

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

*"Our bill is designed to close loopholes and end incentives for private equity pillaging"* Sen. Elizabeth Warren on the introduction of the anti-private equity *Stop Wall Street Looting Act*

*"The reality is, owners of long-term care facilities are extremely diverse and are often run by Main Street, not Wall Street"* a spokeswoman from the American Health Care Association

*"This Final Rule represents not only another attempt from the Biden-Harris administration to impose its policy preferences on the rest of the country but is also monumentally costly and nearly impossible to comply with"* Language in lawsuit filed by 20 state Attorneys General against the staffing mandate

## **Cyber Gang Demanding \$1.48 Million Ransom**

Ransomware gang Rhysida is threatening to dump data on the darkweb that belongs to a Colorado provider of mental health, substance abuse and other healthcare services unless it pays nearly \$1.48 million in bitcoins.

Axis Health System, a nonprofit healthcare organization that provides services ranging from primary care to psychiatric assessments, mental health crisis management and drug addiction treatment.

Axis Health said its primary care patient portal "is currently offline."

The gang also said it has begun publishing 35,310 files, including medical records and discharge reports - allegedly belonging to Golden Age, a Mississippi nursing home.

Gov Info Security, 10/11/2024

## **Appeals Court Backs HHS Makeup of Survey Teams**

A federal appeals court agreed with a lower court that registered nurses don't have to be included in survey teams tasked with investigating adverse events in nursing homes that receive Medicaid reimbursement.

In a 2-1 decision judges from the US Court of Appeals for the Second Circuit affirmed a New York district court ruling attesting that the Medicaid statute requires nursing home survey teams to include RNs during routine annual surveys and their follow-ups but not for investigations of complaints.

The case was spawned by a NY survey team of two dietitians found deficiencies in a complaint survey.

*Bloomberg Law, 10/17/2024*

## **Medicaid Payments Mostly Don't Equal Medicaid Costs**

A new government survey of 13,285 US nursing homes has found that the average provider received 82 cents on the dollar from Medicaid for the costs accrued while caring for residents.

For 40% of nursing homes, Medicaid per diem payments covered 80% or less of their estimated daily Medicaid costs, researchers found.

For 52% of facilities, Medicaid per diem payments covered 80%-100% of costs.

The remainder (8%) received Medicaid payments that exceeded their costs.

*McKnight's, 10/16/2024*

## **Esformes Arrested on Domestic Violence Charge**

Philip Esformes, whose 20-year prison term had been commuted by former President Donald Trump, was arrested Saturday, Oct. 12, 2024, on domestic violence-related charges in Miami Beach.

Esformes was charged with tampering with a victim or witness and criminal mischief involving property damage of \$1,000 or more.

A judge on Monday issued a stay-away order against Esformes, who was arrested

Saturday evening after an argument with his wife and her son at their Miami Beach home.

He was released from jail after posting a \$150 bond.

*Miami Herald, 10/15/2024*

## **Insurance Costs? Get Out The ol' Checkbook**

An analysis by Willis Towers Watson, predicts LTC providers could see their professional liability and property insurance increase by 5% to 10% in 2025.

Capacity deployed to senior living and care remains around \$5-to-\$10 million. Insurance companies are frequently reluctant to deploy significant capacity in litigious venues such as California, Florida. New Jersey and New York.

This prediction jibes with a report last spring by WTW, predicting property insurance costs for LTC would climb by as much as 10% for non-catastrophic policies. Last fall, WTW predicted prices on certain long-term care lines of coverage could spike 20% to 50%.

*Senior Living, 10/11/2024*

## **Distrust Of Ass't Living Drives Desire To Age in Place**

To better understand how decisions about aging in place are made, a team of researchers from the University of Pennsylvania interviewed stakeholders with mild cognitive impairment or mild dementia about their preferences.

Researchers also talked with dementia clinicians, including physicians, advanced practice providers, occupational therapists and social workers.

In addition to a distrust and fear of residential facilities, the investigators found that preferences for aging in place are driven by a desire to preserve independence, perceptions that the best care is delivered by loved ones in the home, and caregiver guilt.

*Journal of the American Geriatrics Society*

*Senior Living, 10/11/2024*

**FREE COVID TEST KITS**  
[covidtests.gov](https://covidtests.gov)

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

**AMERICA:** COVID test positivity has declined to 7.7% nationally, but is a little higher in the Western region that includes the Dakotas, Montana, Wyoming, Colorado, and Utah. Emergency department visits for COVID continue to decline. Hospitalizations remain on a downward trend. Deaths also declined, though CDC provisional data show 424 people died from their COVID infections in the week ending October 12 (*CIDRAP*).

**AMERICA:** KP.3.1.1 is still the dominant COVID-19 variant in the U.S. as it accounts for nearly 60% of positive cases, but recent CDC data shows the XEC variant is not far behind, "CDC is monitoring the XEC variant," Rosa Norman, a CDC spokesperson told USA TODAY. "XEC is the proposed name of a recombinant, or hybrid, of the closely related Omicron lineages KS.1.1 and KP.3.3." (*USA Today*).

**BOSTON:** Scientists and doctors have suspected for years that one cause of the mysterious condition known as long COVID may be reservoirs of the virus that remain hidden in the bodies of its victims long after their acute infections have passed. Earlier this month, a research team unveiled a study suggesting that this is true for almost half of those suffering from the condition. (*Boston Globe*).

**AMERICA:** From *The Lord Protects Fools, Drunks and Little Children Department*: Kids under age 5 represent 6% of the total U.S. population, yet only 0.1% of COVID-19 deaths have occurred in this age group. In fact, preschool-age children who have developed severe COVID tend to have comorbidities (*MedicalXpress*).

**NORTH CAROLINA:** A gathering last year resulted in 10 probable cases of a parasitic infection from undercooked bear meat. The outing in the western region of the state in November culminated in a presumed outbreak of trichinellosis, a rare parasitic disease linked to wild game meat. Trichinellosis occurs when people eat undercooked or raw meat harboring dormant roundworm larvae, the report said (*NBC News*).

**AMERICA:** The rate of hospitalization and death is significantly higher after COVID-19 reinfection among unvaccinated US veterans than after breakthrough infection

among those never infected who had received a vaccine. Among 13,976 vaccinated veterans not previously infected with COVID-19, 11.2% had a breakthrough infection; among them, 11.8% were hospitalized or died within 28 days. Of the 13,976 unvaccinated, previously infected veterans, 18.3% experienced a reinfection; of them, 17.3% were hospitalized (*The Journal of Infectious Diseases*).

**RWANDA:** After 2 days with no new Marburg virus cases, three new infections and one more death have been reported from the disease, raising the outbreak total to 61 cases, 14 of them fatal. The ministry said all new cases reported since its initial announcement have been within a hospital cluster in Kigali and their contacts. Thirty-one people remain in isolation and treatment, and 16 people have recovered from their illnesses (*CIDRAP*).

**THE WORLD:** A study has found that patients with COVID-19 had a 21% greater risk of heart attack, stroke, and death than people with cardiovascular disease without COVID-19 infection. The study also found that non-O blood types (A, B, A/B) were more likely to suffer a major cardiac event after hospitalization (*Cleveland Clinic*).

**SAN FRANCISCO:** Mask mandates are returning for a limited time during cold and flu season in the heart of California's San Francisco Bay Area. With winter fast approaching, several Bay Area counties have recently issued health orders requiring that face masks be worn in hospitals, skilled nursing facilities and other health care settings beginning on Nov. 1 and extending through either March 31 or April 30, 2025 (*Fox News*).

**THE WESTERN HEMISPHERE:** October is the prime time to get a flu vaccine to protect yourself through the worst of the respiratory season. However, keep your expectations in check. This year's shot may be less effective than last year's at preventing severe disease. Newly released data from the Southern Hemisphere, where flu season typically runs from April through September, suggests that this year's flu vaccines offer 34% efficacy against hospitalization, compared to 50% last year. (*The Baltimore Sun*).

**THE WORLD:** It may be time to add Covid-19 infection to the list of possible risk factors for developing type 2 diabetes at a young age. A study found that children and adolescents were one-and-a-half times more likely to be diagnosed with diabetes in the months after having Covid-19 compared to similar kids who weathered other respiratory infections. Obese kids were twice as likely to have new type 2 diabetes post-Covid and those who were sick enough to be hospitalized were almost three times as likely to do so (*STAT*).

**AMERICA:** A recent study on the potential association between vaccination against coronavirus disease 2019 (COVID-19) and facial palsy (FP) researchers found an increased risk of FP within 28 days post-vaccination, especially after the first and second doses of both messenger ribonucleic acid (mRNA) and viral vaccines (*Emerging Infectious Diseases*).

**AFRICA:** Over the past week, Africa's surge of new mpox cases continued, and the region passed a grim marker, with fatal cases passing 1,000 for the year amid several worrying developments, including spread to new countries and in crowded settings that include prisons and refugee camps. Countries in the region reported 3,051 new cases over the past week, along with 50 more deaths, pushing the totals since the first of the year to 42,438 cases and 1,100 deaths (*CIDRAP*).

**DELAWARE:** British drugmaker GlaxoSmithKline sued Moderna in U.S. federal court in Delaware, accusing it of violating GSK patent rights in messenger RNA technology with its blockbuster COVID-19 vaccine Spikevax and RSV shot mResvia. According to the two lawsuits, Moderna's lipid nanoparticles for transporting fragile mRNA into the human body infringe several GSK patents covering similar innovations (*Reuters*).

<b><u>COVID-19, 10/18/2024</u></b>	
<b>World Total Cases</b>	<b>776,546,006</b>
<b>World Total Deaths</b>	<b>7,070,128</b>
<b>U.S. Total Deaths</b>	<b>1,203,648</b>
<b>WHO</b>	

## Stay Ahead of Viral Outbreaks with New Metric

CDC unveiled the new acute respiratory illness (ARI) metric Oct. 4, replacing the influenza-like illness (ILI) on its Respiratory Illness Data Channel.

The new metric paints a broad picture for evaluating overall respiratory illness trends.

When used in combination with laboratory-confirmed, pathogen-specific surveillance, the ARI metric tracks the combined effects of multiple respiratory illnesses in communities.

CDC said the ARI metric categorizes levels of respiratory illnesses as minimal, low, moderate, high or very high. Checking the metric regularly will help IPC staff stay on top of community viral activity trends in their surrounding communities.

McKnight's, 10/16/2024

## MRI Reveals Changes Linked to Long COVID

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 images were captured with a 7-Tesla machine which measures inflammation levels in the brain. Typically, brainstems can only be imaged postmortem, but the 7-Tesla allows researchers to look at the nuclei of brainstems in living individuals.

The inflammation was greatest in patients with longer hospital stays, higher COVID severity, more prominent inflammatory responses, and worse functional outcomes.

Brain, 10/08/2024

## Congressional Dems Push For PE "Accountability"

Democrat members of Congress re-introduced the *Stop Wall Street Looting Act* in an effort to hold private equity firms accountable for the outcomes of the companies they acquire, including LTC communities.

Sen. Elizabeth Warren called PE purchases a matter of "life and death" in healthcare.

But with less than 5% of nursing homes being owned by private equity firms, some think the act is misguided.

AN AHCA spokesperson said "Focusing on private equity in long-term care has become a distraction from the real issues that impact the majority of providers, like Medicaid underfunding and workforce shortages."

McKnight's, 10/15/2024

## Long-term Care Leaders More Bullish on the Biz

An NIC poll revealed that long-term care owners, operators and professionals uniformly have an optimistic outlook on the future of senior housing and care.

On a scale from 1 to 5, with 5 extremely positive, the average overall outlook landed at 4.14.

Of all respondent groups, which included products/services companies, investors and lenders, providers had the strongest outlook at 4.37. Lenders had the lowest, at 4, which is still considered a strong positive rating.

While the survey didn't differentiate between skilled nursing and senior living, both groups would likely say they were in a better place today than in 2023.

NIC, 10/15/2024

## Whistleblower Ruling May End Up Before SCOTUS

A recent ruling in a Florida False Claims Act case may give the Supreme Court the opening it has wanted to review whether whistleblowers can act on behalf of the government to bring lawsuits against healthcare providers.

The law's *qui tam* provision encourages the role of insiders, or whistleblowers, in gathering the evidence federal prosecutors need to pursue a case.

A Federal court ruled that *qui tam* lawsuits allow whistleblowers in False Claims cases to "self-appoint" as officers of the federal government's executive branch in violation of Article II of the Constitution's Appointments Clause.

McKnight's, 10/16/2024

## ONE COLUMN

### Average Cybercrime Ransom Payments Rise for Healthcare

In 2024, the percentage of healthcare organizations paying ransomware demands decreased to 36%, down from 40% in 2023. However, those that did comply faced steeper costs, an Oct. 8 survey from Proofpoint and Ponemon Institute found.

The survey contains insights from 648 information technology and security practitioners in U.S. healthcare organizations.

Proofpoint is a cybersecurity and compliance company and Ponemon Institute is a IT security research organization.

Some of the findings include:

The average ransom rose by 10% to \$1,099,200, compared to \$995,450 in 2023.

Worries surrounding insecure mobile health applications have escalated, positioning them as the top cybersecurity threat in the healthcare sector. In 2024, 59% of respondents identified this issue, a notable increase from 51% in 2023.

Cloud and account compromises ranked as the second most pressing concern, affecting 55% of participants.

Meanwhile, text messaging emerged as the most frequently targeted collaboration tool, with 61% reporting attacks, closely followed by email at 59%.

Fifty-five percent of respondents identified the absence of in-house expertise as a key obstacle to enhancing their organizations' cybersecurity defenses. However, worries about unclear leadership have increased, jumping from just 14% in 2023 to 49% in 2024. Meanwhile, the proportion of respondents citing budget limitations as a hurdle has decreased from 47% in 2023 to 40% in 2024.

Fifty-four percent of respondents said they have integrated AI into their operations, with 28% utilizing the technology specifically for cybersecurity and 26% employing it for both cybersecurity and patient care. Fifty-seven percent of these individuals said they consider AI to be highly effective in enhancing their organizations' cybersecurity posture.

Becker's Health IT, 10/10/2024

## **Florida = Tons of LTC Evacuations But No Deaths**

Last Thursday (October 10) as Hurricane Milton was exiting into the Atlantic Ocean, The Florida Health Care Association held a briefing. CEO Emmett Reid declared that 9000 nursing home residents had been successfully evacuated in advance of the storm.

The Florida Agency for Health Care Administration's Kimberly Smoak said there had been 403 facility evacuations – 222 ALs and 76 SNFs. "As of our morning reporting, we have 552 of our healthcare facilities, including our hospitals, nursing homes, assisted living facilities, and other residential healthcare facilities reporting power outages."

Almost all power was restored by the beginning of last week.

*McKnight's, 10/11/2024*

## **Helene Causes NC Rehab Facility to Temporarily Close**

Rehabilitation in Asheville, NC, has temporarily closed and transferred residents to alternate facilities, thanks to extended water outages and other damage stemming from Hurricane Helene.

CarePartners, along with two other Mission Health-owned facilities, Mission Hospital and Asheville Specialty Hospital, have transported patients to outlying skilled nursing homes and other facilities.

Overall, more than more than 50 CarePartners rehab and long-term acute care patients and 250 employees have been dislodged by ongoing problems from the hurricane that hit more than two weeks ago.

*McKnight's, 10/16/2024*

## **Large Swaths of Residents Without Access to I-SNPs**

More nursing home residents than ever are enrolled in Institutional-Special Needs Plans (I-SNP), but their benefits remain out of reach to large swaths of Medicare beneficiaries, especially those living in the upper Midwest and Western states.

"I-SNP benefits are tailored to the needs of long-term nursing home residents and provide an on-site nurse practitioner who

works with nursing home staff to improve primary care, care planning, and care coordination," researchers reported in the study.

"As a result, I-SNPs may be better suited than D-SNPs to address the care needs of dual eligibles who are long-stay nursing home residents."

*Health Affairs, 10/09/2024*

## **Video Camera Caught CNA Assaulting Resident**

A North Carolina TV news team did a report on a substandard nursing home in September and ultimately learned of an assault on a resident in 2022 that resulted in a CNA doing jail time.

The widow of a man who was assaulted by a staff member while staying at Carver Living Center in Durham provided a video showing her husband being assaulted by an aide during a diaper change.

Rodney Wynn was sentenced to a minimum of 60 days in jail and forbidden to work as a CNAs again.

*WRAL-TV, 10/17/2024*

## **New York Nursing Homes De-prescribe Residents**

It's estimated that 50% of long-term care residents receive nine or more medications, making the group twice as likely to experience adverse drug reactions.

The United Hospital Fund's collaboration with seven New York nursing homes spurred an 8% decrease in the number of potentially harmful medications prescribed to residents.

Some of the medications targeted included antihistamines, antidepressants, and opioids, which declined by 68%, 62% and 53%, respectively.

The test period saw a decline in the number of residents receiving 10 or more medications and a decrease in falls and hospital admissions.

*McKnight's, 10/11/2024*

## **Briefly in the News**

In a negligence case, after the rape of a 13-year-old patient by another patient at Pavilion Behavioral Health Services in Illinois, a jury awarded \$60 million in compensatory damages to the plaintiff – the victim's mother – and \$475 million in punitive damages. A judge has now reduced the punitive damages to \$120 million but denied Pavilion's request for a reduction in compensatory damages. Pavilion intends to appeal the remaining judgement (***Becker's Hospital Review***).

Residents at long-term care communities who had a documented penicillin allergy were 95% less likely to receive beta-lactam antibiotics — the kind often preferred for many infections. Using alternative antibiotics, including broad-spectrum antibiotics, often leads to less than desirable outcomes, more antibiotic use and an increased risk of antimicrobial resistance (***Antimicrobial Stewardship & Healthcare Epidemiology***).

Walgreens will close around 1,200 of its 12,500 retail stores over three years, including around 500 closures in fiscal year 2025. The company's 2024 fiscal year ended Aug. 31. Walgreens saw an operating loss of \$978 million in the fourth quarter of 2024, a 117.1% loss increase compared to the same period last year. Net loss was \$3 billion, compared to a \$180 million net loss in the fourth quarter of 2023 (***Walgreens 2024 Earnings Report***).

In 2013, the NYU Grossman School of Medicine launched an accelerated three-year MD pathway to reduce student debt. The fast-track option is geared toward those who have already chosen their career path, as the fourth year typically is for electives in different specialties. Now, a study indicates that graduates of the three-year medical school program performed as well as their four-year counterparts (***Academic Medicine***).

The costs of the Change Healthcare cyberattack continue to grow for parent company UnitedHealth Group. UnitedHealth estimated the company would absorb about 75-cents per share or \$2.87 billion from the February ransomware attack (***Becker's Health IT***).