

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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They said it

"When you look at who's hospitalized, it's much more likely that they will have been vaccinated because so many people are vaccinated now" Abraar Karan, an infectious disease doctor at Stanford University

"We found ourselves immersed in the stresses and fears of working in a crowded facility, asking ourselves and each other, 'How do we survive each day, each shift, each hour, and keep our residents and ourselves safe?'" Hawaiian nursing home workers writing in [the July-August edition of Infection Control Today](#)

"It happens all the time. We have no choice but to keep the patients" Vicenta Gaspar-Yoo, president of Allegheny Health Network's Allegheny Valley Hospital on effects of staffing and bed availability in nursing homes

"No more excuses and no more delay. We don't want to have another study 20 years from now" Toby Edelman, an attorney with the Center for Medicare Advocacy, noted that there is urgency in the current CMS staffing effort

The Littlest 'Employees' Make the Residents Smile

A nursing home in southwestern Japan is hiring babies.

The generous compensation package includes flexible hours, baby formula and diapers -- and cups of tea for accompanying mothers.

In return, the new recruits -- who must be age 3 or under -- are being asked to "visit whenever you want" and "walk around as much as you like."

Gondo Kimie, head of the facility, hit upon the idea after noticing how residents cheered up when her infant grandchild began visiting.

The program began with just one baby in 2021 there was just one baby, now there are 32 infant "employees."

CNN, 08/31/22

'Juice' Was Dishwasher Soap One Dead in Calif. ALF

One resident of Atria Park, an ALF in San Mateo, California, just south of San Francisco, died and two others were hospitalized after the complex's staff mistakenly served them dishwashing liquid thinking it was juice.

The residents' names were not released, but the family of 93-year-old Gertrude Elizabeth Murison Maxwell revealed she died after being transferred to the hospital with her mouth, throat and esophagus severely blistered after Atria Park staff served her "alkaline cleaning solution that eats protein."

Atria Park's leaders said they have suspended the involved employees pending an investigation.

The Guardian, 08/30/22

Some Breathing Room To Get Your TNAs Certified

CMS plans to provide extra breathing room for nursing homes that can't get their uncertified nursing aides to complete mandatory federal training requirements by the Oct. 7 deadline.

The guidance could give temporary nursing aides hired during the Covid-19 pandemic until the end of the public health emergency to complete a required 75 hours of training and pass a state certification test.

The agency said it will issue state- and county-wide waivers, as well as those for individual facilities. The PHE is scheduled to end Oct. 15, but HHS Secretary Xavier Becerra is likely to extend it another 90 days.

Bloomberg Law, 08/30/22

Skyline Bossman Ordered to Pay Millions to Twin Med

A federal judge has ordered former nursing home owner Joseph Schwartz to pay \$7.7 million (\$5.1 million in invoices, \$2.4 million interest, and \$145,000 attorneys fees) to medical supply

company Twin Med, one of many debtors he owed after the collapse of Skyline Healthcare.

Schwartz still faces multiple federal charges in relation to Skyline, his now-defunct 100+ nursing home empire, which collapsed in 2018.

In January, Schwartz pleaded not guilty to 22 charges in an \$29.5 million tax fraud scheme for allegedly not paying payroll and unemployment taxes to the IRS in a case involving 15,000 employees.

Arkansas Business, 08/29/22

As A Recession Looms Job-Hopping Is Slowing

There are signs that job-switching is slowing down across the US economy.

Less competition in the labor market is a good thing," said Ben Tengelsen, PhD, an economist and vice president of data science at staffing firm IntelyCare. "Job mobility during a recession decreases a lot. There are fewer people quitting their jobs; Your nursing assistants are not lured away by jobs at Target or other retailers."

The Federal Reserve's Center for Microeconomic Data reported last week that the rate at which workers are transitioning to different employers dropped to 4.1% last month from 5.9% in July 2021.

McKnight's, 08/29/22

New Hampshire AL Hit with Wrongful Death COVID Suit

The daughter of an elderly couple, who died of COVID-19 within three days of each other, has filed a wrongful death suit against Greystone Farms of Salem (New Hampshire).

In her suit Linda Barron charged Greystone "routinely and negligently administered care to Leo and Anna Barron, interacted with them and entered their room without utilizing required PPE, if any at all."

The assisted living claimed it is immune from suits because of a federal law designed to protect front line workers in an emergency - a law somewhat backed by HHS, but mainly rejected by the courts.

New Hampshire Business Review, 08/16/22

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

THE WORLD: Pfizer's COVID-19 pill appears to provide little or no benefit for adults under 65 while still reducing the risk of hospitalization and death for high-risk seniors. The researchers found that Paxlovid reduced hospitalizations among people 65 and older by roughly 75% when given shortly after infection. But people between the ages of 40 and 65 saw no measurable benefit (*The LA Times*).

NEW YORK State: Fifty-eight residents and 13 employees of Bishop Rehabilitation and Nursing Center in Syracuse have tested positive for Covid-19. A spokesman said the nursing home has opened a separate Covid wing where it is isolating infected residents. The wing is staffed by employees who care exclusively for Covid residents (*Syracuse.com*).

EUROPE: Lockdowns for COVID-19 in the early summer of 2020 ensured the amount of soot and particulate matter in the atmosphere was almost halved. The reductions in soot concentrations in the atmosphere occurred all over western and southern Europe. A German research aircraft found that about 40% of the reduction was due to reduced emissions from human activity (*Newsweek*).

NORTH CAROLINA: School principals could lose \$7,200 to \$18,000 in pay over a full year due to a change in how state lawmakers are calculating compensation. Superintendent Catherine Truitt wants the State Board of Education to use federal COVID-19 aid to cover any pay that about 360 principals would lose this upcoming school year. State Board will vote on the plan on Sept. 1 (*Charlotte Observer*).

CHINA: The southwestern Chinese metropolis of Chengdu announced a lockdown of its 21.2 million residents as it launched four days of citywide Covid-19 testing. Residents of Chengdu, the capital of Sichuan province, were ordered to stay home from 6 p.m. on Thursday, with households allowed to send one person per day to shop for necessities (*CNBC*).

HAWAII: former Honolulu Mayor Kirk Caldwell's administration set up a mobile COVID testing lab at the Daniel K. Inouye

International Airport two years ago and awarded a non-bid contract worth \$19.5 million to the National Kidney Foundation of Hawaii. The city paid about \$120 per test. A Johns Hopkins University medical pricing expert estimated it costs testing companies about \$20 per test (*KHNL-TV*).

MAINE: The Maine National Guard reports 95% of its troops are vaccinated against COVID-19. As for the 5% not vaccinated, some troops have pending religious and medical exemptions and are working with some limitations. The rest aren't able to fulfill their duties and are not receiving military pay and benefits. As of July 14, 2022, 88% of all U.S. Army National Guard Troops were vaccinated (*WCSH-TV*).

FLORIDA: One of the largest universities in the U.S. during the week welcomed over 70,000 students back to campus. University of Central Florida's fall semester brings football games, fraternity parties and myriad other events where masses can gather, but for the first time since the pandemic took hold in 2020 UCF and many other colleges across the U.S. will begin a fall semester without many COVID precautions (*Orlando Sentinel*).

FLORIDA: An administrative law judge upheld a Broward County School Board decision to fire a science teacher who refused last year to comply with a mask requirement. The judge ruled that Piper High School teacher John Alvarez "engaged in gross insubordination by continued, intentional failure to obey numerous direct orders, reasonable in nature and given by and with proper authority" (*Miami Herald*).

WASHINGTON, DC: A Superior Court judge ruled the vaccination mandate Mayor Muriel E. Bowser imposed on city government workers earlier this year was unlawful. The order comes in response to a lawsuit filed by the D.C. Police Union and other police groups that opposed the mandate. The city implemented a tiered discipline system for those without exemptions, which could result in

suspension or being fired (*Washington Post*).

FLORIDA: Imagine if we could get ahead of the curve and predict the next wave of coronavirus. That's the goal of a new \$3.7 million research grant received by the University of Florida. The grant will use artificial intelligence, or AI, and machine learning to build an algorithm to spot new variants of concern. The researchers will design the algorithm to detect anomalies in new variants that may be a worry for public health (*Univ. of Florida news release*).

JAPAN: Prime Minister Fumio Kishida said the government is considering allowing asymptomatic Covid-19 patients leave their homes to buy daily necessities as long as they wear a mask and take other measures against spreading the virus. The proposal comes as cases have hit record numbers in many regions amid a seventh wave of the pandemic that shows no signs of abating. it (*Kyodo*).

MISSOURI: It may be "Five O'clock Somewhere" but Alan Jackson won't be there. Jackson cancelled a show in Kansas City last weekend after he tested positive for COVID. The tour marks Jackson's first time on the road since revealing he had a non-fatal "neuropathy and neurological disease" that makes him unsteady of his feet (*Billboard*).

THE WORLD: Moderna has sued Pfizer and its German partner, BioNTech, over allegations that the international drug company illegally used patented technology to develop its coronavirus vaccine. The suit pits Moderna, a relatively new company that had never sold a product before it rolled out its vaccine, against rival Pfizer, a global pharmaceutical giant (*The Washington Post*).

COVID-19, 09/02/2022

Global Cases – Deaths
603,487,229 – 6,492,832

U.S. Cases – Deaths
94,719,348 = 1,047,416

224.1M – 68% of the country's population is fully vaccinated

Johns Hopkins University

Providers, Anticipate Receiving New COVID Boosters in Days

The CDC's independent vaccine advisers voted 13-1 to recommend updated COVID-19 vaccine boosters from Moderna and Pfizer for all US adults, including those who have already had two previous boosters.

Vaccines were expected to ship immediately.

But many operators have struggled to convince as many residents and staff to receive boosters as received the initial vaccine series. According to the Centers for Medicare & Medicaid Services, more than 56% of nursing home residents are up to date on vaccinations, while 42% of nursing home staff are. Those numbers compare to about 87% coverage with the primary vaccine series.

McKnight's, 09/02/22

Data Breach Impacts At Least 380K People

Avamere Health Services has reported a data breach that impacted 96 practices and at least 380,000 individuals.

Avamere Health Services, a group of independently-owned post-acute care companies that provide care for seniors, discovered unauthorized access to a third-party hosted network between January 19 and March 17, 2022. Avamere launched an investigation, which later revealed that an unauthorized party had removed a limited number of files and folders from its network.

The folders and files included names, addresses, driver's license or state identification numbers, claims information, lab results, medication information, Social Security numbers, financial account numbers, and medical diagnosis information.

Health IT Security, 07/29/22

..... and Now the Breach Has Spawned a Class Action

Attorneys representing a potentially large group of residents and employees of nursing home behemoth Avamere Holdings announced they have filed a class action suit accusing the long-term

care provider of failing to protect its residents and staff from a massive cyberattack.

The operator faces the class-action lawsuit over a data breach believed to have affected more than 380,000 people across the company's 96 healthcare sites.

Plaintiffs' attorneys also questioned why the company initially reported a smaller number of potential victims (200,000).

The lawsuit also alleges Avamere waited more than two months to notify people of the breach,

McKnight's, 08/29/22

Florida SNFs Seek More Time To Submit Financial Audits

Florida nursing homes saw their Medicaid rates increase by hundreds of millions this year, but the money came with a catch – nursing home are required for the first time to submit year-end audited financial data within 120 days of the end of the fiscal year.

They can request a 30-day extension but providers want 90 days to coincide with the with the timeframes nursing homes have to submit Medicaid cost reports.

Providers also maintain with 700 SNFs in Florida, there aren't enough CPA firms that prepare those types of audits to get them all done within the state's parameters.

Florida Politics, 08/26/22

Employee Charged with Exploiting SNF Residents

A woman working at Big Elm Nursing Center in Kannapolis, North Carolina (near Charlotte) has been charged with stealing \$45,000 from a resident's saving account.

Following a six-month-long investigation, Nina Elaine Barkley, 52, was charged with three counts of felony exploitation of an elder/disabled adult and one count of felony identity theft.

During the investigation, detectives discovered Barkley had allegedly exploited other victims in other nearby cities and has been arrested on those additional charges, as well.

WCCB-TV, 8/26/22

ONE COLUMN

LTC Labor Unions Flexing Their Muscles this Summer

Newfound labor power has trended upward this summer in the skilled nursing and long-term care sectors, causing further headaches for already strained operators

Whether workers are voting on strikes, actually striking, or avoiding strikes through successful negotiations with providers, employees are leveraging operators' need to staff up.

The harsh conditions for workers during COVID-19 and perceived employer reactions to them have spurred some of the unrest as well, said Mark Tabakman, a labor and employment lawyer who handles both union and non-union matters for employers across the country.

"We are seeing a distinct uptick in organizing in healthcare," said Tabakman, "COVID, I believe, is a big factor as healthcare workers complained constantly about understaffing and long hours of work with little appreciation by management. Unions were adept at picking up on these themes and preached 'safety' and 'health' as big issues for these workers. The unions capitalized on these issues and fears."

The U.S. Bureau of Labor Statics estimates about 13.5% of healthcare practitioners were represented by unions in 2020 and 2021.

Nursing home labor activity recently spiked in the Northeast, but there also was a labor win in Los Angeles and a threatened strike of 15,000 nurses in Minnesota.

In addition, more than 6,000 healthcare workers employed by Kaleida Health in western New York, including many at skilled nursing facilities, will vote in mid-September on whether to authorize a strike.

Earlier this week, workers who are members of SEIU Healthcare Pennsylvania and Guardian Healthcare reached a tentative contract agreement that ended plans for strikes at 10 facilities, however, negotiations are ongoing with 20 others.

McKnight's, 09/01/22

Evacuees Reach Settlement With Chance to Sue Again

Residents and families involved in a botched Hurricane Ida evacuation last year have reached a tentative settlement of \$12 million to \$15 million with embattled nursing home owner Bob Dean and others.

The class action suit will net the 843 participants about \$17,000 each - and the opportunity to sue again on medical malpractice grounds.

A "Fairness Hearing" will be held on Oct. 3 for the court to determine whether to issue the final approval of the settlement.

Dean, owned the seven facilities whose 800+ residents were dumped into a warehouse he owned as the storm neared the area. Several died.

McKnight's, 08/26/22

Colorado to Put Millions Into Boosting SNF Staffing

The Care Forward Colorado Program will invest \$26 million of federal COVID stimulus funding over the next two years to boost the state flagging nursing home workforce.

The funds will guarantee free schooling for students interested in becoming certified nursing assistants, emergency medical technicians, pharmacy technicians, phlebotomy technicians, medical assistants or dental assistants.

Proponents say the new program is one way the state is working to close the workforce gap, particularly in rural regions.

The Colorado effort mirrors California, which recently unveiled a plan to use COVID stimulus grants to get its own novel workforce reinvigoration program off the ground.

The Colorado Sun, 08/25/22

County Bails Out SNF Again But Sale May Be Next

Walnut Acres, a county-owned SNF in Freeport, Illinois, has faced several funding shortfalls in the past.

To keep the facility afloat, the Stephenson County Board recently approved an interfund loan – when one fund in the county's budget borrows from another fund.

In making the interfund loan available, the Board also passed an amendment that if the loan is not repaid by the end of the year an RFP (Request for Proposal) would be sent out to list the facility for sale.

It would not be the first time.

WTVO-TV, 08/23/22

Officials Seek Millions For Staff in Hospitals, and LTC

The Oregon Health Authority and state Department of Human Services have requested nearly \$40 million from the Legislature to bolster health care.

Oregon's hospital system - and its long-term care sector - have struggled through worker shortages that have grown during the pandemic.

\$14.9 million for short-term staff in long-term care facilities; \$4.4 million for residents to transition out of a skilled care; and \$1.5 million for long-term care facilities on the brink of bankruptcy.

Part of the problem, experts say, is the low reimbursement rates paid to providers which force facilities to keep salaries low, particularly in the long-term care sector.

Oregon Capital Chronicle, 08/23/22

Short Staff, SNF Closures Slow PA Hospital Discharges

Discharging patients from hospitals has slowed at a time of widespread labor shortages in health care. Not enough staff at nursing homes — where many patients go from the hospital for rehabilitation — is the new bottleneck.

Inflationary pressures, sharply higher labor costs and stagnant government reimbursement have stressed Pennsylvania's 700 nursing homes where more than 80,000 seniors live.

The result: 17 skilled nursing facilities have closed in Pennsylvania over the past two years.

Pittsburgh Post Gazette, 08/29/22

Briefly in the News

Hamilton Medical AG is recalling the HAMILTON-C6 Intensive Care Ventilator after customer complaints revealed a hardware issue in which liquid may enter between the indicator board and the ventilator's main board causing the vent to revert the patient to breathing ambient room air with no assistance or support from the machine. The FDA release does not indicate how many ventilators are involved. These vents have been on the market since 2017 (**FDA news release**).

A new study reveals how a single sick caregiver can easily infect residents and co-workers in a long-term care setting and drive up treatment costs by thousands of dollars. The Japanese study explored the clinical and financial impact of rapidly spreading respiratory infections in close quarters. , it found one sick staff member added \$12,000 in costs (**American Journal of Infection Control**).

NY Governor Kathy Hochul signed into law a bill amending a section of New York's Public Health Law to expressly provide the legal representative or estate of a nursing home resident the right to bring a suit for injuries under this law. The amendment comes in the wake of the COVID-19 pandemic that led to a renewed focus on the regulation of New York's nursing homes (**JDSUPRA**).

Members of 1199 SEIU picketed AristaCare at Delaire in Linden, NJ recently contending a contract offer requires them to pay a new premium for health insurance and wage increases offers are "inadequate and do not keep pace with inflation" (**Patch**).

In the first six month of this year the Cleveland Clinic reported a net loss of \$1.1 billion on revenue of \$6.2 billion. Labor challenged resulting in overtime and premium pay, agency use and cost increases in supplies, pharmaceuticals and other non-labor items were cityed as reasons for the loss. For the same period last year, the health system reported net income of \$1.3 billion on revenue of \$6 billion. The Mayo Clinics operating income for the second quarter was \$155 million down 66% from \$451 in the same quarter in 2021 (**Becker's Hospital Review**).