

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"There was a cruelty with which President Biden maligned the nursing home sector" *Brendan Williams, CEO of the New Hampshire Health Care Association*

"Several primates have escaped from the Alpha Genesis facility on Castle Hall Rd" – alert from Yemassee, S.C. PD when 43 young female rhesus macaques escaped from a nearby research facility run by the National Institute of Allergy and Infectious Diseases.

"Having a consistent rule across the board will also cut down on employees seeking this benefit from another employer, which could also improve employee retention" *Kiersten Reed, CEO at LeadingAge Nebraska after voters approved mandatory paid sick leave*

Paid Sick Leave Could Help LTC Providers

Several states - Missouri, Alaska and Nebraska – passed initiatives last week that could soon make paid sick leave mandatory for employers. The three join 8 other states and Washington, DC, in approving paid sick leave.

This could be a key to avoiding attrition for long-term care providers in particular.

A *Health Affairs* study found that states that had paid sick leave during the pandemic saw 400 fewer COVID-19 cases per state, per day.

And another study from the University of Pittsburgh Graduate School of Public Health reported that paid sick days reduce influenza cases by approximately 6%.

McKnight's, 11/08/2024

With Trump's Win Staffing Mandate DOA?

After President-elect Donald Trump claimed a decisive victory, many long-term care stakeholders were looking forward to sweeping policy changes.

Providers hope to seize on Trump's anti-regulatory outlook, reverse the Biden administration's onerous new staffing requirements set to go into effect starting in 2026 and undo current opposition to for-profit nursing home ownership.

Linda Couch, senior vice president of policy for LeadingAge, said if no lame-duck activity overrides the staffing mandate, the Trump administration could decide to suspend implementation and issue a final rule repealing it.

McKnight's, 11/06/2024

Even With Trump in, Some Things are Questionable

Full-year budget processes also could spell bad news for patients and providers.

Some Republicans have pushed for across-the-board spending reductions that would drive down healthcare spending.

While some settings can rely on insurance companies and private pay to boost their bottom lines, skilled nursing providers are almost predominantly dependent on Medicare and Medicaid payments.

Trump has proposed that his confidant Elon Musk join his cabinet as "secretary of cost-cutting;" Musk has said he wants to eliminate \$2 trillion from the federal budget.

Providers are hopeful no Musk proposals emerge "that would injure Medicaid and Medicare."

McKnight's, 11/06/2024

SNF Settles Sleep Disorder Suit for \$80K

A Texas skilled nursing facility is out \$80,000 after it was accused of having violated the Americans with Disabilities Act, which "prohibits disability discrimination and retaliation against an employee with a disability."

VibraLife of Katy, Texas failed to reasonably accommodate an employee with a sleep disorder and became the defendant in an EEOC, disability discrimination and retaliation lawsuit.

The employee was scheduled to work three, 12-hour shifts each week, but a fourth shift every other week was added.

After the employee noted the original job posting featured a three-day work week in her accommodation request, she was demoted and terminated.

EEOC news release, 10/31/2024

Fraud Allegations Hit PACS Stock Plummets

PACS Group (284 facilities) stock has dropped nearly 33% since mid-day Monday, triggering automated halts in trading following a scathing report from Hindenburg, a financial firm specializing in "short selling" that accused the company of "scamming" the government and investors.

It described an investigation based largely on interviews of former employees and publicly available financial reports that ultimately accuse PACS of fraudulent charting and billing activity. The lengthy report, however, cites no active government investigations or hints of forthcoming civil or criminal charges.

Specifically, Hindenburg accuses PACS of abusing the COVID-era waiver of Medicare's required three-day stay.

McKnight's, 11/06/2024

SNF Can Continue Fight Over \$5M Staffing Bill

A federal judge has allowed a nursing home chain to contest a \$5 million claim from Nursa, a temporary staffing firm.

Nursa initially sued Oxford Valley Health seeking payment for unpaid bills amassed over a little more than a year, including \$4.2 million in nurse placement fees and about \$781,000 in late fees. Interest continues to accrue.

At issue is a requirement that the staffing agency document the clock in/out records, or any other form of documentation to substantiate that the clinician performed the work during the invoiced shifts, which the Oxford Valley said were not provided.

McKnight's, 11/05/2024

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

AMERICA: While the lockdowns associated with the COVID-19 pandemic led many families to eat more meals at home, they had an additional benefit: an increase in the quality of family time during those dinners. A study found that families who ate together more often during the pandemic also had more positive interactions, shared news and information, and even embraced technology such as videoconferencing to connect with distant family members (*Science Daily*).

SOUTH CAROLINA: Forty-three young female rhesus macaques escaped from Alpha Genesis, a biomedical primate research company that breeds monkeys during the week and are still on the run. Alpha Genesis is a biomedical primate research company that breeds monkeys at the primate colony run by the National Institute of Allergy and Infectious Diseases. The company is trying to entice the monkeys back with food (*STAT*).

AMERICA: JDM Supply LLC (JDM) was charged with conspiracy to introduce misbranded devices into interstate commerce with intent to defraud or mislead. In 2020, during the earliest phase of the COVID-19 pandemic, JDM and an unnamed company conspired to ship facemasks that were misbranded as National Institute of Occupational Safety and Health-approved, N95 respirators. Two men were charged with introduction of misbranded devices into interstate commerce and conspiracy to commit price gouging (*DOJ*).

THE WORLD: A largely unnoticed surge of rare but deadly fungi is accelerating around the world, helped by the Covid-19 pandemic and a warming planet that appears to be training them to survive at higher and higher temperatures. While the pandemic's grisly scenes of packed intensive care units and rows of patients on intubators have largely faded from public view, its legacy in the form of driving fungal spread is only now being understood by doctors and scientists (*Bloomberg*).

CONGO: Health officials say mpox cases in Congo appear to be "stabilizing" — a possible

sign that the main epidemic for which the World Health Organization made a global emergency declaration in August might be on the decline. In recent weeks, Congo has reported about 200 to 300 lab-confirmed mpox cases every week. That's down from nearly 400 cases a week in July. (AP).

GAZA: Nearly 94,000 children in Gaza City received a second dose of polio vaccine last weekend in an effort that was delayed by intense Israeli bombardment and mass evacuation orders in northern Gaza. The second phase of the vaccination campaign was originally set to begin on Oct. 23 across the north of the territory, but it was postponed because of a lack of assurances about pauses in the fighting and bombardment to ensure the safety of health workers (The New York Times).

WASHINGTON state/CALIFORNIA: An eagerly anticipated serology study in farm workers exposed to H5N1-infected dairy cattle shows that 7% had antibodies suggesting prior infection, findings that triggered enhanced testing, prophylactic (preventive) treatment, and PPE from the CDC. The number of H5 avian flu infections in farm works continues a slow but steady rise. California reported one more infection in a dairy worker, and Washington state reported two more in poultry cullers (*CDC*).

AMERICA: Fewer than 1 in 6 health care workers in hospitals and nursing homes reported getting COVID-19 boosters during the 2023-2024 respiratory virus season, a Centers for Disease Control and Prevention study found. The drop-off followed the expiration of a Biden administration vaccine mandate for health workers in June 2023 and the end of free access to government-funded COVID shots. (AXIOS).

SAN FRANCISCO: Two new studies highlight body mass index (BMI) in children during the COVID-19 pandemic, with one finding a 25% and 42% higher risk of long COVID among obese and severely obese children, respectively, and the other showing that the proportion of overweight or obese youth rose 5% amid the 18-month public-school closure in San

Francisco. ... Relative to participants with a healthy BMI, those with obesity were at a 25.4% higher risk for long COVID, and those with severe obesity were at a 42.1% higher risk. (CIDRAP).

CANADA: Canadian researchers highlight diagnostic challenges with the World Health Organization's clinical definition of long COVID, with a study showing that over a third of previously infected emergency department (ED) patients met the criteria—as did a fifth of those who reported no history of infection. Of COVID-19 survivors, 38.9% reported at least one long-COVID symptom at 3 months (*Nature Communication*).

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*).

AMERICA: Levels of mistrust in the science behind COVID-19 vaccines have hovered at about 35% for the past 3 years among US adults, while the greatest levels of trust were seen among men, people with university degrees and high median outcomes, and those who had lost someone to COVID-19. Researchers from the City University of New York and the Barcelona Institute for Global Health evaluated responses to online surveys conducted in 2021, 2022, and 2023 as part of a larger study to understand determinants of COVID-19 vaccine acceptance in 23 countries (*Vaccine: X*).

<u>COVID-19, 11/08/2024</u>
World Total Cases 776,696,616
World Total Deaths 7,072,509
U.S. Total Deaths 1,205,461
WHO

LTC Staff Shortages May Keep Flu Vax Rates Low

With influenza's peak season is quickly approaching, some providers have vaccine mandates in place to stop the unnecessary transmission of viruses.

A study from the *American Journal of Infection Control*, however, confirms that the majority of operators do not.

The report found, for example, that only 11% of Florida's 3,700 long-term care communities require the flu vaccine for staff.

Adults 65+ account for 70% to 85% of seasonal flu-related deaths in recent years. Yet, experts say worker shortages, and the fear of agitating resistant employees, may be the biggest reasons vaccines aren't mandated in every state.

McKnight's, 11/01/2024

They Voted to Keep LTC Tax in Washington

Voters in Washington state voted to keep the nation's first payroll tax dedicated to long-term care coverage, rejecting a ballot initiative that would have made the program voluntary and eroded its value.

More than 55% voted against the measure which promised to amend the Washington Cares Act and allow workers, including the self-employed, to opt out of the state's nascent long-term care insurance program.

Both LeadingAge Washington and the Washington Health Care Association had opposed the initiative, as did 150 other health and social safety net organizations.

The program started collecting a mandatory 0.58% payroll tax from workers' paychecks in July 2023.

McKnight's, 11/08/2024

Maine SNFs Grapple With M'caid Rate Uncertainty

Maine is planning to implement a new system for issuing MaineCare (Meicaid) reimbursements to nursing homes on Jan. 1, but providers still don't know what their rates will look like.

"Providers are very anxious to know what their rates are. It's hard to plan for the future and Jan. 1, 2025, is just around the corner," Angela Cole Westhoff, president and CEO of the Maine Health Care Association.

Maine's new system sets a base rate for all nursing homes at \$232.01 PPD based on an assumed 4.44 hours of direct care PPD – higher than current state and federal requirements.

Bangor Daily News, 11/04/2024

Athena Sells Five More In Connecticut, Closes One

For the second time this year nursing home operator Athena Health Care Systems has sold off a significant portion of its Connecticut portfolio.

Athena recently sold five of its remaining 15 Connecticut facilities for a combined total of more than \$30 million.

Earlier this year, Athena sold off five other Connecticut facilities for a combined \$30.63 million.

Meanwhile, another Athena facility – Abbott Terrace Health Center in Waterbury closed last week after CMS stripped it of its ability to receive federal reimbursement.

An Athena spokesperson said there was no connection between those sales and the closure.

Hartford Business Journal, 11/04/2024

Resident Suspected in Murder of His Roommate

Officers arrested a man suspected of killing his roommate at Silverado Memory Care, a nursing home in Ventura County, California.

Police had been called to help control an unruly resident who had broken a window and threatened staff.

After Thomas Buckley, 58, was detained by police, Silverado staff Buckley's roommate Michael Patterson, 72, dead from an assault in their room.

Officers arrested and booked Buckley for murder, assault with a deadly weapon and vandalism. He's being held on \$2 million bail.

KTLA-TV, 11/02/2024

ONE COLUMN

A Growing American Distrust in Vaccines

In a national health survey by the Annenberg Public Policy Center at the University of Pennsylvania a growing proportion of Americans believe COVID-19 vaccine misinformation and are unwilling to be vaccinated or to recommend it to others.

The July 2024 survey was conducted amid the ongoing surge of US COVID-19 cases and hospitalizations and before last week's Food and Drug Administration approval of updated COVID-19 vaccines.

As of July, 28% of survey respondents mistakenly believed that COVID-19 vaccines have caused thousands of deaths, up from 22% in June 2021, while the proportion who know this is untrue fell from 66% to 55% over the same period.

Twenty-two percent of Americans believe the falsity that it's less risky to get infected with COVID-19 than to get the vaccine, more than double the 10% with the belief in the months following the 2021 vaccine rollout.

The proportion of respondents who mistakenly think that COVID-19 vaccines change human DNA reached 15%, nearly double the 8% who believed it in 2021.

As of July, only 20% of those surveyed were somewhat or very worried that they or a family member will contract COVID-19, down from 25% in February 2024 and 35% in October 2023. In February 2024, 44% of respondents said they were "somewhat likely" or "very likely" to get a yearly COVID-19 vaccine if the CDC recommended it, a drop from 52% in June 2023.

While 66% of respondents said in July that the benefits of COVID-19 vaccines outweigh the risks, higher proportions believe that is true for other vaccines (70% for mpox; 74% for RSV vaccine; and 89% for the measles, mumps, and rubella vaccine.

Annenberg Public Policy Center
news release,

SNFs Did Well with Gov't Funds, Then They Stopped

A new study confirms just how much COVID-era government funding buoyed America's nursing homes - and just how little extra cash they have on hand two years later, ahead of a major staffing rule that threatens their financial viability.

An influx of COVID-19 public health emergency funding, including PRF and PPP payments, allowed many nursing homes to remain profitable through 2021.

But after that pipeline shut off in 2022, for-profit nursing homes saw their net incomes drop to \$1.68 per resident day, while nonprofit providers were plunged into the negative at a rate of \$31.18 per resident day.

McKnight's, 11/05/2024

Traveling Nurse Guilty of Tampering with Morphine

A former traveling nurse has pleaded guilty in federal court in Boston to tampering with morphine at a Massachusetts rehabilitation facility.

while working as a traveling nurse assigned to an unnamed rehabilitation center, LaBroad tampered with two bottles of morphine on her medication cart, using a syringe to extract morphine from the bottles, and injecting another liquid into the bottles to replace the morphine she had removed.

Investigators seized the bottles immediately after her shift and laboratory testing confirmed that the bottles each contained less than the declared concentration of morphine. She could get ten years in prison.

DOJ news release, 11/07/2024

Iowa Nursing Homes Agree to Pay Millions

More than 50 privately owned Iowa nursing homes have agreed to reimburse the state \$13.9 million in unpaid fees.

Records obtained through the state's Open Records Act showed that 52 Iowa nursing homes owed the state more than \$10.7 million in fees the state had so far failed to collect.

The Iowa Department of Health and Human Services said it has entered into payment plans with many of the care facilities.

Two of those facilities owe the state \$1.3 million each.

The Hawk Eye, 11/02/2024

Docs Down, Dialysis And Home Health Up

CMS has gone ahead with a 2.9% cut to Medicare physician reimbursements for 2025. The action sets up a lobbying fight when Congress gets back to Washington after the elections.

CMS published the Medicare Physician Fee Schedule final rule last week which retains the payment reduction the agency proposed in July.

The American Medical Association and other physician societies are pleading with Congress to stop the cut from taking effect or blunt its impact—as it did for 2024 and prior years.

At the same time the Agency has approved a small increase (0.5%) for home health and a 2.2% increase for dialysis providers.

Modern Healthcare, 11/01/2024

Nurse Burnout = Less Safety More Medication Errors

A new study has found a direct link between nurse burnout and unfavorable patient and facility outcomes, including medication errors and a degraded safety culture.

The study of 85 studies and 288,581 nurses concluded that nurses who suffer from burnout - emotional exhaustion, depersonalization and a low sense of personal accomplishment - have a negative impact on patients.

This review comes to a different conclusion than a targeted study of 90 nursing homes that said there was no connection between burnout and certain negative patient outcomes.

Talk of burnout became more prevalent during the pandemic, when 68% of nurses experienced burnout.

McKnight's, 11/06/2024

Briefly in the News

Not having — or losing — your sense of smell may be linked to changes in breathing that could lead to depression, social isolation or other mental and physical health problems. It's more evidence of how important this often neglected olfactory sense is. A new analysis of breathing data from 52 volunteers over a 24-hour period revealed that people with a normal sense of smell had little spikes, or “sniffs,” during each breath that were not seen in those with no sense of smell, according to the report published in *Nature Communications* on Tuesday (**NBC News**).

Dr. Kenneth Fishberger, of East Setauket, New York, was charged with one count of conspiracy to commit healthcare fraud. It is alleged that from 2013 through 2019, Fishberger ordered hundreds of medically unnecessary TCD scans in exchange for kickbacks and used false diagnoses to order the unnecessary brain scans. In exchange, Fishberger was paid cash kickbacks resulting in fraudulent bills of approximately \$650,000 to the VA (**VA-OIG**).

Loretto, a major provider of skilled nursing care in central New York, and 1199SEIU, have partnered together to fund the first federally recognized LPN apprenticeship program in the nation. Loretto and SEIU provide funding for the 11-month apprenticeship program, which costs about \$65,000 per student. So far, about 96% of those who have completed the program have passed the exam. (**McKnight's**).

As part of its bankruptcy restructuring, Guardian Health has sold eight of the system's skilled nursing facilities to GBK Eight. Guardian filed for Chapter 11 in the U.S. Bankruptcy Court for the Western District of Pennsylvania on Oct. 30. Guardian also transferred operations of 11 skilled nursing facilities to Oxford Valley Health (**Becker's Hospital Review**).

A new study from the University of Kansas Life Span Institute, found that parents seeking information on their children's health are turning to AI more than human doctors and other health care professionals. The research also revealed that parents rate AI-generated text as "credible, moral and trustworthy." (**Journal of Pediatric Psychology**).