

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Surges like this are known to occur throughout the year, including during summer months" CDC release on current uptick in COVID cases

"We had a hunch that things have changed during the pandemic after the initial couple years, which were brutal I was pleasantly surprised by how much vaccines made a dent in preventing long COVID" Ziyad Al-Aly, MD, senior author of a study by Washington Univ. School of Medicine showing long COVID decreased over time

"It's a psychological hurdle, really, that people who don't speak or don't have English as their first language feel that they can't apply or they won't be accepted" NH state Rep. Jaci Grote who sponsored a law to make it easier for people who aren't proficient in English to become CNAs

Nursing Home Not Liable In COVID Death Case

In a ruling that could have implications for other LTC providers facing COVID-related liability cases, a jury has cleared a Gallatin, Tennessee nursing home of responsibility in the death of a resident during a major outbreak at the facility in 2020 that resulted in 161 cases, claimed 25 lives and resulted in the evacuation of nearly 200 people.

The jury found the facility – Gallatin Center for Rehabilitation & Healing – had acted negligently during the outbreak but did not find that negligence resulted in the death of 89-year-old Clara Summers.

Summers was the first to die of COVID-19 in the facility.

Gallatin News, 07/31/2024

SNF Pay Rule: Good News & Bad News but No Surprises

Nursing homes will be getting a 4.2% Medicare Part A pay raise under the fiscal 2025 final pay rule.

CMS waited until late Wednesday; the last day possible to release the rule. It will add a cumulative \$1.4 billion in funding for nursing homes.

The agency revised the regulation to expand the type of CMPs that can be imposed to allow for more per instance and per day CMPs to be imposed.

The CMP revisions described it as being in alignment with the Biden administration's drive to more tightly regulate skilled nursing operators.

McKnight's, 07/31/2024

More or Less, Doing More with Less

Using data from the Healthcare Cost Report Information System, analysts from Trella Health found that skilled nursing facilities lost 9.1% of their full-time equivalent (FTE) employees between 2019 and 2022.

The vast majority (7.9%) of that drop came between 2020 and 2021 alone, as the pandemic gripped the nation.

During that two-year period in which skilled nursing was losing staff, Medicare admissions rose 2.2% — accounting for both fee-for-service and Medicare Advantage patients. This reveals a concerning trend, the analysts said.

"Essentially," the authors wrote, "an average skilled nursing facility cared for 2.2% more patients with 7.9% fewer staff."

McKnight's, 07/22/2024

Healthcare Bankruptcies Escalate - Highest in Years

Chapter 11 bankruptcies in healthcare, including senior living reached a multiyear high in the first quarter of 2024.

That's according to the newest Polsinelli-TrBK Distress Indices Report, published Wednesday.

According to the report healthcare services bankruptcy filings represented 12.17% of all distress filings on a rolling four-quarter basis.

It's the highest the Health Care Index has registered since the Indices started tracking the data 13 years ago.

The Polsinelli-TrBK Distress Indices quarter report tracks the increase or decrease in all Chapter 11 filings with more than \$1 million in assets since the fourth quarter of 2010.

Senior Living, 05/17/2024

Judge Sides with Smaller Firm Against PointClickCare

Following a two-day hearing last month, a federal judge granted a request by analytics firm Real Time Medical Systems for a preliminary injunction against EHR giant PointClickCare over alleged improper data blocking tactics.

Blocking the codes kept long-time market player Real Time from accessing data to hundreds of clients.

"PCC has offered no legitimate reason for deploying unsolvable CAPTCHAs," wrote Judge Paula Xinis.

PCC indicated it would fight the ruling, although No further court dates had been set as of Monday.

McKnight's, 07/29/2024

Man Intended to Shoot Up Nursing Home

A Connecticut man, who was upset with alleged mistreatment his late mother received, is facing multiple charges after admitting to police he planned to attack her nursing home - Davis Place in Killingly, Conn.

James Zigadlo, now 39, was arrested in June 2023 on traffic-related charges and has been in custody since then.

He received addition charges in court last month for criminal attempt to assault a first responder, criminal use of a weapon and criminal attempt at assault.

He allegedly told authorities he intended to point his gun at police to commit "suicide by cop."

WTIC-TV, 07/31/2024

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

TEXAS: US COVID activity continues a steady rise across most of the nation. In its latest respiratory illness snapshot, the CDC said most areas of the country are seeing consistent rises in COVID activity. Test positivity is at 14.3% nationally, the highest since August 2023. Levels are much higher—averaging 23.4%—in Texas and surrounding states, with levels in other parts of the Southwest also tracking higher than the rest of the nation (**CDC**).

AMERICA: Visits for symptoms associated with long COVID make up a moderate burden of primary care visits and are marked by recurring symptoms including breathing problems and sleep disturbances. In general, however, primary care visits for long COVID represented only 12% of patient visits after COVID-19 infection. The authors of a recent study said the lower prevalence of long COVID visits may be due to more mild initial infections (**Annals of Family Medicine**).

UNITED KINGDOM: A University of Oxford-led [study](#) links a healthy pre-infection lifestyle to a 36% lower risk of long COVID, a 41% lower odds of death, and 22% lower chance of hospitalization. The researchers assessed the association of modifiable lifestyle factors (eg, smoking, alcohol use, body mass index, physical activity, time spent in sedentary activities, sleep duration, diet) with long COVID, death, and hospitalization among 68,896 adults in the UK (**Nature Communications**).

AMERICA: Levels of myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), a disabling chronic multisystem illness from an unknown cause, is largely the same in people who were sick with COVID-19 and those who had other acute illness. Participants with ME/CFS at 3 months made up 3.4% of those who tested positive for COVID compared to 3.7% of people who tested negative for the virus. Researchers from UCLA also found no significant difference in prevalence through 12-month follow-ups (**JAMA Network Open**).

AMERICA: A study by researchers at Washington University School of Medicine in St. Louis shows the risk of long COVID

has decreased over time, most likely due to the impact of vaccination. The highest risk of developing long COVID was seen among patients infected with the original strain of the virus, when no vaccines were available. Researcher used VA data on 441,583 veterans with SARS-CoV-2 infections and more than 4.7 million uninfected veterans (**New England Journal of Medicine**).

TEXAS: Navy sailors who faced disciplinary actions related to their refusal to comply with the COVID-19 vaccine mandate on account of religion can correct their service records and protect their careers as part of a recently settled lawsuit. The settlement, which was approved by a Texas federal judge, involves a lawsuit filed in 2021 on behalf of 26 Navy SEALs and several other Special Warfare sailors who alleged the Defense Department's vaccine mandate violated their First Amendment rights (**Stars and Stripes**).

THE WORLD: Physicians are known to have higher levels of post-traumatic stress disorder (PTSD) than the general population due to handling patient deaths, medical emergencies, and high workloads. Canadian Researchers who examined patterns during the COVID pandemic found that PTSD levels spiked and varied by different groups. Their findings suggest that 18.3% of doctors reported PTSD symptoms during the pandemic (**JAMA Network Open**).

VIRGINIA: An examination of 23 common wildlife species in Virginia finds evidence of SARS-CoV-infection in 6 and antibodies indicating previous infection in 5. Virginia Tech researchers collected 789 nasal and oral swabs and 126 blood samples from animals live-trapped and released or being treated at wildlife rehabilitation centers in Virginia and Washington, DC. Scientists said the animals were likely infected by humans (**Nature Communications**).

NEW HAMPSHIRE: COVID-19 is on the rise again in New Hampshire and many other parts of the country. New Hampshire health officials said emergency department and wastewater data show that there has been a rise in

recent infections. "COVID-19 virus activity, and hence the risk to people, goes up starting in the summertime, said Dr. Benjamin Chan, the New Hampshire state epidemiologist, "maybe dips a little bit or plateaus, and then goes even higher during the wintertime" (**WMUR Radio**).

KOREA: In a study by South Korean researchers, the risk of hearing loss and sensorineural hearing loss in young adults rose from 2020 to 2022 after COVID-19 infection. The team analyzed data on 6.7 million adults aged 20 to 39 years without a history of hearing loss. The risk of HL was higher in the COVID-19 cohort than in the uninfected group (11.9 vs 3.4 per 10,000 person-months (**eClinicalMedicine**).

THE WORLD: The COVID-19 pandemic hit low-income countries harder than wealthier nations further slowing progress toward health-related Sustainable Development Goals. (SDGs). Average economic growth losses after 2020 are 42% for low-income countries and 15% in high-income countries. On average, the pandemic caused low-income countries to experience an average progress loss of 16.5% across all health indicators, compared to as low as 3% in high-income countries (**PLOS One**).

GREAT BRITIAN: A study involving 45.7 million adults in England shows that both heart attacks and strokes dropped following COVID-19 vaccination. The authors said the incidence of common cardiovascular diseases dropped after every COVID-19 vaccination, but there were slightly increased rates of myocarditis and pericarditis following mRNA-based vaccines, and vaccine-induced thrombotic thrombocytopenia following adenovirus-based vaccines such as the AstraZeneca vaccine (**CIDRAP**).

COVID-19, 08/02/2024

Global Cases – Deaths
775,731,698 – 7,054,891

U.S. Deaths
1,191,632

WHO

Pandemic Ruined American's Trust in Docs & Hospitals

Trust in US physicians and hospitals fell drastically across sociodemographic groups during the COVID-19 pandemic.

Massachusetts General Hospital scientists analyzed data from an online nonprobability survey fielded to US adults in all 50 states from April 2020 to January 2024.

The survey asked about trust in physicians and hospitals, as well as COVID-19 and influenza vaccination status.

Among the 582,634 survey responses from 443,455 unique adults, trust in doctors and hospitals plummeted from 71.5% to 40.1% across socioeconomic groups over the study period.

Adults who reported lower levels of trust were less likely to have received COVID-19 vaccines or boosters.

JAMA Network Open, 07/30/2024

Tough Choices to Make With the Staffing Mandate

The proposed staffing mandate may lead to a financial "seesaw" for operators, with efforts to admit more residents constantly tempered by the fear of increasing costs of additional workers.

It may be especially challenging for facilities with fewer than 40 residents and for nonprofit providers who tend to have a greater share of lower-acuity, long-stay residents, warned Jay Gormley, COO at Zimmet Healthcare Services Group.

The mandate includes no way to adjust standards based on risk, consequently, most providers will have to choose between living "on the knife's edge" or staffing above required minimums "all of the time."

McKnight's, 07/25/2024

N.H. Relaxes English Skills To Ease CNA Shortage

Following the lead of several other states, New Hampshire will make it easier for people who speak English as a second language to become licensed nursing assistants.

This comes as a shortage of LNAs is taxing the state's health care system.

Under the new law — which was signed by Gov. Chris Sununu in July and takes effect in September — LNAs will still need to know enough English for the job before becoming licensed.

But they'll no longer have to prove their reading and writing proficiency by taking a written test or completing nearly all their training in English.

New Hampshire Public Radio, 07/22/2024

A Program to Help Non-Citizens Become Citizens

The program began in 2018 when a resident of Goodwin House Bailey's Crossroads in Falls Church, VA, Rita Siebenaler, learned that the US citizenship application fee was more than \$700 (closer to \$750 today).

It took staffers several years to save that amount, so she proposed raising funds among residents.

The residents raised \$40,000 in a few weeks, leading to the creation of a citizenship program. So far 150 employees and 26 family members have become citizens.

Further, 30 residents have volunteered to help the staff members study for the citizenship test.

Senior Living, 7/31/2024

State's Biggest SNF Not Closing Without a Fight

The Ivy at Great Falls — Montana's largest nursing home with 278 beds — is suing the state's Department of Public Health and Human Services, claiming the agency gave it insufficient opportunity to correct compliance with regulatory requirements.

CMS notified The Ivy in late June that its access to Medicare and Medicaid funding would be cut off effective July 9.

The Ivy made plans to shut down.

But the provider also filed a lawsuit July 19, alleging that DPHHS had failed to provide a chance to correct deficiencies and further arguing that the transfer was potentially traumatic to residents.

McKnight's, 7/26/2024

ONE COLUMN

RNs Make a Difference So Do Staffing Ratios

A study by the University of Pennsylvania School of Nursing suggests chronically understaffed US hospitals had higher rates of COVID-19 deaths early in the pandemic. The study found that the likelihood of surviving COVID-19 was related to hospitals' investments in nursing services prior to the pandemic—in terms of hiring sufficient numbers of RNs, BSNs and having "favorable work environments." Nearly a quarter of the patients died during hospitalization.

The study was based on outcomes seen among 87,000 Medicare enrollees (ages 65 to 99) hospitalized with COVID-19 from April through December 2020 in 237 general acute-care hospitals in New York and Illinois. About half of hospitals (48.5%) had more than 250 beds.

Overall, the average age of patients was 78 years, and 31.5% died within 30 days of admission, with 23% of those patients dying during the hospitalization.

Mortality was highest in April 2020 (36.1% in-hospital mortality; 44.6% 30-day mortality) and dropped in July, then steadily rose through December 2020.

The authors looked at patient-to-RN staffing ratios, proportion of bachelors-qualified RNs, and nurse work environments in the pre-pandemic period and during the pandemic to predict in-hospital and 30-day [after discharge] mortality.

The average patient-to-RN staffing ratio on an adult medical-surgical unit in the study was 5.6 patients per nurse. Patient-to-RN staff ratios were highly linked to mortality: Each additional patient in the nurses' workload was associated with 20% higher odds of in-hospital mortality and 15% higher odds of 30-day mortality.

Using a model, the authors predicted if all the study hospitals staffed not more than 4 patients per RN, 3,460 in-hospital COVID-19 deaths could have been prevented during the 9-month study period in the two study states—a 17% reduction in mortality.

International Journal of Nursing Studies, 06/13/2024

SNF Employees Most Likely To Carry Medical Debt

Nearly 20% of nursing home employees carry medical debt, placing them behind only home health workers and potentially threatening their future careers.

Nursing home workers' mean medical debt amounted to more than \$2,600, hundreds more than that of home health, hospital or clinic or office staff.

Overall, healthcare workers are more likely than workers in other sectors to carry medical and educational debt, collectively owing more than \$150 billion.

Medical debt, especially, was associated with being female, having lower income or education level, working in home health and nursing home care, a lack of health insurance, and recent hospitalization.

JAMA Health Forum, 07/26/2024

Committee Reauthorizes Older Americans Act

During the week, the Senate Health, Education, Labor and Pensions (HELP) Committee passed legislation to reauthorize the *Older Americans Act*.

The legislation includes an increase in funding and includes the *Strengthening Advocacy for Long-Term Care Residents Act* to improve the Long-Term Care Ombudsman program.

The bill also includes a provision of the *Supporting Our Direct Care Workforce and Family Caregivers Act* instructing ACL to create a technical assistance center to support the recruitment, training, and retention of direct care workers.

The act now moves to the Senate floor for debate.

Sen. Tim Kaine (D-VA) news release, 07/31/2024

S.D. Invests \$2 Million For LTC Technology

Long-term care facilities in South Dakota have been granted millions of dollars to advance technology available to residents.

The grants come from the state Department of Human Services and

represent a \$2 million investment in South Dakota's long-term care network.

The grants can be used for a variety of technological innovations. One facility, for example, bought vital sign machines. When caregiver takes the readings, those vitals automatically go to the residents' medical record decreasing the likelihood of error., so it's going to decrease any kind of an error.

About 73 facilities across South Dakota received grant money for technology upgrades.

SDPB Radio, 07/23/2024

Pharmacy Benefit Managers Grilled Over Drug Prices

Lawmakers and executives from three major pharmacy benefit managers presented diametrically opposing views at a heated Capitol Hill hearing Tuesday.

Members of the House Committee on Oversight and Accountability blamed the highly concentrated PBM industry for raising drug prices and running independent pharmacies out of business, while leaders from CVS Caremark, Express Scripts and Optum Rx all countered that the sector in fact lowers prices and supports local pharmacies.

Major bills aimed at reining in the organizations remain stalled in Congress.

Modern Healthcare, 07/23/2024

Judge Blocks FTC's Non-complete Final Rule

A federal judge has issued a stay and preliminary injunction blocking enforcement of the FTC' final rule on noncompete agreements for some employers.

Specifically, plaintiff-intervenors in a lawsuit against the FTC — Ryan LLC, et al as employers, will not be held to the rule as of Sept. 4, when it is set to go into effect.

The lawsuit came within hours of the FTC's vote approving the rule in April. tax services and software provider Ryan filed a lawsuit April 23 noting that the company "occasionally enters into non-compete agreements with employees who have access to particularly sensitive business information."

Senior Living, 07/09/2024

Briefly in the News

Legionnaire's can pop up anywhere. Legionella bacteria has been detected in the water fixtures of CMS and Social Security Administration facilities in Woodlawn, MD near Baltimore. Out of an "abundance of caution," most employees and contractors at the CMS headquarters are working remotely, but the agency isn't aware of any health problems affecting its workforce (*Baltimore Sun*).

Leaders of the Good Samaritan Society were in Arizona, New Mexico and Texas last week, beginning the transition of another dozen long-term care facilities to new operators as the nonprofit continues scaling back its portfolio. Good Sam is about 18 months into an effort to bring its core operations back into a centralized stretch of the Midwest and Mountain West (*McKnight's*).

A key protein that helps assemble the brain early in life also appears to protect the organ from Alzheimer's and other diseases of aging. A trio of studies published in the past year all suggest that the protein Reelin helps maintain thinking and memory in ailing brains, though precisely how it does this remains uncertain, however, There's growing evidence that Reelin acts as a "protective factor" in the brain (*NPR – Shots*).

As more than 7,500 clinicians and researchers converge in Philadelphia for the Alzheimer's Association International Conference, a sharp division over when to prescribe any of the newer drugs to treat Alzheimer's. About 59% of U.S. neurologists endorse amyloid-targeted therapies but 41% remain skeptical due to previous failures and side effects. And only 5% of neurologists view biomarker changes (such as imaging or blood tests that measure amyloid plaque reduction) as a measure of clinical (*STAT*).

Abbott Laboratories was ordered by a jury to pay almost \$500 million over allegations that it hid the risk that its premature-infant formula can cause a potentially fatal bowel disease, Jurors in state court in St. Louis awarded \$95 million to compensate the family for its losses and \$400 million in punitive damages (*Bloomberg*).