

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

*"The healthcare industry has some of the worst cybersecurity practices in the nation despite its critical importance to Americans' well-being and privacy"* U.S. Sen. Ron Wyden after introducing a bill to beef up cybersecurity in healthcare

*"Nursing home operators like Mr. Dean have an obligation to protect their residents during such events, particularly if they are going to rely on federal programs to support or sustain*

*their businesses"* Ronald C. Gathe, Jr., US Attorney for the Middle District of Louisiana, after disgraced operator Bob Dean agreed to an \$8.2 million settlement for skimming funds from federal loans

*"The challenge is we have a bunch of different cooks in the kitchen who are supposed to make the same lasagna, but they all have different recipes"* Melissa Brown, COO, Gravity Healthcare Consulting on CMS plans to combine four MAC regions into two

## It's Not Always Good To Be 'NUMERO UNO'

The Ohio Health Department (ODH) is late on annual surveys for more than half (55.7%) of the state's LTC facilities.

Ohio accounts for 512 of the 538 late surveys in the region. Additionally, the state accounts for 100% of the region's facilities that have not been surveyed in at least two years.

Ohio's 512 also leads the nation in the number of late surveys, with California a distant second with just 296.

ODH is budgeted for 175 surveyors but only has 144 currently. The state recently started using contracted surveyors to augment the survey process.

Ohio Health Care Association,  
News Bites 10/06/2024

## Twenty States Sue CMS To Block Staffing Mandate

Twenty state attorneys general sued to strike down the federal nursing home staffing mandate that one official called "an attack on senior care." It was also joined by 19 LeadingAge affiliates.

The case, filed against CMS in Iowa federal court, represents a new ploy in the battle against the staffing rule.

Providers have argued the rules will be impossible to meet given ongoing shortages of CNAs and an even broader national shortage of RNs that is expected to persist through at least 2030.

Rural states figure to be especially hard hit, which led to bipartisan resistance to the rule.

*McKnight's, 10/10/2024*

## Dept of Justice: Dean Skimmed Federal Funds

The payouts continue to pile up for Bob Dean, who evacuated residents of seven of his nursing homes near New Orleans to a warehouse he owned when Hurricane Ida hit Louisiana in 2021. Residents experienced insufficient sanitation, food and medical care.

Seven died. Hundreds were rescued from the squalid conditions.

Now Dean has agreed to pay an \$8.2 million settlement.

DOJ said Dean skimmed funds – that should have been used to prepare an evacuation site for residents – to his personal bank accounts, "leaving his nursing homes – and more importantly, the nursing homes' residents – unprepared for a hurricane."

*McKnight's, 10/06/2024*

## Feds Accelerating Disaster Relief for Florida Providers

As hurricane Milton was approaching the Florida Gulf coast, CMS is taking action to support providers and suppliers impacted by Hurricane Helene within the FEMA disaster zones.

As a result of the presidential disaster declaration, and HHS public health emergencies declared in the wake of Hurricane Helene,

CMS made available accelerated payments to Medicare Part A providers and advance payments to Medicare Part B suppliers affected beginning October 2.

Accelerated and Advance payments related to Hurricane Helene may be granted in amounts equal to a percentage of the preceding 90 days of claims payments.

*CMS news release, 10/02/2024*

## Nine Pennsylvania SNFs Sold in Contentious Deal

Bankruptcy court approved the \$53 million sale to Kadima of nine nursing homes as part of Chapter 11 bankruptcy proceedings for more than a dozen facilities operated by Comprehensive Healthcare.

The sale does not transfer assets to any insiders, or members of Comprehensive, including but not limited to Ephraim "Mordy" Lahasky, an owner of Comprehensive, who has a separate business relationship as a 5% owner in six facilities operated by Kadima in eastern Pennsylvania.

The government alleged Comprehensive wanted to unload assets before a July trial regarding back wages and overtime, in which Comprehensive was ordered to pay \$36 million.

*Skilled Nursing News, 10/01/2024*

## Five SNFs in Receivership After Workers Weren't Paid

Five Massachusetts nursing homes were placed in receivership after employees reported they weren't paid by Alpha Healthcare on their last payday.

An employee said Alpha Healthcare went to court on September 13 asking for an advance from the state to cover payroll but the request was denied.

At the request of the landlord a Receiver has been appointed, who in turn hired Mamary, Inc. to manage the nursing homes.

Alpha abandoned the buildings last Thursday (9/12) at midnight.

*Fall River Reporter, 10/07/2024*

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

**THE WORLD:** A third of health care workers reported symptoms of PTSD related to the pandemic, according to surveys between January 2020 and May 2022 covering 24,000 workers worldwide. The disorder predisposes people to dementia and Alzheimer's (**KFF Health News**).

**THE WORLD:** During the pandemic, many countries implemented nationwide lockdowns to curb the spread of the virus, Children stayed indoors and played video games. Consequently, as many as 30% of children and teens across the world were nearsighted (myopia) in 2023, a new study has revealed. A study estimates by 2050 740 million people worldwide are expected to have myopia (**Fox News**).

**AMERICA:** Health authorities in the US are studying seven people who developed influenza symptoms after being exposed to a Missouri bird flu patient, raising the possibility of the first human-to-human transmission of the infection. None have tested positive for avian influenza and work is underway to see if they have antibodies to the virus that's been spreading among birds and dairy cows (**Bloomberg**).

**AMERICA:** Seasonal influenza and RSV (respiratory syncytial virus) activity are low nationally, and COVID-19 activity is elevated but declining. The test-positivity percentage for COVID-19 dropped to 11.6% last week from 13.4 % the prior week. Wastewater levels for COVID-19 remain high but low for RSV and influenza (**CDC**).

**DENMARK:** Results from an online survey in Denmark describe fatigue and post-exertional malaise as prominent features 2 to 18 months after COVID-19 infections for both mild and severe cases (**JAMA Network Open**).

**AMERICA:** According to the CDC, the early weeks of flu vaccine availability have resulted in 9.6% adults reporting receipt of a flu vaccine and 4.5% of adults reporting receipt of the updated 2024-25 COVID-19 vaccine. Among adults 75 years and older, 34.0% reported ever receiving an RSV vaccine (**CDC**).

**AMERICA:** U.S. sales of RSV vaccines from GSK (and Pfizer are down significantly after regulators narrowed the targeted age group and said it was a once-in-a-lifetime shot for now, excluding millions of people who got one last year. Some independent pharmacists said demand during the autumn vaccination season for respiratory syncytial virus shots has fallen as much as two-thirds from a year ago (**Reuters**).

**EUROPE:** Full vaccination significantly reduced the risk of several more severe cardiovascular outcomes linked to COVID-19, such as heart attack, stroke, and heart failure. This emphasizes the protective benefits of full vaccination. The increases in cardiovascular risk we saw following COVID-19 vaccination are temporary, and do not apply to the more severe conditions (**European Heart Journal**).

**AMERICA:** Online nonprobability survey estimates suggest that 54 million US COVID-19 infections went uncounted in official records after home tests were widely deployed and institutional testing waned starting in February 2022. Before that time point, the percentage of adults reporting a positive COVID-19 at-home test was similar to results for institutional testing and wastewater monitoring (**JAMA Network Open**).

**THE WORLD:** GSK announced a single dose of its *Arexvy* vaccine against respiratory syncytial virus (RSV) was 43.3% effective in preventing severe illness three years after patients 60 and older first received the shot. Additional data from the phase 3 trial showed the vaccine came with a 94.1% effectiveness in preventing severe RSV when people got it during the first season and 64.2% a year later (**McKnight's**).

**LONDON:** Pfizer won a bid in court to invalidate two of GSK's patents relating to a respiratory syncytial virus (RSV) vaccine. The two pharmaceutical giants are among a number of companies in competition for a vaccine for RSV, which typically causes cold-like symptoms but is also a leading cause of pneumonia in toddlers and older adults. (**Reuters**).

**AMERICA/RWANDA:** U.S. health officials are preparing to screen passengers flying in from Rwanda for symptoms of Marburg virus, a severe infection similar to Ebola. The CDC said starting mid-October, airline passengers who have been in Rwanda in the last 21 days will have their travel to the U.S. rerouted" to one of three airports: Chicago O'Hare, JFK in New York and Washington Dulles in suburban Virginia, (**NBC News**).

**THE WORLD:** Covid-19 could be a powerful risk factor for heart attacks and strokes for as long as three years after an infection, a large new study suggests. The study was published in the medical journal *Atherosclerosis, Thrombosis, and Vascular Biology* relied on medical records from roughly a quarter of a million people who were enrolled in a large database called the UK Biobank (**CNN**).

**AMERICA:** As the country heads into the respiratory illness season, the FDA announced its marketing authorization of the first over-the-counter rapid-antigen COVID-19/flu combination test outside of emergency use authorization. The Healgen Rapid Check COVID-19/Flu A&B Antigen Test takes 15 minutes to detect proteins from both COVID-19 and influenza A and B in nasal swabs (**CIDRAP**).

**ENGLAND:** Using ultra-powered magnetic resonance imaging (MRI), researchers from the Universities of Cambridge and Oxford have demonstrated that COVID-19 infections can damage the brainstem, the brain's "control center." The COVID patients were scanned 93 to 548 days after hospital admission for COVID-19, and their images were compared to 51 age-matched controls without a history of COVID-19 infection (**Brain**).

### **COVID-19, 10/11/2024**

**World Total Cases**  
776,471,644

**World Total Deaths**  
7,068,677

**U.S. Total Deaths**  
1,202,657

WHO

## **Vaccination Protects Against Serious Heart Disease**

Full vaccination against COVID-19 protects recipients from serious cardiovascular disease linked to COVID-19.

The findings come from a review of more than 8 million adults in Sweden who were followed up in national healthcare registers from the end of December 2020—when COVID-19 vaccination began—until the end of 2022.

Outcomes included inflammation of the cardiac muscle or the pericardium, cardiac arrhythmia, heart failure, transient ischemic attack (TIA), and stroke.

Overall, vaccination was associated with decreased risks of cardiovascular disease by about 20% to 30% compared to no vaccination.

*European Heart Journal, 10/10/2024*

## **Proposes an All-encompassing Medicare at Home Program**

Democratic presidential nominee Vice President Kamala Harris has announced a major policy proposal to expand Medicare to include long-term, at-home care services.

The proposal marks a notable shift for the public health insurance program, traditionally limited to older Americans.

Harris announced emphasized the proposed program's potential impact on the "sandwich generation"—the more than 105 million Americans providing care for children and aging parents.

If approved, the initiative would significantly broaden Medicare's scope which currently covers at-home care only under limited circumstances, typically following a hospital stay.

*The Skanner, 10/09/2024*

## **Experts Weigh in On Having Fewer MACs**

CMS is considering whether to consolidate four of its regional Medicare Administrative Contractors into two bodies, resuming an effort to put

payment and denial control into the hands of fewer private companies.

Payment and compliance experts said that whether such a move would help or hurt skilled nursing providers depends on exactly how CMS proceeds — details that are unclear.

MACs are responsible for interpreting and applying CMS rules and penalties and have the power to deny payments, launch audits, and enroll and disenroll nursing homes from the Medicare program.

*McKnight's, 10/06/2024*

## **Nevada Workers Protected But Not Facilities**

Most states offered facilities waivers from COVID lawsuits during the early months of the public health emergency, arguing they were necessary to entice organizations to take on sick patients.

The Nevada Supreme Court has ruled that in part the state's liability waiver only protects individual healthcare providers from COVID losses — not the businesses they work for.

Nevada's high court noted the state regulation was silent on whether immunity extended to healthcare facilities.

That could be a dangerous distinction for nursing homes, whom plaintiffs' attorneys often target with lawsuits rather than going after specific frontline staff.

*McKnight's, 10/10/2024*

## **Fines For Violation of State's Sick Time Law**

As part of ongoing workers' rights enforcement efforts, AG Andrea Joy Campbell announced nearly \$1 million in citations against five employers across five different industries for their failure to comply with Massachusetts' sick time law and other worker protections.

The employers cited include Tesco a Woburn temporary staffing agency and Allied Health Systems, a home healthcare company.

Each company was cited for violating the Massachusetts' Earned Sick Time Law, which provides workers the right to earn and use up to 40 hours of job-protected sick time per year.

*Massachusetts AG news release, 10/08/2024*

## **ONE COLUMN**

### **What's Sloppy Cyber-Security Cost? How About \$65 Million**

Pennsylvania's Lehigh Valley Health Network (LVHN) has reached a \$65 million settlement in a class-action suit filed over a 2023 data breach. It's an amount the class-action law firm said was likely the largest settlement ever in a healthcare data breach-ransomware case.

LVHN disclosed the incident in February 2023, revealing that ransomware was deployed in early February, and that data was stolen from its network.

The organization provided the affected individuals with two years of identity protection and credit monitoring services.

The hackers — the Alphv/BlackCat ransomware gang — stole personal information from about 130,000 patients and employees. The stolen information included names and addresses, medical treatment and health insurance information as well as Social Security numbers, and banking information.

Furthermore, LVHN revealed, the ransomware group stole "clinical images of patients during treatment" for a limited number of individuals. What LVHN did not explicitly say in its incident notice was that nude photos of patients were also stolen from its systems.

The ransomware gang published some of the stolen information on its leak site, including some nude photos.

Every individual who received a notification letter from LVHN is considered part of the lawsuit and should receive compensation.

A fairness hearing for the settlement's final approval has been set for November 15, 2024.

Should the settlement be approved, every class member will receive a payment ranging from \$50 to \$70,000. Only those who had their nude photos leaked will receive the maximum amount.

*Security Week, 09/12/2024*

## **Tons of Data Make LTC Target for Cybercrime**

The wealth of data held and the special vulnerabilities of the populations they serve raises the stakes for LTC facilities trying to ensure residents' personal information is protected.

The need for stronger cybersecurity is not a new concept for long-term care providers, but legislation introduced last week from Sens. Mark Warner (D-VA) and Ron Wyden (D-OR), chair of the Senate Finance Committee, ups the ante considerably.

The Health Infrastructure Security and Accountability Act would require the HHS to develop and enforce a set of minimum cybersecurity standards for healthcare providers and would remove the existing cap on fines under HIPAA.

*McKnight's, 10/02/2024*

## **PE Firm Files Bankruptcy Claims Duped by Lender**

Goldner Capital Management, a PE firm has filed for bankruptcy and placed blame on what it calls a COVID-era Trojan horse-like lending "scheme."

Samuel Goldner said both GCM and several of its subsidiaries have few assets but somewhere between \$10 million and \$50 million in debts.

Goldner alleged GCM secured a \$20 million loan from Capital Source owned by Capital Foresight which then leased 20 facilities but quickly stopped paying rent, allowing the lending company to seize his assets.

Goldner alleged the operator was paying off the loan first, rather than meeting its rent obligations to GCM.

*McKnight's, 10/09/2024*

## **A New Med Pass Position for Pennsylvania**

Pennsylvania is on the brink of becoming the 35th state to establish the certified medication aide position for nursing homes.

Bill 668 comes during ongoing nursing home staffing challenges and three years after

Pennsylvania was found to have the worst nursing shortage in the country.

CMA hopefuls would be required to complete 40 hours of educational and clinical training and be recertified every two years Gov. Josh Shapiro is expected to sign off on the bill in the coming days.

*McKnight's, 10/10/2024*

## **46 People Sick From Bad Ice Machines Ice**

During 2021–2022, contaminated ice and water from ice machines were linked to 23 *Burkholderia multivorans* cases at two southern California hospitals.

Twenty-three additional, previously unreported *B. multivorans* cases occurred during 2020–2024: 13 at a northern California hospital, eight at a hospital in Colorado, and two additional cases at one of the southern California hospitals.

Although neither the hospitals, nor the brand of ice machine were identified, the CDC said the same brand of ice machine and the same filters, descaling, and sanitizing products were used by all four hospitals.

*CDC news release, 10/03/2024*

## **She Died in Florida in a Milton-Spawnd Tornado**

A tornado spawned by Hurricane Milton, slammed into Spanish Lakes Country Club Village (an ALF) in Fort Pierce, Fla. Wednesday night.

It killed six people in the facility including Debbie Kennedy, 66, of Cayuga County in central N.Y. state.

When home in N.Y. she loved crafts and helped residents of a nursing home decorate their rooms for Halloween.

A couple days before Milton, she send a package to her daughter and seven-year-old granddaughter in N.Y., telling them not to open it until they could all get on video chat together.

The package arrived after Debbie Kennedy was killed.

*SiLive.com, 10/13/2024*

## **Briefly in the News**

The Hezbollah terror group launched more than 200 projectiles at Israel, including rockets and drones, on Yom Kippur, the holiest day for the Jewish people. One drone struck a nursing home in the Israeli city of Herzliya. Although the building was damaged, no casualties were reported. This comes as Monday marked one year since the attack by the Hamas terrorists on Israel, killing 1200 people and launching the current Gaza war (**YouTube**).

From the Major Corporate Decisions department – North Shore Healthcare has changed its name to North Shore Health (**Becker's Hospital Review**).

The Seasons Assisted Living in East Greenwich will soon become part of Saint Elizabeth Community, the state's largest nonprofit eldercare provider. The merger requires regulatory approval. This process is expected to be completed by the end of the year. Once combined, St. Elizabeth will serve 3,000 individuals and have over 600 employees (**GoLocalProv**).

Jeffrey Madison, the former CEO of Little River Healthcare, a Texas hospital, has agreed to pay more than \$5.3 million to resolve allegations under the False Claims Act involving laboratory testing. Between Jan. 2015 and June 2018 Madison allegedly caused the submission of false claims for laboratory testing to federal healthcare programs (**DOJ news release**).

The number of Medicaid program beneficiaries receiving LTSS decreased slightly from 2019 to 2021, but spending increased each year during that time, according to the agency. Nationally, the number of Medicaid LTSS users dropped from 8,919,776 in 2019 to 8,836,143 in 2020 to 8,652,049 users in 2021 (**CMS**).

The 14 million Americans who care for a chronically ill or injured veteran face challenges such as financial insecurity, stress and a lack of support that warrant attention by advocacy groups and the federal government. Roughly 5.5% of the U.S. adult population provides daily care and medical support for a veteran, services worth an estimated \$199 billion to \$485 billion annually (**Military.com**).