

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

Vol 7

02/05/2023

THEY SAID IT:

"There are still approximately 1,000 nursing homes out there with zero people vaccinated — zero people" HHS Secretary Xavier Becerra

Ultimately, the suitability of any particular medical school for any given student is too complex, nuanced, and individualized to be served by a rigid ranked list" Harvard Medical School Dean George Daley announcing they will no longer provide information to U.S. News & World Report for its ranking system

"In some ways, CMS is actually complicit in the closings since they do little to fulfill their responsibilities related to Medicaid rate adequacy," Rose M. Hughes, executive director of the Montana Health Care Association

"We've been underfunded for years, and the closures speak for themselves: It's coming home to roost" Mark Deak, executive director of the South Dakota Health Care Association

This is Not Another Chicken Joke

A lot of nursing homes have aviaries for the residents to enjoy. The residents of Good Samaritan Society-Sioux Falls Center, in Sioux Falls, SD have Ralph – a rooster.

Nobody knows where he came from. Ralph set up camp right in the middle of the facility's holiday nativity scene. Once the holidays passed and the decorations were removed, he remained in the empty enclosure thanks to a heat lamp and food provided by facility staff.

The residents watch him through the dining room window. He'll even let out a "polite crow" every once in a while just to show off.

McKnight's, 01/24/2023

How Many SNFs Have Closed? – Don't Ask CMS

New federal numbers show that 135 nursing homes closed in 2022. But that the number doesn't reflect the full reality on the ground.

Facilities planning to shutter must submit a closure plan to state regulators and CMS, communicate the information to staff, residents and their families, and then implement that plan after it is approved.

In Iowa, for example, CMS said five facilities closed in 2022, but the state said 17 shut down. In South Dakota, CMS listed three closures, actually, five facilities closed last year. And in Montana, CMS said one nursing home closed but 11 facilities shut down.

McKnight's, 02/02/2023

Six Iowa LTC Facilities Shutting Their Doors

Six nursing and assisted living facilities in four Iowa cities are shutting down.

The facilities, owned by Blue Care Homes are located in Fort Dodge, Winterset, Humboldt and Maquoketa.

The Iowa Health Care Association says it is working with the state and other agencies to help the facilities' 260 residents find new homes.

The Iowa Department of Inspections and Appeals (DIA) said Blue Care Homes told regulators that they could no longer operate its facilities, which are now in receivership.

KCCI-TV, 01/30/2023

OSHA More Aggressive Toward Long-Term Care

New enforcement guidelines from OSHA indicate the federal agency's "increased aggressiveness" against long-term care and other work sites where employee safety, health or well-being could be jeopardized.

Certain types of violations will be cited such as respiratory protection (for instance, during infectious outbreaks) and falls among others.

OSHA reminded regional administrators and area directors of their authority not to group violations, and instead cite them separately to more effectively encourage employers to comply.

The new guidance becomes effective 60 days from the date of issuance, Jan. 26.

Senior Living, 01/30/2023

CMS Has Completed Minimum Staffing Study

Jean Moody-Williams, deputy director of the Center for Clinical Standards and Quality reported CMS has completed a study of minimum staffing standards for nursing homes and is considering its policy options.

A minimum staffing proposal, first broached by the White House last February, is widely expected to be proposed sometime this spring.

Recently senators from several states asked CMS to resist a "one-size-fits-all" approach, given labor issues that are worse in some areas of the country.

McKnight's, 01/25/2023

Arraignment Delayed in LTC Poisoning Case

The woman accused of allowing an elderly man, to the drink cleaning solution that led to his death asked a judge to delay her arraignment until February 6 so she can hire a private attorney.

Constantine Albert Canoun, 94, died last year at Atria Walnut Creek, an ALF in the San Francisco area, after drinking cleaning solution from the kitchen. He suffered injuries to his stomach, esophagus and throat.

The death at the Walnut Creek facility came after another Atria nursing home in the Bay Area last year faced scrutiny when a resident was fatally poisoned with dishwashing detergent.

CBS News, 01/30/2023

Black History Month:

"I have learned over the years that when one's mind is made up, this diminishes fear" – Rosa Parks

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

AMERICA: The White House, in a statement of administration policy announcing opposition to two Republican measures to end the Covid-19 national and public health emergencies, said the national emergency and public health emergency would each be extended one final time to May 11. The White House statement said the continuation of the PHE does not impose mask mandates or vaccine mandates; does not restrict school or business operations; and does not require the use of any medicines or tests in response to cases of COVID-19 (*CNN*).

WASHINGTON, DC: HHS Secretary Xavier Becerra last month complimented nursing homes' efforts to boost COVID-19 vaccination rates over the last two months, but he also made it clear that conditions must continue to improve. Of particular interest are the approximately 1,000 nursing homes registering zero people vaccinated against COVID. Becerra said the number of nursing home residents vaccinated against COVID increased by 20% during the six-week push initiated by the White House in November (*McKnight's*).

OHIO: The federal trial of former Speaker of the Ohio House Larry Householder was postponed last week after a juror tested positive for COVID-19. Householder is accused of accepting a nearly \$61 million bribe in exchange for legislation to bail out FirstEnergy, a struggling nuclear power company. The \$1.3 billion bailout led to raised electricity rates and had Ohioans paying for fossil fuel power plants, including one outside the state (*Ohio Capital Journal*).

KENTUCKY: Gov. Andy Beshear noted at his weekly news conference that new coronavirus cases in Kentucky continue to move up and down a bit, continuing the recent plateau, but the recent increase in Covid-19 hospitalizations is subsiding. Only five Kentucky counties, all but one along the Virginia border, have a high level of Covid-19 risk. The map shows 49 Kentucky counties at medium risk, and 66 at low risk (*Winchester Sun*).

WASHINGTON, DC: AstraZeneca Plc's Covid antibody drug is no longer authorized for use in the US, regulators said Thursday, as it's unlikely to work against strains of the virus that are now dominant across the country. Astra's drug, called Evusheld, was authorized in December 2021 to prevent Covid infection in high-risk people, but has been rendered less effective by the virus' mutations (*Bloomberg*).

THE WORLD: Hybrid immunity of infection and immunization provides up to 12 months of protection against hospitalization or a severe, second COVID infection. Research published last month reviewed 26 other studies from around the world involving patients with varying levels of immunization and illness. People who had COVID but were not fully vaccinated still had some immunity at 12 months, but infection alone gave limited protection (*The Lancet*).

THE WORLD: WHO's International Health Regulations Emergency Committee reported there is little doubt that this virus will remain a permanently established pathogen in humans and animals for the foreseeable future. The committee recommended incorporating vaccines into routine care, continuing to fight misinformation and to adjust international travel measures based on risk assessment (*CNN*).

SAN FRANCISCO: Nearly three years after it became the first county in the nation to declare COVID-19 a public health emergency, Santa Clara County announced Wednesday a plan to transition out of the emergency phase of the pandemic by the end of February. That includes the closure of all the county-run mass vaccination and testing sites. Residents of the Bay Area's most populous county will be directed instead to private health care providers, pharmacies or local clinics (*San Francisco Chronicle*).

AMERICA: COVID-19 was the top infectious disease killer for kids and teens in the U.S. between August 2021 and July 2022. It also ranked 8th among the leading causes of death for any reason for U.S. children and teens in the same time period. If deaths caused by unintentional injuries, assault or suicide are excluded, COVID deaths ranked 5th among Americans 19 and younger (*JAMA Network Open*).

NEW YORK: A study of Nursing home residents with COVID-19 indicates that despite systemic, cognitive and respiratory symptoms of COVID-19, most study participants tolerated moderate-to-high amounts of rehabilitation for both occupational and physical therapy. Researchers followed 71 long-term and 177 post-acute residents at the New Jewish Home in NYC. Occupational and physical therapy were used for nearly 60% of the ill residents overall.

CAPITOL HILL: Nearly every House Democrat on Wednesday voted against a Republican bill requiring federal agencies to end their COVID-era telework policies and require federal workers to return to their offices. 205 Democrats voted against the SHOW UP Act, and just three Democrats voted for it. The bill, would require federal agencies to return to the Pre-pandemic telework policies. (*FOX News*).

THE WORLD: In a study based on millions of viral samples, researchers found that *Lagevrio*, the FDA-authorized oral COVID-19 therapy developed by Merck and Ridgeback Biotherapeutics, leads to new mutations in the virus with the potential for further spread. However a Merck spokesman said there is no evidence that's true. The company expects to add \$5.2B – \$5.4B in sales from the drug (*Fierce Pharma*).

COVID-19, 02/04/2022

Global Cases – Deaths
671,597,248 – 6,840,705

U.S. Cases – Deaths
102,586,907 – 1,111,485

229.6 = 71% of the country's population is fully vaccinated

Johns Hopkins University

Nurses Frequent Flyers As LTC Pill Pilfers

Minnesota nurses played a critical role in identifying the theft of more than 11,000 meds from residents in SNFs and ALFs.

In 97.5% of the cases the drug stolen was a controlled substance, usually opioids. The most frequent thieves (49%), were nurses – 87.5% in SNFs and 32% in ALFs.

Surveillance cameras in a med room or cart, a victim's bedroom, or a public space played a role in 26% of the cases solved.

The total drug diversion activity is likely higher than reported since 12% did not include a specific number of drugs taken.

Journal of Applied Gerontology, January 2023

Conn. SNFs Say They Need More – a Lot More

Connecticut SNFs received on average, \$282 PPD from Medicaid and say they need additional \$45 PPD. But a legislature-mandated stop-loss provision capped the inflationary adjustment at \$6.50 per patient per day — one-seventh of what the industry says it needs

While the state's social services budget allows for an additional \$28 million, Connecticut nursing homes, stung by chronic staffing issues and wage pressure, have asked for \$193 million more in aid to help sustain struggling facilities.

Lawmakers and advocates aren't exactly opposed, but say they want to see greater transparency on how nursing homes spend the funds.

CT Mirror, 01/30/2023

In California, Your Political Philosophy Could Kill You

A analysis of COVID deaths in San Diego found that during the second year of the pandemic Republicans died at a higher rate than Democrats.

During the second year, as Covid vaccines became widely available, Republicans in San Diego County began dying at significantly higher rates (39%)

than Democrats. Independent voters were 30% more likely to die.

"Does it surprise me? No, not really" said Greg Cox, a Republican and former county supervisor. "I would assume it was because of the influence of some people in the Republican Party who made a concerted effort to convince people not to get vaccinated."

The Voice of San Diego, 01/30/23

Facility Hoping for a Yes on a Bailout Tax Levy

Marion County, Illinois voters will head to the polls in April to vote yes or no for a tax levy that would support the Maple Lawn Nursing Home.

Administrator Jesse Soondrum said the money from the levy will help them cover rising costs. "Our Medicare reimbursement for a day per resident here is about \$173, per day," he said. "It costs actually around \$220 per day to take care of a resident here."

The home tried to pass a similar measure last year which failed. Soondrum said this measure is different as the tax increase is lower.

WGEM-TV, 01/31/2023

Bailout Actually Bailed Out Historic SNF

The board of the Inglis Foundation, the operator of the 146-year-old 252-bed not-for-profit Inglis House outside of Philadelphia, said it had canceled a \$22 million sale.

The decision was spurred by the January posting of new Pennsylvania Medicaid rates for individual nursing homes.

The state's LTC associations won a 17.5% Medicaid increase last year, but as the new pay kicked in, Ingils learned it had won nearly double that rate through updated calculations.

Under a new funding formula, Ingils' high-needs population netted it a 34% increase — to \$580.24 PPD.

McKnight's, 02/02/2023

ONE COLUMN

Life Care Centers of America Facing Trial in COVID Deaths

A federal judge is allowing a lawsuit to go forward against Life Care Centers of America which is facing a wrongful death trial for alleged lapses in protocol at the start of the COVID-19 pandemic.

Attorneys for Life Care, owners of the first US nursing home to be hit by a COVID outbreak, had asked for summary judgment in the case, citing "inadequate evidence" to support claims of negligence, wrongful death, fraud and violations of state abuse and consumer protection laws.

The plaintiffs, survivors of two women who died in March 2020 after being exposed to COVID at Life Care Center of Kirkland, in the Seattle area, allege that the facility ignored its own policy on outbreak control and management that was in place when the virus first began circulating in the US.

The suit charged the facility also did not update its policies and procedures in response to COVID in January or February that year, even after CDC issued its first guidance on evaluating patients for the virus.

CDC, however, did not publish its first COVID-19 guidance for nursing homes 'til March 9.

A medical expert for the plaintiffs said the facility's leaders should have at least followed their own policy for flu outbreaks. However, residents with acute fever at the time all tested negative for flu and COVID tests were restricted by federal health officials to those with known exposures or recent travel to China.

While the facility's overall 5-Star rating took a major hit after multiple Immediate Jeopardy citations and \$600,000 in penalties related to the deadly outbreak, it maintains five stars on Quality Measures.

More than 99% of the building's staff is fully vaccinated against COVID,

McKnight's, 01/31/2023

CMS Giveth and Now CMS Taketh Away

Federal efforts to rein in Medicare Advantage spending and recoup payments awarded for improper diagnoses will likely lead to even more financial pressure on nursing homes.

The latest blow for insurers came when CMS during the week announced its proposed payment notice for 2024. When coding and data conversions elements are factored in, MA plans would effectively be cut an average of 2.3% next year.

Also last week CMS announced its new audit approach, which is expected to allow the agency to claw back about \$479 million annually from overpayments starting with calendar year 2018.

McKnight's, 02/03/2023

Atrium CEO Breslin Indicted On Numerous Fraud Charges

A federal grand jury in Wisconsin has indicted the former CEO of Atrium Health and Senior living with 12 various counts of fraud.

The indictment charges Kevin Breslin operated 24 nursing homes in Wisconsin and Michigan that received over \$142 million from Medicare and Medicaid to care for residents but diverted the funds to investors who were building other nursing homes in New Jersey.

The indictment states the diversion of funds caused inadequate care of Atrium residents including inadequate incontinent and medical supplies, medicine, therapy, monitoring of fire alarm systems and necessary maintenance and repairs to the buildings.

DOJ news Release, 02/02/2023

Fake Degree, Georgia Nurses to Turn in Licenses

Twenty-two Georgia nurses who allegedly purchased fraudulent degree documents through a recently uncovered scheme have been asked to surrender their licenses.

So far none have.

The scheme involved selling more than 7,600 fraudulent diplomas and transcripts from three now-shuttered nursing schools in Florida to the aspiring nurses. Aspiring nurses paid between \$10,000 and \$15,000 for fake nursing degrees and transcripts, which allowed them to qualify for the National Council Licensure Examination without completing the required coursework.

About 37% of those who bought fake documents passed the test.

WSB-TV, 01/31/2023

PHE Sunset – Questions And Plans to Fight It

Less than a day after President Biden declared May 11 will be the end of the public health emergency (PHE), industry leaders are scrambling to understand its full implications, while also making plans to fight the return of some less flexible conditions.

The top concern is the return of the three-day stay provision. A campaign under way to make it permanent.

Other concerns – the redetermination process for thousands of Medicaid beneficiaries and the expiration of the Spell of Illness waiver. And some are advocating the return of the TNA program.

McKnight's, 02/02/2023

Wife Kills Husband In Florida Hospital Room

A 76-year-old woman is accused of fatally shooting her terminally ill husband at a Florida hospital.

Ellen Gilland allegedly shot and killed Jerry Gilland, 77, in the Select Medical long-term acute care facility within AdventHealth Daytona Beach.

Police said the couple had made a murder-suicide pact. Mr. Gilland intended to do the shooting but was physically too weak.

Mrs. Gilland intended to turn the gun on herself afterward but said she "couldn't go through with it."

Becker's Hospital Review, 01/26/2023

Briefly IN THE NEWS

The Biden administration approved a first-of-its-kind waiver that enables California to offer Medicaid coverage to inmates while they are still in prison. It is the first time Medicaid will offer coverage for those who are still in the justice system. The announcement coincides with a an HHS report that showed an estimated 80% of new releases from incarceration have chronic medical, psychiatric or substance use disorders (**CMS news Release**).

Sen. Josh Hawley introduced a bill to prevent Congress from using Social Security and Medicare as a tool in negotiations over the debt ceiling. Some members of his party have talked about making changes to the programs. "These are key programs that, frankly, every American relies on," said Hawley, a Missouri Republican. "They pay into it and every American expects when they retire, that they will be able to collect that Social Security benefit they paid into and also the Medicare health care benefit that they had paid into (**Kansas City Star**).

On Jan. 17, Harvard Medical School Dean George Daley announced his institution would no longer be submitting admissions numbers and other relevant data to *U.S. News and World Report* for its annual medical school ranking. The next day four other top medical schools – Columbia, Stanford, University of Pennsylvania and Mount Saini followed suit. Since then, the medical schools at the University of Chicago and Cornell have also said they will no longer provide information to the publication (**Fierce Healthcare**).

Researchers found 240 set of twins, one of who lived in a state in which marijuana was legal. They found that an adult living in a "legal" state is not more likely to develop any sort of substance abuse disorder than their twin residing in a state where marijuana remains outlawed. In fact, twins in legal states are slightly less susceptible to drinking problems and were not more susceptible to mental or emotional problems, financial woes, unemployment or relationship problems (**Psychological Medicine**).