

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT

***"I have committed no crime and there are no possible grounds for any allegation or threat of criminal investigation or prosecution of me. The fact is, however, that the mere articulation of these baseless threats, and the potential that they will be acted upon, create immeasurable and intolerable distress for me and my family"*** Dr. Anthony Fauci

commenting on why he accepted a pardon from President Biden

***"We can't say what the Trump administration has planned for the aging services sector based on his first day in office"*** Linda Couch, LeadingAge senior vice president of policy and Advocacy

***"Older Idahoans and Idahoans with disabilities have the right to remain in their homes as their support needs increase"*** Idaho U.S. Attorney Josh Hurwit after DOJ found that the state segregates people with disabilities in nursing homes

### **Idaho Violates ADA**

#### **Isolates Disabled in SNFs**

The Justice Department has found that Idaho unnecessarily segregates adults with physical disabilities in nursing facilities, in violation of the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.*

The ADA and the *Olmstead* decision require state and local governments to ensure the services they provide to people with disabilities are available in the most integrated setting appropriate to individuals' needs.

The department's findings, detailed in a letter to Idaho Governor Brad Little, follow a thorough investigation into the state's service system for people with physical disabilities.

KHQ-TV, 01/16/2025

### **Providers Hope For Quick Staffing Solution**

President Trump Monday rescinded several Biden-era executive orders affecting seniors and the healthcare sector, while promising in his inauguration speech to roll out additional health-centric measures later this week.

On day one of his second term, Trump also placed a freeze on all new federal regulation, including pausing any rules that had been proposed or finalized but not yet taken effect.

"While the nursing home staffing rule does not fall under the president's executive order on a regulatory freeze, but it may be on the 100-day list and that the rule's repeal is on Congress's list for budget reconciliation options.

McKnight's, 01/22/2025

### **Feds Reject Claims of 'Impossible' Staffing**

On its way out the door, the Biden Administration HHS made its final arguments in a federal lawsuit challenging its authority to impose a new nursing home staffing mandate.

While continuing to defend their basis for the rule, government attorneys also argued that provider concerns about the rule's "impossible" standards aren't a valid reason to vacate 24-hour registered nurse coverage or minimum hourly standards.

The government attorneys wrote in a brief that the intent of the rule was to force facilities that are staffed at less than the rule requires to hire more nurses.

### **New Admin Cancels Slough of Scientific Meetings**

Several meetings of National Institutes of Health study sections, which review applications for fellowships and grants, were canceled without being rescheduled, according to agency notices reviewed by STAT.

A Feb. 20-21 meeting of the National Vaccine Advisory Committee, a panel that advises the leadership of the Department of Health and Human Services on vaccine policy, was also canceled.

Also cancelled was a meeting of the Presidential Advisory Council for Combating Antibiotic-Resistant Bacteria that was scheduled for Jan. 28 and 29.

STAT, 01/23/2025

### **Who's Minding the CDC Store? Apparently, Nobody**

The Centers for Disease Control and Prevention is operating without an acting director, multiple health officials confirm to CBS News, leaving the agency responsible for defending the U.S. against emerging pandemics and responding to health emergencies without a clear chain of command.

A leadership vacuum atop the CDC is unprecedented.

Under previous administrations, including the first term of President Trump, officials made sure either to immediately appoint their pick for the position or decide during the transition on whom would assume the top post in an acting capacity.

CBS News, 01/23/2024

### **Operator Settles After Data Breach Exposes Residents**

A senior living operator has reached a settlement in a class action lawsuit after a 2023 data breach exposed the personal information of more than 61,400 residents who are generally eligible for up to \$1500 each.

Vi Living, experienced a security breach in March 2023 when an unauthorized third party gained access to its corporate office network and data server.

Names, addresses, birth dates, Social Security numbers, and financial and medical data were compromised.

A complaint alleged the company could have prevented the breach through reasonable cybersecurity measures but failed to do so due to negligence.

DOJ, 01/16/2025

***"There are only four kinds of people in the world: Those who have been caregivers. Those who are currently caregivers. Those who will be caregivers, and those who will need a caregiver."***

***- Rosalyn Carter***

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

**ATLANTA:** The CDC in its weekly FluView update, confirmed 11 new pediatric deaths for the week ending on January 11, lifting the total during the 2024-25 flu season to 27. Overall deaths are also increasing, with flu accounting for 1.5% of deaths in the second week of January. Seasonal influenza activity remains elevated across most of the country, with an 18.8% positivity rate, according to clinical lab data (**CIDRAP**).

**WASHINGTON, D.C.:** Dr. Anthony Fauci, said he intends to accept the pardon preemptively offered to him by President Biden. Fauci said the White House approached him about the pardon about a month ago and that he did not ask for one. His pardon covers any offenses from Jan. 1, 2014 until January 19, 2025 that are related to his service as NIAID director, a member of the White House's COVID-19 task force or response team or as chief medical adviser to the president (**The Hill**).

**AMERICA:** New results from the National Institutes of Health's Researching COVID to Enhance Recovery (RECOVER)-Adult Initiative suggest that 4.5% of COVID-19 survivors have myalgic encephalomyelitis/chronic fatigue syndrome compared with less than 1% of their uninfected counterparts. ME/CFS, which can be triggered by viral and non-viral infection, causes severe fatigue for at least 6 months and may entail impaired memory, brain fog, dizziness, and muscle or joint pain (**CIDRAP**).

**AMERICA:** The Centers for Disease Control and Prevention has issued an advisory urging health-care workers treating patients hospitalized with the flu to perform an additional test for bird flu within 24 hours of admission. The advisory reflects increasing concern about the widening outbreak of H5N1 avian influenza that is sickening more people and animals in the United States and Canada (**The Washington Post**).

**WASHINGTON, D.C.:** HHS has cut off all funding and formally debarred EcoHealth Alliance and its former president, Peter Daszak, for five years following scrutiny over its involvement in

virus research in Wuhan, China, ahead of the Covid-19 pandemic. The department made its decision based on evidence uncovered by the Select Subcommittee on the Coronavirus Pandemic, the House Committee on Oversight and Government Reform (**Bloomberg**).

**NEW HAMPSHIRE:** Dartmouth Health will no longer require someone to be vaccinated against COVID-19 before receiving a kidney transplant, after the New Hampshire Attorney General's Office intervened on behalf of a patient. The Attorney General's Office said the health system changed its policy after state officials raised concerns it could violate state law. The law at issue, passed in 2022, forbids health care providers from denying care to patients based solely on vaccination status (**New Hampshire Public Radio**).

**WASHINGTON, D.C.:** The Trump administration is preparing an executive order that would halt federal funding, at least temporarily, for a risky and controversial kind of research into viruses that makes the pathogens more dangerous or contagious. Critics have linked the research to COVID. The goal of the order would be to stop scientists with U.S. funding from conducting "gain-of-function" research on viruses that could endanger human health (**The Wall Street Journal**).

**MARYLAND:** A positive case of legionnaires' disease has been found at the Dorsey Run Correctional Facility in Jessup, Maryland. An inmate at the facility was experiencing shortness of breath, and a persistent cough earlier this week. He was taken to a local hospital, where he tested positive for legionnaires' disease. The inmate is still hospitalized, and his condition is improving (**CBS News**).

**EUROPE:** In Science of the Total Environment, a University of Surrey-led research team that measured indoor air quality (IAQ) on board a large cruise ship in August 2023 identifies crowded dining areas as priorities for improved air circulation and the prevention of disease outbreaks. They monitored 24-hour indoor CO<sub>2</sub> levels to evaluate temperature, humidity, ventilation,

airborne infection risk, and energy efficiency by monitoring IAQ in three cabins and the buffet, gym, bar, restaurant, pub, and theater of a 5,000-passenger cruise ship traveling between UK and EU ports (**CIDRAP**).

**WASHINGTON, D.C.:** Moderna has been awarded approximately \$590 million from the federal government to help speed up the development of an mRNA-based bird flu vaccine. HHS stipulated it wants a vaccine matched to current strains circulating in birds and cows and that may be useful in future pandemics (**ABC News**).

**AMERICA:** Managing long-COVID cases could cost US employers \$1.99 billion to \$6.49 billion annually. The model estimates current and future financial burdens related to long COVID, which affects an estimated 44.7 million to 48.0 million Americans. A model took into account the clinical course, health effects, and associated costs of a person with long COVID for 1 year and assumes each person would cost \$5,084 to \$11,646, with men accounting for \$9,432 in productivity losses (**Journal of Infectious Diseases**).

**AMERICA:** New cases of Bird Flu have been detected in flocks in Maryland, Arkansas and Missouri Two of the events involved broiler farms, one a facility in Arkansas' Cleveland County that has nearly 107,000 birds and another in Maryland's Dorchester County that has 152,000 chickens. In Missouri, the virus struck four turkey producers in three different counties—Jasper, Lawrence, and Newton. Taken together, the farms have about 145,000 birds. In dairy cows H5N1 was detected in 7 more California herds, pushing the national total to 937 and California's total to 720. (**CIDRAP**).

### **COVID-19, 01/26/2025**

**World Total Cases**  
777,310,393

**World Total Deaths**  
7,083,925,247

**U.S. Total Deaths**  
1,212,060

World Health Organization

## **Everything RFK, Jr.**

### **RFK, Jr. Says He's Resigned From Anti-Vaccine Nonprofit**

Robert F. Kennedy Jr. is distancing himself from his anti-vaccine work as he seeks to become the leader of the nation's top health agency under President Donald Trump.

In government ethics documents released Wednesday, Kennedy has pulled in roughly \$10 million in income from his work over the past year, which includes speaking fees, leading an anti-vaccine nonprofit and legal fees, government ethics forms filed for his nomination show.

If confirmed as HHS secretary, he has promised to stop collecting fees on some of his vaccine lawsuits involving the U.S. government.

AP, 01/23/2025

### **..... And He Will Get Out Of Other Investments**

If confirmed, Robert F. Kennedy Jr., will divest his interest from pending complaints he is involved in against the United States and the National Vaccine Injury Compensation Program (VICP).

However, under the ethics agreement, Kennedy will still receive "complete and final payment" for amounts owed to him from the law firm Wisner Baum with which he has a consulting agreement.

The agreement also allows him to receive payment for pending cases in an amount "to be agreed upon" with Wisner Baum before assuming duties as HHS secretary, should he be confirmed.

Politico, 01/23/2025

### **Meanwhile, Senators 'Lock & Load' For Kennedy, Jr.**

When Senate Democrats huddled with prominent public health experts on Wednesday to discuss the benefits of vaccines, it felt like they were preparing for battle.

in a session that was broadcast publicly. The senators peppered the experts with questions about ideas espoused by vaccine critics, the powers of the Secretary of Health and Human

Services, and the best strategies to highlight the benefits of vaccines.

The roundtable convened by Senator Bernie Sanders served as a prep for Kennedy's confirmation hearing next week.

In the past, Kennedy has questioned the safety of vaccines, implying they may cause autism.

Stat News, 01/23/2025

### **First Black Army Nurse Has Passed Away**

Nancy Leftenant-Colon, the first Black woman to join the U.S. Army Nurse Corps after the military was desegregated in 1948 has died in a New York nursing home. She was 104.

Leftenant-Colon retired as a chief nurse with the rank of Major in 1965, then worked as a school nurse in Amityville N.Y.

From a family of 12 children and known as "Lefty," she was one of six siblings who served in the military, including brother 2nd Lt. Samuel G. Leftenant, a famed Tuskegee Airmen pilot. He was killed in a mid-air collision over Austria in 1945.

AP News, 01/23/2025

### **CEO Pleads Guilty He's Headed for the Hoosegow**

Atrium Health and Senior Living and former CEO Kevin Breslin have both pleaded guilty to health care fraud and tax conspiracy related to the operation of numerous skilled nursing facilities.

The defendants allegedly diverted CMS funds intended for the operations and care of the residents to other purposes and personal expenses. They also did not pay vendors, and third-party administrators monies deducted from employees' paychecks for insurance and 401(k) plans.

Breslin, allegedly also directed that income taxes and employment taxes withheld from Wisconsin employees' paychecks not be paid to the IRS.

He could get 15 years in prison.

DOJ news Release, 01/24/2025

## **ONE COLUMN**

### **Trump Regulatory Freeze Slows Down HHS**

The Trump administration has ordered a governmentwide regulatory freeze that will halt progress on healthcare regulations.

The freeze stops the rulemaking process in its tracks and prevents the new Trump administration from issuing new rules for 60 days.

In that time, the new Department of Health and Human Services (HHS) leadership will decide which Biden-era regulations it wants to toss, which it will let stand and which it wants to change.

The first Trump administration and the Biden administration instated regulatory freezes on the first days of their terms in 2017 and 2021, respectively.

"The administration gets in and understands the regulatory landscape of where things are and can put out their own kind of stamp on regulatory policies," Jeff Davis, director of health policy at McDermott+, said.

Trump's HHS will review regulations that were proposed, but not finalized, by the Biden administration, such as the proposed updates to the HIPAA Security Rule and the proposed rule for prescribing controlled substances via telehealth. Rules that were finalized by Biden but are not yet effective are also stalled for 60 days.

Of note, Trump's nominee for health secretary, Robert F. Kennedy Jr., has not yet been scheduled to appear in front of the Senate. The Washington Post reported that the scheduling of the confirmation hearing has been delayed because the Senate is still rifling through RFK Jr.'s financial disclosures. Dorothy Fink, M.D., has been appointed to serve as acting HHS secretary in the meantime.

Davis said it's likely that the Trump team will throw out Biden's proposed staffing mandate for skilled nursing facilities and the proposed updates to Medicare Advantage and Medicare Part D prescription drug programs.

Fierce Healthcare, 01/22/2025

## **New Surveyor Rules Are Delayed But Not for Long**

CMS pushed back implementation of new surveyor guidance until March, giving regulators more time to fine-tune how they determine compliance with staffing, antipsychotic medication use, etc.

The initial revisions dictated how surveyors will assess nursing homes compliance with regulations governing admission, transfer and discharge, unnecessary psychotropic medication, resident assessment, infection prevention and control, and more.

The final version of the SOM's Appendix PP will include some significant updates to the section governing use of unnecessary psychotropic medication. It also revises when and where surveyors should cite providers for lapses in nursing services and assessing staffing before an on-site inspection.

*McKnight's, 01/24/2025*

## **Providers Unhappy with Minnesota Budget Proposal**

Long-term care operators are calling Minnesota Gov. Tim Walz's biennial budget proposal a "short-sighted slap in the face" because it recommends slashing funding for senior care services.

The proposal would cut about \$200 million from nursing home reimbursement.

Ben Hansen, director of communications at LeadingAge Minnesota, said nursing facilities would see a minimum 2% gap between their expenses and what the state would reimburse.

In 2023, the Long-Term Care Coalition, a collaboration between LeadingAge Minnesota and Care Providers of Minnesota, surveyed state residents and found that 77% didn't think the state was prepared for the aging boom.

*McKnight's, 01/21/2025*

## **Operator Settles after Data Breach Exposes Residents**

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who are generally eligible for up to \$1500 each.

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A complaint alleged the company could have prevented the breach through reasonable cybersecurity measures but failed to do so due to negligence.

*DOJ, 01/16/2025*

## **MRSA Rates Linked To RN Staffing Levels**

Nursing homes with higher invasive *Staphylococcus aureus* (MRSA) rates had fewer registered nurses, Conversely, Increasing RN Staff may lead to lower rates of MRSA.

Of the more than 2800 cases examined in six states investigators also found that facilities with more registered nurses and higher proportions of white residents had lower rates of MRSA.

Other factors included: presence of residents with multidrug-resistant organisms, resident in a facility less than 100 days, and those who had a nasogastric or percutaneous gastrostomy tube.

*Journal of the American Geriatrics Society, 01/20/2025*

## **First SNF to Get AHA Stroke Rehab Certification**

Mount Holly Rehabilitation & Healthcare Center in Lumberton, NJ has become the first SNF in the country to earn a Skilled Nursing Facility Stroke Rehabilitation Certification.

The credential signifies that Mount Holly has specialized expertise, evidence-based practices and a commitment to quality improvement and stroke rehabilitation."

Recent research by the AHA found that stroke is one of the leading causes of long-term disability in the US, with nearly 800,000 people each year experiencing a new or recurrent stroke.

*McKnight's, 01/21/2025*

## **Briefly in the News**

Liberal lawmakers and advocates are moving to shield the Medicaid program from potential cuts under the Trump administration, pledging to resist major changes to the safety-net health program that more than 70 million Americans depend on for coverage. Protect Our Care, an advocacy group aligned with Democrats launched a \$10 million "Hands Off Medicaid" campaign **(The Washington Post)**.

Scientists are unraveling the mystery of what triggers Huntington's disease, a devastating and fatal hereditary disorder that strikes in the prime of life, causing nerve cells in parts of the brain to break down and die. New research shows that the mutation is, surprisingly, harmless for decades. But it quietly grows into a larger mutation — until it eventually crosses a threshold, generates toxic proteins, and kills the cells it has expanded in.

The president of the University of North Texas Health Science Center is stepping down, four months after an NBC News investigation uncovered that the center had failed to contact families before using their loved ones' corpses for medical research. The University Board of Regents said it had accepted Sylvia Trent-Adams' resignation **(NBC News)**.

South Carolina veterans have a new haven designed to provide exceptional care and comfort in their golden years. A state-of-the-art nursing home dedicated to serving those who have served our country has officially opened in Sumter. The facility, known as the State of South Carolina Veterans' Nursing Home, represents a significant investment in veteran care, with a total project cost of \$71.4 million **(WRTH Radio)**.

The Equal Employment Opportunity recovered almost \$700 million in fines from employers in fiscal year 2024 related to discrimination against 21,000 employees nationwide. The figure is the highest monetary recovery for discrimination claims in recent history. It included more than \$469 million for individuals in private-sector and state and local government workplaces and more than \$190 million for federal workers **(EEOC news Release)**.