

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Beneficiaries who enroll in MA accept provider networks and utilization management tools such as prior authorization in exchange for additional benefits such as reduced cost sharing, limits on out-of-pocket spending, and other benefits that MA plans can provide" from a report to Congress from the Medicaid Payment Advisory Commission

"There were so many media stories about COVID deniers, but there were actually very few" Gillian SteelFisher, PhD, an author of the report and director of global polling in the Harvard Opinion Research

"This was a long overdue step for those families who are still mourning the loss of their loved ones in New York state" NY Congresswoman Elise Stefanik, a staunch critic of former Governor Cuomo, especially during the COVID pandemic, reacting to an independent report that criticized former Gov. Cuomo's leadership during the pandemic

Study: Fewer RNs Would Kill More Patients

A hospital study that coincides with a nationwide RN shortage, analyzed data from a national sample of 2,676 hospitals and nearly 6.6 million older patients (65-99 years) treated in 2019.

The researchers then looked at the proportion of RNs on the hospital staffs, tying that data to patient outcomes and satisfaction ratings.

RNs made up an average of 76.5% of hospital staff in 2019.

The researchers projected that if the number of RNs were to fall by just 10% a patient would have 7% higher odds of dying in the hospital and 4% higher odds of dying within 30 days of discharge.

The Washington Post, 06/15/2024

Info Sharing – PointClickCare Sued by Analytics Firm

Real Time Medical Systems has asked a federal judge to force the nation's largest post-acute EHR provider to keep its clients' data accessible.

PCC fired back, arguing that it has integrated with about 1,900 other companies to share data via "stable and secure access" that protects patients' electronic health information.

PCC argued. "Allowing bots to launch unlimited high-volume queries to a healthcare database, as RTMS desires, would damage PointClickCare's system by (1) causing delays and outages that harm the patients who rely on it; and (2) permitting malicious actors to deploy bots to damage or manipulate patient data.

McKnight's, 06/13/2024

Ransomware Attacks Spiked After Change Hack

Following Change Healthcare's admission that it paid off hackers after its ransomware attack, there has been a spike in healthcare-related cyber incidents.

In April, cybersecurity firm Recorded Future identified 44 instances of cybercriminal groups targeting healthcare organizations with ransomware attacks. These attacks involved stealing data, encrypting systems and demanding ransom payments while holding networks hostage.

This marks the highest number of healthcare ransomware victims recorded in a single month during Recorded Future's four years of data collection.

Although the exact cause of the increase is uncertain, it is unlikely to be a coincidence.

Wired, Becker's Hospital Review, 06/13/2024

CMS Winding Down Fiscal Assistance from Change Hack

CMS will no longer accept requests for advanced payments after July 12.

It provided \$2.55 billion in advanced payments to 4,200 Medicare Part A

providers through the program and \$717.2 million in payments to Part B providers. UnitedHealth Group, which owns Change Healthcare, has provided \$6 billion in assistance to affected providers. CMS reported it has been repaid 96% of the advanced payments it issued.

Change Healthcare, the largest healthcare claims clearinghouse in the U.S., was hacked by a ransomware group in late February. The outage led to disruption across the healthcare system.

CMS news release, 06/17/2024

The \$75 Million Recruitment Effort? What's Happening?

You may remember CMS committed to spending \$75 to develop more nursing home workers.

Providers have become skeptical. The \$75 million amounts to less than \$5000 per American nursing home.

A recent CMS letter of respond to a letter of inquiry about the program from LeadingAge revealed that development plan is still being – well, developed.

"Currently, we are conducting comprehensive research to help inform the structure of ... the campaign," wrote CMS Administrator Chiquita Brooks-LaSure.

The \$75 million in funding will begin to be distributed in 2025, according to CMS, and will be drawn from federal civil monetary penalties.

McKnight's, 06/13/2024

Delaware is Determined to Clear Its Survey Backlog

Delaware has already been among the most successful states at clearing its backlogs — having addressed more than 90% of its outstanding surveys by spring 2024.

Senate Bill 215, passed recently, formally requires surveys to be conducted on an annual basis - updating old wording that vaguely required surveys to be done on a "regular" basis.

The state's successful strategy has involved contracted surveyors to supplement state surveyors.

McKnight's, 06/18/2024

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

AMERICA: Wastewater data from the CDC shows that although viral activity levels are still low nationally, levels have more than doubled in the western U.S. over the last month. Additionally, COVID emergency department visits for the week ending June 8 rose 12.6% from the week prior, according to CDC data. Traditionally, the U.S. has seen increases in COVID every summer, typically after the Fourth of July, but public health experts said Americans will likely see a "drift upwards" rather than a surge (**ABC News**)

DETROIT: Rep. Marjorie Taylor Greene (R-Ga.), speaking at a Turning Point Action conference vowed to have former director of the National Institute of Allergy and Infectious Diseases Anthony Fauci sent to prison over his handling of the COVID-19 pandemic. "Dr. Anthony Fauci should be tried for crimes against humanity," Greene said at the conference (**The Hill**).

AMERICA: The initial closure of schools was not a mistake, Dr. Anthony Fauci said Tuesday on "CBS Mornings," but he questioned the length schools were kept shut. "How long you kept it was the problem," Fauci said, "because there was a disparity throughout the country. I kept on saying, 'Close the bars, open the schools. Open the schools as quickly and as safely as you possibly can.' But initially to close it down was correct. Keeping it for a year was not a good idea." (**CBS News**)

AMERICA: While working groups, national governments, and health organizations have all offered definition of long-COVID, no general consensus exists. The The National Academies of Sciences, Engineering, and Medicine (NASEM) has now published a new consensus diagnosis for long-COVID. definition, which can be applied to both children and adults, reads: "Long COVID is an infection-associated chronic condition that occurs after SARS-CoV-2 infection and is present for at least 3 months as a continuous, relapsing and remitting, or progressive disease state that affects one or more organ systems" (**CIDRAP**).

CALIFORNIA: COVID-19 markers in California have begun their expected summer uptick, driven by increased travel, indoor activities due to the heat and new coronavirus variants collectively known as FLiRT. These factors prompted a nearly 30% rise in COVID-19 related emergency room visits in California in the last week of May – the most recent reported time period (**San Francisco Chronicle**).

AMERICA: This fall, prepare for the latest round of COVID vaccine Whac-a-Mole. Like the old arcade game, no matter how many shots we get, the virus always pops back up. But here's why the new shot, recommended by FDA advisers last week, makes sense: It targets a new version of the virus, the FDA panel said. It bolsters your body's ever-growing defense system (**Bay Area News Group**).

LOS ANGELES: City employees who left or were fired because of noncompliance to LA's 2021 vaccination policy can now reapply for their positions. The Los Angeles City Council voted Tuesday to establish a pathway back to employment to assist about 86 employees who were affected. The council also voted Tuesday to lift the city's policy requiring municipal employees to be vaccinated for COVID-19 (**CBS News**).

CAPITOL HILL: During a hearing in the U.S. Senate Homeland Security and Governmental Affairs Committee Gregory Koblentz, associate professor and director of the Biodefense Graduate Program at George Mason University in Virginia, said debate continues in the scientific community about the origins of the pandemic, however "The possibility that SARS-CoV-2 was deliberately developed as a biological weapon has been unanimously rejected by all U.S. intelligence agencies" (**The Hill**).

WASHINGTON, DC: On June 5, the FDA's vaccine advisory group recommended a switch to the JN.1 variant, though it held off on recommending the KP.2 offshoot of JN.1, partly due to uncertainties about further evolution of SARS-CoV-2 strains. On June 13 the FDA said that, based on the latest data, including rises in COVID-19 activity in some parts of the country, the

preferred vaccine lineage is KP.2, and that a switch from the original JN.1 recommendation is intended to ensure that 2024-25 COVID vaccines more closely match circulating strains (**CIDRAP**).

AMERICA: In a respiratory virus illness snapshot, it's estimated that COVID levels are growing or likely growing in 34 states or territories, declining in 1, with the trend uncertain in 14 states. "An increasing proportion of the variants that cause COVID-19 are projected to be and LB.1 and KP.3 LB.1 is another JN.1 offshoot showing rising proportions. CDC wastewater tracking show that overall levels are low, but up sharply in the West (**CDC**).

CALIFORNIA: Two top executives of a telemedicine company have been charged with providing stimulants over the internet in a scheme that U.S. Attorney General Merrick Garland described as "exploiting the COVID-19 pandemic to defraud taxpayers." Ruthia He and David Brody allegedly arranged for the prescription of over 40 million pills of Adderall and other stimulants for clients with no medical need. They are alleged to have illegally realized over \$100 million in revenue (**Justice.com**).

AMERICA: In a poll by the Harvard T.H. Chan School of Public Health and the de Beaumont Foundation most Americans said four main pandemic strategies were "generally a good idea," including mask requirements in stores and businesses (70%), healthcare worker vaccination requirements (65%), indoor dining closures (63%), and 56% agreed with K-12 public school closures. Only 20% said all four strategies were "generally a bad idea," while 42% said all four were a good idea (**CIDRAP**).

COVID-19, 06/21/2024

Global Cases – Deaths
775,583,309 – 7,050,691

Vaccine Doses Globally
5.47 billion

U.S. Cases – Deaths
103,436,829 – 1,192,523

CDC, WHO

Probe: Lack of COVID-19 Leadership from Cuomo

An independent probe suggests there was a lack of communication from the former Cuomo administration regarding nursing homes during the COVID pandemic.

The investigation was originally organized by current Governor Kathy Hochul in 2022 who replaced Cuomo when he resigned amid sexual harassment allegations.

Instead of coordinating with various state and local agencies, the investigation criticizes Cuomo's "top down" style of directing public health agencies through his office.

The final report suggests this created confusion during the health crisis in nursing homes state-wide. Nearly 15,000 COVID related deaths occurred at such long-term care facilities.

Flack Broadcasting, 06/17/2024

Congress Pushed to Pass Healthcare Immigration Bill

The Healthcare Workforce Coalition renewed its push to increase the number of immigrant nurses entering the US, calling on Congress to pass the Healthcare Workforce Resilience Act.

The pressure was spurred by the State Department's July Visa Bulletin, confirming that no more EB-3 category visas would be granted to healthcare workers seeking to emigrate from key countries such as the Philippines for the rest of the fiscal year.

LTC advocates have consistently pushed for more immigrant nurses to be granted the right to work in the US. Around 25% of all US nursing home care workers are immigrants.

McKnight's, 06/14/2024

Legionella – CMS HQ Closed Down for Now

CMS headquarters in Baltimore has closed its doors after legionella, a bacterium with potentially fatal consequences, was found in the building's water supply.

CMS officials said that no employees have been harmed by the bacteria, which

can cause Legionnaires' disease if inhaled or aspirated.

The bacteria was discovered during routine plumbing tests, according to a report by the Washington Post.

CMS said the employees who normally work in the building *are now working remotely*.

Newsweek, 06/13/2024

No Strikes at Four Western NY Facilities

About 300 rural nursing home workers at four Absolut Care facilities in the Buffalo NY area reached a 2-year contract agreement averting strikes at those facilities.

Details of the agreement were not made public pending ratification by union members.

The four facilities are owned and operated by members of the Living Legends Health Network which includes: Absolut Care, McGuire Group, Taconic Health Care, and VestraCare.

SEIU1199 news release, 06/13/2024

No Action on MA Prior Auths From MedPAC

A Congressional advisory commission declined to issue recommendations on improving Medicare Advantage prior authorizations, MA data transparency, or lowering payments to inpatient rehabilitation facilities.

The Medicare Payment Advisory Commission, in fact, uncharacteristically issued no recommendations in its required annual report to Congress.

Further, none of this year's chapters were directly connected to skilled nursing payment policies.

MedPAC members, however, dedicated two full sections to their concerns about Medicare beneficiaries' increasing reliance on MA plans, their inability to access some services without significant hurdles and a lack of transparency into patient encounters with those plans.

McKnight's, 06/13/2024

ONE COLUMN

There's Value in Hiring An Older Employee

In a world of up-and-coming Gen Z and millennial employees hungry to secure a job in the healthcare industry, it's important to not overlook older generations who can often bring that "older and wiser" work ethic to the table when going through the hiring process.

In fact, research shows that American workers are becoming older and more diverse in the workforce.

A recent report by the Employee Benefit Research Institute found that in 2023, workers ages 55 to 59 and ages 60 to 64 surpassed the labor force participation rates from 2019. Another study by Fidelity Investments' State of Retirement Planning found that around two-thirds of respondents would prefer a phased retirement, not an abrupt one, with 57% wanting to continue work at least part time in their retirement.

Bottom line, older people are eager and ready to work.

"One of the greatest areas of value that experienced workers bring is knowledge, particularly in workplace culture, professional standards and navigating corporate politics," said Laura Barnett, senior recruiter at Hancock Health in Greenfield, Ind

Of the health system's employees, 15.3% are from the baby boomer generation, 32.9% are Gen X, 37.8% are millennials, and 13.7% are Gen Z.

"While age is not a factor in the hiring process, the best talent teams will continually seek qualified candidates from underrepresented pools of talent and build relationships that lead to more opportunities to connect with these workers," Ms. Barnett said.

While some of the challenges faced when hiring an older worker include ensuring a willingness to learn new things or improving technology skills, older employees often bring knowledge, experience, manageable expectations, maturity, and stability to a workplace.

Becker's Hospital Review, 05/30/2024

DOJ: Missouri's Mentally Ill in SNFs Breaks Law

After a more than 18-month investigation, the U.S. Justice Department says Missouri has broken federal law by unnecessarily putting adults with mental illness in nursing homes.

Assistant U.S. Attorney General Kristen Clark said there's "reasonable cause" to believe that Missouri is violating the Americans with Disabilities Act.

"Nearly half of these nursing facility residents are under the age of 65 and most require little or no assistance with basic physical activities and simply don't need skilled nursing care," she said.

The state Department of Mental Health said it is reviewing the report.

Missourinet, 06/19/2024

Athena Sells 5 Of Its Connecticut Nursing Homes

Financially troubled Athena Health Care Systems has sold five of its Connecticut nursing homes to National Health Care Associates, a former competitor that has agreed to pay back taxes and debts owed to vendors and add \$2.6 million to cover unpaid employee health insurance costs.

The five nursing homes have about 500 residents combined as of the end of May, according to state Department of Social Services data.

The homes are at about 67% occupancy, compared to the statewide percentage of 86% occupancy.

The purchase price was not disclosed.

CT Mirror, 06/19/2024

SCOTUS to Hear Burden Of Proof OT Case

The Supreme Court will decide where the burden of proof lies for an employer claiming to be exempt from paying overtime pay.

The current salary threshold for overtime pay exemption will increase to \$43,888 July 1.

The case, which will affect other businesses, involves a food company

whose salesmen filed the suit claiming that they work up to 60 hours a week but are paid straight time. The company maintains they are "outside salesmen" and not entitled to overtime pay.

Previously a lower court found the company failed to meet the threshold of a "clear and convincing evidence" standard.

Senior Living, 06/18/2024

HUD Urged to Incentivize LTC Quality Improvements

Members of the Moving Forward Nursing Home Quality Coalition are calling on HUD to implement significant changes to its loan programs to better serve nursing homes.

The coalition emphasized the urgent need for HUD to incentivize improvements in the quality and care models of nursing home facilities, specifically for those making transformations to "household models."

The coalition opined that with interest rates predicted to fall, this is a good time to "align mortgage loans" with nursing home construction or remodelin, "The federal government's approach to financing nursing home care should be holistic—not siloed to individual governmental funding streams."

Skilled Nursing News, 06/18/2024

Another Data Breach, This Time Pharma Giant Cencora

U.S. pharmaceutical giant Cencora has been affected by a data breach which includes patient names, postal addresses, dates of birth and which happened in February information about their health diagnoses and medications.

It's unclear if Cencora has determined how many individuals have been affected by the breach, which began February 21 and was reported to the government Feb. 27.

The pharmaceutical company handles around 20% of the pharmaceuticals sold and distributed throughout the U.S.

There is apparently no connection between this one and the recent Change breach.

Fox News, 06/17/2024

Briefly in the News

A firewall designed to prevent cyberattacks and hacking was to blame for the 911 outage that hit Massachusetts this week, state officials said Wednesday. While some calls didn't go through, the state said the system "allows dispatch centers to identify the phone number of callers and return those calls." As a result, the Department was not aware of any emergencies being negatively affected by the outage (AP).

Approximately 1 in 9 U.S. children (7.1 million) have ever received an ADHD diagnosis and 10.5% (6.5 million) had current ADHD. Among children with current ADHD, 58.1% had moderate or severe ADHD, 77.9% had at least one co-occurring disorder, approximately half of children with current ADHD (53.6%) received ADHD medication, and 44.4% had received behavioral treatment for ADHD in the past year; nearly one third (30.1%) did not receive any ADHD-specific treatment (*Journal of Clinical Child & Adolescent Psychology*).

A company that provides mental telehealth services to skilled nursing residents has agreed to pay the federal government \$4.6 million to resolve false claims allegations. Supportive Care Holdings LLC and its CEO, Joseph Newmark, had been under investigation by the HHS Office of Inspector General for alleged billing misconduct between 2019 and 2023. Efforts to make temporary telehealth funding permanent have been somewhat controversial. Policymakers have raised concerns over the potential for higher overbilling and fraud than in traditional, in-person healthcare settings (*McKnight's*).

Cleveland's University Hospitals is expanding its Future Nurse Academy this summer — a program that trains high school students in core skills required for a career in nursing. Participants in the two-week paid program visit nursing schools in the area and receive hands-on training in a variety of skills, including CPR administration and clinical simulation experiences. The program initially had 26 students last year. Seventy-eight high schoolers from 43 schools are registered to participate in the academy this summer (*University Hospitals news release*).