

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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Vol 8

04/21/2024

## THEY SAID IT:

*It's a thrill, I think my mom would be happy to hear that someone thinks I can run for governor as well"* HHS Secretary Xavier Becerra on rumors that he is considering running for Governor of California

*".....vaccines have side effects, [but] the risk of being dead is lower if you're vaccinated"* FDA Commissioner Robert Califf, MD, testifying before the House Committee on Oversight and Accountability

*"Provider recommendation is compromised at point of care when surrounding HCP, despite having already received their standard COVID-19 doses, still question the need for vaccination and subsequent booster doses"* from a study indicating 17% of workers in a NY healthcare system are vaccine booster hesitant

## **2 Owners, 190 Bodies, \$900K in COVID Fraud**

A couple who owned a Penrose, Colorado funeral home where authorities last year discovered 190 decaying bodies were indicted on federal charges that they misspent nearly \$900,000 in pandemic relief funds (PPP) on vacations, cosmetic laser surgery, jewelry, expensive cars and cryptocurrency.

The indictment reaffirms accusations from state prosecutors that Jon and Carie Hallford gave families dry concrete instead of cremated ashes and allegedly buried the wrong body on two occasions.

The couple also collected more than \$130,000 from families for cremations and services they never provided.

KDVR-TV, 04/15/2024

## **Becerra Ponders Exiting D.C. for Sacramento**

HHS Secretary Xavier Becerra is considering leaving the Biden administration to mount a run for California governor in 2026.

Becerra and supporters have had conversations over the past weeks where the secretary and former California attorney general indicated to fellow Democratic officials and operatives that he would leave Washington after the November election and join the crowded field to succeed Gov. Gavin Newsom in two years.

At a recent event in San Francisco Becerra sidestepped the question, but did say, "I miss California."

Politico, 04/09/2024

## **Orgs Work Behind Scenes to Stop, Reshape Staffing Rule**

Nursing home advocacy organizations have met with the White House Office of Management and Budget recently angling to change the proposed minimum staffing rule.

The AHCA met virtually Thursday with OMB, as well as officials from the HHS and CMS.

Three of the organization's top government affairs leaders, its top clinical expert and two board members hammered home common themes during their meeting, keying up the proposed rule's threat to rural providers and sharing the latest federal data on sustained losses of skilled nursing workers since the pandemic.

Organizations supporting the staffing proposal met with OMB later that same day.

McKnight's, 04/16/2024

## **Hackers Start Leaking Stolen Change Healthcare Data**

The ransomware hijackers who stole data from Change Healthcare's networks recently have started leaking snippets of information.

The initial screenshots suggest they have stolen a trove of sensitive information – about 4 terabytes – including patients'

hospital bills, financial documents and company contracts.

They cybercrooks claim to have medical records, payment information, Social Security numbers and details about accounts with various Change customers.

RansomHub is the second ransomware gang to come into possession of data stolen from the Change Healthcare's networks. They threatened to release the full trove of data unless they receive a payment by Friday.

Axios, 04/16/2024

## **Medicaid-eligible Folks Will Get Home Care Quicker in NJ**

A new law in New Jersey will cut the red tape in the Medicaid program and make it easier for older low-income people to get care in their own homes.

The measure enables older residents who are likely to be found eligible for Medicaid to start receiving in-home or community-based care while awaiting final approval from Medicaid.

It was passed with bipartisan support and signed by Gov. Phil Murphy. It is set to take effect in 2026.

Ten other states have similar policies fast-tracking Medicaid-funded home- and community-based care, according to AARP's 2023 long-term care scorecard.

AARP, 04/01/2022

## **Nursing Home Fighting To End COVID-era Bonuses**

Can a now-closed nursing home end an emergency bonus program for unionized workers without negotiating after a contract has expired?

The case involves a tactic used by many providers during the pandemic: bonus pay for employees who continued to report to work.

Attorneys for Alaris Health at Boulevard East told a federal court it had the right to end its bonus program under a previous collective bargaining agreement.

A 2022 NLRB panel ruling found the opposite and would force Alaris' owners to pay more than five dozen former employees a combined \$369,000, plus interest.

McKnight's, 04/15/2024

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

**AMERICA:** Activity from the three main respiratory viruses – flu, COVID, and respiratory syncytial virus (RSV) – continues to decline in the U.S., with one of the main flu markers – outpatient visits for flulike illness – now below the national baseline for the first time since October. Only one jurisdiction—North Dakota—reported high respiratory virus activity last week, down from six the previous week. No locations reported "very high" activity (**CDC**).

**CALIFORNIA:** California is witnessing a dramatic decline in COVID-19 hospitalizations and deaths. The most recent California Department of Public Health data reveals that hospitalizations due to COVID-19 reached approximately 7 patients per 100,000 residents in early January, only to plummet to a historic low of 1.5 per 100,000 by March 30 (**San Francisco Chronicle**).

**CALIFORNIA:** University of California San Francisco (UCSF) researchers describe their study of 156 critically ill COVID-19 patients transferred to long-term acute-care hospitals in Georgia, Kentucky, Nebraska, and Texas for weaning from ventilation and rehabilitation from March 2020 to February 2021. Of the 156 patients, almost two-thirds (64%) said they had a persistent impairment, including physical (57%), respiratory (49%), psychiatric (24%), and cognitive (15%) problems, 1 year later. Nearly half (47%) reported more than one type of impairment, and 19% still needed supplemental oxygen (**Critical Care Medicine**).

**GERMANY:** Serial COVID-19 testing of 50,000 children in 714 German daycare facilities over 1 year didn't result in increased infections and averted 7 to 20 days of post-exposure quarantine per child. University Hospital Cologne researchers led the study, which linked polymerase chain reaction (PCR) COVID-19 test results with data on reported infections to evaluate the change in infection frequency with serial testing ("test-to-stay" approach) versus quarantine among children aged 2 to 6 years from March 2021 to April 2022 (**Pediatrics**).

**CAPITOL HILL:** Sen Bernie Sanders, Ind.-VT, who chairs the Senate's Health, Education, Labor, and Pensions (HELP) committee, has released a draft of proposed long-COVID legislation, which would earmark \$1 billion for long-COVID research over the next decade. Sanders asked the long-COVID community, especially patients, families, researchers, and the medical community, to comment on how the proposal can be strengthened and improved before he formally introduces the legislation. He included an email link for comments, which are due by the end of the business day on April 23 (**Sen. Sanders news release**).

**AMERICA:** Although rates of long COVID have stabilized, the 17 million adults with long COVID may experience many employment and material hardships, with 4 in 10 reporting food insecurity, 2 in 10 reporting difficulty paying rent or mortgage, and 1 in 10 reporting that they had to stop working for a period of time because of their symptoms (**KFF**).

**OREGON:** a team led by researchers from the Veterans Affairs (VA) Portland Health Care System in Oregon compared the risk of potentially preventable hospitalization among COVID-infected veterans to those of matched uninfected controls. The study enrolled 189,136 veterans diagnosed as having COVID-19 from March 2020 to April 2021 and 943,084 controls. A total of 3.1% of participants (3.8% of COVID-19 survivors and 3.0% of controls) had a potentially preventable hospitalization during the 1-year follow-up. The risk of hospitalization was higher among COVID-19 survivors at 0 to 30 days (**JAMA Network Open**).

**AMERICA:** Rates of long-COVID have remained relatively steady for a year, suggesting that the burden will persist unless new methods of prevention and treatment are developed. The data follow the March 2024 release of updated CDC COVID-19 recommendations, which don't instruct people to isolate after testing positive. About 7% of all adults—roughly 17 million people—reported currently having long COVID in March 2024 (**KFF**).

**CALIFORNIA:** Gov. Gavin Newsom is setting a government-wide requirement that state employees work from the office two days a week starting in June, according to a memo his cabinet secretary sent to top state officials on Wednesday and shared exclusively with POLITICO. The directive is a significant policy shift for the administration, which from the start of the Covid-19 pandemic has allowed leaders of the state's roughly 150 agencies, departments and offices to set their own remote work policies for the state's 240,000 workers (**Politico**).

**CAPITOL HILL:** In a House committee hearing last week Rep Paul Gosar (R-Ariz) asked FDA Commissioner Robert Califf, MD criticizing vaccines if he would "like to take an opportunity to express your regret in failing to curtail the chronic disease epidemic in America?" Califf explained that the initial COVID vaccine trials, upon which emergency use authorizations were based, showed a "dramatic reduction" in infection rates, but then the virus mutated (**MedPage Today**).

**ATLANTA:** The CDC has released new data addressing the link, or lack thereof, between the COVID-19 vaccine and sudden cardiac death in otherwise healthy young adults. The agency said "The data do not support an association of COVID-19 vaccination with sudden cardiac death among previously healthy young persons." (**USA Today**).

**AMERICA:** A study by the Duke University of Medicine reported that women in particular struggled with alcohol-related complications during the COVID pandemic. Women between the ages of 40-64 years experienced statistically significant increases in alcohol-related complications in 10 of 18 pandemic months (**JAMA Health Forum**).

### **COVID-19, 04/19/2024**

**Global Cases – Deaths**  
775,293,630– 7,044,637

**U.S. Hospitalizations – Deaths**  
6,924,128 – 1,188,991

**CDC, WHO**

## **17% of NY Healthcare Personnel 'Iffy' on Booster**

A survey of 4,165 healthcare personnel (HCP) at a New York healthcare system from 2021 to 2022 reveals that 17% were hesitant to receive the recommended COVID-19 vaccine booster, and 33% were unsure about vaccinating their children.

Respondents were primarily women (83.1%), and 42.4% had high patient contact – 26% were nurses.

New York state mandated that all HCP, regardless of job role and title, receive the first dose of the primary COVID-19 vaccine series by September 27, 2021, as a requirement for employment.

During the study period, the booster dose was recommended but not mandated.

*Vaccine, 04/15/2024*

## **SNF in Contempt Over Non-payment of \$2.65M**

A large New York nursing home was held in contempt for failing to make court-ordered payments to ensure that staff can continue receiving healthcare benefits.

Justice Lisa Cairo initially ordered Cold Spring Hills Center for Nursing and Rehabilitation to pay \$2.65 million in a "timely manner" to an SEIU benefit fund last October.

The payment was to ensure the 606-bed facility's more than 400 union employees would not lose their guaranteed benefits.

By mid-March, however — five months after issuance, the nursing home had not yet made the court-ordered payment. The benefits are set to expire on April 22.

*McKnight's, 04/15/2024*

## **SD Offering Millions in Tech Grants to Nursing Homes**

Up to \$7 million in grants will soon be available to expand the use of telemedicine and innovative technology to improve health care for the elderly in South Dakota.

A Senate bill will provide \$5 million in grants to long-term care facilities for

implementation or expansion of telehealth services. That measure was funded through American Rescue Plan Act dollars.

A separate bill will offer \$2 million in grants to providers of elder care services for technology innovations that can "improve the quality of life and health outcomes of elderly residents and support health care workers."

*South Dakota Newswatch, 04/15/2024*

## **MA Rule Finalizes Independent Appeals Process**

A final rule announced by CMS revised the appeals process for Medicare Advantage beneficiaries who have been denied coverage. It should be a significant help for both beneficiaries and long-term care providers.

The changes bring MA appeals more into line with traditional Medicare.

Beneficiaries denied MA coverage will no longer be required to shoulder the cost of their treatment if they do not appeal quickly enough and their appeal is unsuccessful – a significant barrier to appeals.

Crucially, the final CMS rule makes fast-track appeals subject to independent reviews by a Quality Improvement Organization rather than by the MA plans themselves.

*McKnight's, 04/08/2024*

## **You Just Gotta Pay Uncle Sugar! or Else!**

The former CEO of a healthcare administrative services company was sentenced to 30 months in prison.

Josef Neuman had been CEO of a company that provided services to nursing homes and other healthcare providers, including around 20 that Neuman also co-owned.

Neuman had been legally responsible for the companies' finances but failed to make tax payments totaling more than \$10.8 million to the IRS in 2017 and 2018.

*McKnight's, 04/09/2024*

## **ONE COLUMN**

### **Wealthy Young New Yorkers Said 'To Hell' With Old Folks**

Many younger people in high-income NYC neighborhoods accessed COVID-19 vaccinations before they were eligible, risking the lives of older people in low-income areas by pushing them down the queue.

Researchers at the University of Witwatersrand in South Africa and Columbia University found that starting December 14, 2020, New York City administered vaccines to high-risk hospital workers, expanding to adults 70 years and older in January 2021; 60+ on March 10; 50+ on March 23, and those 30 and older on March 30.

In the first 3 months of COVID-19 vaccine availability, low-income neighborhoods with higher percentages of people 65 years and older had significantly lower average vaccine coverage than higher-income areas.

Over the year, low-income areas also had higher death rates indicating the greatest risk factor for COVID-19 death was older age.

Despite limited vaccine availability, many younger people—especially in high-income neighborhoods—jumped the queue to get vaccinated before they were eligible (average coverage, 60% among residents 45 to 64 years in the most affluent quintile).

A year later, when vaccines were broadly available, older residents' median vaccine uptake was 87%, including in the poorest area.

"Our analysis provides clear evidence of why U.S. policymakers must target their distribution approach to providing access to lifesaving technologies in short supply, focusing first on those most at risk of severe morbidity and mortality," lead author Nina Schwalbe, of Columbia University, said.

"If New York had focused limited vaccine supply on low-income areas with high proportions of residents 65 or older, overall mortality might have been lower."

*Journal of Urban Health, 04/15/2024*

## **NJ Vets Homes Seek Funds For IC and Private Rooms**

Of a \$7.5 million request, \$5.5 million would be used to create long-term care crisis operations and infection control teams, as well as an emergency fund to provide temporary assistance to struggling private nursing homes.

While New Jersey handled the later stages of the pandemic well, its nursing homes had the second-highest rate of resident deaths due to COVID in the first surge.

The other \$2 million would be used to purchase new equipment and bedding in state-run veterans' nursing homes that are scheduled to begin significant renovations to implement more private, single-occupant rooms.

*McKnight's, 04/04/2024*

## **EEOC Clarifies Rules For Pregnant Workers**

The Equal Employment Opportunity Commission on Monday published a final rule outlining employers' responsibilities for providing reasonable accommodations for a worker's known limitations related to pregnancy, childbirth or related medical conditions.

The rule is meant to clarify the Pregnant Workers Fairness Act

Among the clarifications under the final rule, published Thursday in the Federal Register, "reasonable accommodations" include additional breaks to drink water, eat or use the restroom; a stool to sit on while working; and time off for healthcare appointments.

Further, accommodations extend to pregnancy-related medical conditions, such as miscarriage or stillbirth, lactation or morning sickness.

*Federal Register, 04/19/2024*

## **NJ Providers Concerned With New SNF Transparency Rules**

The New Jersey Department of Health has used an expedited process to implement new financial transparency rules for nursing homes — notably, requiring that owner-certified financial disclosures be audited by a third party annually.

The DOH announced the rules March 18. The cost of the audits would be borne by providers — a provision that state's healthcare association estimates would cost the state's nursing homes around \$30 million each year.

New Jersey's renewed focus on financial transparency also runs parallel to federal regulators turning up scrutiny on issues such as private equity ownership disclosures.

*McKnight's, 04/09/2024*

## **Better Training for LGBTQ+ Residents Needed**

Nursing home workers should be well trained in LGBTQ+ care to provide proper support to patients in the demographic.

Indiana University researchers suggest that new residents being admitted to nursing homes should be asked about sexual orientation and gender identity to reduce health disparities and normalize "sexual and gender minority status," for LGBTQ+ individuals.

The authors noted that health care workers across disciplines are not well trained in care for LGBTQ+ older adults and advocate for LGBTQ+-related training to educate staff on how to care for the population and reduce stigma.

*Becker's Hospital Review, 03/26/2024*

## **Could Be a Big Payday for NY Providers**

New York long-term care providers are one big step closer to making up Medicaid funding shortfalls.

In deliberations for the state's fiscal year 2024-25 budget, both chambers of the Legislature have proposed a reimbursement rate increase that would range between 9.5% and 10.5% total.

The proposed rate adjustment runs contrary to attempts from Governor Kathy Hochul (D) to rein in the state's Medicaid costs, which currently amount to about \$100 billion annually.

The historic increase would follow a 7.5% boost in 2023 that was then the largest the state had seen to date.

*McKnight's, 03/19/2024*

## **Briefly IN THE NEWS**

A brain stimulation treatment improved depression and anxiety symptoms in older adults. People with higher levels of symptoms before treatment were those who experienced the greatest relief from transcranial direct current stimulation. Benefits continued a year after starting treatment for those who had moderate to severe anxiety, or anxiety that was tied to stressful events (***Brain Stimulation***).

The Senate Committee on Finance held a hearing on April 11, focused on forthcoming efforts to reform the Medicare Physician Fee Schedule. Chairman Ron Wyden (D-OR) emphasized that he sees this hearing as a kickoff for both the reform of the Physician Fee Schedule and payments to physicians and other providers reimbursed under that schedule. Witnesses expressed Medicare Advantage plans have more flexibility to meet patients where they are and provide needed innovations, such as lower cost sharing and transportation services (***LeadingAge***).

Nearly a quarter (23%) of adults who say they were disenrolled from Medicaid since early 2023 report being uninsured now. About half (47%) of those disenrolled say they subsequently re-enrolled in Medicaid. Overall, 19% of adults who had Medicaid prior to the start of unwinding say they were disenrolled at some point in the past year. Of this group, a large majority (70%) were left at least temporarily uninsured, while 30% already had another form of health coverage in place (***KFF***).

China is fueling the fentanyl crisis in the U.S. by directly subsidizing the manufacturing of materials that are used by traffickers to make the drug outside the country. Committee investigators said they accessed a Chinese government website that revealed tax rebates for the production of specific fentanyl precursors as well as other synthetic drugs as long as those companies sell them outside of China (***MedPage Today***).