

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"This overly-demanding and unrealistic staffing rule from the Biden Administration directly jeopardizes our seniors' healthcare services, especially in rural areas like West Virginia" Sen. Joe Manchin (I-WV) on the introduction of the *Congressional Review Act – a resolution* of disapproval to overturn the staffing mandate

"Lawmakers don't appear to have the votes to disapprove the rule, but they might be able to force a floor vote, which could be embarrassing for the administration" Julie Rovner, KFF's chief Washington correspondent

"This is a really big deal" Mona Shah of Community Catalyst, a nonprofit that's pushed for expanded medical debt protections for patients on the proposal to eliminate medical debt from credit scores

Wonder If They'll Think About Sex a Lot

Scientists at the U.K.'s University of Oxford have found a potential dementia treatment from an unlikely source: Viagra.

Viagra is the commercial name for a compound called sildenafil, which is used to treat erectile dysfunction by increasing blood flow to the penis. But, according to new research, it may also improve blood flow to the brain.

In their study, published in the journal *Circulation Research*, the team found that in a test of 75 patients, sildenafil, increased blood flow in both large and small brain vessels.

The team hopes to replicate their findings in larger-scale trials to explore sildenafil's potential on a broader scale

Newsweek, 06/10/2024

Senate Momentum Swings Toward Repeal of Mandate

The Senate's invocation of the Congressional Review Act has been spearheaded by moderate Sens. Jon Tester (D-MT) and Joe Manchin (I-WV). Tester and Manchin represent the two votes necessary to overcome the slim Democrat majority in the Senate.

Four Senators in the Democratic caucus, Maggie Hassan (D-NH), Jeanne Shaheen (D-NH), Kyrsten Sinema (I-AZ) and Angus King (I-ME), seem to still be on the fence about the measure.

Unlike numerous other Senate bills which have stalled without a 60-vote margin necessary to override potential filibuster, the Congressional Review Act requires only a simple majority to pass.

The Hill, 06/11/2024

Sub-par Staffing, Operator Staffs Up and Pays Up

Next Step Healthcare, operator of 16 long-term care facilities, has settled a staffing case with the Massachusetts Attorney General's office.

AG Andrea Campbell said the agreement is the most expensive ever reached with a SNF in the state.

Next Step agreed to staff at state-mandated levels and pay \$4 million to resolve the allegations, \$750,000 which will go to the state.

The remaining \$3.25 million will be overseen by the independent compliance monitor and must be used for additional staffing improvements, recruitment, retention, additional benefit costs, bonuses, overtime, wage increases, and/or other staffing-related initiatives over the next three years.

Mass. AG news release, 06/10/2024

Proposal: Remove Medical Debt from Credit Scores

Americans would not have to worry about medical debts dragging down their credit scores under federal regulations proposed by the Biden Administration.

The proposed rules would not only bar future medical bills from appearing on

credit reports; they would also remove current medical debts from credit scores, although patients will still owe them.

There's evidence that credit scores depressed by medical debt can threaten people's access to housing and fuel homelessness.

Health care debt, a uniquely American problem, touches an estimated 100 million people, forcing many to make sacrifices such as limiting food, clothing, and other essentials.

NPR, KFF Health News, 06/11/2024

Pittsburgh SNFs May Close if Bankruptcy Sale is Blocked

A group of four Pittsburgh-area nursing homes could close permanently if a US Bankruptcy Court denies their sale.

The transaction could be undermined by a string of financial/legal troubles faced by those facilities, and several others that operate under the same ownership.

The troubled facilities are owned by LME Family Holdings, itself owned 100% by the Lahasky Family Trust – which is tied to controversial nursing home owner Ephram "Mordy" Lahasky.

The four are also among the 15 Lahasky-owned facilities facing allegations from the Department of Labor that they failed to pay \$20 million of overtime wages to 6,000 employees.

McKnight's, 06/12/2024

1 of 12 Without Contracts Now Building's Being Sold

Nearly 200 workers at St. Therese of New Hope, a Minnesota nursing home, say they will walk off without an agreement with the facility's current owners, who have announced plans to sell to Compass Healthcare.

The company said the sale would be completed by August 1. SEIU said that violated the law, which requires a 90-day notice of ownership change.

St. Theresa's members are the last of 12 facilities and hundreds of workers represented by SEIU Healthcare Minnesota and Iowa who walked off the job for 24 hours in March to protest low wages and poor staffing.

Sahan Journal, 06/10/2024

IN THE TRENCHES – COVID-19 in the States, the SNFs, the World

NEW JERSEY: Researchers at Rutgers believe they are among the lead in developing an oral COVID-19 treatment that could supplement or replace Paxlovid, an antiviral drug that aids in preventing hospitalizations among high-risk patients. Their report, published in the journal *Science*, shows that an alternative medication, a viral papain-like protease inhibitor, inhibits disease progression in animals, a necessary step before human drug trials (*SciTechDaily*).

GENEVA: Talks aimed at reaching a global agreement on how to better fight pandemics will be concluded by 2025 or earlier if possible, the World Health Organization said on Saturday. The WHO's 194 member states have been negotiating for two years on an agreement that could increase collaboration before and during pandemics after the acknowledged failures during COVID-19 (*Reuters*).

THE WORLD: A study of nearly 100,000 theories regarding pandemic policy examined the use of any of 19 government responses in 181 countries. About half the time, government policies were followed by better Covid-19 outcomes, and half of the time they were not. The findings were sometimes contradictory, with some policies appearing helpful when tested one way, and the same policy appearing harmful when tested another way (*STAT*).

WASHINGTON, DC: The expert advisory panel for the FDA unanimously voted in favor of selecting the JN.1 COVID-19 subvariant to be targeted by the next round of COVID-19 vaccines this fall. All 16 voting members voted in favor of selecting this lineage for the fall even though with the most recent surveillance data indicating it makes up less than 10 percent of cases (*The Hill*).

WASHINGTON, DC: Vaccine advisers to the FDA recommended switching the SARS-CoV-2 strain from the XBB.1.5 variant to JN.1 for fall vaccine formulations. The recommendation marks the third remake for the COVID vaccine since 2022. The measure unanimously passed, 16 to 0. FDA officials, concerned about further evolution of JN.1, also asked the group to

discuss the possibility of recommending an offshoot of JN.1, such as KP.2, that may more closely match currently circulating strains (*CIDRAP*).

MINNEAPOLIS: A jury convicted five Minnesota residents and acquitted two others for their roles in a scheme to steal more than \$40 million from a program that was supposed to feed children during the coronavirus pandemic. The seven people were the first of 70 to stand trial in what federal prosecutors have called one of the nation's largest COVID-19-related frauds. More than \$250 million in federal funds was taken in the Minnesota scheme overall, with only about \$50 million of it recovered (*AP*).

THE WORLD: A report from the National Academies of Sciences, Engineering, and Medicine presents a number of conclusions about long-COVID diagnosis, symptoms, and impact on daily function, including that the condition can cause more than 200 symptoms, and that a positive COVID-19 test is not necessary to make a long-COVID diagnosis. According to the CDC, 5.3% of Americans currently have long COVID, with a significant proportion of those experiencing disability from the condition (*CIDRAP*).

WASHINGTON, D.C: CityMD has agreed to pay more than \$12 million to the Justice Department for allegedly submitting false claims for payment for Covid-19 testing to the Health Resources and Services Administration governmental program for uninsured patients. The urgent-care chain's settlement resolves allegations related to the violation of the False Claims Act. The act encourages people with knowledge of suspected false claims to sue on the government's behalf (*U.S. Justice Department*).

AMERICA: Former President Trump's new anti-vaccine persona could have far-reaching consequences if he's elected to a second stint as president with far-reaching administrative powers. Public health experts say a White House opposed to immunization mandates could potentially cause upticks in cases of measles, polio and other vaccine-

preventable diseases, or hamper efforts to fight a future pandemic. The CDC could pare back the number of vaccines it recommends children receive or eliminate those recommendations entirely (*Politico*).

AMERICA: Agency for Healthcare Research and Quality (AHRQ) scientists sampled 17,418 adults (extrapolates nationwide to 259 million adults) and concluded 6.9% of US adults – or almost 18 million – have had long-COVID during the course of the pandemic. Women were more likely to report long-COVID than men. Ages 35-to-64 reported more long-COVID than younger and older people. White and Hispanic adults had higher rates of long-COVID than Black and Asian adults. Asians had the lowest long-COVID rate and the highest rate of COVID-19 boosters (*JAMA*).

AMERICA: Treatment with the antiviral drug *nirmatrelvir-ritonavir* (Paxlovid) was linked to a 34% lower risk of all-cause hospitalization among COVID-19 patients aged 12 to 17 years. Most participants in both groups (study subjects and a control group) had limited underlying medical conditions, and about 75% were fully vaccinated and/or boosted against COVID-19 (*Nature Communications*).

COLUMBIA, MO: Researchers at the University of Missouri recently published a study showing that COVID-19 can cause long term damage to the eye if left untreated. They found that while COVID-19 cannot be contracted through the mucosal membrane of the eye, a COVID infection can cause damage to the eye (*KBIA-FM*).

<u>COVID-19, 06/14/2024</u>
Global Cases – Deaths 775,552,205 – 7,050,201
Vaccine Doses Globally 5.47 billion
U.S. Cases – Deaths 103,436,829 – 1,188,195

**Proposed Bill: Slammer Time
for Greedy Providers**

A new Senate bill adds the threat of six years in prison and considerable financial clawbacks and penalties for executives found to have “looted” healthcare organizations such as nursing homes.

The Corporate Crimes Against Health Care Act was introduced by Sens. Elizabeth Warren (D-MA) and Ed Markey (D-MA). The act is the latest sign of intensifying regulatory pressures from the federal government toward long-term care.

Those pressures have been especially focused toward private equity and REITs, which regularly have come under fire for the quality and transparency of their operations.

McKnight's, 06/13/2024

Bill Would Tighten Oversight On Private Equity Purchases

California lawmakers are considering a bill that would tighten oversight of private equity and hedge fund buyers of hospitals and healthcare facilities.

Private equity investment in nursing homes, hospitals and physician groups has been under scrutiny in recent months after a slew of high-profile failures, including bankruptcies and hospital closures.

The bill gives the attorney general the power to halt an acquisition if there is a “substantial likelihood of anticompetitive effects” or if it would affect access of healthcare services delivered to the community.

Becker's Hospital Review, 06/10/2024

Placing COVID+ in SNFs Led To More Cases, Deaths

Early in the pandemic, the practice of admitting COVID-positive to SNFs, led to preventable COVID-19 cases in the SNFs and increased death rates.

A recent study that compared 264 SNFs that admitted COVID-positive residents with 518 facilities that didn't and found that those 264 facilities saw a 31.3% increase in COVID-related cases and a 72.4% increase in COVID-related deaths.

Furthermore, SNFs that reported staff and personal protective equipment (PPE) shortages saw bigger increases in COVID-19 morbidity and mortality.

In those early months half of the nation's deaths occurred in nursing homes, even though they housed only 0.4% of US citizens.

JAMA Internal Medicine, 06/03/2024

Fla. Boosts Funds for Nursing Homes and Dead Mosquitoes

At a budget-signing event in Tampa, Gov. Ron DeSantis signed a \$116 billion budget after vetoing close to \$950 million in spending approved by lawmakers.

The approved budget includes an 8% increase in Medicaid funding for nursing homes.

A wide range of groups quickly praised the budget for including money for their priorities including the Florida Health Care Association.

The budget also included \$750 million for Everglades restoration and received praised from the Florida Mosquito Control Association for \$1 million increase in funding to “combat the world's deadliest animal.”

CBS News, 06/12/2024

Hospital Ass'n. Jumps on New Pre-Auth Bandwagon

The Improving Seniors' Timely Access to Care Act has been reintroduced in Congress.

The bill would establish an electronic prior authorization standard to streamline approvals, reduce the amount of time a health plan is allowed to consider a prior authorization request, require MA plans to report on their use of prior authorization and the rate of approvals and denials.

“By removing unnecessary barriers that create delays in treatment,” wrote AHA, “this meaningful bill will improve access to care for seniors and allow caregivers to spend more valuable time at the bedside with patients and less time on burdensome paperwork.”

American Hospital Association news release, 06/12/2024

ONE COLUMN

Providers Opposed to Expansion of Survey CMPs

As the comment period ended for CMS's proposed rule that updates Medicare payment policies and rates for skilled nursing facilities for fiscal year 2025, a majority of the feedback centered on the possible expansion of the agency's authority to enforce CMPs for noncompliance.

In late March, CMS proposed to expand the penalties under the Skilled Nursing Facility Prospective Payment System so as to allow for more CMPs per instance and per day in the coming year.

As the comment period ended last week, about half of the more than 300 comments received were related to the change in the CMP process.

In contesting the proposed expansion of CMPs, LeadingAge's Jodi Eyigor, director of Nursing Home Quality & Policy, said in her letter to federal officials that it was imperative to update the survey process before considering changing the increasing the penalties.

“CMS continues to labor under the misguided notion that taking money away from nursing homes is the best and only way to bring about compliance, Eyigor said.

“This ignores the obvious fact that taking money away from nursing homes through CMP fines means less money is available for the care and services residents depend on.”

Eyigor also said that if the CMPs were expanded, it would mean less money for training, recruiting and retaining qualified staff at a time when nursing homes were working toward meeting minimum staffing requirements.

Currently, CMS may only enforce either per instance or per day CMPs in a survey, but not both. CMS proposed expansion of authority would allow for both in the same survey, and for multiple CMPs in the same survey for the same noncompliance.

Skilled Nursing News, 05/28/2024

Using COVID Funds To Cut Survey Backlog

Connecticut lawmakers last week agreed to commit \$700,000 in American Rescue Plan Act funds to address concern about nursing home survey backlogs.

The decision was included in a May 30 budget bill toward the end of a legislative session that also increased oversight of the aging services sector.

The state Department of Public Health is wading through a backlog of 2,400 unaddressed complaints from nursing home residents, their families or others and it's receiving about 75 new complaints each month.

Connecticut is not alone.

A series of federal investigations has found significant nursing home survey delays in nearly every state.

CT Mirror, McKnight's, 06/07/2024

Healthcare Workforce Up in May – But Nursing Homes Dip

The number of workers in skilled nursing facilities declined in May, according to federal data published Friday. That stops a months-long positive trend for the sector.

Healthcare in general added 68,000 jobs in May in line with average monthly gains of about 64,000 monthly for the last year, the US Bureau Labor of Statistics reported. Together, nursing and residential care facilities added more than 11,000 jobs.

But the good news stopped at skilled nursing care facilities for which the data reflected a loss of about 0.1% nationwide last month.

McKnight's, 06/10/2024

Activity to Block Federal OT Rule from Taking Effect

Legislation introduced this week in both houses of Congress under the Congressional Review Act, if passed, would block the federal overtime rule from going into effect on July 1.

The move comes as the rule faces challenges in court as well, in two separate lawsuits filed this week.

The overtime rule increases the salary threshold necessary to exempt salaried executive, administrative or professional employees from federal overtime pay requirements to \$43,888 July 1 and Jan. 1 to \$58,656.

The July 1 increase updates the current annual salary threshold of \$35,568, which is based on a 2019 overtime rule update.

Senior Living, 06/07/2024

Union May Strike Four SNFs in NY State

Healthcare workers represented by 1199SEIU could strike four facilities in Western New York after the union filed three unfair labor practice board charges.

The employees work at four facilities operated by the Living Legends Health Network, . Three of which are currently undergoing an ownership change.

The union alleges that workers were subject to "threats of retaliation against union members planning to strike;" "union busting by failing to rehire vacant bargaining unit positions;" and "bargaining in bad faith by implementing their last best and final offer without making movement at the table."

The current contract expired April 30.

WIVB-TV, 06/06/2024

Healthcare Cost Growth Rate Down Except Skilled Nursing

Healthcare cost rates grew by 2.8% year over year in April, down from the growth rate of 3.1% in March.

However, the growth rate in the cost of nursing home care grew, with a year-over-year growth rate increase of 4.5%.

That 2.8% growth rate was less than the rate for last year. In April 2023 prices grew by 6.5% for nursing home care and by 4.4% for home healthcare, year over year.

Personal healthcare spending (spending on healthcare goods and services) was 7.3% higher in March than in March 2023.

Senior Living, 05/23/2024

Briefly in the News

There has been a lot said recently about nursing homes closing, but many hospitals and emergency departments have been forced to close in 2024 due to circumstances like high costs and shifts in care needs. *Becker's* has reported on 13 hospital and emergency department closures so far in 2024 (*Becker's CFO Report*).

Hospitals can get IJs, too. Doctors Medical Center in Modesto, Calif., has been cited for immediate jeopardy by CMS. The Tenet Healthcare-owned hospital was cited for allowing certified registered nurse anesthetists to oversee procedures they had not previously performed at the hospital (*The Modesto Bee*).

When MLK Community Hospital opened in Los Angeles in 2015 with state funding, around 30,000 annual visits were projected for its 29-bed emergency department. The hospital saw four times that amount of annual visits in 2023, with 76% of the visits coming from Medi-Cal, which does not repay full care costs to providers. A The hospital's CEO said they lose money on each patient and may have to close (*Becker's Hospital Review*).

In a study among 45 176 female participants in the Nurses' Health Study, sedentary behavior was associated with reduced odds of healthy aging, while light physical activity was associated with increased odds of healthy aging. Replacing television time with light physical activity, moderate to vigorous physical activity, or sleep (in participants with inadequate sleep) were associated with better odds of healthy aging (*JAMA Network Open*).

An independent FDA advisory panel has unanimously given the green light to Eli Lilly's experimental Alzheimer's drug *donanemab*. The FDA should vote on approval later this year. If approved by the FDA, *Donanemab* will compete with Eisai's drug *Leqembi*. Both drugs are made to remove beta amyloid plaques from the brains of people who have early Alzheimer's disease (*STAT*).