

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"What we're dealing with now is just a distortion of reality" Dr. Anthony Fauci on the conspiracy theories surrounding COVID-19

"They know they messed up. They are trying to make it go away with taxpayer money" NJ State Senator Joe Pennacchio after a \$16 million out-of-court settlement to families of people who died of COVID in NJ Veterans homes

"... we must not relax and tire of the fight" notes from meeting of Chinese Politburo discussing when an outbreak of COVID occurs

"The absolute numbers are staggering" Andreas Kalogeropoulos, MD, PhD, in an editorial accompanying a published study predicting a large jump in heart disease.

CMS Urges States to Weaponize M'caid Payments

An informational bulletin issued by the Centers for Medicare & Medicaid Services during the week urged states to use their existing Medicaid authority to help drive better health outcomes and improve staff pay, training and retention efforts.

CMS urged states to address "longstanding inequities for Medicaid beneficiaries residing in nursing facilities" by tying Medicaid payments to quality measures that will improve resident care and safety and ensure nursing homes are adequately resourced and staffed.

The bulletin, however, did not impart any new requirements on states or providers.

Healthcare Finance., 08/24/22

CMS Outlines 4-Pronged Minimum Staffing Study

CMS researchers say in formulating a minimum staffing standard, they will use four main components in their ongoing work.

The agency will employ a literature review of previous studies; a cost analysis; a quantitative analysis to identify staffing levels associated with improved quality of care and resident safety, and onsite visits.

An agency blog referred to "a minimum staffing level, which would include RN, LPNs/LVNs, and CNAs."

That may be bad news for operators who had hoped the agency would include non-nursing positions PTs, OTs, dietitians, etc., in its calculations.

McKnight's, 08/23/22

Whistleblower Blew it Case Thrown Out of Court

A judge has dismissed a whistleblower claim against Heritage Operations Group.

A former Omnicare pharmacist filed the complaint alleging nurses at Heritage dispensed Schedule II controlled substances without obtaining valid prescriptions.

The judge said all the complaint did was sketch the outline of the story "without filling in many details."

Further he observed, "The allegations hover at the highest level of generality. There are no concrete allegations about defendants submitting false claims to the United States."

U.S. District Court, Northern Illinois, 08/18/22

Whistleblowers: We Were Fired For Blowing the Whistle

Two former Massachusetts health care officials claimed in a lawsuit filed Wednesday that they were fired after flagging concerns about pandemic conditions in a pair of veterans' nursing facilities, including the Holyoke Soldiers' Home where a COVID-19 outbreak killed 76 people and sickened 84 others.

Eric Sheehan, a then-official in the Department of Veterans' Services, and Beth Scheffler, the former acting chief nursing officer at another veterans home say they were fired after raising concerns about poor health practices and shoddy record-keeping, among other issues.

Ultimately, Massachusetts paid a \$56 million settlement to the Holyoke victims.

Law360, 08/17/22

NJ Vets Home Families Get Another \$16 Million

An out-of-court settlement of almost \$16 million with the families of more than 70 seniors who died in New Jersey state-run veterans nursing homes was confirmed by Governor Phil Murphy's office.

This was the second settlement the state reached with the loved ones of veterans home victims. The initial \$53 million deal was announced hours before Christmas and included 119 families.

In May of 2020, orders issued by the Administration that forced nursing homes to accept COVID-positive patients from hospitals without testing them for COVID-19.

Insider NJ, 08/19/22

Flooding - Dozens Evacuated from ALF

Dozens of residents at a nursing home in the Mississippi town of Brandon had to be evacuated on school buses Wednesday after a slow-moving system brought drenching rains across the South.

A total of 31 residents were evacuated from the Peach Tree Village assisted living facility in Brandon.

Mayor Butch Lee. Said at one point three feet of water passed through the facility.

The mayor said everything went according to an emergency action plan. "[Emergency crews] had already choreographed where the residents and employees would go," Lee said. "So that happened very quickly with the help of school buses."

CNN, 08/24/22

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

AMERICA: It's designated BA.4.6. A new COVID variant is slowly beginning to grow in numbers in the U.S. Much is still unclear about BA.4.6, a descendent of the BA.4 variant that first emerged in April and May. The CDC says the new strain is now responsible for just over 5% of cases across the country (*WMAQ-TV*).

ALASKA: Alaska leads the nation in the number of nursing home staff who have contracted COVID-19 per 100 residents with 11.28. Alaska also has the most nursing home deaths attributed to COVID-19 per 100 residents with .18 (*WTWO Radio*).

COLORADO: Parkmoor Village Healthcare in Colorado Springs, plans to shut down this month. The management company says the facility owners and operators made the hard decision based on pandemic-related staff shortages, increased supply costs, and insufficient government reimbursement. It's the eleventh Colorado SNF to close since the pandemic began. Another 76 facilities are below 70% occupancy and in financial trouble (*KOAA-TV*).

THE WORLD: A study that examined data from more than a million people - mostly Americans - found that COVID-19 infection was linked to a higher instance of mood and anxiety disorders that declined after 1-2 months. It also revealed that COVID-19 infection was associated with an increased risk of dementia, psychotic disorders, epilepsy or seizures and cognitive deficit, or "brain fog," that remained elevated two years after patients were first diagnosed with the virus (*The Hill, The Lancet Psychiatry*).

NORTH CAROLINA: At least 26,094 new coronavirus cases were reported in North Carolina last week, down from 30,475 the week before. The N.C. Department of Health and Human Services also reported 1,317 new weekly COVID-19 hospital patient admissions, a drop from 1,354 the previous week (*The News & Observer*).

CHINA: An automaton that can perform a Covid-19 oral swab test in 35 seconds became a star attraction at the opening of

the World Robot Conference 2022 in Beijing. The robot was designed by CASIC - Chinese a state-owned enterprise known for developing and manufacturing spacecraft, launch vehicles and tactical missiles. It marks the company's initial foray into automated Covid-19 testing products (*South China Morning Post*).

MINNESOTA: A federal judge has nixed a suit filed against a Walmart pharmacy for refusing to fill prescriptions for *ivermectin*, an anti-parasite drug used on humans and animals, to treat a couple's COVID-19 infection, calling their purported "right to self-determination" that would force medical providers to administer certain treatments "mind-boggling" (*Law360*).

AMERICA: Pfizer said its COVID-19 vaccine was 73% effective in protecting children younger than 5 as omicron spread in the spring. But only about 6% of youngsters ages 6 months through 4 years had gotten at least one dose of a COVID-19 vaccine by mid-August (*CapRadio*).

CHINA: New births in China are set to fall to record lows this year, and demographers say COVID-19 has contributed to the decline in the country's marriage and birth rates. Other contributing factors include high costs of education and child rearing. But China's uncompromising "zero-COVID" policy of promptly stamping out any outbreaks with strict controls on people's lives may have caused profound, lasting damage to their desire to have children (*Aljazeera*).

MINNESOTA: GOP candidate for governor, Dr. Scott Jensen, is facing backlash after remarks likening public health officials' guidelines at the start of the pandemic to actions taken by the Nazi regime in 1930s Germany. In the video of an April event, Jensen makes reference to the Holocaust, Kristallnacht and Nazi Germany as he spoke to the room of supporters about COVID-19 guidelines and mandates recommended by the state Department of Health that were enforced by Gov. Tim Walz (*KARE-TV*).

DELAWARE: First Lady Jill Biden has again tested positive for COVID-19. A spokesperson for Mrs. Biden said this represents a 'rebound' positivity. The first Lady has remained in Delaware and is experiencing no symptoms. She first tested positive for the virus on Aug. 15, when she and the president and members of their family were vacationing in Kiawah Island, South Carolina (*USA Today*).

AMERICA: Americans age 12 and older could begin getting omicron-specific COVID-19 boosters soon after Labor Day. The Biden administration is eager to see regulatory approval of the new boosters as soon as possible. Both Pfizer Inc. and partner BioNTech SE and Moderna have submitted emergency use applications to the FDA (*MarketWatch*).

CHINA: Shares of Shanghai United Imaging Healthcare Co., a maker of medical imaging and radiotherapy equipment, have surged 60% since their Aug. 22 debut, propelling the net worth of controlling shareholder Xue Min to \$5.1 billion. The company owes much of its success to a government push to expand services during the pandemic. China's health authority listed scanners and X-ray systems as basic required equipment that hospitals should have (*Bloomberg Billionaires Index*).

THE WORLD: More than 14,000 deaths were reported last week, and 5.3 million new cases, with that number declining in every world region except the Western Pacific. Japan's caseload rose by 6%, South Korea's by 2%, and Russia's by 39%. Deaths in the Americas dropped 15% and about a third in Europe. However, African nations saw a 183% increase in deaths (*World Health Organization*).

COVID-19, 08/26/2022

Global Cases – Deaths
599,884,440 – 6,483,845

U.S. Cases – Deaths
94,116,361 – 1,043,664

223.9M – 68% of the country's population is fully vaccinated

Johns Hopkins University

Mandates Upped SNF Vaxs Especially in GOP Areas

Researchers found that, over a 10-week period ending in November 2021, nursing homes in states with a mask mandate and no test-out option that would allow staff to submit to additional COVID testing instead of getting vaccinated had a 6.9% increase in staff vaccinations. Nursing homes in states with a mandate and a test-out option had a 3.1% increase

In Republican-leaning counties, nursing homes in states with a mandate and no test-out option saw a 14.3 percentage point increase in vaccinations.

During that same period, non-mandate states had consistently lower vaccination coverage and higher rates of reported staff shortages.

University of Rochester news release 08/23/22

U.S. to Roll Back COVID Coverage This Fall

The Biden administration is set to begin shifting the cost of COVID-19 vaccines and treatments to the commercial market ending the practice of the federal government purchasing the drugs and making them available at no cost.

A meeting is scheduled this week with the drugmakers, pharmacies and state health departments to discuss the change.

Shifting how the drugs, tests and treatments are funded is expected to take months, but has been in the cards since the beginning of the pandemic.

The Wall Street Journal, 08/18/22

\$25 Min. Wage Laws On Hold in California Cities

Ordinances establishing a \$25 minimum hourly wage for workers at private healthcare facilities are on hold in Los Angeles and Downey, Calif., as those cities seek to verify signatures petitioning to block enactment of the measures.

City councils in Los Angeles and Downey approved minimum wage ordinances earlier this year instead of placing them before voters.

Since then, coalitions sponsored by the California Association of Hospitals and

Health Systems have sought to repeal the ordinances.

Downey was the second city to approve the minimum wage increase, preceded by Los Angeles and followed shortly after by Monterey Park and Long Beach.

The Downey Patriot, 08/18/22

Judge Rejects Maine Suit Against Vaccine Mandate

A federal judge has dismissed a complaint from a group of health care workers who said they were unfairly discriminated against by Maine's COVID-19 vaccine requirement.

The plaintiffs sued Democratic Gov. Janet Mills and other Maine officials along with a group of health care organizations in the state. The workers argued that the vaccine mandate violated their right to free exercise of religion because it did not provide an exemption for religious beliefs.

The workers argued it was their religious right to decline the vaccine over the belief that fetal stem cells from abortions are used to develop them.

Washington Examiner, 08/20/22

Over Half of Healthcare Bankruptcies are in LTC

Bankruptcies in the healthcare industry are trending up by more than 25% this year, and 54% of them have happened in long-term care settings, particularly in skilled nursing facilities.

Gibbins Advisors said government funding that was widespread for long-term care entities two years ago has dried up to a certain extent. And operators that had Medicare payments advanced to them in April 2020 now have to pay them back, affecting cash flow.

Additionally, staffing challenges are causing some facilities to limit new admissions. Interest rates are increasing, and some lenders are backing off on financing projects.

Senior Living, 08/24/22

ONE COLUMN

AMDA Launches

A Vaccination Initiative

A federally funded program "Moving Needles" is now in place in three long-term care organizations with the goal of setting LTC industry-wide standards for resident and staff immunizations.

The pilot program, which kicked off July 13 along with a new website, is part of the five-year Moving Needles initiative, led by AMDA – The Society for Post-Acute and Long-Term Care Medicine and backed by a \$10.5 million grant from the Centers for Disease Control and Prevention.

Over the next year, clinicians at nine sites (three each) operated by Saber Healthcare Group, UPMC and ALG Senior, will assess, recommend, administer and document relevant routine adult vaccinations.

These will include influenza, COVID-19, pneumococcal, Tdap and shingles for residents, and influenza, COVID-19 and Hepatitis B for staff members.

The sites will submit monthly data and participate in educational calls and check-ins with an AMDA quality improvement specialist. The goal is to develop evidence-based interventions that follow federal standards and help to improve historically low immunization rates among LTC residents and staff members.

The initiative is part of a larger effort by federal health officials to improve immunization rates using pandemic-related funds.

The organization also will collect data on the financial costs and benefits of investing in an immunization program — including when staff is limited.

Initiative leaders are encouraging electronic health record vendors to support the pilot participants.

The ultimate objective is to show how such an investment can impact census, daily revenue, 5-star ratings and surveys.

Senior Living, 07/28/22

Active Shooter Drill Too Real Nurses Seek \$30K Each

Two AdventHealth nurses at an ER in Ocala, Fla., are suing the hospital over a training session that included a simulated active shooter exercise that trainees were not informed was part of a drill.

The suits state they were attending a mandatory disaster preparedness and mass casualty training session when an unannounced active shooter situation occurred.

A male employee who was carrying what appeared to be a semiautomatic weapon made a loud noise that sounded like a gunshot, burst into the training room and told everyone to get on the ground.

One of the nurses called 911.

WOFL-TV, 08/05/22

Staffing Fraud - Feds Charge Two Pennsylvania Homes

Federal charges have been filed against two Pennsylvania SNFs, their owner and several top employees for allegedly circumventing staffing requirements.

The Beaver County facilities are owned by Comprehensive Healthcare Management Services. CEO Sam Halper, and several facility-level top managers were charged.

The indictment accuses Halper of directing management staff at Brighton Rehab and Mt Lebanon Rehab to keep staffing levels low to reduce costs, having employees clock-in and be paid for shifts they did not work; keeping two sets of books reflecting staffing levels, with one containing accurate information and the other falsified records.

McKnight's, 08/10/22

HHS OIG to Audit For Related Party Use

The HHS Office of Inspector General plans to audit nursing homes' use of related parties. The results could ultimately lead to even more oversight.

OIG will determine whether the use of related parties is being accurately reported, and if dependence on affiliates might have increased overhead costs.

The agency last week announced its plan to add the Medicare payment audit to its 2023 work plan. It is an apparent extension of the ongoing federal effort to improve transparency into nursing home ownership and skilled nursing's corporate structures.

McKnight's, 08/24/22

Kentucky Nurse Charged With Murder of Patient

A nurse was charged with murder Aug. 23 for allegedly causing the death of a 97-year-old patient at Baptist Health Lexington (Ky.), the Lexington Police Department said in a statement.

Evyette Hunter, RN, was indicted in the death of James Morris.

Lexington Police said Ms. Hunter "intentionally performed actions of medical maltreatment" by administering lorazepam, a sedative, to Mr. Morris without a physician's order on April 30. He died May 5.

Ms. Hunter's nursing license was also suspended.

WKYT-TV reported Ms. Hunter admitted to administering the drug to Mr. Morris without an order.

Becker's Hospital Review, 08/23/22

All Hands-on-deck Not Enough in an Emergency

Despite diligent efforts by nursing homes during outbreaks, operators need help from policy makers to ensure better levels of care during future emergencies. Researchers at the University of Rochester Medical Center suggest policy makers should consider steps such as creating centralized 'strike' teams to supply temporary staffing assistance, as some states did, and other measures to help lift providers when a crisis hits.

Researcher Brian McGarry, PT, PhD said the research illustrated that even when nursing homes used an "all-hands-on-deck" approach to filling absences for sick or resigned staff members during an outbreak, it often still wasn't enough.

JAMA Health Forum, McKnight's, 07/22/22

Briefly in the News

The FDA said it had received more than 48,000 reports of faulty Dutch medical equipment maker Philips' ventilators and respiratory devices between May and July, which included 44 deaths. This was more than twice the number of reports it had received in over a year until April (*Reuters*).

A study in the July issue of JAMDA, indicates the time it takes to travel to and from the nursing home was found to have a significant negative association on visits for all age groups, especially as more rural SNFs close due largely to staffing problems related to the pandemic. Other "barriers" to visitation include transportation access, feelings of guilt, the health of the visitor and resident and financial situation of the visitor (*Skilled Nursing News*).

Nationwide, nearly 16,000 cases of monkeypox have been confirmed as of Aug. 23. Wyoming has reported its first case making it the final state in the U.S. to do so (*Becker's Hospital Review*).

Bioreference Health, A national testing lab, has sued Bellhaven Center for Rehabilitation and Nursing Care alleging that Bellhaven breached an agreement to pay an outstanding balance of nearly \$270,000 for COVID-19 testing ordered between June 2020 and March 2021 (*McKnight's*).

Nursing home staffers are set to strike at 24 facilities across the state. SEIU Healthcare Pennsylvania said workers voted to send strike notices to three of the biggest nursing home chains in the state. A strike could happen as soon as Sept. 2 (*WGAL-TV*).

Among U.S. states, atb 80. 7 years, Hawaii has the highest life expectancy at birth, according to an Aug. 23 report from the CDC's National Center for Health Statistics. The lowest is Mississippi at 71.9 years. The average U.S. life expectancy dropped in 2020 during the COVID-19 pandemic, from 78.8 years in 2019 to 77 years in 2020 (*Becker's Hospital Review*).