

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT

**“.... we are expecting it to be repealed, and we are asking the administration to repeal the staffing mandate”** Janine Finck-Boyle, vice president of health policy and regulatory affairs for LeadingAge after formally asking the incoming administration to dump the staffing mandate

**“While the risk to humans remains low, we are always preparing for any possible scenario that could arise. These investments are critical to continuing our disease surveillance, laboratory testing, and monitoring efforts alongside our partners at USDA”** HHS Secretary Xavier Becerra in announcing \$306 million in awards to continue the H5N1 Avian Flu program

**“A lot of flu out there”** CDC's Carrie Reed.

## **Court Rejects RNs On All Survey Teams**

The Second Circuit Court of Appeals this week declined to have its full bench reconsider a three-judge panel's previous ruling in support of a 2017 Centers for Medicare & Medicaid Services rule change.

Twenty-five nursing homes had argued that CMS overstepped its regulatory bounds and went against Congressional intent when it stripped a requirement that registered nurses take part in all nursing home surveys.

Instead, CMS now allows survey teams conducting shorter complaint surveys or rechecks to operate without a nurse present.

McKnight's, 01/10/2025

## **Justice Officials Leaked COVID Info to Reporters**

Three unnamed senior Trump administration DOJ officials violated department rules by divulging details of an investigation into coronavirus deaths at nursing homes in New York and other Democratic-run states just days before the 2020 election.

The report did not disclose what investigation was at issue, but another report obtained through the Freedom of Information Act shows it revolved around inquiries to state officials in New York, New Jersey, Pennsylvania and Michigan concerning policies toward coronavirus residents in nursing homes.

The IG concluded the three officials had disregarded DOJ confidentiality and media policy “by leaking open investigation details to select reporters.

*The New York Times*, 01/07/2025

## **OIG: Cut Hospital Swing Beds and Save Billions**

The U.S. spent an estimated \$7.7 billion more on swing-bed care in rural hospitals than it would have if patients received the same care in a skilled nursing facility,

The HHS-OIG audit found similar placements are often available at lower rates in Medicare-certified nursing homes.

Congress allowed CMS to pay Critical Access Hospitals 101% of their skilled nursing costs to help ensure that rural beneficiaries have access to a range of healthcare services.

But costs have ballooned, with Medicare now paying, on average, five times more for the same or similar services it pays at stand-alone nursing homes.

HHS-OIG, 01/03/2025

## **Virginia Staffing Reflects America's LTC Problems**

Although Virginia's long-term care workforce challenges shows signs of improvement, most operators need to hire more direct care workers but face the challenge of finding qualified — and interested — candidates.

A new survey of LTC across the commonwealth found that 92% of communities reported certified nursing assistant vacancies, 79% have licensed practical nurse needs, 72% have registered nurse openings and 48% face shortages in filling shifts, according to the Virginia Health Care Association / Virginia Center for Assisted Living.

Further, 58% of sites said they had no qualified applicants, and 24% of sites reported having no applicants for open positions.

*Senior Living*, 01/09/2025

## **More Money in Ohio For Private Medicaid Rooms**

More than a year after Ohio passed a bill to implement private rooms in nursing homes for Medicaid residents, CMS finally agreed, authorizing up to \$160 million in federal reimbursement for the 2025 fiscal year.

CMS approved the plan in 2024, but SNFs were required to wait until mid-December for the funding to kick in.

Approved facilities can expect an extra \$20-to-\$30 PPD for those rooms.

More than 20,000 private rooms were approved from applications submitted by state nursing homes dating back to Jan. 2024.

Before CMS' approval, facilities did not receive additional funds for private rooms.

*McKnight's*, 01/06/2025

## **How Much Time from Diagnosis to Nursing Home?**

Researchers in the Netherlands found the average life expectancy of people diagnosed with dementia ranges from 9 years at age 60 to 4.5 years at age 85 for women and from 6.5 to just over 2 years, respectively, in men.

The results also suggest that one third of people with dementia are admitted to a nursing home within three years of diagnosis.

Nearly 10 million people worldwide receive a diagnosis of dementia every year.

*BMJ*, 01/08/2025

## **IN THE TRENCHES – COVID-19 & Other Outbreaks in the U.S. and the World**

**THE WORLD:** The WHO has declared the outbreak of a new coronavirus in China, a global health emergency. WHO's emergency committee on the epidemic recommended designating the outbreak a Public Health Emergency of International Concern in a decision said to be "almost unanimous." WHO Director-General Tedros Ghebreyesus said, "The main reason for this declaration is not because of what is happening in China, but because of what is happening in other countries" (*Daily Post*).

**WASHINGTON (state):** Former Washington State football coach Nick Rolovich has lost his lawsuit against the university that stemmed from his firing in October 2021 for refusing to get the COVID-19 vaccine. Rolovich claimed WSU had violated Title VII of the Civil Rights Act and Washington's Law Against Discrimination, and that it had breached his contract, and improperly withheld wages. A federal judge ruled against Rolovich on all four of those claims (*The Seattle Times*).

**LOS ANGELES:** Keith Middlebrook, a part-time actor who describes himself as a "genius entrepreneur" was sentenced to more than eight years in federal prison for soliciting investments in a bogus cure for the Covid-19 coronavirus. At the beginning of the pandemic, he shared videos with his 2.4 million Instagram followers claiming he had developed a liquid that, when injected, would cure the recipient of Covid-19 within 24 hours and a pill that would prevent infection (*Courthouse News Service*).

**AMERICA:** The holidays came with a side of flu for many Americans, with 40 states reporting high or very high levels of illness last week. The most recent CDC hospitalization data and other indicators show that the flu virus is trending higher than the other germs. Several seasonal flu strains are driving cases, with no dominant one (*AP*).

**CHINA:** Media reports have described a surge of respiratory virus activity in China, which included involvement of hMPV and strain on the country's health system. The virus is one of many common viruses that causes human colds and is known to

circulate alongside other winter-season viruses such as influenza and respiratory syncytial virus (RSV). But WHO said it is in contact with Chinese officials and that it has not received any reports of unusual outbreak patterns (*CIDRAP*).

**FLORIDA:** A statewide grand jury convened at the request of Gov. Ron DeSantis to investigate "any and all wrongdoing" concerning COVID-19 vaccines, did not find any evidence of criminal activity. "(N)ot finding any indictable criminal activity does not mean we did not find any problems. On the contrary, there are profound and serious issues involving the process of vaccine development and safety surveillance in the United States," the grand jury wrote in its final report (*AP*).

**SWEDEN:** COVID-19 infection may be harder on the kidneys than other respiratory tract infections. Swedish researchers reported that "we found accelerated kidney function decline after severe COVID-19 that was of greater magnitude than after other causes of pneumonia. Kidney function decline was 3.4% for most with COVID-19 and 5.4% for those who needed hospitalization (*JAMA Network Open*).

**WASHINGTON (state):** An animal sanctuary in Shelton, Wash., is under quarantine after a bird flu outbreak killed 20 big cats at the facility over the past month. The Wild Felid Advocacy Center of Washington called the deaths "heartbreaking" confirming the virus has claimed more than half its animals, including four cougars and a half-Bengal tiger, since late November (*NPR*).

**AMERICA:** The federal Countermeasures Injury Compensation Program (CICP) fielded a massive influx of claims due to the COVID-19 pandemic. CICP received approximately 27 times more claims in response to the COVID pandemic than it had received in the whole first decade of the program, which began in 2009 -- a total of 13,333 claims compared to just 491 (*MedPage Today*).

**AMERICA:** Pediatric and young adult COVID-19 patients are more at risk for cardiac complications than flu or RSV

patients of the same age. In total 212,655 respiratory virus admissions were recorded, including 85,055 from COVID-19, 103,185 from RSV, and 24,415 from influenza. A total of 740 patients with COVID-19 also experienced myocarditis, compared to 55 patients who had flu and 65 with RSV (*BMC Cardiovascular Disorders*).

**CALIFORNIA:** There are two confirmed cases of H5N1 bird flu in San Joaquin County farmworkers. The farm workers, officials said, had mild symptoms and are recovering. Both were exposed to infected animals, according to the San Joaquin County Public Health Services. Officials said that they are monitoring the farmworkers, in addition to providing flu vaccinations and distributing educational resources to farms (*San Francisco Chronicle*).

**SAN FRANCISCO:** Health officials reported the first flu-related death this respiratory virus season, an adult older than 65 who had not gotten the annual influenza vaccine. Each respiratory virus season, which generally runs from November through February and peaks around late December, the flu kills thousands of Americans. During the 2023-24 season, 579 people in California died from the virus (*San Francisco Chronicle*).

**AUSTRALIA:** Though prevalence estimates vary, some researchers have calculated that at least 65 million people globally are suffering from long COVID, with an Australian study this year finding one in five people were still experiencing persistent symptoms like fatigue, cognitive dysfunction and sleep problems three months after testing positive to the virus (*ABC.net, AU*).

### **COVID-19, 01/10/2025**

**World Total Cases**  
777,126,421

**World Total Deaths**  
7,079,925

**U.S. Total Deaths**  
1,210,707

World Health Organization

## **Vaccinations Worked - You Can Bet the Farm on It**

A study of COVID-19 cases in Los Angeles County nursing homes reveals that hospitalizations and deaths per 100 residents fell from 31 and 24, respectively, prior to widespread vaccination to 11 and 7, respectively, afterward from March 2020 to April 2022.

LA County has 383 nursing homes housing more than 35,000 licensed beds. County health officials documented all COVID-19 outbreaks beginning in March 2020. In total 44,279 cases were analyzed from 1,587 outbreaks in 313 nursing homes.

Eighty-seven percent of hospitalizations and 89% of resident deaths took place before widespread vaccination, or March 2020 through January 2021.

*Infection Control & Hospital Epidemiology, 01/07/2025*

## **AHCA Names Bassett As New Top Lobbyist**

Michael Bassett, a long-time lobbyist and former Capitol Hill staffer, has been named senior vice president of government relations at AHCA/NCAL.

Bassett steps into the role vacated by Clifton Porter, who became AHCA/NCAL's president and CEO after the departure of Mark Parkinson.

Bassett served as staff director for the Senate Special Committee on Aging and as a senior policy advisor to former Sen. Bob Corker (R-TN). As vice president of government relations at AHCA/NCAL since 2014, Bassett led advocacy work in both the Senate and House on legislative and policy issues impacting nursing homes and assisted living communities.

*McKnight's, 12/30/2024*

## **DON Bails Out of Jail in Abuse Death Case**

Kamesha Michelle Kittrell, DON at Colonial Heights Rehabilitation and Nursing Center in Virginia, one of four nursing home employees jailed for elder abuse leading to a resident's death has been released on bond.

A total of 18 employees arrested in December on various charges surrounding the death of a 74-year-old

woman whose family said she died of sepsis after being abused and neglected during her stay at the center.

Most of the 14 employees not incarcerated were charged with falsifying documents.

Prosecutors contend Kittrell was culpable for the death due to her staff oversight responsibilities.

*The Progress Index, 12/31/2024*

## **Billing Fraud Cost MA Firm \$100M**

A western NY health insurance provider and the CEO of its medical analytics arm have agreed to pay a total of up to \$100 million to settle DOJ allegations of fraudulent billing for health conditions that were exaggerated or didn't exist.

Independent Health Association of Buffalo, which operates two Medicare Advantage plans, will pay up to \$98 million. Betsy Gaffney, CEO of medical records review company DxID, will pay \$2 million.

Neither admitted wrongdoing.

The attorney for whistleblower Teresa Ross said it was the largest payment yet by a health plan based solely on a whistleblower's fraud allegations

*KFF Health News, 12/18/2024*

## **Court Says DC Must Make it Easier to Exit SNFs**

After more than a decade of litigation, a federal court ruled that the District of Columbia violated the Americans with Disabilities Act by not adequately accommodating nursing home residents with disabilities who wished to transition to community-based care.

District nursing homes failed to prove their compliance with the integration mandate established in *Olmstead v. L.C. ex rel. Zimring* after not enabling residents who were capable of transitioning into the community to receive in-home care.

This, judges said, caused "unjustified segregation in nursing facilities."

*McKnight's, 01/07/2025*

## **ONE COLUMN**

### **IC Pros: It's Time for LTC To Clean Up Its Act**

Perhaps the most important need — a building block often overshadowed by "flashier" topics — is to get the manufacturing community to plan better with providers in mind, observers maintain. They emphasize a service is not helpful if it can't be employed easily enough or efficiently.

"Giving staff products that are hard to mix, that require cleaning first with one product then disinfecting with another — like bleach, which is toxic in concentrated form — is a penny wise and pound foolish approach," said Deborah Burdsall, a board member of the Association for Professionals in Infection Control and Epidemiology. "The same applies to not asking the company that provides the cleaning/disinfecting products to help support with training and monitoring of cleaning equipment, cleaning practices, and dispensing systems."

Another hurdle to providing better service can be the number of staff available, noted Evelyn Cook, associate director, Statewide Program for Infection Control and Epidemiology at the University of North Carolina at Chapel Hill.

Without enough team members, staff are forced into "having too many tasks and not enough time" to them, added Karl Seagren, senior product consultant, environmental, for Direct Supply.

"If products are easy to use, have a tolerable odor, low toxicity, kill a lot of different types of organisms in a short time and are available at the point of care, then nursing home staff have the tools to take an active part in keeping the environment clean and disinfected."

Another consequential mistake among environmental services staff is simply not adhering to the manufacturer's instructions for use (IFUs) with regard to contact time.

Wearing PPE incorrectly or improperly donning or doffing PPE also is a common, and sometimes serious, mistake.

*McKnight's, 12/26/2024*

## **Facilities Sue State for Stopping Capital Funding**

Ninety-two New York nursing homes are taking legal action against the state's Department of Health and its commissioner, claiming a recent reimbursement reduction violated their equal protection rights.

The claim filed in federal court alleges that the agency's decision to end funding in 2025 for capital expenditures at the selected facilities — all of them older dwellings — is unconstitutional.

Long-term care experts said that expensive repairs are inevitable for operators of older facilities. Therefore, financial backing from the state that helps with necessary maintenance is essential to upholding resident care and safety.

*McKnight's, 01/02/2025*

## **ACO Enrollees Most Likely Land in Top Star SNFs**

Medicare patients enrolled in an accountable care organization were more likely to be referred to a high-quality nursing home,

That's likely because higher-quality SNFs, those earning 4 or 5 overall stars make up a higher proportion of skilled nursing providers in ACO networks.

The study by Huiying Wang at Brown University's Center for Gerontology and Healthcare, found that patients whose care was attributed to an ACO were "consistently" the most likely to enter high-quality nursing homes. Conversely, Medicare Advantage beneficiaries, who accounted for 54% of the Medicare population, were least likely to be discharged to a 4- or 5-star facility.

*Journal of the American Geriatrics Society.*

## **Agency Use = Lower 5-Star So, This Is a Surprise???**

A new study involving more than 80,000 US nursing homes has found a link between the use of staffing agency nurses and lower quality ratings.

The use of agency RNs, LPNs and CNAs decreased facilities' chances of attaining higher star ratings by 4%, 5% and 4%, respectively,

Researchers looked at data from secondary datasets, including the Payroll Based Journal, LTCFocus.org, Area Health Resource Files and Rural-Urban Commuting Area Codes.

Not surprisingly, the study found that 1-star facilities had the highest utilization of agency nursing staff, while 5-star facilities had the lowest.

*Medical Care, 12/27/2024*

## **'Grannie Cams' Coming to R.I. Nursing Homes**

Rhode Island this month will become the latest state to authorize electronic monitoring resident rooms in LTC facilities.

Under the law, a resident or a resident's representative must consent to the camera. The resident's roommate must also agree to having electronic monitoring. The roommate may withdraw consent at any time.

The resident or roommate may also place restrictions on the use of the device such as prohibiting recording or broadcasting of audio or video.

Violations of the law could result in fines of up to \$500 and six months in jail.

*JD Supra, 01/09/2025*

## **Group Wants Override of Rhode Island Gov's Veto**

A Rhode Island nursing home resident advocacy group is pushing for a special session when the state Legislature reconvenes next week, hoping lawmakers will override Gov. Dan McKee's veto of a bill that would have created an independent board to oversee nursing home matters.

The Raise the Bar on Resident Care Coalition said the Workforce Standards Board would "allow us to create a path forward to raise wages, enforce staffing and hold nursing home owners accountable."

Minnesota already has a Workforce Standards Board. It has been riddled with politically driven rulemaking that has harmed providers, residents and their families.

*McKnight's, 01/03/2025*

## **Briefly in the News**

Obesity dipped slightly in U.S. adults last year the first time in more than a decade that the country has seen a downward trend. That might be due, in part, to the recent rise of blockbuster weight loss drugs like Ozempic. The findings, published Friday in the journal JAMA Health Forum, showed the most significant decrease in the South, particularly among women and adults ages 66 to 75. **(NBC News).**

The accused killer of United CEO Brian Thompson - Luigi Mangione's, potential arguments could revolve around attributing his actions to his mental state at the time of the killing —not guilty by reason of insanity and claiming extreme emotional disturbance. Former Manhattan prosecutor Karen Friedman Agnifilo, hired last week to defend Mangione on the murder charge, previously speculated that such a plea could be a possibility **(The Wall Street Journal).**

A far larger proportion of surgeons completed a "buzz wire" dexterity game within 5 minutes (84%) compared with physicians (57%), nurses (54%), and non-clinical staff (51%). They also had the highest rate of swearing (50%), followed by nurses (30%), physicians (25%), and non-clinical staff (23%) according to a University of Leeds study **(The BMJ).**

Aetna is taking legal action against Pfizer, Novartis, Teva Pharmaceuticals and others, saying the list of drugmakers conspired to overcharge the insurer, consumers and the federal government for generic drugs. The complaint claims the drugmakers communicated secretly at trade conferences or through phone calls, beginning in 2012, to determine the market share, prices and bids of certain drugs **(Fierce Healthcare).**

House Speaker Mike Johnson said Tuesday that cuts to Social Security and Medicare won't be part of the legislative package being worked out to fund President-elect Donald Trump's agenda. "No, the president has made clear that Social Security and Medicare have to be preserved," Johnson replied when asked if he was open to cutting the programs as part of the spending plans being worked out between House and Senate Republican leaders **(ABC News).**