVID-19-related loss of smell to significant brain changes (Scientific Reports).

**THE WORLD:** The Centers for Disease Control and Prevention (CDC) has issued a health advisory recommending that select travelers to countries where a certain strain of mpox is endemic should be fully vaccinated prior to going. While the agency has already been advising vaccination for those travelling to countries where clade I mpox is endemic, the CDC's guidance specifically advises that people who "anticipate certain sexual exposures" while in those countries should be fully vaccinated with two doses of the Jynneos smallpox vaccine (The Hill).

**AMERICA:** The rate of sudden unexpected infant deaths (SUID) increased during the COVID-19 pandemic, with a potential link to respiratory syncytial virus (RSV) hospitalizations. Compared with the pre-pandemic period the risk of SUID increased by 6% during the pandemic. On a monthly level, SUID cases were elevated above pre-pandemic levels from July 2020 through December 2020 and especially from June 2021 to December 2021. Increases ranged from 10% to 14% (MedPage Today).

**UNITED KINGDOM:** In a new study, the largest of its kind in the U.K., more than a year after COVID-19 hospitalization, many patients have worse cognitive function than those who weren't hospitalized. The symptom comes with reduced brain volume and brain injury markers on blood tests (CIDRAP).

**CALIFORNIA:** A bird flu outbreak is impacting California's dairy production.

The California Department of Food and Agriculture says 34 total dairy farms have

had bird flu infections in their dairy herds,. Dairy farmers like those at Dutra Farms in Manteca are working to keep the bird flu out (CBS News).

**AMERICA:** Fewer children born during the first 2 years of the COVID-19 pandemic received recommended vaccines compared with those born in the 2 years before the pandemic, according to CDC data. Compared with vaccine coverage during 2018 and 2019, estimated coverage for children born in 2020 and 2021 declined by 1.3 to 7.8 percentage points, depending on the vaccine (CDC Morbidity and Mortality Weekly Report).

**RWANDA:** The East African country is in the grips of its first detected Marburg outbreak, and although its confirmation was only announced on Friday, it is already clear this could be a large and challenging event to contain. The deadly virus, cousin virus of Ebola, has been transmitting among staff in at least two hospitals in the capital city of Kigali (STAT

**THE WORLD:** The WHO has prequalified Bavarian Nordic's mpox vaccine, Jynneos, which paves the way for wider use in Africa's widening mpox outbreak. Also today, the agency unveiled a mechanism for allocating vaccines and treatments among the outbreak countries. That group now include Morocco, which reported its first case, the first affected country this year in North Africa (WHO news release).

**AMERICA:** The Food and Drug Administration has approved the first flu vaccine that people can administer to themselves at home. The agency on Friday gave the green light for people who have been screened to give themselves the FluMist nasal spray, which can be ordered directly from an online pharmacy,. It's expected to be available next year (NPR).

### **COVID-19, 10/03/2024**

**World Deaths 7,067,260**  
**U.S. Deaths 1,201,488**  
**U.S. Total Cases**  
**103,426,839**

WHO, CDC

## PTSD in the Aftermath Of the Pandemic

COVID killed more than 3,600 U.S. health care workers in the first year of the pandemic. It left many more with physical and mental illnesses — and a sense of abandonment.

Health care workers and unions reported risky conditions to state and federal agencies, but OSHA was understaffed at the outbreak and investigated only about 20% of COVID-related complaints filed officially, and just 4% of more than 16,000 informal reports made by phone or email.

Frontline workers allege that accommodations weren't made for those facing PTSD triggered by the pandemic. Some of the lawsuits have been dismissed, and others are pending.

*KFF Health News 09/26/2024*

## Cuomo Off the Hook on COVID Nursing Home Deaths

A federal judge has dismissed a lawsuit against former NY Gov. Andrew Cuomo over his handling of nursing home deaths during the pandemic.

Families with relatives who died from COVID-19 in nursing homes filed the lawsuit in early 2022, accusing Cuomo's administration of undercounting fatalities.

At a Congressional hearing, Republicans zeroed in on a controversial directive that initially barred nursing homes from refusing to accept patients just because they'd had COVID-19. More than 9,000 recovering coronavirus patients were released from hospitals into nursing homes under the directive, which was rescinded amid speculation that it had accelerated outbreaks.

*Fox News, 09/30/2024*

## You Might Call It a Bad Attempt at Infectious Humor

"Saturday Night Live" tried coughing up some COVID-19-related yuks at the expense of former New York Gov. Andrew Cuomo, who is believed to be eyeing a

political comeback as the Big Apple's next mayor.

"Former New York Gov. Andrew Cuomo is reportedly already interested in running for mayor. Damn, he moves faster than COVID through a nursing home," comedian Michael Che ribbed on SNL's "Weekend Update."

Cuomo is telling close confidantes he intends to run for the mayor's office if Hizzoner Eric Adams resigns or gets booted while battling a criminal indictment involving an alleged pay-for-play scheme.

*The New York Post, 09/29/2023*

## Charged with Killing Roommate, Died Before Trial

Robert Hill, 77, the former Warren, Rhode Island nursing home resident indicted last year for killing Jack Sullivan, his 81-year-old roommate, has himself died of health complications.

The case was dismissed.

Sullivan who was bedridden and could no longer speak, suffered from Alzheimer's disease and Parkinson's disease and was receiving round-the-clock hospice care.

Hill, diagnosed with severe cognitive impairment, had lived at Crestwood for less than three weeks. But he told the nursing home staff Sullivan had been "trying to kill me for 10 years."

*Providence Journal, 10/02/2024*

## Skyline Boss on Trial Next Year for Fraud

Skyline Healthcare's former owner, Joseph Schwartz, will stand trial Feb. 18 on allegations that he perpetuated a nearly \$39 million fraud that played into the collapse of his quickly assembled, multi-state nursing home portfolio.

In May, the judge rejected a plea deal between Schwartz and the US Attorney's Office that called for Schwartz to spend a year and one day in prison and pay \$5 million in restitution.

Schwartz was initially indicted in 2022 on 22 counts related to his alleged failure to account for and pay to the IRS taxes collected from Skyline employees.

## ONE COLUMN

### Did Football Cause Brett Favre's Parkinson's

Several news items recently put professional football and head trauma back in the spotlight.

First a study showed that one-third of (NFL) players believed they had chronic traumatic encephalopathy (CTE).

Then former NFL quarterback Brett Favre revealed he has Parkinson's disease.

Favre said five specialists told him they believed it was likely due to the hits he suffered while calling signals in the NFL. "They all said the same thing," he said in an interview. They said "'If it's not in your family' -- and there's none on either side of my family -- 'then the first thing we look at is head trauma.'" "Well, hell, I wrote the book on head trauma."

The day after Favre's announcement, former Minnesota Vikings quarterback Tommy Kramer posted on social media that he had been diagnosed with dementia.

CTE, Parkinson's-like symptoms, and dementia have been associated with repeated head hits. In disorders like Parkinson's and dementia, etiology often is unknown and questions about causality can't be answered easily.

But an abundance of evidence suggests there are links between playing American football or other contact sports -- particularly at the elite level -- and increased risks of developing neurodegenerative diseases, especially CTE, later in life.

"CTE is a neurodegenerative disease that is triggered by exposure to repetitive head impacts that occur during activities like American football," said researcher Michael Alosco, PhD, of the Boston University CTE Center.

It's both the frequency and the intensity of head impacts that are the drivers of the disease."

So the answer to the question did football cause Brett Favre's Parkinson's disease is 'Yes, Probably.'

MedPage Today, 09/27/2024

## **Not Fixed - NJ Veterans Homes May Get Oversight**

Federal officials are awaiting a judge's signature on a consent decree calling for an independent monitor to force regulatory compliance at two, state-run, veterans' homes in New Jersey.

officials allege those facilities have not fixed any of the long-standing issues that threaten residents' well-being.

The facilities emerged from a federal investigation last year with a lengthy list of operational deficiencies, including infection control problems and poor clinical care.

US Attorney General Merrick Garland filed a civil complaint in the US District Court for New Jersey last month against the New Jersey Veterans Memorial Homes at Menlo Park and Paramus.

McKnight's, 10/04/2024

## **CMS Toughens Stance On Anticonvulsant Use**

MDS has begun more closely monitoring the use of anticonvulsants in nursing homes, adding new reporting requirements to the MDS.

It's seen largely as a response to a critical HHS-OIG report that found nursing homes had increased their use of such drugs even as they reduced reliance on other psychotropic drugs.

Both antipsychotics and anticonvulsants often are used off-label to control agitation in patients with dementia or other cognitive diagnoses. But the changes they make to brain activity come with serious risks.

CMS targeted providers who had patients diagnosed with schizophrenia - broadly linked to the inappropriate use of antipsychotics.

McKnight's, 10/01/2024

## **Most Dementia Residents Have Care in Line with Goals**

New research into nursing home care for residents with Alzheimer's disease or related dementias found that they frequently experience costly and burdensome treatments that do not align with their own care goals.

Overall, though, researchers found that residents who had comfort-focused orders in their treatment plans did receive goal-concordant care.

Of the 4,285 long-stay nursing home residents whose records were analyzed, the study found that 87% received goal-concordant care. Enrollment in hospice was the most common.

*Journal of Post-Acute and Long-Term Care Medical Association, September 2024*

## **HCBS Outdistances Nursing Homes and Other Services**

In 2021 more people received home-and-community-based services (HCBS) such as in some ALF communities than institutional services such as those provided in nursing homes.

HCBS expenditures also accounted for a higher proportion of LTSS spending.

In a report, CMS also notes that states used a combination of programs and state plan options to deliver LTSS state plan home health services being the most common.

Fewer users received LTSS through fee-for-service programs than managed care in 2021 (4 million and 5.2 million, respectively), but the majority of LTSS expenses were for services delivered through FFS (\$112.7 billion, or 62%).

Senior Living, 09/30/2024

## **Lab Owner Pleads Guilty To \$14M COVID-19 Fraud**

An Illinois man has pleaded guilty in a COVID-19 testing fraud scheme. Zishan Alvi, 45, owned and operated a laboratory in Chicago that released negative COVID-19 test results to patients, even though the laboratory either had not actually tested the specimens or the results were inconclusive.

Alvi admitted he knew the laboratory was releasing negative results, but still caused the laboratory to submit \$14 million in claims.

He could get 20 years in prison.

DOJ news release, 09/30/2024

## **Briefly in the News**

Ten people were arrested outside of Hawaii's only women and children's hospital, as a labor dispute involving nurses escalated. The unionized nurses have been locked out of the hospital since they went on a 1-day strike earlier this month, and they have been demonstrating since then (**AP**).

Four hospital employees have been fired after serious accusations of misconduct surfaced last month. Disturbing and sexual images of at least eight patients were allegedly taken inside their rooms at Westmoreland Hospital in Greensburg. Court documents accuse Peter Castellano, 36, Melissa Tompkins, 36, and two other hospital employees, who have not yet been charged, of deliberately antagonizing several elderly patients while taking pictures and videos of them naked (**WPXI-TV**).

Lehigh Valley Health Network in Pennsylvania will pay \$65 million to settle claims that it failed to protect highly sensitive patient information, after hackers leaked nude patient photos (**Washington Post**).

A few communities in Wyoming and others in Kansas and Georgia are defying the trend of closing hospitals in rural areas and building new facilities. For example, Sublette County is the only one in Wyoming -- where counties span thousands of square miles -- without a hospital. The new 10-bed, 40,000-square-foot hospital, with a similarly sized attached long-term care facility, is slated to open by the summer of 2025 (**KFF Health News**).

CMS is reminding long-term care entities of the regulatory expectation that ensures nursing home residents have the unimpeded ability to exercise their right to vote. CMS said Nursing homes must ensure residents are able to exercise their Constitutional right to vote without interference, coercion, discrimination, or reprisal from the facility (**CMS**).

Florida-based Health First is one of 19 new health systems moving to an Epic EHR. The implementation is estimated to

cost \$160 million. That doesn't include ongoing costs to operate the EHR once it goes live in January 2026 (***Becker's Hospital Review***).