

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

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THEY SAID IT:

"It is disappointing that the CMS is not only choosing, again, to use the stick rather than the carrot, but is choosing a bigger, stronger stick,"

Jodi Eyigor of LeadingAge on CMS' proposal to increase CMPs

"We might have 60 or 70 patients every day at Maine Medical Center who need to get to long-term care but can't for one reason or another, so they're stuck in the hospital, and those beds are not available to other patients who need critical care"

Dan Meyer, the chief of hospital medicine at Maine Medical Center

"We should be throwing the spaghetti at the wall. Instead, we are ignoring the tremendous pain people are in, many of whom are 'celebrating' their fourth year being bed bound"

Diane Berrent of Survivor Corps, an online support group for long COVID patients, lamenting the scanty research into long COVID

'Don't Let the Bed Bugs Bite' – But They Did

A \$6,250 CMP was imposed on Fort Dodge Health and Rehabilitation Center, in Iowa for failing to adequately respond to a resident's health issues caused by bed bugs.

Two weeks after first reported the room was heat-treated for the bugs. Subsequently, the room was sprayed for bed bugs on three occasions.

The ADON told surveyors the facility's nurse practitioner had refused to see the resident after learning there were bed bugs in the room.

At the time of the survey there was a backlog of six complaints to investigate at the facility, five of which were substantiated.

Iowa Capital Dispatch, 04/01/2024

Lawsuit Filed to Save Massachusetts Nursing Home

The BENJAMIN Healthcare Center, a Boston home to roughly 70 seniors, (of 200 beds) is on the verge of shutting down.

The organization Lawyers for Civil Right filed a lawsuit alleging the facility has been mismanaged and calling for a judge to order a receivership.

Employees, like Director of Admissions Leslie Henderson, said focusing on the home's potential capacity is misleading. For starters, a Roxbury charter school paid \$869,256 in 2020 alone to rent part of the nursing home. She also suggested the state investigate how an influx of funds was managed, including \$4 million in stimulus funding in 2020.

Commonwealth Beacon, 04/01/2024

BENJAMIN HC UPDATE:

A judge placed BENJAMIN Healthcare Center in receivership Wednesday answering an unusual call by residents and their families.

Two residents' family members filed the petition to the Suffolk County Superior Court on March 28, describing insufficient staffing and a lack of necessary food and medical supplies at Edgar P. Benjamin Healthcare Center. They argued a receiver would be necessary to ensure the safety of residents amid alleged mismanagement by the facility's leaders.

The petition drew support from several employees of Benjamin Healthcare — including the director of nursing and director of admissions, who each signed affidavits supporting the petitioners' claims.

McKnight's, 04/05/2024

HHS Negotiating on Prices Of 10 High Dollar Meds

The Biden administration has responded to offers from the manufacturers of 10 high-cost drugs selected for the U.S. Medicare program's first-ever pricing negotiations but provided no details.

The Inflation Reduction Act allows Medicare to negotiate prices for

prescription drugs that had been particularly expensive for the federal health program. CMS picked the first 10 drugs for negotiation in August and sent its initial price offers in February.

Each company can meet with CMS up to three times for further negotiations before a final price is announced on Aug. 1. The negotiated prices will come into effect in 2026.

Reuters, 04/02/2024

More Barrier Precautions Added To Infection Control Guidance

The new CMS guidance issued to providers and state survey agencies adds the use of personal protective equipment during high-contact care activities to its infection and prevention and control standards.

The agency said nursing homes must begin to use enhanced barrier precautions to prevent broader transmission of multidrug-resistant organisms and to help protect patients with chronic wounds and indwelling devices.

CMS acknowledged that some nursing homes have been hesitant to use the CDC barrier precaution guidance because it could have limited the activities in which residents colonized with a multidrug-resistant organism could participate. The changes were effective April 1.

McKnight's, 03/22/2024

\$250,000 CMP on a HIPAA Violation Reduced 86%

A Tulsa, Oklahoma long-term care provider once facing a quarter-million-dollar penalty for alleged HIPAA infractions will now pay \$35,000.

The initial CMP stemmed from a 2019 request for medical records from the family of a resident, that took Green County Health Care over a year to produce.

The fine was reduced to \$75,000. Then Phoenix Health Care – the parent company – provided documented claims of substantial financial challenges, was further reduced to \$35,000.

Phoenix also was required to update its HIPAA-related procedures, perform new training for employees.

McKnight's, 04/01/2024

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

CAPITOL HILL: Rep. Brad Wenstrup (R-Ohio), chair of the House Select Subcommittee on the Coronavirus Pandemic, issued letters to the editors of three major science journals (*The Lancet*, *Science* and *Nature*) on Tuesday, asking them to testify on the relationship between their publications and the federal government. ... In his letters, Wenstrup stated that the hearing would be to examine “whether these journals granted the federal government inappropriate access into the scientific review or publishing process.” The April 16 hearing will be titled “Academic Malpractice: Examining the Relationship Between Scientific Journals, the Government, and Peer Review” (*The Hill*).

AMERICA: In its latest COVID data updates, most indicators show a continuing steady decline, though deaths were level. Wastewater detections of SARS-CoV-2 are now classified as low. Levels are still highest in the south, but they have declined steeply in recent weeks (*CDC*).

GERMANY: A bus driver who probably was infected with COVID-19 when transporting people from an airport, apparently spread the virus to multiple elementary school children. The driver was directed to quarantine on September 13, 2021 because he was an unvaccinated close contact of an infected person. But instead, he drove a public bus, school bus, and charter bus of day-trippers for the next 2 days. Several passengers said he was coughing and not wearing a mask. 74% of students on the school bus tested positive for COVID-19 (*Emerging Infectious Diseases*).

CANADA/USA: In a study of 12 pediatric hospitals in Canada and the U.S., researchers discovered that 10.6% of exposed household contacts developed symptomatic illness within 14 days of exposure to asymptomatic test-positive children, a rate higher than expected. They also found that 6 of 77 asymptomatic SARS-CoV-2–infected Children, during a 3-month follow-up, developed long COVID – 7.8% of them (*Clinical Infectious Diseases*).

AMERICA: Researchers are getting closer to understanding the underlying causes of long COVID and potential ways to definitively test for it. That would be a massive step toward unlocking a complex condition that's debilitated millions of Americans, mystified scientists and frustrated patient advocates who feel their struggles have been ignored (*Axios*).

AMERICA: A new type of hospital is slowly taking root, especially in the Southeast. Rural emergency hospitals receive more than \$3 million in federal funding a year and higher Medicare reimbursements in exchange for closing all inpatient beds and providing 24/7 emergency care. While that makes it easier for a hospital to keep its doors open, experts say it doesn't solve all of the challenges facing rural health care. People might have to travel further for treatments for illnesses that require inpatient stays, like pneumonia or COVID-19 (*AP*).

AMERICA: Pharmaceutical company Moderna announced promising interim phase 3 clinical trial findings for its next-generation COVID vaccine, which offers the potential for a longer shelf life and paves the way for a combination mRNA vaccine against flu and COVID. The vaccine showed a higher immune response—including in seniors—than its currently licensed vaccine (*Moderna news release*).

HONG KONG: A large study (61,105 hospitalized adults) shows that, if prescribed within 5 days of confirmed infection, *Paxlovid* (*nirmatrelvir-ritonavir*) is more effective in protecting against all-cause mortality and severe COVID-19 in adults than is *molnupiravir*, another antiviral drug. During the 2022 study period, Omicron BA.2 and BA.5 subvariants were dominant (*International Journal of Infectious Diseases*).

AMERICA: One dose of last fall's updated, single-strain COVID-19 vaccine is 38% effective against hospitalization in the 7 to 59 days after receipt and 34% effective at 60 to 119 days in adults with weakened immune systems, yet most

people in this group did not take the vaccine. Among those with an organ or stem cell transplant, a group known to be at particularly high risk for severe COVID-19, only 18% had received an updated dose (*CDC Morbidity and Mortality Weekly Report*).

THE WORLD: Almost every pandemic we've seen over the last century has come from a virus that's spilled over into humans from an animal. "Generally, pandemics are seen as a biomedical problem," says Raina Plowright, an infectious disease ecologist at Cornell University. "Certainly, once the pandemic is underway, it is a biomedical problem ..." "But the genesis of the pandemic is actually an ecological problem," says Plowright. That is, it's due to the complex interactions between wildlife, habitat, climate and people (*NPR*).

SWEDEN: Researchers looked at 1,057,174 Swedish residents who tested positive for SARS-CoV-2 from February 1, 2020, to May 25, 2021. Of those 1.5% (16,151) developed Long COVID, or post-COVID syndrome (PCS). About 61% of those residents with PCS had been hospitalized or had needed intensive care or noninvasive or mechanical ventilation. Among those with PCS, the most common diagnosis (26.6%) was hypertension (*BMJ Public Health*).

AMERICA: US states with a 10% increase in Republican voting reported a 5% increase in COVID-19 vaccine–related adverse events (AEs), a 25% increase in severe AEs, and a 21% higher proportion of AEs characterized as severe, with more pronounced associations in older people. University of Pennsylvania researchers analyzed 620,456 AR reports comparing them with state-level proportions of Republican votes in the 2020 US presidential election (*JAMA Network Open*).

COVID-19, 04/05/2024

Global Cases – Deaths
775,007,789 – 7,041,661

U.S. Hospitalizations – Deaths
6,909,932 – 1,187,509

CDC, WHO

Who Gets Long COVID And Why Do They Get It?

Two top long COVID researchers, Dr. Harlan Krumholz and Akiko Iwasaki of the Yale School of Medicine, found that being middle aged, female, and having had a severely acute COVID-19 infection is associated with long COVID.

The Yale study was based on self-reported COVID infections among 134,000 people from two previous data pools.

The researchers found that individuals living in rural areas and people without college degrees had an increased risk of developing long COVID.

"It could be that people who were more educated had better access to antiviral drugs like Paxlovid," Krumholz said.

Connecticut Public Radio, 04/03/2024

MO Lab to Pay Big Bucks In Medicare Billing Fraud

A Missouri laboratory agreed to a \$13.6 million settlement to resolve allegations that it performed expensive and unnecessary urine tests and billed Medicare for them.

The company and two of its owners will be barred from federal health care programs for 15 years.

Poplar Bluff-based Gamma Healthcare offered clinical lab testing and digital radiology services in eight states. A large portion of its business was in providing lab tests for nursing homes.

The case involved a physician whistleblower, who will receive \$2.3 million from the settlement.

St. Louis Post-Dispatch, 03/29/2024

Better RN Usage More Important Than PPD

While the long-term care sector braces for the announcement of a final nursing home staffing mandate from CMS, new analysis by the University of Minnesota School of Nursing suggests that optimizing the role of RNs would be an even more effective way of increasing quality of care.

Care quality would strongly benefit from an industry-wide focus on the responsibilities of RNs, the study's authors said.

Specifically, leaders should more actively differentiate RNs from licensed practical nurses, use a nursing practice model framework to maximize the role of RNs and provide RNs with more education in leadership and geriatric care.

McKnight's, 04/02/2024

PACS Group IPO Could Raise \$400 Million

PACS Group, which manages over 200 SNFs, could raise over \$400 million in its upcoming IPO.

Utah-based PACS plans to offer 19.05 million shares of common stock when it goes public, with an estimated price of \$20 to \$22 per share.

PACS founders, Jason Murray and Mark Hancock are expected to hold a combined 87% of the stock and each can appoint two board members.

That structure ensures that as long as Murray and Hancock retain their stock, other stockholders will have little say in how the public company operates.

No date has been set for the IPO.

McKnight's, 04/03/2024

Attacks on ER Staff Prompt Proposed Bill

In California, simple assault against workers inside an ER is considered the same as simple assault against almost anyone else. It carries a maximum punishment of a \$1,000 fine and six months in jail.

Simple assault against emergency medical workers in the field carries maximum penalties of a \$2,000 fine and a year in jail.

State Assembly member Freddie Rodriguez, who worked as an EMT, has authored a bill to make the punishments consistent: a \$2,000 fine and one year in jail for simple assault on any on-the-job emergency health care worker, whether in the field or an ER.

The Sacramento Bee, 04/03/2024

ONE COLUMN

EBPs Are Here, So Are Lots of Questions

A new set of regulations requiring the use of enhanced barrier precautions (EBP) for many nursing home patients has left providers scrambling to understand the rationale behind some standards and grappling with the potential costs.

During an Open Door Forum this week, providers from several facilities pressed officials from CMS about how to interpret the new rules — especially since surveyor guidance for the regulations hasn't yet been published.

The use of the extra precautions for patients carrying or infected with multidrug-resistant organisms (MDROs), and those with chronic wounds or indwelling devices went into effect 4/1.

CMS officials described the adoption of the gown/glove guidance established by CDC as an effort to "align with nationally accepted standards." But nursing home representatives were concerned about how to interpret some of the rules' intricacies.

One question concerned why staff doesn't need to be gowned in common areas but do in sleeping rooms and the therapy gym. Answer: it's due to the amount of time spent with the resident.

Others questioned the extra cost of gowns and gloves.

Still others wanted to know how and when they should determine whether to use EBPs. CMS' Christine Teague said those evaluations should be done on an "ongoing basis."

"That would be whenever the resident is admitted; whenever they go out to the hospital, they are readmitted and returned to the facility; if they have a change in condition; if they have a new wound that may change their status as far as needing to use EBP; a change in the indwelling catheter or indwelling medical device," she said. "All of those things would necessitate the facility to reevaluate the resident to determine whether or not EBP are appropriate."

McKnight's, 04/03/2024

Living Wills a No-Go In Signing Arbitration Pacts

In a decision that could hurt the use of arbitration agreements in LTC, the California Supreme Court has ruled that being the power of attorney of a living will does not give that person the right to sign arbitration agreements on behalf of the resident.

In a unanimous opinion, the seven-judge panel determined arbitration cases are beyond the scope of healthcare decisions to be made by the power of attorney

Conflicts regarding powers of attorney and providers are becoming more common in states that view arbitration as a financial decision rather than one related to healthcare.

Senior Living, 04/02/2024

Nurse Charged for Not Suctioning Resident Who Died

An agency nurse, who allegedly refused to suction the airway of an 87-year-old resident of a Fonda, Iowa nursing home, has been criminally charged in the man's death.

Becky Sue Manning, 69, is charged with felony wanton neglect of a health care facility resident.

Prosecutors allege that no fewer than four workers asked Manning, the only nurse on duty at Fonda Specialty Care that night, to suction Jacobs' airway and that the staff had alerted Manning to the fact that Jacobs was asking to be suctioned and that, in their professional opinion, he needed to be suctioned right away.

Iowa Capital Dispatch, 03/26/2024

Two Charged with Drug Pilfering & They're Sisters

Two sisters have been charged with the theft of prescription drugs last year from a SNF in Shrewsbury, NJ.

Prosecutors say the theft took place Oct. 31 at Complete Care where Deborah Baskerville was using Shonte Hall's identity and nursing license to work an agency shift.

During that shift, Baskerville allegedly took 10 oxycodone pills valued from a

locked medicine cart and replaced them with allergy pills.

The investigation has since determined that Baskerville may have been engaged in similar conduct at other medical facilities across the state last year.

The Press of Atlantic City, 03/27/2024

Providers Reacting with Contempt to Proposed Rule

Beyond mixed reaction for the planned 4.1% pay increase for nursing homes, the proposal raised the most eyebrows with its call to increase the rate and amount of possible civil monetary penalties.

CMS is estimated to cumulatively take an additional \$25 million a year out of operators' pockets starting Oct. 1.

"By expanding this enforcement authority," said Jodi Eyigor of LeadingAge, "CMS and the administration communicate to surveyors an expectation to impose even more financial penalties and to penalize providers for deficient practices that the surveyors themselves failed to identify in past surveys."

McKnight's, 04/01/2024

UnitedHealth Group Calls On Insurers to Reconnect

UnitedHealth Group has reactivated core systems that were targeted by the late-February cyberattack against Change Healthcare and called on insurers to return to the platform to speed up the claims process. Such a return to the platform is a key step to clearing the billing logjam that has plagued long-term care providers since the cyberattack.

LTC operators have been among the wide range of healthcare providers kept in suspense about their recent Medicare and Medicaid revenues since the attack.

Federal regulators have stepped in to provide payment relief and other vital resources to providers as a stopgap following the attack.

McKnight's, 04/01/2024

Briefly IN THE NEWS

A new OSHA final rule gives the employer and employees the right to authorize a representative to accompany OSHA officials during a workplace inspection. The final rule clarifies that, consistent with the law, workers may authorize another employee to serve as their representative or select a non-employee with appropriate knowledge or experience. The rule is in part a response to a 2017 court decision ruling the agency's existing regulation, 29 CFR 1903.8(c), only permitted employees of the employer to be authorized as representatives (**OSHA news release**).

Long-term care costs in 2023 were higher than in 2022 for all provider organization types. The steepest cost increases were for home-based services. Home health aide services increased 10.0%; homemaker services 7.1%. Adult day health care by 5.6%. The national annual median cost of a semi-private room in a skilled nursing facility (SNF) increased 4.4%, and the median cost of a private room increased by 4.9%. Assisted facility rates increased by 1.4 (**Open Minds**).

Six biological sisters, two years apart, who have overcome homelessness, are all studying nursing together at Adelphi University on Long Island, NY. The Lawrence sisters have four more semesters to go. They vow to be together and to one day open a nursing home, i.e., the Lawrence Sisters Nursing Center (**WCBS-TV**).

A for-profit company has proposed turning an Iowa closed former nursing home in Grinnell, into a 60-bed psychiatric hospital, joining a national trend toward having such hospitals owned by investors instead of by state governments or nonprofit health systems. Eight nonprofit Iowa hospitals have closed their psychiatric units since 2007. Iowa ranks last in the nation for access to state-run psychiatric hospitals (**KFF Health News**).

Workers at several western and central Pennsylvania nursing homes ratified a new contract. SEIU Healthcare Pennsylvania says the three-year contract covers over 350 workers at four Embassy Healthcare nursing homes (**WPIX-TV**).