

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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Edited by Drew Vogel

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They said it

"The only thing worse than going to the hospital is having to go back for the same condition" Kevin Griffith, PhD, lead author of a study that indicated hospital with more SNFs nearby readmit fewer patients within 30 days of discharge

"Such a move would create long-term financial instability in the Medicare physician payment system and threaten patient access to Medicare-participating physicians" AMA Jack Resneck, Jr. on CMS latest proposed physicians fee schedule

"It's a noteworthy point of how good a job the staff did to get people, with varying age, mobility issues, disabilities, out of the building" David Beutel from Queensland Fire and Emergency Services after a fire destroyed a Brisbane nursing home in Australia

Lower Five-Star Ratings For Thousands of SNFs

New Five-Star scoring metrics could penalize an estimated 10% to 16% of providers who have relied on staffing strengths to drive their overall ratings.

CMS last week published new guidance for calculating staffing stars in the public-facing rating system. It incorporates total nurse staffing on weekends; annual RN and total nurse turnover; and administrator turnover.

The guidance also tightens up which facilities can get an extra star for above-average staffing. Instead of awarding an additional star for facilities with a 4-star staffing rating, CMS will now reserve that privilege for facilities with 5-star staffing ratings only.

McKnight's, 07/11/22

Don't Mess with Resident's Healthcare Coverage

AHCA/NCAL is urging providers to properly educate staff on acceptable practices when it comes to discussing changes to residents' healthcare coverage in order to avoid the same fate of a New York-based facility and operator that was ordered to pay \$7.85 million to settle fraud accusations.

The warning comes after a civil healthcare fraud lawsuit settlement between the federal government, Plaza Rehab and Nursing Center and its operator, Citadel Care Centers.

AHCA said that federal health officials have made it clear that interfering with resident choice of healthcare coverage is a violation of residents' rights and federal law.

AHCA/NCAL Blog, 07/08/22

Arbitration Ruling Could Lead To More Lawsuits vs SNFs

A Pennsylvania court has upheld a lower state court's ruling that an agreement used by Highland Park Care Center in Pittsburgh — and other facilities owned by Grane Healthcare — could not be enforced.

A resident's estate sued the nursing home, a hospital and affiliates, citing negligence in the 67-year-old woman's death. A trial court twice previously denied Highland Park's attempt to force the case into arbitration.

The court noted that the resident's signing of the agreement was complicated by her condition at admission: blind, in pain, on medication, without family and she received no copy of the agreement.

Insurance Journal, 07/12/22

More Nursing Home Cuts CMS Physician Fee Schedule

Healthcare providers, including doctors and therapists who treat nursing home patients, continue to find more troubling details in the 2023 Medicare Physician Fee Schedule.

Cynthia Morton of the National Association for the Support of Long Term Care said settings like nursing homes where Part B rehab therapy is provided are looking at cut this time around of 3% TO 6%.

The 2023 fee schedule conversion factor proposed by CMS is \$33.08 for each relative unit, a slight decline from the 2022 factor of \$34.61.

McKnight's, 07/12/22

UN: Ukraine Also at Fault in Nursing Home Deaths

Two weeks after Russia invaded Ukraine, Russian forces assaulted a nursing home in the eastern region of Luhansk. The March 11 assault set off a fire that spread throughout the facility. About 51 residents died.

Ukrainian authorities placed the fault squarely on Russian forces. But a new U.N. report has found that Ukraine's armed forces bear a large, and perhaps equal, share of the blame for what happened by occupying the facility a few days before the battle.

The report said the battle is emblematic of the human-rights office's concerns over the potential use of "human shields."

Arkansas Democrat-Gazette, 07/10/22

CMS to Post 'up-to-date' Booster Shot Data Next

CMS will start showing "up to date" booster vaccination rates for both residents and staff soon on its Medicare Compare website.

CDC started collecting "up-to-date" COVID booster rates from providers via the NHSN data gathering system a few weeks ago and Evan Shulman, director of CMS' nursing home division said it is a "pretty safe assumption" that the information will be shared with the public.

In general, booster rates for nursing home residents is 83% compared to 70% for people over 65 in the community. Staff rates are only slightly better than the over 18 rate in the community.

McKnight's, 07/11/22

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

AMERICA: A study led by Centers for Disease Control and Prevention (CDC) researchers estimates that COVID-19 vaccination averted 27 million infections, 1.6 million hospitalizations, and 235,000 deaths among US adults from December 2020 to September 2021 (*CIDRAP, JAMA Network Open*).

UNITED KINGDOM: Symptoms of long COVID are more frequently reported by women, those with poor overall health before the pandemic, and those aged 50 to 60. The study was based on results gathered from 6,907 people with self-reported COVID-19 from 10 population-based longitudinal health surveys in the UK that had been in place prior to the pandemic (*Nature Communications*).

LOS ANGELES: Sustained jumps in cases and hospitalizations fueled by the hyper-infectious BA.5 subvariant pushed LA County into the high COVID-19 community level Thursday, a shift that could trigger a new public indoor mask mandate by the end of this month unless conditions improve. Two more such weeks and a new masking order would be issued starting July 29. That outcome, officials say, is much more likely than the county falling back into a lower level (*Los Angeles Times*).

CAPITOL HILL: Senate Majority Leader Charles E. Schumer has tested positive for the coronavirus. The positive result came “as a part of his regular testing regimen,” said a spokesman, who also said Sen. Schumer is fully vaccinated and “double boosted” and is experiencing very mild symptoms (*The Washington Post*).

CHINA: China has linked seven COVID-19 outbreaks 689 cases to contaminated imported frozen food packaging materials. Scientists said the work supports speculation that cold-chain foods act as a pathway for SARS-CoV-2 and might present a risk for virus transmission between countries and regions. They added handlers and processors of imported frozen foods should be effectively protected, monitored daily for symptoms of COVID-19, and tested at regular intervals (*Food Safety News*).

MIAMI: Norwegian Cruise Line is dropping a requirement that passengers test negative for COVID-19 before sailing. The company said it will drop the testing requirement Aug. 1 except on ships sailing from places with local testing rules, including in the U.S., Canada, Bermuda, and Greece (*AP*).

SOUTH AFRICA: Africa's top public health body said it has signed an agreement with Pfizer to receive supplies of the Paxlovid pill to treat COVID-19. “We have signed the MOU with Pfizer and we are going to be able to make that particular treatment available to African countries,” said Ahmed Ogwel Ouma, acting director of the Africa Centres for Disease Control and Prevention (*Reuters*).

SOUTH DAKOTA: The majority of the state's counties are in the “high community spread” classification. But one official says she expects the positive case count to rise in the next few weeks after the 4th of July holiday weekend and the large gatherings it held. She also said with many people using the at-home tests and not reporting positives, the actual numbers are probably higher than those reported (*Dakota News Now*).

INDIA: The quickly changing coronavirus has spawned yet another super contagious omicron mutant that's worrying scientists as it gains ground in India and pops up in numerous other countries, including the United States. Scientists say the variant – called BA.2.75 – may be able to spread rapidly and get around immunity from vaccines and previous infection. It's unclear whether it could cause more serious disease than other omicron variants, including the globally prominent BA.5 (*The Kansas City Star*).

INDIANA: Ten Southern Indiana counties were listed as having “high” community risk of spreading COVID-19 this past week, while 41 other counties were listed as “medium” risks. Three counties in states bordering Indiana – Crawford and Wabash, Illinois and Daviess, Kentucky were in the high-risk category on Monday (*WTHR-TV*).

CHINA: Macau has closed all its casinos for the first time in more than two years

and other cities in China have imposed more curbs as they try to contain Omicron-fueled outbreaks of the coronavirus. Macau's more than 30 casinos will shut for at least a week, with residents told to stay home for all but essential trips (*Aljazeera*).

THE WORLD: Sub-variants of the omicron strain are lifting case numbers and leading to further fatalities, Director General Tedros Adhanom Ghebreyesus said at a briefing in Geneva. Tedros, noting the pandemic is not over, recommended the revival of protocols like mask-wearing to stop the spread, adding that he is “concerned about a rising trend of deaths” (*Bloomberg*).

THE WORLD: The number of new coronavirus cases reported worldwide rose for the fifth week in a row. In the WHO's weekly review of the COVID-19 pandemic, the U.N. health agency said there were 5.7 million new infections confirmed last week, marking a 6% increase. There were 9,800 deaths, roughly similar to the previous week's figure (*AP*).

WISCONSIN: The state's Supreme Court upheld a county's COVID-19 restrictions, a ruling that could have broad implications for local health departments' ability to respond to public health emergencies in the future. In a 4-3 ruling the majority found that state law grants local health officers the power to issue public health orders without first getting permission from elected city and county officials (*The Milwaukee Journal*).

MONTANA: Currently, 28 of 56 counties or half of the state report single digits for active and newly reported cases. Six of those counties report zero cases (*Great Falls Tribune*).

COVID-19, 07/15/2022

Global Cases – Deaths
561,423,812 – 6,367,905

U.S. Cases – Deaths
89,453,076 – 1,023,736

222.7M – 68% of the country's population is fully vaccinated

Johns Hopkins University

Druggists Call for Pay To Prescribe Paxlovid

The FDA's announcement allowing licensed pharmacists to prescribe Pfizer's Covid pill Paxlovid to eligible patients, prompted praise from pharmacists across the US.

Pharmacists for months have called for prescribing rule changes to ease access in minority and rural communities, which often rely on independent pharmacists as their main source of care.

But pharmacy associations are calling on Medicare to require health plans to pay pharmacists for assessing patients and conducting other work needed to dispense the medication.

The trade groups say some health plans have been doling out as little as \$1.

Bloomberg Law, 07/08/22

Fauci: Vaccines Don't Protect Against Infection But

White House chief medical adviser Dr. Anthony Fauci conceded that, due to the high degree of transmissibility of the coronavirus, COVID-19 vaccines do not protect "overly well" against infection.

However, talking with "Your World's" Neil Cavuto on Fox News, Dr. Fauci said that doesn't mean vaccines are ineffective.

"They protect quite well against severe disease leading to hospitalization and death," he said.

Fauci, who is vaccinated and boosted, contracted COVID-19 but said he believes the vaccine played a major roll "in protecting me from progressing to severe disease."

MSN News, 07/12/22

Hollywood COVID-19 Protocols Extended to Sept. 30

Hollywood's major unions and studios have agreed to extend an agreement on COVID-19 protocols for productions until Sept. 30.

The Alliance of Motion Picture and Television Producers confirmed the extension, which includes requirements for more stringent protocols on sets, such

as masking and other safety measures, as well as sick pay for crew.

The contract, which would have expired July 15, has been renewed several times since it was first negotiated in 2020.

A recent surge in cases - 8.3 new weekly coronavirus-positive hospital admissions per 100,000 residents - has triggered masking on film sets once again around Los Angeles.

The Los Angeles Times, 07/14/22

SNFs 'Significantly Reduced' OT and PT Following PDPM

Data examined by researchers from Oregon State University showed that the number of minutes of individual occupational therapy and physical therapy per week for Medicare stays decreased by 19.3% and 19%, respectively, in the first five months of PDPM's implementation.

PDPM significantly expanded skilled nursing providers' ability to use group and concurrent therapy. Consequently, the number of group OT and PT minutes also increased by 1.67 and 1.77 minutes, respectively.

The Patient Driven Payment Model went into effect Oct. 1, 2019, replacing RUGs the previous case-mix classification system.

Journal of Post-Acute and Long-Term Care Medicine, McKnight's, 07/15/22

Murder in the Nursing Home, One Man Charged

Police in Missouri charged Shedrick White, 57, with first degree murder in the death of Marvin Hale, 38, a resident of Senath South Health Care Center nursing home in Senath, Missouri.

White and Hale had been involved in a fight at the facility in the afternoon. About 3:30 the next morning a nurse found Hale slumped on the floor with a call cord hanging across his shoulders and his nose bleeding.

White, who denied a second fight with Hale, is being held in the Dunklin County Jail without bond.

KFVS, 07/07/22

ONE COLUMN

Hospitals with SNFs Nearby Readmit Fewer Residents

Hospitals with a greater local supply of skilled nursing facilities are less likely to readmit patients with key conditions than hospitals in areas that lean heavily on home care networks.

A higher concentration of nearby nursing home beds had a lower 30-day readmission rate for Medicare patients treated for myocardial infarction, heart failure or pneumonia.

Those are the three conditions targeted by the federal Hospital Readmissions Reduction Program, which penalizes providers with higher-than-average readmissions.

In a study, researchers at the Veterans Affairs Boston Healthcare System theorized that patients with poor access to outpatient medical follow-up might be readmitted more often, especially if their hospitals couldn't make convenient or timely referrals for optimal post-acute care.

Their review of related conditions from more than 3,000 hospitals between 2013 and 2019 found readmissions were lower at hospitals that operated a palliative care service or had a greater supply of SNF beds or primary care physicians.

Conversely, having more home health agencies and nurse practitioners in the local area was associated with an increase in readmissions for the key conditions.

"Our results suggest that hospitals may take a more active role in the development of post-discharge care options in their communities or partner with existing infrastructure to improve continuity of care and clinical outcomes and to avoid penalties under the HRRP," the researchers wrote. "Palliative care use may reduce unwanted, potentially unnecessary medical care for seriously ill people, whereas patients in areas without sufficient access to primary care or nursing facilities (for example, isolated rural or low-income urban areas) may be forced to return to hospital emergency departments if complications arise."

Health Affairs, 07/05/22

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KFVS, 07/07/22

Staffers Are Heroes as Fire Destroys Australian SNF

Staff working at a Brisbane nursing home are being credited with saving the lives of 28 residents after a fire gutted the Bayside Lodge aged care home in the coastal suburb of Lota.

All 28 residents were evacuated from the home safely, but many were experiencing shock as they watched the fire destroy their home.

The cause of the fire, which destroyed large portions of the facility's roof, was not immediately determined.

Hello Care, 07/10/22

Another Consulate SNF In Florida Bites the Dust

Raydiant Health Care of Brandon near Tampa has closed.

Residents of the 120-bed Tampa Bay nursing home learned in June that it was closing. They said they were told that they had 30 days to find places to live.

The nursing home became the latest in Florida formerly affiliated with Consulate Health Care to lose its federal benefits since May because of poor patient care.

A bankruptcy filing and bad press have plagued Consulate — the state's largest nursing home chain — over the past few years.

Tampa Bay Times, 07/11/22

A 3-Day Strike Then Workers File to Unionize

Workers at SKLD nursing home in Bloomfield Hills formally filed to unionize and join SEIU Healthcare Michigan — three days after they walked off the job in a single-day strike over staffing, resources and unfair labor practices.

The Detroit-area facility has between 60 and 80 workers and about 140 residents.

Workers said they faced retaliation and union-busting tactics from management, including intimidation, interrogation, and unreasonable disciplining.

Henry Boutros, of Illuminate-HC, which operates the facility, said in a statement the company is grateful to the workers and looks forward to "continuing open conversations on how to enhance their day-to-day experience."

The Detroit Free Press, 07/14/22

Feds Keep Heat on MA Plans Over Denials

Congressional lawmakers are being urged to address weaknesses in Medicare Advantage plans in response to an OIG report that found that the MA organizations have often improperly denied or delayed care to seniors.

An April report by the OIG accused MAOs of sometimes delaying or denying Medicare Advantage beneficiaries' access to services, even though the requests met Medicare coverage rules. The report spawned an immediate call for changes from providers.

A early in July hearing held by the House Committee on Energy & Commerce subcommittee for oversight and investigations specifically focused on the oversight of MA plans.

Kaiser Health News, 07/05/22

"Strive not to be a success, but rather to be of value."

— Albert Einstein

Briefly in the News

The federal government won \$5 billion in healthcare fraud judgments against providers last fiscal year, a staggering increase after a COVID lull. The total is up from \$1.8 billion in fiscal 2020, when COVID-19 closed courtrooms nationwide and otherwise delayed investigations and prosecutions. And, it's more than double the amount clawed back in fiscal years 2017, 2018 and 2019, which averaged about \$2.4 billion in verdicts and settlements annually (**HHS, DOJ**).

Cleveland-based University Hospitals is scaling back care at two hospitals and consolidating services. It is ending inpatient, surgical and emergency services at UH Bedford (Ohio) Medical Center and UH Richmond Medical Center in Richmond Heights, Ohio, on Aug. 12. The health system attributed the changes to a staffing shortage (**Becker's Hospital Review**).

Pennsylvania Gov. Tom Wolf and the state general assembly have approved what long-term care advocates have dubbed a "historic budget victory." The 2022-2023 spending plan includes a Medicaid raise of \$35 per resident per day for nursing homes. Nursing homes have gone nearly 10 years without a budget increase (**McKnight's**).

Omnicare has announced the appointment of Ahmed Hassan as president of long-term care pharmacy giant. Hassan joined CVS Health in 2015, the same year that CVS acquired Omnicare for \$10.4 Billion. He has served in several roles over the past seven-and-a-half years. Most recently, he has been vice president and general manager of pharmacy benefit managers care management (**Senior Living**).

CMS officials said they received more than 3,000 comments, which are now being used for its upcoming research study on the Biden-announced minimum staffing, and to develop a draft proposal in 2023. The research study will specifically assess the minimum staffing requirements needed in facilities. CMS also plans to host stakeholder listening sessions next month to get more input ahead of its draft proposal (**McKnight's**).