

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

05/01/2022

Edited by Drew Vogel

drewvogel5255@msn.com

Vol 6

No 18

They said it

"Providers have been a punching bag, but now the administration is just beating them up while they are down"

Pennsylvania Health Care Association via Twitter on the Biden Administration's announced cuts

"It's going to be hard because they were here Johnny on the spot"

Dorothea Horschak, a resident at Odd Fellow Rebekah Home in Wisconsin National Guard ending its mission help out at SNF

"With hundreds of nursing home closures looming now and thousands more anticipated if government funding is cut, state and federal policymakers need to step up to support our social safety net"

AHCA/NCAL President and CEO Mark Parkinson

"The last two years with COVID have been a challenge for health care, in general, across the country, but very much in the rural setting"

Lawrence Cowan, administrator of a Five-Star facility in Colorado that is closing do to inability to hire enough staff

Gov't Cuts Could Put 1/3 of SNFs out of Business

More than one-third of nursing homes in the U.S. could be at financial risk if CMS stands by its proposed funding cut and federal Medicaid dollars tied to the PHE end in 2022.

An AHCA/NCAL report indicates 327 nursing homes have closed during the pandemic and projects 400 this year – 20 have closed in 2022 so far.

Nearly half of the nursing homes that closed during the pandemic received 4- or 5-star ratings from CMS and an increasing proportion were not-for-profit – 29% during COVID.

About 12,775 residents have been displaced by closures during the pandemic.

Skilled Nursing News, 04/21/22

Louisiana Drops Plan for Secret SNF Disaster Reports

In a follow-up to 800 residents being housed in an old pesticide warehouse during Hurricane Ida, seven of whom died, a bill backed by Gov. John Bel Edwards was proposed in Louisiana to require nursing homes to submit after-event reports whenever there is an evacuation.

But the reports would not be publicly released, i.e., kept secret.

Officials rationalized shielding the reports would allow the facilities to be frank with the state about how effective their emergency plans were during natural disasters.

There was public and media outcry, and the Edwards administration has backed away from the proposal.

The Louisiana Illuminator, 04/20/22

However

Louisiana Health Dept. Gets Evacuation Plans Oversight

The Louisiana House voted 101-0 April 25 to give the Louisiana Department of Health oversight over nursing home emergency preparedness plans in the wake of the evacuation of nearly 850 nursing home residents during Hurricane Ida to an old pesticide warehouse without an adequate kitchen or bathrooms. At least five deaths were attributed to the evacuation.

The bill allows the health department to approve or reject nursing home emergency plans, but it doesn't spell out what the consequences would be for a rejected plan.

The state Senate will now take up the bill.

Louisiana Illuminator, 04/25/22

COVID - Nearly 60% of Americans Have Had It

A CDC study shows that the percentage of people testing positive for antibodies — an indication of previous COVID-19

infection — increased from about 34% in December to about 58% in February.

That period of a sharp increase coincides with the surge in cases from the Omicron variant. But the antibody testing shows that even more people than reported have been infected, as has long been estimated, given that not all cases are detected or reported.

One CDC official said a forthcoming estimate will show that at some points only one of every four cases were reported.

The Hill, 04/27/22

CDC to Update NHSN Reporting Requirements

In a move it says will simplify the reporting process, CMS is updating the NHSN reporting form.

The agency is removing vaccine manufacturer categories, which applies to both the primary vaccine series and additional booster questions. It's also removing vaccine supply questions.

CDC will add a question about the number of residents who have received one or multiple booster doses and is adding a question on the cumulative number of individuals who are up-to-date with their COVID-19 vaccines.

The updates will be made May 19 and can be seen by users on May 23.

McKnight's, 04/28/22

Better Start Phasing Out COVID Emergency Waivers

CMS has put providers on notice to start phasing out their reliance on the waivers issued early in the COVID-19 public health emergency.

A spokesman for the agency noted the use of emergency waivers and guidance offered healthcare providers the flexibility needed to respond to the pandemic.

CMS announced early this month that a handful of waivers will be retired on both May 7 and June 7.

McKnight's, 04/29/22

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

GERMANY: The country may have to discard 3 million COVID-19 vaccine doses by the end of June if they are not used before they expire. That's an improvement from a previous estimate of 10 million but Germany still has more than it can use or donate. COVAX, the United Nations-backed program to distribute shots to poorer countries, is not currently accepting donations (*Washington Examiner*).

WISCONSIN: At the height of the COVID-19 pandemic, nearly 300 National Guard members were deployed to skilled nursing facilities across Wisconsin. Now, after three months of helping relieve the pressures of the pandemic, most of them are saying goodbye. About 260 National Guard members are now deployed statewide. They are all leaving throughout this week (*WLUK-TV*).

GEORGIA: Rev. Mack Devon Knight, 45, from Kingsland, Georgia has pleaded guilty to two counts of wire fraud. The Georgia pastor who claimed to be a mortician and restaurateur, confessed to lying to receive COVID-19 small business assistance. He used a significant portion of the \$149,000 he received from the SBA to buy a Mercedes-Benz S-Class sedan. He may get 20 years (*WHNT-TV*).

HAWAII: The state Health Department plans to launch a full-scale wastewater testing program this summer. By collecting wastewater samples and then doing genome testing, health experts say they can detect variants in a community before surges happen. The DOH has been doing preliminary testing on Kauai and Oahu. Hawaii Island will be included and they hope to test Maui facilities in the future (*KHNL-TV*).

ALABAMA: Leroy Vidal Jackson, admitted that in March 2021, eight days after he got out of prison on a drug charge, he falsely claimed he owned a business impacted by the pandemic and filed an application under the Paycheck Protection Program. Although convicted in Mobile, his sentence has been reduced to time served after a federal court ordered a

resentencing under the first Step Act, passed by Congress to make it easier for certain drug offenders to get out of prison (*WALA-TV*).

MINNESOTA: The majority of new infections, hospitalizations and deaths from COVID-19 were Minnesotans who had completed their initial series of vaccines. About 66% of the state's 5.7 million residents have completed their first doses but only about 37% have had a booster. The state does not track whether residents with breakthrough infections had a booster shot (*Twin Cities Pioneer Press*).

CALIFORNIA: A senior living community is blaming the pandemic in announcing the end of its assisted living services after 60 years. Atascadero Christian Home, which operates as Atascadero Christian Community, will close its assisted living operations in June. The move will affect 29 residents and 40 staff members, (*San Luis Obispo Tribune*).

NEBRASKA: Nomi Health has launched new virtual health services to treat patients with chronic COVID-19 symptoms - long COVID. About 72% of Nebraskans surveyed say they have continued to have symptoms past two weeks. There's two groups of "long haulers" Patients who are still recovering in the hospital and those who used to be healthy but just can't get back to normal (*KETV-TV*).

CONNECTICUT: An order requiring unvaccinated and vaccinated people to wear face masks inside homeless shelters and health care settings, including nursing homes and hospitals, has expired. Mask-wearing provisions for inside schools are sticking around until June 30 in places where a local board or similar authority has required masks (*U.S. News & World Report*).

THE GLOBE: Propelled by device sales and services to people suddenly living through screens, Apple's revenue skyrocketed to a record \$366 billion last year, from \$275 billion in 2020. as the virus began wreaking havoc. Google's 2021

take leaped to a record \$258 billion from \$183 billion in 2020. And Facebook's income surged to a record \$118 billion from \$86 billion in 2020, as advertisers scrambled to target ads to populations shopping much more heavily online (*The Mercury News*).

WYOMING: The rate of COVID-19 cases among nursing home staff (23 per 100) in the four-week period ending February 22, was second highest in the nation and the highest among the contiguous 48 states. For the four-week period ending March 20, that number dropped to 2.0 nursing home staff cases per 100 residents In February 70% of nursing homes in Wyoming reported staffing shortages - it was 60% in March (*KPVI-TV*).

CALIFORNIA: The County of San Luis Obispo has relaxed rules for people exposed to COVID-19. If you have been exposed to COVID-19, but don't have symptoms, you are no longer required to quarantine at home. However, you should get tested five days after the exposure and wear a well-fitted mask around others. Anyone who tests positive or develops symptoms is required to immediately isolate (*Cal Coast Times*).

COLORADO: as the federal government expands its wastewater testing effort, to detect coronavirus, Colorado has begun to extend its surveillance project from the initial operation in Englewood, which covered about 300,000 people, to the entire state. The state's public health agency is now working with 47 wastewater utilities that serve about 60% of Colorado's population (*Colorado Public Radio*).

COVID-19, 04/30/2022

Global Cases – Deaths
513,105,403 – 6,234,353

U.S. Cases – Deaths
81,325,716 – 993,588

219.5 million Americans are fully vaccinated
– 67% of the country's population

Johns Hopkins University

Task Force to Study Sex Offenders In Nursing Homes

The Massachusetts state Senate has passed a bill to establish a task force to study the placement of registered sex offenders in long-term care facilities.

Last year a nursing home resident allegedly sexually assaulted a nurse at an East Windsor facility.

The task force is a compromise after the initial bill drew heated opposition at a public hearing.

The initial bill would have required long-term care facilities to check if prospective residents have a criminal history or are on the sex offender registry before they are admitted.

CT Mirror, 04/22/22

Nurses Strike Ends At California Hospitals

Thousands of nurses are set to stop striking after reaching a tentative agreement late Friday for a new contract with Stanford Hospital and Lucile Packard Children's Hospital.

After days of negotiations, the nurses' union announced it had secured a 7% wage increase this year, a 5% increase effective at the start of next April, another increase effective in April 2024 and large increases to nurses' retirement benefits. The union's membership still needs to vote through the weekend on whether to approve the agreement.

The hospitals also guaranteed an additional week of pre-scheduled vacation for all nurses starting in 2024.

The Mercury News, 04/30/22

Last Days for a Florida Nursing Home

Dozens of families are scrambling to find their loved ones a new place to live before the Destin Healthcare and Rehabilitation Center loses its license in two days.

WEAR-TV, 04/24/22

Five-Star Colorado Nursing Home Will Close

For 47 years, the Cripple Creek Care Center – a Five-Star facility – has been a

safe place for senior citizens in southern Teller County.

Last week administrator Lawrence Cowan announced the building would close June 15, displacing 34 residents and 42 staff members.

Despite the high ratings and the backup provided by the district, the deciding factor to close the facility was the inability to hire staff, particularly nurses.

Pikes Peak Courier, 04/26/22

Big Buck COVID Fine For Buffalo SNF

Kaleida Health's High Pointe on Michigan nursing home in Buffalo, NY has been hit with a \$40,000 infection control CMP by the state Health Department.

The fine stems from an unannounced Covid-19 infection-control focused inspection last May, where HighPointe failed to ensure some employees who worked more than three days a week were tested for Covid-19 twice weekly. Also staff temperature checks were not performed as required.

The fine's dollar amount is significant – tied for the 11th-largest issued to any NY nursing home over the past two decades, and within the top 1% of all penalties.

The Buffalo News, 04/19/22

COVID-19 Lawsuits Against LTC Abound

Nursing homes across the country are being sued in growing numbers over alleged negligence and wrongful deaths related to COVID-19.

Examples:

The Wall Street Journal recently reported that New York is a "key legal hotspot" for these types of cases right now, because a deadline to sue is near.

Law firm Levin & Perconti in Chicago brought 78 cases against nursing homes for alleged COVID-19 negligence and deaths in March alone.

A New Jersey nursing home where nine residents allegedly died from COVID-19 and 89 were infected is facing a class action lawsuit from family members.

Senior Living, 04/13/22

ONE COLUMN

Rudeness is on the Rise – But Why?

It's not just you, and it's not just in healthcare: Poor behaviour ranging from the impolite to the violent is having a moment in society right now.

The Atlantic's Olga Khazan spoke with more than a dozen experts on crime, psychology and social norms to suss out contributing factors to the spike in poor behavior, which she details in her piece, "*Why People Are Acting So Weird.*"

Stress is one likely explanation for the bad behavior. Keith Humphreys, PhD, a psychiatry professor at Stanford, explained the pandemic has created a lot of "high-stress, low-reward" situations, in which someone who has experienced a lot of loss due to the pandemic may be pushed over the edge by an inoffensive request.

Not only are people encountering more provocations — like staff shortages or mask mandates — but their mood is worse when provoked.

"Americans don't really like each other very much right now," said Ryan Martin, PhD, a psychology professor at the University of Wisconsin at Green Bay who studies expressions of anger.

It doesn't help that rudeness can be contagious.

At work, people can spread negative emotions to colleagues, bosses and clients regardless of whether those people were the source of the negativity.

"People who witness rudeness are three times less likely to help someone else," Christine Porath, PhD, a business professor at Georgetown University said.

Just as the pandemic has reaped high-stress, low-reward moments, it has brought on a level of isolation that has affected how people behave.

"We're more likely to break rules when our bonds to society are weakened," Harvard Sociologist Robert Sampson, PhD said.

The Atlantic, 03/30/22
Becker's Hospital Review, 03/30/22

Facilities Become More Choosy as Census Increases

Using California nursing home resident data from 2004 to 2007, Ashvin Gandhi, health economist and assistant professor at UCLA analyzed patterns by using this test: Do the same facilities admit different patients depending on how full they are?

The short answer is yes.

He compared residents admitted to facilities on their most occupied days versus those admitted when census is down.

He said that on average, as facilities become more full and it becomes more costly to admit less-profitable patients, "suddenly you see them admitting fewer long-stay residents, avoiding Medicaid patients and residents who have visual impairments.

McKnight's, 04/20/22

COVID-19 Lawsuits Against LTC Abound

Nursing homes across the country are being sued in growing numbers over alleged negligence and wrongful deaths related to COVID-19.

Examples:

The Wall Street Journal recently reported that New York is a "key legal hotspot" for these types of cases right now, because a deadline to sue is near.

Law firm Levin & Perconti in Chicago brought 78 cases against nursing homes for alleged COVID-19 negligence and deaths in March alone.

A New Jersey nursing home where nine residents allegedly died from COVID-19 and 89 were infected is facing a class action lawsuit from family members.

Senior Living, 04/13/22

Shady Deal Florida Health System To Pay \$20M

BayCare Health System of Clearwater, Florida has agreed to pay the U.S. \$20 million to resolve allegations that it violated the False Claims Act.

Prosecutors alleged BayCare made donations to the Juvenile Welfare Board of Pinellas County, knowing that a portion of the funds would be transferred to Florida's Agency for Health Care Administration for the state's Medicaid program where they were matched with federal funds before being returned to the BayCare hospitals as Medicaid payments.

The claims against BayCare were originally brought under the "whistle-blower" provisions of the False Claims Act by a former hospital reimbursement manager.

U.S. department of Justice, 04/06/22

Paid Straight Time All Hours The Fine is Over \$1 Million

A federal court has issued a judgement requiring home care agency Meridius Health of Lancaster, PA and owner Rustam Suvanidze to pay a total of \$1,158,955. The employer will pay \$579,477 in back wages, and an equal amount in damages to the 193 affected workers.

The employer and its owner must also pay \$37,921 in civil money penalties

DOL Investigators determined Meridius paid employees straight time for all hours worked. Additionally, bonuses and hazard pay were not factored into the employees' rate of pay for purposes of computing overtime. The actions are violations of the Fair Labor Standards Act.

Dept of Labor news release, 04/11/22

Healthcare Workers in NY Waiting for Info on Bonuses

Gov. Kathy Hochul touted bonuses in the New York State budget for frontline healthcare workers but she didn't provide any further clarity about the list of those who are eligible.

The only information provided by the state is the information outlined in the budget but that seems to exclude some frontline workers.

Nurses, therapists and CNAs are on the list, but custodial workers in hospitals and nursing homes, food service workers and unit clerks are not.

Those who are eligible will get up to \$3,000 over the course of a year.

WHEC-TV, 04/25/22

Briefly in the News

In the U.S., investors put a record \$29 billion into digital health last year, double the level of 2020 and up from about \$1 billion a decade earlier. Now as the Fed is tightening interest rates, the frantic pace of health-tech funding is slowing down as well. The \$10.4 billion invested globally in digital health companies in the first quarter of 2022 is the lowest in six quarters (**Bloomberg**).

Louisiana Attorney General Jeff Landry has sued UnitedHealth Group, claiming that the healthcare and insurance giant has inflated drug charges in the state's Medicaid program by billions. The suit was filed April 13 in state court and alleges that the company's pharmacy benefit manager Optum Rx took advantage of the secrecy of the pharmacy supply chain to "needlessly" charge Medicaid billions for prescription drug benefits (**Bloomberg**).

In the *Economic Report of the President*, officials say although the COVID-19 pandemic exacerbated supply chain issues, it did not create them and they will continue to cause disruptions once the pandemic ends. Offshoring, a practice the U.S. leans on, in which countries rely on supplies produced in low-cost countries, is among the issues that has created an "efficient but brittle" supply chain (**The New York Times**).

The board of directors National Health Investors has approved a repurchase plan for up to \$240 million of the REIT's common stock. The approval is good for one year and allows NHI to repurchase common stock from time to time in open-market transactions at prevailing market prices. The plan does not obligate the REIT to repurchase any specific number of shares (**Senior Living**).

The U.S. Department of Veterans Affairs in Montana has temporarily closed the Veterans long-term care center in Miles City due to concerns over patient safety related to staffing. The facility provides skilled nursing care to 14 residents and has about 40 staff members and 30 beds (**Billings Gazette**).