

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

"If this ever happens again, we will not go back to a visitation restriction setting like we had previously" Evan

Shulman director of the CMS Division of Nursing Homes

"Every nursing home in the state of New York would love the opportunity to staff to 3.5. The workers are just not there" New York State Healthcare

Facilities Association president and CEO Stephen Hanse

"The less stringent recommendations for face coverings and quarantining of residents leaving the facility for 24 hours or less will have a positive impact on their well-being by removing barriers to socialization"

Denise Winzeler, RN, LNHA, curriculum development specialist for APAACN commenting on the CDC's new COVID control guidance

Feds Ramping Up Audit And Investigation Activities

More providers are beginning to receive civil investigative demands (CIDS) related to use of COVID-19 funding, calling for the production of documents that include corporate organization descriptions, patient information, contracts, and communications with employees, staff and other physicians.

CIDS also include written questions that must be responded to in writing under oath.

The Department of Justice named a Covid fraud enforcement director in March.

Providers are now beginning to get CIDS either in the mail or in person, despite the fact that most PRF claims submitted to the Health Resources and Services Administration are legitimate.

Bloomberg Law, 10/20/22

More Than Ever, You Don't Want To Be a SFF

In its latest move to increase scrutiny the Feds are toughening requirements for nursing homes that fall into its Special Focus Facilities (SFF) program.

CMS is making completion requirements more challenging and increasing enforcement actions if SNFs fail to show improvement.

The decision is in line with the administration's focus on improving quality and cracking down on bad actors.

By imposing harsher penalties, CMS hopes operators will work harder to get facilities out of the program at a faster rate. This, in turn, would allow CMS to enroll more facilities in the program and "promote sustainability of facilities' improvements."

Skilled Nursing News, 10/21/22

Put CDC Back in Charge Of Fighting COVID-19

The Biden administration should empower the CDC and put it in the forefront to continue fighting the COVID-19 pandemic, said Peter Hotez, MD, PhD, at a vaccine conference sponsored by the Baker Institute for Public Policy at Rice University.

"I think the answer is fixing the CDC, empowering the CDC, and putting them out in front -- together with the state and local health agencies, because I think the other thing the pandemic revealed was the chronic underfunding of state and local health agencies," Hotez said at the event Friday. "Until we do that, we're definitely not ready for another pandemic."

MedPage Today, 10/17/22

'We Will Not Go Back' To Early Pandemic Restriction

Nursing homes will not return to the stringent isolation policies used during COVID-19's early days. So said Evan Shulman, director of the CMS Division of Nursing Homes, at the 2022 LeadingAge Annual Meeting last week.

Shulman said recent revisions to resident rights guidance intend to prevent

isolation and its potential clinical and cognitive consequences.

While nursing home weekly cases have hovered between 9,000 and 10,000 for most of the pandemic, it is now in the 7,000 to 8,000 range.

Shulman urged providers to focus on getting both staff and residents up to date on vaccinations, including the bivalent booster.

McKnight's, 10/17/22

Study: Private Equity Firms Investing in Staffing Agencies

Nursing homes have paid much more for agency staffing than in-house employees throughout the pandemic; the expense squeezed already tight margins, especially as nurses left to make more money with agencies.

Studies have alleged higher rates of poor health and mortality in LTC facilities run by private equity owners.

Now a study by the Private Equity Stakeholder Project, says private equity investment in medical staffing agencies are exacerbating the national nursing staffing shortage.

The study states, "The pandemic generated further investment interest: 2021 was a record year for private equity M&A transactions in medical staffing."

McKnight's, 10/17/22

Kentucky to Break Ground On Latest Veterans Home

On November 2 Kentucky will break ground for a new veterans home. This one, in Bowling Green, will be the fifth in the state.

Getting there wasn't easy. With \$30 million in state and federal funding committed, the Office of Kentucky Veterans Centers in June accepted bids on the project, but the two bids received were both about \$18 million over the original cost estimate.

The VA was able to kick in only a couple million more. But state lawmakers and Gov. Andy Beshear that the added cost could be covered out of the state's budget reserve trust fund.

Bowling Green Daily News, 10/17/22

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

THE WORLD: The coronavirus situation continues to ease worldwide with deaths down 15% in one week (Oct. 9) and cases decreasing 7%, including in Europe with infections dropping 4% after weeks of surging. That week Europe was the only continent to post a rise in COVID-19 cases over seven days, 2%, as deaths increased 4%. Last week Africa was the only one with infections rising, 2%. The seven-day moving average for deaths was down to 1,196, the fewest since 1,075 March 21, 2020, 10 days after the World Health Organization declared COVID-19 a pandemic (*UPI*).

CHINA: The current seven-day hotel quarantine period for travelers from Hong Kong to China could be cut to four days by the end of the year because the incubation period for most COVID-19 variants is about three days. China reported 827 new local COVID-19 cases last Saturday, while Hong Kong still reports more than 5,000 cases daily (*Bloomberg*).

PENNSYLVANIA: While the economy has been the top concern for voters, concerns about COVID-19 have all but disappeared. The impact of inflation and a spike in gas prices making their financial effects felt in the wallets of the public has made what was a live and passionate issue a year ago an afterthought today (*The Center Square*).

UTAH: Just 30% of the folks in Utah are worried about getting COVID-19 or the flu this fall. The latest Deseret News/Hinckley Institute of Politics poll found the same level of concern about contracting either the coronavirus that sparked a pandemic or the seasonal flu, even though one virus is considerably more deadly. More than 5,000 Utahns have died from COVID-19 since the pandemic began in early 2020. Utah reported 300 flu deaths in 2019. Among the 70% of Utahns who aren't worried about either virus, 40% said they were not at all concerned about getting COVID-19, compared to 37% who said the same about the flu (*KSL-TV*).

WASHINGTON, DC: The Trump White House tried bullying officials from the CDC

into providing a more optimistic view of the pandemic espoused by Former President Donald Trump. The information gathered by a congressional panel consisted of emails, text messages and interviews. Among those targeted were former CDC director Robert Redfield and former principal deputy director Anne Schuchat (*The Washington Post*).

THE WORLD: Stillbirth is a recognized complication of COVID-19 in pregnant women caused by harmful changes to the placenta (SARS-CoV-2 placentitis) induced by the virus. Researchers now suggest that pregnant women who get the COVID-19 vaccine may be protected from SARS-CoV-2 placentitis and stillbirth. In a new article published in the American Journal of Obstetrics & Gynecology, researchers conclude that the vaccine not only protects pregnant women but may also be lifesaving for their unborn children (*Children's National*).

NEW JERSEY: The Camden County Department of Health announced 90 new positive cases of COVID-19 on Oct. 12. Of those cases, 16 are among patients under 18 years old. The average age of the newly infected is 42 years old (*Camden County news release*).

AMERICA: White people in the United States are now more likely to die from covid-19 than Black people. The reporters analyzed every covid death during the pandemic and found that among White Americans, medical information, vaccine hesitancy and mistrust in the government were among the leading causes of the changing demographics of death. Early in the pandemic Black and White people were about equally reluctant to get the coronavirus vaccine when it first became available, but Black people overcame that hesitancy faster (*The Washington Post*).

PENNSYLVANIA: Doctors say if you want to stay out of the hospital, getting boosted is a way to stretch that initial vaccination and ward off worse conditions. Pennsylvania Dr. John Goldman noted boosters might not be a bad idea as people spend more time indoors later this fall and winter, especially based on last year's trends when COVID-19 numbers started to climb in November

and December and peaked in January (*WGAL-TV*).

WASHINGTON, DC: The CDC is pushing back on a claim made by Fox News' Tucker Carlson, who said on his show that a CDC decision was likely coming to force kids to get COVID-19 vaccines in order to attend school. But that's not actually within the CDC's authority, as the agency pointed out in a rare tweet correcting Carlson, who has a history of criticizing COVID vaccine policy or sharing incorrect information about the shots (*ABC News*).

AMERICA: A report published in the New England Journal of Medicine suggests that the subvariant, called BA.4.6, could drive reinfections. Last week BA.4.6 accounted for just over 12% of new COVID cases in the U.S. The CDC also reported BA.5 has been detected in nearly 68% of new cases (*NBC News*).

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MASSACHUSETTS: Boston University COVID researchers have combined the omicron variant with the original virus, testing the created strain on mice "to help fight against future pandemics. They found that all mice infected with only the BA.1 omicron variant had mild cases and survived, while the combined omicron spike protein with original COVID-19 virus strain inflicted severe disease with an 80% mortality rate. When mice were infected with just the original, ancestral virus strain, 100% of the mice died (*Boston Globe*).

COVID-19, 10/21/2022

Global Cases – Deaths
627,384,352 – 6,577,772

U.S. Cases – Deaths
97,185,559 – 1,067,673

226.6 = 70% of the country's population is fully vaccinated

Johns Hopkins University

Ian Slammed Older Floridians, Not Nursing Home Residents

As the death toll for Hurricane Ian continues to climb, it's clear that the Category 4 storm hit older Floridians particularly hard. Of the roughly 120 people known to have been killed, more than half were older than 60.

None of the dead identified so far were nursing home residents, suggesting an effective emergency response by facilities that have come under fire for their response to COVID-19. Yet it's too early to tell.

Hurricane Irma in 2017, officially killed 129 people, but was blamed for roughly 400 excess deaths in nursing homes from power outages in the weeks that followed.

AARP, 10/13/22

Ensign Likely is the Top Operator Now

Ensign announced a series of SNF acquisitions and long-term leases dearly this month including one facility in Arizona, two in South Carolina and six in Texas. The deals bring Ensign's growing portfolio to 268 health care operations across 13 states.

Those nine buildings probably make Ensign the largest operator in the country, pushing past Genesis for the top spot.

In addition to Ensign and Genesis, the largest SNF providers by facility include Life Care Centers of America, HCR ManorCare (ProMedica Senior Care), Providence Group and Consulate Health Care.

Skilled Nursing News, 10/03/22

12-Year Legal Odyssey Conspiracy Case Revived

A three-judge Superior Court panel in Pennsylvania has reinstated civil charges against lawyers who allegedly conspired with ManorCare King of Prussia nursing home to charge a resident illegal fees.

A series of legal actions with several lawyers and ManorCare participating led to a default judgement of more than \$81,000, including attorney fees. Some

of those default payments also duplicate payments ManorCare had already received from Medicare and Medicaid for caring for the resident.

The estate administrator settled with ManorCare but appealed. Last week's decision by the three-judge panel upheld the appeal. The case is now headed to trial court.

McKnight's, 10/17/22

County Owned Nursing Home Asking Taxpayers for Help

There's a proposal on the ballot in Knox County, Missouri that would raise money for the county's nursing home.

The measure would increase the property tax rate for the Knox County Nursing Home District -the first request for funds in 20 years.

If approved, the rate would increase the tax rate less than nine cents (.088 cents) per 100 dollars of assessed valuation, which would give the nursing home about an extra \$100,000 each year.

WGEM-TV, 10/17/22

Depression Increasing Among Older Adults

University of California in San Diego scientists used data from 31,502 participants in the from a national survey to examine trends in depression and mental health treatment among people 65 years and older.

The researchers found that the estimated prevalence of past-year major depressive episodes among older adults increased about 60%.

During the same time there were no significant changes in mental health treatment.

The authors concluded, "These findings call for urgent expansion of treatment services and training of mental health professionals with expertise in older adults to meet the needs of this growing, vulnerable population."

Senior Living, 09/29/22

ONE COLUMN

Trauma Care, Drug-Reduction 'Scary' in New Guidance

As staff at skilled nursing facilities scramble to comply with hundreds of pages of interpretive guidance that kicks in Monday, experts warned that one major emphasis should be on meeting new standards for Trauma-informed care.

Guidance that surveyors will use to enforce the Rules of Participation requires a deep dive into each resident's trauma history and how it should be used to plan care for residents.

Experts say the keys to compliance are fact-gathering, forming care plans based on that research, and clear communication of the plan to those directly implementing the plans.

"Something as simple as having a male housekeeper in the resident's room when the (recommended) interventions are female caregivers-only due to past traumas could be enough to be out of compliance if it causes the elder distress," Rosie Benbow, RN, owner of Leading Transitions, a post-acute care consultancy said.

Benbow said going forward the possibilities of expanded focus on accuracy as it relates to Quality Measure as well as reimbursement is "a little scary."

Another area of concern is inaccurate diagnosis of schizophrenia in the elderly due to the updates in the Resident Assessment Instrument manual and throughout the regulations.

Many experts feel this is just the beginning of the focus on inaccurate diagnosis and assessments.

CMS Division of Nursing Homes Director Evan Shulman said as much in a live presentation at the LeadingAge Convention and Expolast week.

"Schizophrenia diagnoses are extremely rare after 40. ... It's even more rare if it's a pattern at the same nursing home," he said. "We're going to look at what else we can do ... but to code them as having schizophrenia to improve performance on a quality measure is unacceptable."

McKnight's, 10/21/22

SCOTUS: 'Nah, Baby Nah' Whistleblower Case Proceeds

The Supreme Court's decision not to hear three cases allows a whistleblower case against managed care company Molina to move forward, as upheld earlier by a Court of Appeals.

A subcontractor filed a suit after it discovered that Molina was still charging for services it no longer provided.

The ruling declined to allow summary judgment in Molina's favor.

Under intense scrutiny is a rule that requires whistleblowers alleging "fraud or mistake" to "state with particularity the circumstances constituting fraud or mistake" - a requirement that may be hard for the whistleblower, especially if no longer working for the company.

McKnight's, 10/18/22

Public Health Emergency Extended Once Again

The COVID-19 public health emergency will continue through Jan. 11 as officials brace for a spike in cases this winter.

The public health emergency, first declared in January 2020 and renewed every 90 days since, has dramatically changed how health services are delivered.

The declaration enabled the emergency authorization of COVID vaccines, testing and treatments for free.

It also expanded Medicaid coverage to millions of people, many of whom who will risk losing that coverage once the emergency ends. It temporarily opened up telehealth access for Medicare recipients, and encouraged health networks to adopt telehealth technology,

AP News, 10/13/22

New Emergency Rules May be on the Horizon

Long-term care facilities would need to have a crisis plan to manage an outbreak of COVID-19 or other public health emergencies, have a stockpile of personal protective equipment, keep families of LTC residents informed of

outbreaks, under a bill introduced in the US House of Representatives.

The Nursing Home Pandemic Protection Act of 2022 would also require facilities to establish a crisis plan to manage the outbreak of diseases and public health emergencies, including an outline of procedures relating to infection control, staffing, personal protective equipment, outside medical providers and hospitalizations, and communication with family members.

McKnight's, 10/14/22

\$50M To Fight Staff Shortages In Maryland

Maryland will disburse \$50 million split evening between to nursing homes and hospitals to ease workforce challenges and COVID-related barriers.

The state is also issuing \$30 million to Medicare Advantage plans in Maryland.

The state Department of Health said this funding was "a one-time program to stabilize the market as plans are to be discussed with the federal government to develop long-term proposals.

The aid comes after the COVID-19 public health emergency was extended on Oct. 13 by HHS for another 90 days.

Maryland News, 10/16/22

Indiana Facility Immediately Closing Its Doors

The Poor Handmaids of Jesus Christ, the parent organization of the Catherine Kasper Life Center (CKH) in Donaldson Indiana (south of South Bend) will close the facility effective March 31, 2023.

CKH will cease to intake long-term healthcare patients immediately. Short-term rehab will continue until closure.

Plans are to form a new corporation to provide aging-in-place non-licensed personal care services for area residents and, if possible, appropriately place CKH residents.

WTCA Radio, 10/17/22

Briefly in the News

HCA Healthcare donated \$1.5 million to Fisk University to address the nationwide nursing shortage. The funding will support scholarships for students pursuing a degree in nursing. The gift is part of the organization's goal to give \$10 million over three years to historically Black colleges and universities and Hispanic serving institutions (**Becker's CFO Report**).

Miguel Montalvo and Bernardo Garmendia, owners of AMB Research Center, and an employee Ivette Portela all of Miami, were charged with allegedly enrolling subjects in a clinical trial even though those subjects failed to meet eligibility criteria, falsifying laboratory results, falsifying subject medical records, and falsely represented that subjects were taking the drug being studied when, in fact, they were not. Each defendant was charged with conspiracy to commit wire fraud and one substantive count of wire fraud (**DOJ news release**).

The ability of TPOXX to treat people infected with monkeypox is being directly tested in a new clinical trial in Central Africa TPOXX -- the antiviral drug tecovirimat, is only approved to treat smallpox, but doctors have been using it to treat infections during the global monkeypox outbreak. The new clinical trial, based in the Democratic Republic of the Congo will provide the first evidence of whether TPOXX is an effective therapy for monkeypox (**HealthDay News**).

Legacy Healthcare has purchased three Milwaukee-area nursing homes for a total of roughly \$17.8 million. Legacy, which has 61 facilities in Illinois, South Dakota, and Montana, purchased centers in Kenosha, IL, Ozaukee, SD, and Waukesha Montana. The properties were sold by limited liability companies affiliated with Formation Capital of Atlanta (**Biz Times**).

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