

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"We watch all of the Southern Hemisphere countries very closely, hoping that we get some sort of insight" Dr. Alicia Fry, the chief of the Epidemiology and Prevention Branch of the CDC, noting Australia has had its worse flu season in five years

"I'm actually still flabbergasted that we have not set up a clinical trial to figure this out. It's an easy thing to do" Robert Wachter, chair of the Department of Medicine at the University of California, SF on investigating the rebound propensity of the covid drug Paxlovid

"I'm hoping that CMS will recognize that their measures are inaccurate and misleading." Prachi Sanghavi, PhD, Asst. Professor Dept. of Public Health, Univ. of Chicago on study indicating SNFs under-reported pressure sores affecting the accuracy of Care Compare

Feds Actively Moving Toward Staffing Mandate

Contractors will be making 65 nursing home visits spread across all 10 CMS regions over the next three months to help establish first-ever federal minimum staffing levels.

CMS contractor Abt Associates will stage visits at select facilities through October.

During Abt's two-day on-site visits they will talk with nurses and CNAs on all shifts and meet with families and residents.

Their study also will include an analysis of the relationship between staffing and quality, the potential costs of a minimum staffing requirement, and a literature review.

McKnight's, 08/12/2022

CDC Drops Quarantine, Social Distancing Regulations

The CDC Thursday relaxed its COVID-19 guidelines, dropping the recommendation that Americans quarantine themselves if they come into close contact with an infected person.

The agency also said people no longer need to stay at least 6 feet away from others.

The changes are driven by a recognition that an estimated 95% of Americans 16 and older have acquired some level of immunity, either from being vaccinated or infected.

The CDC recommendations apply to everyone in the U.S., but the changes could be particularly important for schools, which resume classes this month in many parts of the country.

AP, 08/11/22

Workers Picket SNF SNF Throws Barbecue

Workers at Willow Creek Healthcare Center in Clovis, California (Fresno) set up a picket line to highlight what they call poor working conditions exacerbated by unsafe staffing levels, low wages and high turnover.

SEIU is seeking a statewide contract with the Providence Healthcare Group, of which Willow Creek is a part.

Union representative Monica Duarte said management at the facility treats workers in a "rude and condescending" manner while saddling them with a heavy workload.

She also criticized management at the facility for setting up an employee barbecue timed to conflict with the union's job action.

Fresno Bee, 08/10/22

Resident's Body Found 6 Days after Walking Away

The body of a woman missing for nearly a week was found Wednesday morning near the nursing home she walked away from.

Sherry Moore was reported missing from Regency Manor nursing home in Independence (Northern Kentucky) Aug. 4.

Police say Moore's body was recovered in the vicinity of the nursing home after a tip from a private company, the result of a drone flyover.

Cause of death has not yet been determined.

WXIX-TV, 08/10/22

A Terrible Mix-up for Families and Residents

When a family recently arrive at Sunset Park Health Care in Santa Monica, California to visit their mother, they were told she had passed away.

But Mom was alive and well. The bad news was for another family.

A nurse had mixed up the charts of the two residents to the point, according to the family, that they had even been given each other's medications.

It is not immediately known whether the med error contributed to the resident's death.

The family is suing. The LA Department of Public Health is investigating.

The Santa Monica Mirror, 08/08/22

San Francisco Sues Feds Over Nursing Home Closing

The city of San Francisco is suing the federal government over its decision to cut off funding to the 700+ bed Laguna Honda Hospital, forcing the nursing home to transfer all patients.

The lawsuit alleges CMS forced the city to implement an unworkable closure and patient transfer plan that put them at risk and denies the city due process. Of several dozen residents initially transferred, nine died within days or weeks including several sent to homeless shelters.

Last week Laguna Honda halted transfers of the remaining 600 residents and filed the lawsuit.

CBS-SF, 08/04/22

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

WASHINGTON, D.C.: AHCA/NCAL has requested the federal government extend the current public health emergency declaration as providers continue their fight against emerging COVID variants “This pandemic is not over, but that does not mean our nation is dealing with the same situation as in 2020 nor even in 2021,” association CEO Mark Parkinson allowed in a letter to HHS Secretary Xavier Becerra (*McKnight’s*).

SAN ANTONIO: A young Texas father of two who received one of the first double-lung transplants after becoming ill with COVID-19, has died. John Vargas Jr. died July 28 of respiratory failure after his body rejected the lungs he had received almost two years ago. He was 36 (*San Antonio Express News*).

AMERICA: Colleges are no longer treating Covid-19 as an emergency upending their operations, shifting to eliminate mask requirements and mandatory coronavirus testing and letting students who contract the virus isolate in their dorms with their roommates (*Fox Business*).

THE WORLD: Emerging evidence suggests that catching the coronavirus a second time can heighten long-term health risks. Earlier in the pandemic, it was assumed that getting infected afforded some degree of lasting protection, for perhaps a few months. As the coronavirus mutates, though, that’s no longer a given. And each individual infection carries the risk not only for acute illness but the potential to develop long COVID (*The Los Angeles Times*).

TENNESSEE: The YMCA and the Boys & Girls Club are planning nearly 10,000 new childcare spots across Tennessee with money that’s left of COVID stimulus funding. The \$19.4 million in COVID stimulus money will help offset the cost of establishing at least 60 new centers, many of which will go in rural communities (*WPLN-FM, NPR*).

WASHINGTON STATE: Gov. Jay Inslee has ended 12 more COVID-19 related emergency orders. Including these, the governor has now ended 87%

of all COVID-19 emergency proclamations for Washington. Including these, the governor has now ended 87% of all COVID-19 emergency proclamations for Washington. To give providers and facilities time to adjust, the orders will officially end in 90 days - on Oct. 27, 2022 (*KPTV-TV*).

NEVADA: The Siegel Group, real estate investment and management firm with properties in Reno was slammed by a congressional investigation that says it engaged in abusive practices to evict vulnerable tenants during the pandemic. The House Select Subcommittee on the Coronavirus Crisis found the group did not fully comply with a CDC eviction moratorium to protect renters during the first 16 months of the COVID-19 pandemic (*Reno Gazette-Journal*).

PENNSYLVANIA: Penn State will greatly reduce its on-campus quarantine spaces available for students. The university will also continue recommending, but not requiring, COVID-19 vaccinations. Masking requirement have been relaxed and rather than providing single-occupancy quarantine rooms to all students, the university will provide on-campus rooms only to students who live on campus, leaving off-campus students to quarantine or isolate at home (*Centre Daily Times*).

AMERICA: COVID-19 vaccine mandates at U.S. colleges last year helped to save lives in the surrounding areas. Although the vaccine mandates were controversial, a study by the National Bureau of Economic Research showed they had sizable positive effects, as nationwide virus death was cut by about 5% over the 2021 fall semester (*KYW Newsradio*).

MINNESOTA: One month into the latest expansion of COVID-19 vaccine, only 7% of Minnesota’s eligible preschool-age children have received their first shots. Public health officials expected a slower start, compared to a 25% first-shot rate for children 5 to 11 in the first month they became eligible last winter. But interest is below even those low expectations (*Minneapolis Star Tribune*).

KANSAS CITY: COVID-19 hospitalizations and case numbers are mostly stagnant in the Kansas City area this week, indicating that the current wave may be reaching a plateau. However, doctors warn that the metro is still experiencing high levels of infection. However, current case counts show only a portion of the true case numbers in the area because of people testing at home, which does not get counted in public health data (*Kansas City Star*).

TEXAS: Jose Gomez III, 21, of Midland will spend 25 years in prison after pleading guilty to federal hate crimes for attacking an Asian family with small children. The incident happened in a Sam’s Club. Gomez admitted to cutting the father and his 6-year-old son with a knife because he believed them to be responsible for the COVID-19 pandemic. Gomez also stabbed a white also Sam’s Club employee who intervened (*Ft. Worth Star Telegram*).

AMERICA: The second COVID booster vaccine remains off-limits to anyone under the age of 50. The FDA’s reasoning behind keeping eligibility limited is reportedly due to a next generation of boosters that are believed to be more effective against the latest variants, with the hope being they will be ready by September. Nevertheless, quite a few Americans in that age bracket are angry about being locked as the latest COVID variant continues to infect (*KRLD Radio*).

GEORGIA: Candidate for governor Stacey Abrams has tested positive for COVID-19. A spokesman said Abrams is fully vaccinated and boosted and experiencing mild symptoms. She will isolate at home (*The Hill*).

COVID-19, 08/14/2022

Global Cases – Deaths
589,986,938 – 6,435,084

U.S. Cases – Deaths
92,919,750 – 1,037,017

223.5M – 68% of the country’s population is fully vaccinated

Johns Hopkins University

Under 60? Boosted? You're Good to Go

Data obtained by CNN from New York's largest health care provider indicates you're very unlikely to become severely ill with COVID-19 if you're under age 60, up to date on your COVID-19 vaccines and don't have underlying health problems.

The data from Northwell Health shows that of the nearly 2,000 people hospitalized there for COVID-19 in May, June and July, about 80% were over 60.

Nearly 90% had an underlying health problem.

The mortality rate is around 2%. It was around 10% to 12% during delta.

CNN, 08/09/22

If the Cavalry Doesn't Arrive It's 4 Years to Staff Up

Despite reports of recent monthly gains in the number of long-term care employees, full recovery of the workforce could drag on until 2026 without substantive new (government) assistance.

That's the finding in a report from AHCA/NCAL.

While the nursing home sector is still struggling with a workforce deficit of more than 14%, hospitals, physicians' offices, outpatient care centers and other healthcare facilities have already reached or surpassed pre-pandemic staffing levels.

Bureau of Labor Statistics data from July 2022 shows nursing homes have seen the worst workforce losses of any U.S. healthcare sector since the beginning of the pandemic.

McKnight's, 08/09/22

PA Non-profit Settles Overbilling Lawsuit

The Old Man's Home of Philadelphia d/b/a Saunders House will pay \$819,640 to settle claims that the skilled nursing facility provided medically unnecessary rehabilitation therapy to residents.

The settlement resolves allegations in a whistleblower complaint filed in 2015 by a

physical therapist who worked for a company contracted by the organization.

In the complaint he alleged that Saunders House: (a) overbilled federal healthcare programs for therapy services; (b) billed for services not provided; (c) billed for unreasonable, unnecessary, and sometimes harmful therapy; and (d) allowed the therapy provider to manipulate clinical services to maximize billing.

DOJ news release, 07/29/22

Pandemic - a 'Stressful,' 'Exhausting' Period

In the July-August edition of *Infection Control Today* a group of Hawaiian nursing home workers wrote about the "hardships" and "relentless burden we endured" in the first two years of the pandemic.

Well-coordinated efforts among colleagues were the key to successfully surviving the COVID-19 pandemic.

They said the first lesson of the pandemic was the meaning and importance of teamwork.

Staff had to quickly learn how to adjust their patient care, challenge other co-workers about properly wearing PPE and focus on how they impacted outbreaks in the building.

McKnight's, 07/27/22

Gov't Would Restore Gender IDs, Sexual Orientation Shields

Protections on the basis of gender identity and sexual orientation would be reinstated in CMS regulations under a rule proposed by HHS. The proposed rule would revise an Obamacare regulation.

The proposed rule, among other things, reinstates protections on the basis of gender identity and sexual orientation in CMS regulations that were deleted in a 2020 rule.

Besides identifying and recognizing discrimination on the basis of sexual orientation and gender identity as prohibited forms of discrimination based on sex, the changes would also interpret Medicare Part B as federal financial assistance.

Senior Living, 07/25/22

ONE COLUMN 'Paxlovid Rebound' Raises Questions RE: Length of Treatment

President Biden testing positive for COVID-19 again days after completing a course of Paxlovid has raised the question of whether the length of the antiviral treatment should be reconsidered.

Paxlovid rebound, as it is called, occurred among 3.5% and 5.4% of coronavirus infections at the seven-day and 30-day mark in treatment, respectively.

Paxlovid, under an emergency use authorization issued by the FDA is administered in two doses taken daily for five days. Physicians are not permitted to prescribe longer rounds of treatment, and clinical data on courses lasting more than five days has yet to be completed.

Some experts have called for studies into extending *Paxlovid* treatments to be prioritized, as early research has suggested that *Paxlovid* rebound could occur due to insufficient exposure to the drug.

Researchers at the University of California, San Diego School of Medicine said the drug may not be reaching enough infected cells in the allotted time.

"Wouldn't cost that much to be able to accumulate enough patients in a week or two and follow them for a few weeks so we could have an answer," said Robert Wachter chair of the Department of Medicine at the University of California San Francisco, adding that if trials had been started just a few months ago the data would already be available.

According to Wachter, there aren't any similar antiviral "analogies" to compare *Paxlovid* to. Viral rebound isn't usually tested for, and other antiviral treatments aren't administered in the same manner.

Instances of viral rebound of coronavirus are also not unique to Paxlovid. Cases of rebound with *molnupiravir*, the COVID-19 antiviral created by Merck and Ridgeback, have been observed as well.

The Hill, 08/08/22

You Can't Prohibit Workers From Talking About Wages

The NLRB alleges that a senior living provider has prohibited employees from "discussing wages, hours, or other terms or conditions of employment," which they have a right to do under the National Labor Relations Act.

The NLRB filed charges of unfair labor practices July 8 against Legend of Hutchinson, Hutchinson, KS.

Legend Senior Living, a privately held family business, operates 43 communities across six states offering independent living, assisted living/personal care and memory care.

Approximately 150 people work at the Hutchinson location.

McKnight's Business Daily, 07/19/22

Wisconsin Expanding CNA Workforce Development Plan

Gov. Tony Evers and the Wisconsin Department of Health Services announced \$6 million will be used to expand the WisCaregiver Careers program for nursing home CNAs.

The program originally launched to address a shortage of CNAs in Wisconsin nursing homes and has since trained more than 3,500 individuals.

The funding will also support a media campaign to recruit new CNAs, including a new website, ads and social media outreach.

WQOW-TV, 07/22/22

Iowa Finally Investigating Nursing Home Complaints

Fifteen months after a woman was hospitalized with a broken hip sustained in a fall at Correctionville Specialty Care in Western Iowa, the state finally investigated the matter and fined the facility \$16,750.

One worker told surveyors the woman fell because staff failed to use a required gait belt.

Another employee said as the woman lay on the floor, crying and moaning with her legs twisted underneath her, several

CNAs gathered and "discussed what to say and how to word the incident."

Iowa has 410 uninvestigated complaints at least 30 days old – 24 were filed more than a year ago.

Iowa Capital Dispatch, 07/22/22

Illinois SNF Fined for Multiple COVID Failures

After an outbreak of COVID-19 that infected 79 residents and numerous staffers, the Illinois Department of Public Health visited Allure of Galesburg.

The investigation determined the facility failed to ensure staff wore adequate PPE, failed to place COVID-positive residents in a dedicated unit with dedicated staff, and failed to follow transmission-based guidelines.

In addition, the report details how the facility failed to follow-up on staff and resident COVID-19 lab results within 48 hours once an outbreak was detected.

Finally, the facility did not implement alternative testing methods which led to positive staff working with residents.

The fine is \$25,000.

Tri-State Public Radio, 08/10/22

Resident Headed to Court After Arguing with Staff

A resident at a Rome, New York nursing home is accused of pulling a fire alarm and damaging a printer in a confrontation with staff.

Police said Kirk A. Mclean, 60, was arguing with employees of The Grand about 1:00 AM Wednesday when he pulled the fire alarm to get a police response.

Then at about 2:30 a.m., police said Mclean was again arguing with staff, and he kicked a printer off a desk, breaking it.

Police charged McLean and ordered him to appear in Rome City Court.

Rome Daily Sentinel, 08/10/22

Briefly in the News

During the second quarter, Sabra sold off several lower-performing SNFs as an alternative to borrowing from capital markets and tapped two others to convert into addiction treatment center. Sabra Healthcare's skilled nursing share has fallen to its lowest point in five years (*McKnight's*).

A "silent epidemic of oral diseases" disproportionately burdens older adults residing in long-term care facilities. Access to dental care in these settings is near-nonexistent. However, most national- and state-level data sources have considerable limitations quantifying dental disease for institutionalized older adults (*Health Affairs*).

A federal grand jury in Nashville returned a 40-count indictment, charging eight people involved with Crestar Labs in Tennessee. The eight are charged with a \$150 million Medicare and Medicaid fraud conspiracy involving false billing and violation of the Federal Ant-Kickback legislation. Fadel Alshalabi, owner of Crestar Labs is also charged with money laundering (*DOJ news release*).

Invesque continues its push to adjust its portfolio to be predominantly senior housing. So far this year the REIT has sold four skilled nursing homes, two-age-restricted communities, all its medical office buildings in Canada and one in Orlando, Florida. "I would love to be 100% seniors housing by year end," CEO Scott White said (*Senior Living*).

Researchers used three overall metrics — cost, access to care and quality of care at each state's nursing homes and assisted living facilities — with Arizona coming out on top. Idaho and Missouri rank second and third. (*ValuePenguin*).

After allegedly trespassing at a nursing home in April, Grease actor Eddie Deezen, 65, was charged with fourth-degree burglary, two counts of trespassing and one count of disturbing the peace. Deezen has now been declared unable to stand trial due to mental health reasons and has been committed to an institution (*People*).