

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT

"If people want to come to our country to be caregivers for our seniors, they need to do that by coming here the legal way" Department of Homeland Security Assistant Secretary Tricia McLaughlin

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Providers Score Payment Wins for Behavioral Health

Providers in 10 states have in recent months won new or significantly higher rate add-ons for patients with behavioral health needs, are close to getting better legislative rates or have permission to launch new state-funded pilots to improve behavioral care.

For example, in Kansas, a July 1 program will offer SNF operators an additional \$175 daily to provide Medicaid patients with behavioral health care.

In Utah also In July, rates that have been stagnant will see a "modest" increase this year, with a more substantial adjustment in 2026.

McKnight's, 04/30/2025

WOW! From Nearly Shuttered To a Five-Star Rating

San Francisco's Laguna Honda Hospital and Rehabilitation Center, the nation's second-largest nursing home (600+ beds), which just three years ago struggled to keep its doors open after a Medicaid and Medicare decertification, has earned a CMS 5-Star Quality rating.

In April 2022, CMS cancelled Laguna Honda's ability to serve federal beneficiaries due to four substandard surveys that raised major questions about staff training and competency, patient-centered care and infection control efforts.

Laguna Honda's gained recertification through the completion of a 960-step plan — with milestones that included new leadership, staff training, updating policies, expanding resident councils and improving infrastructure.

McKnight's, 05/01/2025

Trump Administration Halts Appeal of OT Exemption Rule

The Trump administration is seeking to pause appeals over two rulings that blocked the 2024 Biden-era overtime rule, which sought to increase the minimum salary for overtime exemptions for white-collar employees.

The action leaves in place minimum levels set under a 2019 DOL rule, which set the EAP exemption at \$684 per week (\$35,568 per year) and the Highly Compensated Employees exemption at \$107,432 per year.

It's anticipated the Trump DOL will abandon the 2024 overtime rule, is unlikely the federal court will be asked to decide on the DOL's authority to issue such a rule.

Ogletree Deakins, 04/29/2025

First-of-its-Kind Suit Over Backlogged Surveys

A first-of-its-kind lawsuit brought by a group of Maryland nursing home residents has gotten the OK to proceed by a District Court judge, denying the Department of Health's attempt to have the suit dismissed.

Maryland- like in other states, survey teams have not conducted timely inspections.

The lawsuit alleges state officials violated the Americans with Disabilities Act and a lesser-known federal statute by failing to hold nursing homes accountable through routine oversight.

The judge wrote that the state's survey schedule had placed residents at risk for pressure ulcers, skin infections, falls, psychosocial harm, and other medical complications."

McKnight's, 04/28/2025

Car Crashes into Nursing Home – One Dead

One person is dead, another was critically injured when a car crashed into a Mattoon, Illinois nursing home Friday.

The crash happened at the Odd Fellow-Rebekah Home. The victims were occupants of the same room. They were pinned against a wall by the impact.

The car did not turn at a nearby intersection and drove through a field before hitting the nursing home.

The driver, according to police, was coherent after the accident and was not hurt. The driver was taken to the hospital for testing.

Names of the victims and the driver have not yet been released.

WCIA, 05/02/2025

Another Reason Agencies Are Bad for Your Facility

Nursing homes that share as little as 5% of their direct care staff with other facilities are more susceptible to infectious disease outbreaks, with high-occupancy buildings at even higher risk.

When 30% or more of nursing staff — including aides — spend time in at least two nursing homes, even well-proven tools such as rapid testing, vaccination and the use of personal protective equipment become less effective.

Those findings confirm that "transmission dynamics" are amplified when a facility has strong census and residents interact with multiple staff.

McKnight's, 05/01/2025

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

AMERICA: COVID-19 infection was linked to a higher risk of new-onset mild and moderate chronic kidney disease (CKD) in US children and adolescents from 2020 to 2023, Results of this study suggest that SARS-CoV-2 infection is associated with an increased risk of adverse kidney outcomes, including new-onset CKD and worsening kidney function, particularly among children with preexisting CKD or acute-phase AKI (*JAMA Network Open*).

WASHINGTON, D.C.: HHS Sec. Bobby Kennedy Jr. intends to shift the way vaccines are tested, a move that the agency said will increase transparency, but that medical experts fear could limit access to vaccines and undermine the public's trust in immunization depending on its implementation. The potential change outlined in a statement says all new vaccines will be required to undergo placebo testing, a procedure in which some people receive the vaccine and others receive an inert substance — such as a saline shot — before the results are compared (*The Washington Post*).

THE WORLD: New studies on respiratory syncytial virus (RSV) in both adults and young children show that infections are linked to a higher risk of death in adults, and children born prematurely or with pulmonary or neurologic conditions are at greater risk of severe RSV infections. Recently researchers presented new data showing that adults with RSV acute respiratory infections face a 2.7-fold higher risk of death within 1 year of infection (*CIDRAP*).

AMERICA: A majority of the CDC's work group on COVID-19 vaccines now supports ending the agency's pandemic-era recommendation for virtually all Americans to get vaccinated against the virus each year. Instead of the agency's longstanding "universal" recommendation, most of the CDC's advisers and health officials favor shifting to guidance based on people's individual risk of more severe disease (*CBS News*).

FLORIDA: State Surgeon General Joseph Ladapo is urging the passing of

statewide legislation to minimize purported incidents of doctors rejecting

patients due to being unvaccinated. In March, Lapado and Florida Governor Ron DeSantis urged Florida lawmakers to pass legislation making it illegal for businesses and government entities to fire or refuse to hire employees based on their vaccination status, as well as to implement a permanent ban on mRNA vaccine mandates in Florida—which Ladapo compared to the "horrific things" doctors did to Jewish people in Nazi concentration camps (*Newsweek*).

CHINA: A study has found that COVID-19 is associated with poor sperm quality. "Further research is needed to observe the long-term effect of COVID-19 on sperm quality or reproductive outcomes," the Chinese study authors wrote. "In addition, there may be a need to constantly monitor the SARS-CoV-2 infection and integrate screening and diagnosis of the disease in the management of male infertility (*Scientific Reports*).

CHICAGO: Two measles cases have been confirmed in Chicago. One case in an adult who is a suburban Cook County resident and whose vaccination status is unknown. This person received care at a local hospital on April 28 and has since been quickly isolated. The other case was identified in an adult Chicago resident who had recently traveled internationally through O'Hare International Airport and had received one prior dose of the MMR vaccine (*NBC Chicago*).

AUSTRALIA: Researchers at the Walter and Eliza Hall Institute of Medical Research have discovered that a new drug compound can prevent long COVID symptoms in mice, a major breakthrough that could pave the way for future treatment of this debilitating condition. In this world-first study, mice treated with an antiviral compound, developed by a multidisciplinary team at WEHI, were protected from long-term brain and lung dysfunction, two hallmark symptoms of long COVID (*SciTechDaily*).

AMERICA: Confusion over the FDA's delay in granting full approval to

Novavax's Covid-19 vaccine deepened when the agency's commissioner, Marty Makary, took to social media to defend the FDA's controversial handling of the company's submission. Makary appeared to raise the specter that, going forward, manufacturers of COVID vaccines might have to generate new effectiveness data before the release of annual updates of their vaccines (*Stat*).

AMERICA: Measles cases are continuing to spread throughout the U.S. with outbreaks in at least six states. Public health experts have previously said lagging vaccination rates are to blame for the rise in cases, at least partly due to vaccine hesitancy and vaccine fatigue left over from the COVID-19 pandemic (*ABC News*).

AMERICA: While the most serious measles epidemic in a decade has led to the deaths of two children and spread to 27 states with no signs of letting up, beliefs about the safety of the measles vaccine and the threat of the disease are sharply polarized, fed by the anti-vaccine views of the country's seniormost health official – Bobby Kennedy, Jr. About two-thirds of Republican-leaning parents are unaware of an uptick in measles cases this year while about two-thirds of Democratic parents knew about it (*KFF Health News*).

VIRGINIA: Public health officials released more detail on the areas in local medical facilities where people may have been exposed to a young child with the state's first 2025 case of measles. The child, who was described as age 4 or younger, was contagious while visiting Kaiser Permanente medical facilities in Fredericksburg and Woodbridge on two days in mid-April, according to a statement from the Virginia Department of Health (*The Washington Post*).

<u>COVID-19, 05/01/2025</u>	
World Total Cases	777,720,205
World Total Deaths	7,094,447
U.S. Total Deaths	1,222,309
World Health Organization	

Do Vaccines Work? Consider Texas' Experience

In 2020, after a series of orders by Texas Gov. Greg Abbott that open the state for business, Hispanics made up nearly half of all COVID deaths in Texas. White Texans — whose share of the state's population is the same as Hispanics — made up only 38%.

But when vaccines became available, the Hispanic Community embraced them more than did the White community.

the trends have flipped since the beginning of the pandemic: In 2024, Hispanics made up 23% of COVID deaths in Texas, while White Texans made up 63%.

The Texas Tribune, 05/01/2025

GAO: Unknown Billions Lost to COVID Fraud

Fraudulently obtained US COVID-19 economic relief funds likely amount to hundreds of billions of dollars, although the true scope will never be known

Of the 3,096 people, businesses, and other entities the Department of Justice (DOJ) charged with fraud-related crimes as of December 2024, more than 2,500 were found guilty, and more than 2,100 were sentenced.

Another 384 await sentencing. Prison sentences have ranged from 1 day to 30 years, but most have been 1 to 5 years. Most swindlers were ordered to pay restitution, which in one case tallied over \$71 million.

CIDRAP News, 04/10/2025

Immigration Reform a Two-edged Sword for SNFs

Experts are warning President Donald Trump's crackdown on immigration is deepening a crisis in America's caregiving system, straining the already limited workforce that supports the country's rapidly aging population.

Trump pledged to remove millions of undocumented migrants as part of his aggressive immigration agenda. Yet immigrants are integral to the U.S. care workforce, accounting for 28% of workers in nursing homes and 32% in home care.

"Very few older people in the U.S. can afford home care," said Giovanni Peri, an economics professor at UC Davis, "and care in facilities will become higher cost and deteriorate."

Newsweek, 04/27/2025

DOJ Sues Insurers Over MA Plan Kickbacks

The U.S. Department of Justice accused three of the nation's largest health insurers of paying hundreds of millions of dollars in kickbacks to brokers in exchange for steering patients into the insurers' Medicare Advantage plans.

In a complaint filed in Boston federal court DOJ alleged that CVS Health's Aetna, Elevance Health and Humana engaged in a vast kickback scheme with insurance brokers eHealth, GoHealth and SelectQuote from 2016 to 2021.

The lawsuit alleges the companies violated the False Claims Act, which prohibits submitting a false claim to the government for payment.

The Justice Department is seeking unspecified damages and penalties.

Reuters, 05/01/2025

A Childcare Center May Help Solve Staffing Issues

Amid what one New York official has called a "childcare desert," Ferncliff Nursing Home and Rehabilitation Center in Rhinebeck, NY is opening up its own childcare center.

It's a direct response to some of the provider's employees living in an area that has insufficient childcare options to support their work schedules.

ArchCare, the CCRC of the Archdiocese, hopes to welcome 41 children into the company's first daycare center

While childcare was once embraced as a potential benefit some providers have turned away from the concept, citing high costs and operational and regulatory challenges.

McKnight's, 05/01/2025

ONE COLUMN

Future of Medicaid On the Line in U.S. House

House Speaker Mike Johnson, and President Donald Trump are trying to pass "one big, beautiful bill" that will achieve Trump priorities like extending his 2017 tax cuts, tougher border security, more defense spending and exempting tips from taxation.

Republicans in the House want to cut the federal budget by \$1.5 trillion — and the committee that oversees Medicaid has been tasked with eliminating \$880 billion.

That has raised alarm among doctors, hospitals, and state budget officials, who fear reductions to Medicaid could leave low-income Americans without health insurance or blow holes in state budgets.

Louisiana congressmen play an outsized role in the debate: Johnson and Rep. Steve Scalise, are the House's highest-ranking members and are steering its budget strategy. And Rep. Troy Carter, sits on the committee that is responsible for Medicaid.

Republicans insist they will not be cutting actual health care for anyone on Medicaid who deserves it.

The House GOP says it will target waste, fraud and abuse in the program. Trump and Johnson say about \$51 billion is lost to fraud and abuse each year; Scalise has estimated \$60 billion. "That's the theft of hardworking taxpayers' money. That's taking healthcare away from the disabled who need it," Scalise said.

Another possibility on the table, which would save about \$22 billion, is repealing the May 2024 minimum staffing rule for nursing homes.

One idea being considered by the House committee is to reverse a Biden administration decision to increase federal matching funds, saving about \$25 billion.

Other proposals would change the federal medical assistance percentage, the formula that determines how much the federal government contributes to each state's Medicaid program. It could save about \$561 billion but require states to shoulder more of the costs.

NOLA.com, 04/28/2025

Insurance Company Refuses Payout in Settlement

Arlington Health and Rehabilitation in Washington state was sued for negligence resulting in a nearly \$3.3 million jury verdict against Nightingale.

But following that verdict — possibly to avoid more legal wrangling and lower its financial obligations — parent company Nightingale negotiated a settlement.

The insurance company has sued contending Nightingale may not make or contract any settlement of the claim or potential claim, except at its own cost and responsibility, without the written authorization of (the insurance company) MedPro.”

In filed documents MedPro’s general counsel’s office would have been the one to organize a liability defense and participate in settlement negotiations,

McKnight’s, 04/28/2022

After Industry Outcry Maine Changes Proposed Rules

Maine unveiled proposed changes to assisted living and residential care home regulations last fall, saying they would simplify the licensing process.

Following an outcry from the senior living industry, which characterized the proposed rules as “impossible,” however, the state put forth a new proposal that reduced staffing requirements and would allow communities two years to phase in changes.

The original proposal would have reduced the state’s current 10 levels of assisted housing to two and would have doubled the number of direct care workers during night and overnight shifts, as well as set more stringent staffing rules in memory care.

Senior Living, 04/14/2025

Omnicare to Appeal Huge Loss in False Claims Case

In a unanimous decision a federal jury in New York returned “one of the largest damages verdicts in a False Claims Act case” – almost \$136 million, with an owed amount that is expected to grow to more than \$406 million – against long-term care pharmacy giant Omnicare.

The company, part of CVS Health, was found liable for fraudulently dispensing drugs without valid prescriptions to residents of assisted living communities and other non-skilled-nursing residential long-term care facilities.

An Omnicare spokeswoman said the company is “disappointed” with the verdict and plans to appeal the decision.

Senior Living, 4/30/2025

SNF & Hospital to Pay Millions in False Claims Suit

Providence Park, Inc., which operates a nursing home in Waco, Texas has agreed to pay the U.S. and the State of Texas \$6,526,851.64 to resolve allegations that submitted medically unnecessary Ultra-High Resource Utilization Group therapy claims to federal healthcare programs.

The government further alleged that affiliate Ascension Providence, which owns and operates an acute care hospital in Waco, submitted false claims for individual outpatient therapy services at the Lacy Lakeview Clinic when group therapy was being provided.

The civil settlement resolved a lawsuit filed under the *qui tam* or whistleblower provision of the False Claims Act.

DOJ news release, 02/28/2025

Doc Guilty of Submitting \$24M in Bad Claims

Alexander Baldonado, MD, of Queens, NY, allegedly authorized hundreds of cancer genetic tests for which he received tens-of-thousands of dollars for Medicare beneficiaries who attended COVID-19 testing events at assisted living facilities, adult day care centers, and a retirement community in 2020.

The expensive cancer tests were billed to Medicare by two related laboratories

Several Medicare patients for whom Baldonado ordered cancer genetic tests and billed for office visits testified at trial that they did not know who Baldonado was and had never met or spoken to him.

The 69-year-old could receive as much as 65 years in prison.

DOJ news release, 03/11/2025

Briefly in the News

For the second year in a row, the pharmaceutical industry has dipped further out of favor with patient groups around the world. The industry’s reputation surged during the COVID-19 pandemic, according to PatientView’s annual survey of patient groups, peaking two years ago, when 60% of those surveyed said pharma’s reputation was “good” or “excellent.” Last year’s edition of the survey, however, saw that number decline to 57% (*FiercePharma*).

A poll of 640 GLP-1 users found that over a third (36%) are currently microdosing, while another 32% have tried it in the past. Gen Z is leading the charge: nearly 9 in 10 younger users reported microdosing at some point. The reasons for microdosing were surprisingly practical: 66% wanted to cut side effects, 40% hoped to ease into treatment more gently, and 38% were looking to save money (*Vice News*).

Seven years ago, Florida lawmakers responded to the deadly school shooting in Parkland with a pledge: more money for student mental health. Since then, the state’s Mental Health Assistance Allocation has more than doubled, sending over \$175 million to school districts this academic year alone. But school officials say they need more money from the state - the rising need is outpacing resources (*Health News Florida*).

The owners of Riverview Retirement Community, in Spokane, WA are tearing down a 50,000 square foot nursing home and building a \$42 million, 4-story, 155,000 square foot, 82 unit, independent living facility. It will include 20 offices, a gym, a board room, a classroom, a salon, rooms for massage therapy, laundry rooms, a kitchen, a bar, and a dining room with seating for roughly 100 residents (*The Spokesman-Review*).

Portage County, Wisconsin is trying to sell its health care center for the fourth time since 2017. A referendum was passed, approving property taxes to support the facility of up to \$4.5 million until 2042. But the county board says that is not enough (*WSAW-TV*).