

IN THE NEWS

**News for LTC Professionals
in 100 Words-or-Less**

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They said it

"Big companies, small companies we need more workers in this country. We are a country that constantly depends on immigration workers. We always have" U.S. Labor Sec. Marty Walsh

"I've been a huge fan of home tests for the last two years. But what that means is we're clearly undercounting infections" White House COVID-19 response coordinator Ashish Jha

"People are pretty much over COVID, they are ready to move on and I don't think the general population has been convinced yet for a need of a second booster" West Virginia Health Care Association CEO Marty Wright on reports that second booster shots are down in the state's nursing homes

Have COVID? Dogs Can Smell It

In a study, dogs were exposed to sweat samples – cotton pads run across the necks of 584 participants – ages 6 to 97 years 24% of whom had COVID-19, 76% did not.

During the first part of the study, the dogs detected COVID from cotton pad samples with a diagnostic sensitivity of 98% and a specificity of 92%.

In the second part of the study, a follow-up screening test in a hospital setting, a single dog screened 153 patients before surgery, and results were compared to PCR testing.

The dog performed with 96.4% diagnostic sensitivity and 100% specificity.
U. of Minn, CIDRAP, 05/09/22

Nursing Homes Gained Employees in May

Preliminary data from the Bureau of Labor Statistics (BLS) showed the healthcare sector added 28,300 jobs during the month of May — with nursing facilities and hospitals experiencing some of the largest gains within the sector.

Nursing homes and residential care facilities added about 5,600 jobs. Community care facilities for the elderly tacked on about 3,000 jobs for the month, while nursing facilities gained about 1,300 jobs for the month.

Hospitals added 16,300 jobs for the month of May.

BLS said long-term care providers lost about 240,000 jobs since Feb. 2020.

Bureau of Labor Statistics, 06/03/22

Study: Your Permanent Staff Costs You More than Agency

Consulting firm Oliver Wyman conducted a study to compare “fully loaded costs” – not just on wages but with recruitment, retention and employee benefits added in.

The study found that on an hourly basis, a full-time employee costs a facility 1.9 to 2.2 times their hourly wage rate when accounting for benefits and recruitment expenses.

When those ancillary costs are accounted for, the cost of filling a shift with a full-time registered nurse is 33% higher than the contingent (agency) labor rate that is being paid.

For nursing assistants, the cost is 26% higher than contingent.

McKnight's, 06/06/22

Bill Intro'ed to Investigate Agency Price Gouging

The just-introduced Travel Nursing Agency Transparency Study Act would require the Government Accountability Office to study potential price gouging on the part of staffing agencies.

The bill would require an investigation of agencies “taking of excessive profits” –

the difference between the rates contracted nurses were paid and how much facilities were charged; and to what extent federal funds, including Provider Relief dollars, were used by providers to pay agencies during pandemic-era workforce shortages.

The bill introduced by Sen. Kevin Cramer (R-ND) would also investigate agencies for routinely poaching permanent staff in a move that effectively has shrunk the recruitment pool.

McKnight's, 06/09/22

Staffing Remains Long-term Care's Biggest Issue

In the latest National Investment Center for Seniors Housing & Care Executive Survey attracting staff members remains a top challenge for LTC operators.

In Wave 41, 83% of senior living and skilled nursing operators cited attracting community and caregiving staff as a top challenge, followed by increased operating expenses (80%) and staff turnover (63%).

Three-fourths of respondents (77%) identified moderate staffing shortages, marking the second consecutive wave in which moderate staffing shortages increased. However, severe staffing shortages dropped again for the third consecutive wave.

About two in five reported that 20% or more of their full-time positions remain unfilled.

NIC, 06/06/22

AMA: Doc Burnout Up Job Satisfaction Down

Of the 11,000 physicians who responded to the AMA's 2022 National Burnout Benchmarking, 28% were not satisfied with their current job—a 4% increase from the previous benchmark (2019–2020) and the first time there was a drop in overall job satisfaction. Just over half of respondents are experiencing burnout.

Stress was highest in oncology respondents (64%), and family medicine (61%).

AMA, 05/18/22

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

AMERICA: Congress has for months refused the White House's requests for billions of dollars in new funding to purchase vaccines tailored to boost protection against the highly transmissible omicron variant. Now the Biden administration will scale back several health programs in an effort to scavenge enough money to buy next-generation Covid-19 vaccines. Testing, domestic vaccine production and stockpiles PPE may be affected (*Bloomberg*).

SAN DIEGO: A doctor in Southern California who sold "Covid-19 treatment packs" during the first weeks of the coronavirus pandemic was sentenced to prison. Jennings Ryan Staley, MD who owns Skinny Beach Med Spa in San Diego, was sentenced to 30 days in prison and one year of home confinement for trying to smuggle the medication hydroxychloroquine into the United States to sell as a Covid cure (*NY Times*).

AMERICA: The Biden administration, as of 12:01 AM Sunday June 12, has lifted the requirement that international air travelers test negative for the coronavirus before flying to the U.S. Some experts had noted that the requirement didn't seem to be serving much purpose since COVID-19 is already circulating widely within the country anyhow (*The Hill*).

OHIO: The Ohio 10th District Court of Appeals has ruled that health officials violated public records law when they refused to release the number of COVID-19 deaths at a Cincinnati nursing home. Media outlets have been fighting for nearly two years for more transparency against state health officials, who refuse to say how many residents die of COVID at each nursing home. Attorneys for Ohio's health department tried to argue that death information is private under state law. The court disagreed (*WCPO-TV*).

NEW YORK: State lawmakers put the finishing touches on a bill that is meant to strengthen the state's long-term care ombudsman program for nursing homes and long-term care facilities. The measure will require the program to publicize in its annual reports the types and patterns of complaints that were received by its

regional offices. The legislation was approved after nursing homes and long-term care facilities were battered by the COVID-19 pandemic (*Spectrum News*).

NORTH KOREA: The self-proclaimed "public health crisis" may have mysteriously subsided. State media is heralding a rapid fall in new cases and a "favorable turn" in epidemic response less than three weeks after announcing its first official positive coronavirus case that led to a spread of fever symptoms afflicting more than 3.7 million (out of a population of 25 million). But a top official at the WHO raised concerns that things might actually be getting worse inside the impoverished country, which has a fragile health-care system, limited supplies and no coronavirus vaccines (*Washington Post*).

AMERICA: The next influx of infections will probably come from the newer omicron subvariants BA.4 and BA.5, two closely related viruses that were first detected in South Africa and then in the U.S. in March. They are becoming more invasive. The CDC said BA.4 and BA.5 together accounted for an estimated 6% to 7% of new infections in the U.S. in late May. Just a month prior they accounted for only about .02% of the infections (*CNN*).

PENNSYLVANIA: Last Monday Gov. Tom Wolf tweeted that he tested positive for COVID-19. The 73-year-old governor said he has mild symptoms and that "I'm grateful that I recently got my second vaccine booster." Wolf, who is isolating at home, tested positive for the virus in December 2020, as well (*Republican Herald*).

WISCONSIN: The Wisconsin Supreme Court ruled 4-3 against Wisconsin Manufacturers & Commerce, the state's largest business lobbying group clearing the way for the state's health department to release data on coronavirus outbreak cases. The state health department in the early months of the pandemic in 2020 had planned to release the names of more than 1,000 businesses with more than 25 employees where at least two workers have tested positive for COVID-19 (*WAOW-TV*).

CALIFORNIA: Hearst Castle tour guides and ticket takers must wear face masks for the next week or so due to a recent coronavirus outbreak. The former San Simeon estate of media mogul William Randolph Hearst reopened to the public on May 11 after being closed more than two years due to the coronavirus pandemic and repairs to the access road between the Castle visitor center and the hilltop compound (*The Tribune*).

JAPAN: A panel of Japan's health ministry endorsed a ministry plan to give pharmaceutical approval to U.S. drugmaker Johnson & Johnson's COVID-19 vaccine. The ministry is expected to grant the approval soon to what will be the fifth COVID-19 vaccine that can be used in the country (*Jiji Press*).

WEST VIRGINIA: Numbers are down in West Virginia nursing homes for the second COVID-19 booster shot compared to the first booster. "Residents in facilities feel they don't understand the need on why they need another booster and some of that is just additional education we need to provide," said West Virginia Health Care Association CEO Marty Wright. West Virginia's overall booster percentage is just over 50% (*West Virginia Metro News*).

THE WORLD: Moderna's experimental COVID-19 vaccine that combines its original shot with protection against the omicron variant appears to work. According to the company, Moderna's preliminary study results show people given the combination shot experienced an eight-fold increase in virus-fighting antibodies capable of targeting the omicron mutant (*Associated Press*).

COVID-19, 06/11/2022

Global Cases – Deaths

534,876,175 – 6,308,401

U.S. Cases – Deaths

85,468,825 – 1,011,164

221.6M – 67% of the country's population is fully vaccinated

Johns Hopkins University

Missed Revenue – Staffing, Not COVID, the Culprit

A new report from consulting firm Oliver Wyman predicts post-acute care providers will miss out on about \$19.4 billion in revenue this year in unrealized revenue., not due to COVID but rather staffing challenges.

The biggest hits will come in the Northeast and North Central U.S., the firm projected. The study also sought to measure just how much various staffing needs and strategies are costing providers.

Facilities lost between \$2,656 and \$7,771 a day in 2020 and 2021 and are estimated to lose between \$2,330 to \$5,882 this year.

Senior Living, 06/02/22

More Kids and Fewer Seniors Have had COVID-19

CDC researchers examined blood samples from more than 200,000 Americans looking for virus-fighting antibodies made from infections, not vaccines.

They found that signs of past infection rose dramatically between December and February.

The most striking increase was in children. The percentage of those 17 and under with antibodies rose from about 45% in December to 75% February.

People over 65 were less likely (19% to 33%). Older folks have higher vaccination rates and may take more precautions – masking, etc.

For Americans of all ages, about 34% had signs of prior infection in December. Just two months later, 58% did.

WBAL-TV, 05/01/22

Bogus SNF Buy Sends Him to the Big House

Kenneth Patterson of Fresno, CA convinced a small business owner to give him more than \$1 million over approximately 31 months so that Patterson could acquire a skilled nursing facility in Pasadena, then sell it to the business owner at less than market value.

Patterson instead spent the money on unrelated business expenses and his own gambling.

He pleaded guilty and has been sentenced to 5 ½ years in Federal prison and ordered to pay \$1.9 million in restitution for that offense and for income tax evasion and a check-kiting scheme that cost Bank of America about \$150,000.

DOJ news release

U.S. House Members Launch LTC Caucus

A new Congressional caucus will focus on concerns specific to the long-term care sector.

The bipartisan 21st Century Long-Term Care Caucus will focus on issues such as workforce, regulation and innovations that might improve care.

Rep. Bryan Steil (R-WI) joined by co-chair Rep. Ann Kuster (D-NH) by video, said the caucus would work to bring more creativity and flexibility to the sector, especially when it comes to finding workers.

“There is no easy button to the challenges this industry faces,” Rep. Steil, told members of AHCA/NCAL.

McKnight's, 06/07/22

Care Issues May Stop Sale of LTC Chain

A federal bankruptcy court judge in March ok'd the sale of a financially troubled chain of 10 Iowa nursing homes by QHC Facilities to Cedar Health Group.

The sale is now in question after buyer Cedar Health Group raised concerns about quality-of-care issues that could affect the licenses of the facilities.

QHC Facilities, which owns eight SNF and two assisted living communities with a combined capacity for almost 750 residents, filed for bankruptcy amid several wrongful death lawsuits and reportedly still owes more than \$700,000 in federal fines. Two of the buildings are designated as Special Focus Facilities.

Iowa Capital Dispatch, 06/05/22

ONE COLUMN

Get Ready Now for Upcoming PRF Reporting

As the next Provider Relief Fund reporting period approaches, long-term care providers must have a clear understanding of the type of relief payments received and establish policies on staffers tasked with submitting the information to avoid potentially significant financial problems.

LeadingAge issued the warning to providers recently in an effort to ensure they're prepared for PRF Reporting Period 3, which starts July 1.

This reporting period requires providers that received one or more general and/or targeted PRF payments exceeding \$10,000 in all, between Jan. 1, 2021 and June 30, 2022, to report on the use of their funds.

The PRF reporting portal will be open through September 30. Federal health agencies distributed approximately \$13.5 billion in PRF payments to 86,000 providers since November.

Those who don't properly prepare for the next reporting period could be required to return funds later if their submissions are incorrect, according to Nicole Fallon, LeadingAge's vice president of health policy and integrated services.

In order to know whether the reports include all PRF payments received, providers must know which payments they received from the PRF — as opposed to the Paycheck Protection Program, Medicare advanced payments or state grants and if they were general or targeted distributions.

Specifically for nursing homes, staff should also be discussing who's responsible for submitting reports on the Nursing Home Infection Control Quality Incentive Payments received in January and February 2021.

Providers should also review the terms and conditions associated with receiving the PRF payments and assess whether they have enough expenses and lost revenues to offset relief payments received in the first half of 2021.

McKnight's, 04/25/22

Ida Fallout - Louisiana SNFs Required to Have Generators

In a measure passed by the House and Senate, all Louisiana nursing homes are now required to have power generators to help keep residents safe during storms and power outages.

This action comes after Hurricane Ida when more than 800 nursing home residents were evacuated to a warehouse. The deaths of seven residents were attributed directly to the poor care and conditions in the warehouse.

A dozen individuals died as the conditions in the warehouse were poor and not up to standards for people using the warehouse as shelter.

The governor was expected to sign the measure into law.

WDSU-TV, 06/07/22

Troubled Operator Must Pay PR Firm \$105K

Alliance Healthcare Holdings, owner of Woodland Behavioral and Nursing Center, has been ordered by a judge to pay \$105,000 to a public relation firm that sued the facility for not paying for services.

Woodland, a 543-bed skilled nursing facility in Andover, NJ, gained unwelcome attention in April 2020, when health officials removed 17 corpses from the facility's mortuary unit.

The judge ruled in favor of Mercury Public Affairs, which was contracted at \$35,000 per month to work with Alliance to provide crisis, reputation management and strategic media relations following body removals.

McKnight's, 06/09/22

Nursing Homes in Disbelief Gov. Proposes \$280M Cut

California skilled nursing providers are calling on Gov. Gavin Newsom's administration to come up with a new funding plan for SNFs after he proposed a \$280 million cut in base pay in a push to reform its financing system.

In an op-ed published in *CalMatters* during the week, Craig Cornett, president and CEO of the California Association of Health Facilities, termed the proposed cut "stunning."

"If the budget proposal is adopted, skilled nursing facility owners would face the last option they would want to consider — cutting wages during an unprecedented worker shortage," Cornett noted.

McKnight's, 06/07/22

SNF Fined \$50K For Resident's Death

ProMedica Skilled Nursing, formerly Heartland of Galesburg (Illinois) was fined \$50,000 for causing a resident's death.

A 74-year-old woman who was living independently at home fell fracturing her hip on Oct. 7, 2021. She was admitted to the SNF from a hospital, where a catheter had been inserted.

Just over two weeks after the woman was admitted to the nursing home, she died from multiple organ failure due to sepsis.

The state investigation determined the facility did not justify the continued catheter use, nor identify and treat a UTI.

Tri State Public Radio, 06/09/22

NY Lawmakers Request Hearing on SNF Complaints

Two state lawmakers requested a legislative oversight hearing be conducted to review findings of the USA TODAY Network New York investigation of nursing home complaints during the COVID-19 pandemic.

From January 2020 to January 2022 more than 35,600 complaints were filed as the pandemic ravaged nursing homes, killing more than 15,000 residents.

The investigation revealed that about 96% of the complaints were unsubstantiated or remained unresolved — only 4% were found to have merit.

Some advocates are also calling for legislation that would establish an independent commission to investigate NY's response to COVID-19 outbreaks in SNFs.

LoHud, 05/27/22

Briefly in the News

Advisers to the FDA have backed a fourth vaccine. The FDA must now decide whether to authorize the vaccine made by latecomer Novavax, a protein vaccine that's made with a more conventional technology than today's U.S. options. Novavax shots are already used in Australia, Canada, parts of Europe (*WLWT-TV, AP*).

Developers of Fallbrook Care Center, a 90-bed facility in the Portland Maine area that was proposed in 2019 and budgeted at \$28.9 million, have obtained state approval to expand the facility slightly and to spend \$42.5 million on it. A budget breakdown filed with the state shows that \$12.4 million of the \$13.6 million cost increase is for construction (*MaineBiz*).

Texas State University will offer the state's first graduate degree — a Master of Science — in long-term care administration to address a "pressing demand" in the state's economy. The program, which can be taken full-time or part-time, will begin enrolling students this fall. The program is focused on individuals looking for a career change, or students seeking a master's degree program. And it offers in-state tuition to all students (*Texas State news release*).

Registered nurses at AHMC Seton Medical Center (Seton) in Daly City, Calif. have voted to authorize a strike. The California Nurses Association said it is in response to what it called "critical and persistent patient care issues and the shuttering of vital services." The nurses held a one-day strike in March of this year (*Calif. Nurses Assn., news release*).

With the prospect of the U.S. Supreme Court overturning *Roe v. Wade*, California's Democratic-led legislature is considering 13 bills, a package designed to reduce the costs of abortion and make access to abortion easier. The state is in effect positioning itself to be a sanctuary of abortion access and preparing to welcome people from around the country seeking that care (*NPR*).