

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

Edited by Drew Vogel

drewvogel5255@msn.com

Vol 7

04/02/2023

THEY SAID IT:

"It has been one year since President Biden's State of the Union announcement concerning this study and over 20 years since CMS's last review. Meanwhile, many nursing home residents and workers have suffered from insufficient staffing"
letter from House Democrats to CMS

"I will tell you that patients message me every day about this" Camille Kotton, clinical director for transplant and immunocompromised host infectious diseases at Massachusetts General Hospital on the next recommendation for booster shots

"If there's no cars, the building is empty." Louisiana Sen. Bill Cassidy at a hearing, holding up a photo of an empty parking lot at CMS headquarters while questioning HHS Sec. Xavier Becerra about the CMS remote work policy

"If you have completed your updated booster dose, you are currently up to date. There is not a recommendation to get another updated booster dose" CMS guidance in March 2023

The Nursing Home That Never Was, Never Will Be

Amelia Care Center was supposed to be a 113-bed nursing home overlooking a pond on 12 acres of historic farmland in what is now Pierce Township, Ohio outside Cincinnati.

But crews stopped work in June 2020, leaving the structure frozen in mid-construction. Months later the owner of the nursing home company that was building it, pleaded guilty to bank fraud, admitting to a \$59 million check-kiting scheme, and went to prison.

Now the township, that inherited the partially built facility when it annexed the

land it's on, will likely have to pony up the \$300,000 to demolished it.

WCPO-TV, 03/25/2023

'Imperative' To Finalize Staffing Rule, House Dems Tell CMS

More than a quarter of the House of Representatives – 113 members all Democrats – signed a letter urging CMS to move forward with its plan to institute a nationwide staffing mandate for nursing homes.

They called for the fiscal 2024 payment rule to include a proposal for "strong mandatory minimum staffing standards" and said it would be "imperative" to finalize requirements this year.

CMS has heard from multiple federal lawmakers on this issue already. Last month, Sen. Bob Casey (D-PA) and six Democratic co-signers also urged quick action, saying the current requirements for RN staffing aren't enough to ensure quality care.

McKnight's, 03/20/2023

Two Bills to Stop The M'care Cheaters

Rep. Lloyd Doggett (D-TX) has introduced two bills designed to stop crooks from Medicare fraud.

Under one bill, CMS would be permitted to deactivate a national provider identifier number "if the associated healthcare provider is convicted of waste, fraud or abuse and is added to the exclusions list.

The second bill would require an in-person appointment at least six months prior to a clinician ordering high-cost DME or lab tests. It would allow for CMS audits.

Finally, the bill would require providers to use their own NPI when billing Medicare for a telehealth service to ensure greater transparency.

Senior Living, 03/29/2023

County Home Asks State to Cover Its Losses

North Central Health Care Executive Director Gary Olsen requested nearly \$1.2 million from the Lincoln County, Wisconsin Finance Committee to cover

2022 losses to Pine Crest Nursing Home, a county-owned facility operated by North Central.

According to a news release, the losses at Pine Crest are due to the State of Wisconsin's changes in how Supplemental Payments are distributed, additional reductions in the Certified Public Expenditure payments, as well as a substantial reduction in Medicaid Supplemental Payment Program.

Olsen said had it not been for the changes Pine Crest would have had a gain in 2022.

WSAW-TV, 03/22/2023

20 Years Each for Pain Clinic Physician and Wife

Mark Murphy, MD, wrote illegal prescriptions for more than 10 million opioid pills, including millions of oxycodone 30mg tablets, over a five-year span. His wife Jennifer Murphy. His patients at two Alabama pain clinics went months or years without ever seeing him.

During the same period his wife Jennifer Murphy, ordered tens of millions of dollars of unnecessary items and services paid for by Medicare, Tricare, Blue Cross Blue Shield of Alabama and other insurers.

Payers were billed more than \$280 million. The Murphys were also ordered to pay more than \$50 million apiece.

Becker's Behavioral Health, 03/08/2023

R.I. Proposing More Cold Hard Cash for Residents

Lawmakers in Rhode Island have introduced legislation that would allow nursing home residents a little bit more money to pay for their monthly personal needs.

Under state law, each nursing home resident is allowed a monthly stipend of \$50, which can be spent towards personal items and services.

The legislation would increase that allowance from \$50 to \$100 per month.

"A personal needs allowance of \$50 per month has turned our nursing homes into de facto poor houses," said Representative Joseph Solomon, Jr., the bill's sponsor in the House.

The Newport Buzz, 03/27/2023

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

AMERICA: COVID-19 diagnoses may be winding down, but CDC data show a mixture of respiratory viruses are circulating right now, including common coronaviruses (other than SARS-CoV-2, which causes COVID-19). One respiratory virus is currently causing a particularly high percentage of positives among test results tracked by the CDC: human metapneumovirus (HMPV). More than 20% of antigen and 10% of PCR tests voluntarily reported to the CDC came back positive for that virus (*Time*).

UNITED KINGDOM: After Omicron began spreading in late 2021, COVID-19 deaths became a rarity even among frail and immunocompromised patients in the United Kingdom. Further people who contracted COVID-19 were much less likely to develop Long COVID. Cases dropped from 46% with the original coronavirus strain and another called Alpha, to 35% with the Delta variant, to 14% with Omicron (*British Journal of Haematology*).

NEW YORK CITY: The millions of rats that live alongside New Yorkers are among the animals that can catch the virus that causes Covid-19. However, reports of the virus spreading from any types of animals to humans remain rare. Researchers captured 79 rats from three sites in Brooklyn in fall 2021 and tested them for exposure to SARS-CoV-2. Thirteen, or 16.5%, of the 79 rats were found to have IgG or IgM antibodies against the virus, suggesting a previous infection with SARS-CoV-2 (*CNN*).

CHINA: Advisors to the World Health Organization have urged China to release all information related to the origin of the COVID-19 pandemic after new findings were briefly shared on an international database used to track pathogens. New sequences of the SARS-CoV-2 virus, as well as additional genomic data based on samples taken from a live animal market in Wuhan, in 2020 were briefly uploaded to the open access GISAID database by Chinese scientists (*Reuters*).

AMERICA: Two studies show that maternal mortality in the US dramatically increased during the covid-19 pandemic. The new study from the CDC showed that, in 2021, there were 1205 deaths from maternal causes in the US, up from 861 in 2020—a 40% increase—and 754 in 2019. Most of the people who died in pregnancy were not vaccinated against covid-19. It was not until August 2021 that vaccinations were recommended for pregnant women (*The BMJ*).

AMERICA: Instances of tuberculosis were lower during the pandemic. A total of 8,300 cases of TB were provisionally reported to the National Tuberculosis Surveillance System during 2022 by the 50 U.S. states and the District of Columbia. Researchers found that TB incidence increased slightly to 2.5 cases per 100,000 during 2022 but remained lower than during pre-pandemic years (*CDC Morbidity and Mortality Weekly Report*).

WASHINGTON, DC: Since the beginning of the pandemic, mobile clinics have increased access to a range of services in hard-to-reach rural areas. Now Congress passed the MOBILE Health Care Act, which gives federally qualified health centers — health clinics serving medically underserved areas — greater flexibility to use federal funding to create and operate mobile units. Unfortunately, the law is dependent on congressional funding, and experts predict it could be at least a year before health centers can access the grant money (*NPR*).

AMERICA: There's a light at the end of the tunnel of the coronavirus pandemic, but that doesn't change the fact that many people across the U.S. have been struggling with stagnant income and rising inflation. People with student loans have an option to postpone payment — the CARES Act. Enacted in 2020 it allowed borrowers to suspend payments on federal student loans, automatically waived interest and suspended collection attempts, wage garnishments and tax refund seizures on defaulted federal student loans. It was only for six months

but has been extended several times (*Yahoo Finance*).

TEXAS: Researchers behind discoveries that led to vaccines for the virus that causes COVID-19 have identified a potential “Achilles heel” that exists in all coronaviruses. These findings, led by researchers at The University of Texas at Austin, could aid the development of improved treatments for COVID-19 and also protect against existing and emerging coronaviruses (*UT News*).

WASHINGTON, D.C: The FDA may authorize a second booster with the bivalent vaccines for at least some people, such as those who are at high risk because they have compromised immune systems or are 65 and older. A decision could be announced within weeks (*NPR*).

CAPITOL HILL: In a 68-23 roll call vote with several Democrats joining all Republicans, the Senate adopted a resolution to end the national emergency declaration related to COVID-19 on Wednesday, sending it to President Joe Biden who is expected to sign it. The resolution was adopted by the House in February. Some disagreement remains over when to make the move official (*US News & World Report*).

WISCONSIN: The state Department of Health Services announced last week that the Community Testing Support Program will end April 15. The program was created in 2021 to help pharmacies like Walgreens, local and tribal health departments and other organizations provide free COVID-19 testing in every county in the state. Since then, the initiative has provided almost 3 million tests in nearly 300 locations (*Wisconsin Public Radio*).

COVID-19, 04/02/2023

Global Cases – Deaths
761,402,287 – 6,887,000

U.S. Cases – Deaths
104,137,196 – 1,125,366

16.5% of the country's population has updated booster

U.S. CDC & WHO

A New Review of NY SNFs During COVID

New York state Comptroller Tom DiNapoli's office will conduct a follow-up assessment of the state Department of Health's handling of nursing homes during the COVID-19 pandemic.

The announcement comes three years after a controversial order that required nursing homes at the start of the pandemic to not turn away COVID-19 positive patients.

The initial review by DiNapoli found New York officials under counted the number of nursing home residents who died in the initial months of the pandemic, a finding that was also backed by an investigation by state Attorney General Letitia James.

Spectrum News, 03/29/2023

Investing Millions in Nursing Homes for Staff, etc.

The Pennsylvania Department of Health today announced 127 long-term care facilities in 43 counties will receive a portion of Pennsylvania's \$14.2 million in federal CDC funding to help sustain quality care as the Commonwealth's population ages and residents' needs change.

The funds will help the facilities improve workforce development, staff retention, and infrastructure that supports infection prevention control and emergency preparedness.

Governor Josh Shapiro's budget proposal includes a \$1.9 million investment in regulatory oversight to help ensure long-term care facilities provide safe and stable services for residents.

Pennsylvania Pressroom, 03/27/2023

No Masks in Calif. Except Where They're Required

New masking requirements for skilled nursing facilities set by two California county health departments underscore the piecemeal nature of the nation's COVID-19 mitigation policies, according to some stakeholders.

Contra Costa and Alameda counties in the San Francisco Bay Area each have ordered staff members in SNFs to continue to wear masks in the workplace.

The orders go into effect on Monday (April 3), just as the state's COVID-19 masking order for healthcare settings expires.

LA County recently updated its mask guidance, requiring continued use of masks in healthcare settings, including long-term care settings and other senior care facilities.

McKnight's, 03/30/2023

Workers Picket SNF Owners Under Investigation

Workers at the 142-bed Comprehensive Rehabilitation & Nursing Center at Williamsville in Williamsville, NY, picketed to protest what they call chronic understaffing and low wages, among other issues.

Union action isn't the only trouble for the owners of the for-profit facility. Some also have been dogged by allegations of \$18 million in Medicaid fraud in relation to another 120-bed facility they own in northwestern New York.

In December, Ephram "Mordy" Lahasky and other owners of The Villages were sued by the state Attorney General for alleged misuse of the government funds while understaffing and neglecting residents.

McKnight's, 03/30/2023

First College Directory For LTC Administration Studies

More than 70 college and university programs offering academic studies for students interested in entering long-term care administration are featured in the first ever Vision Centre reference directory.

"The main goal of this directory is to help raise awareness and connections, and help stakeholders find vital information about different academic programs across the country," said President and CEO Douglass Olson, PhD.

McKnight's, 03/29/2023

ONE COLUMN

The Roadblock in Learning Origin of COVID-19 is Political, Not Scientific

There's one entity that is best poised to answer one of the most important scientific questions of our time: How did the Covid-19 pandemic originate? And it's not the virologists scouring genetic data from live animal wet markets in search of a zoonotic spillover, nor is it the lab leak proponents debating furin cleavage sites and battling over translations of old emails.

It's the Chinese government — and that, more than any other fact, is why it looks increasingly unlikely that we'll ever find an answer that all parties can agree on to the question of what caused the worst pandemic in a century.

That's one main takeaway from several media reports published recently about a new analysis of genetic data taken from the Huanan Seafood Wholesale Market in Wuhan.

An analysis, first reported by the *Atlantic*, shows that raccoon dogs that were being illegally sold in the market may have been carrying the novel coronavirus at the end of 2019.

Like so much else around the origins of Covid, it's a mystery — one that can likely only be answered by the Chinese government, which for years has seemed bent not on discovering the pandemic's true beginning but on proving that, whether zoonotic or lab-borne, the virus that has killed millions of people around the world did not originate in China.

Genetic signature data was posted without fanfare early in March on an open-access database called GISAID by Chinese researchers connected to the country's Center for Disease Control and Prevention.

Yet when scientists reached out to the Chinese scientists who had posted the data, the sequences suddenly disappeared from GISAID, and no one knows who or why they were taken down.

VOX, 03/18/2023

Abuse Investigation After Death at N.H. SNF

A criminal investigation alleging abuse against the elderly has been opened by the New Hampshire Attorney General's office against Hanover Terrace, an Upper Valley long-term care facility after the death of a resident.

The case involves multiple residents. All incidents revolve around one unnamed staff member who, in an HHS report, would "slap, swear and be extremely disrespectful" to residents.

The most egregious incident involves a resident who died after a "rough" wheelchair transfer. The autopsy report said, "a fracture and dislocation to the right shoulder and a dislocation to the left shoulder contributed to the death."

WCAX-TV, 03/30/2023

Kentucky Law Looks to Boost The LTC Workforce

A new law in Kentucky could serve as a national model to help stem the workforce crisis in nursing homes.

The state's new Healthcare Workforce Collaborative will use part of a \$10 million appropriation to offer training scholarships that the Kentucky Association of Health Care Facilities hopes will create an employment pipeline.

Statewide, nursing homes are at 15% below staffing levels of March 2020.

Approximately 65% of the \$10 million allocated in the workforce law will be used for scholarships. The remaining 35% will go toward grants for public universities, community and technical colleges to expand training programs.

McKnight's, 03/28/2023

Colorado Providers May Get Big Jump in Medicaid Rates

A Colorado House committee has unanimously approved a bill that would increase Medicaid rates to skilled nursing facilities 14.5% by 2026.

As proposed, increase would jump 10% next year, 3% in 2025 and 1.5% in 2026.

The state's Department of Health Care Policy and Financing has estimated it also would double the share of funding that supports pay-for performance models.

The proposal lifts a cap that has until now limited annual increases to 3%.

Colorado providers experienced a 2% Medicaid pay rate cut that kicked in just as COVID was ramping up in 2020.

McKnight's, 03/27/2023

State's Oversight Can't Get Nursing Home Off the Hook

A judge has ruled that a lawsuit against a California nursing home may continue.

The suit, brought by a former resident, charges that Country Oaks Care Center in Pomona was "chronically understaffed" leading to resident rights violations.

The facility had claimed the suit should be dismissed because the state regulatory agency and not the courts had jurisdiction in the case.

The ruling runs counter to some previous cases in which nursing homes have won stays while state agencies weighed in on their regulatory compliance.

McKnight's, 03/27/2023

Get on the List, Share Data with Argentum

Argentum, is asking providers to participate in the 2023 Argentum & Lument Largest Providers Report by filling out a 15-minute survey to enjoy the benefits of being on a "must-have list" that informs investors, regulators, media, executive search firms, developers, market researchers, operators, and market-watchers throughout the year.

Last year's report listed 150 providers and a total of more than 600,000 units.

You do not have to be an Argentum member to contribute data and be listed, and the final and free report is accessible to all.

Argentum, 03/16/2023

Briefly IN THE NEWS

Louisiana Senator Bill Cassidy took HHS secretary Xavier Becerra to task during a Senate Finance Committee hearing last week. Cassidy asked multiple questions about CMS' remote work policies and at one point flashed a photo of an empty parking lot supposedly taken at CMS headquarters in Maryland while asking Becerra how he knew his employees were actually working (**McKnight's**).

The fungus *Candida auris* is becoming a more dangerous public health care threat, as the number of drug-resistant cases jumped in 2021. The fungus is resistant to several antifungal medications, but the CDC said it is not seen as a threat to healthy people. Still, the national public health agency is calling *C. auris* an urgent threat because of its resistance to medications. It can cause serious illness and death in people who are already sick, use invasive medical devices or have long or frequent stays at health care facilities (**National Public Radio**).

MercyOne Waterloo (Iowa) Medical Center has received \$108,000 through the Child Care Business Incentive Grant Program to help cover part of MercyOne colleagues' child care expenses. The Child Care Business Incentive Grant Program, funded through Iowa Workforce Development and the Iowa Department of Health and Human Services, helps employers offer or expand childcare options to their employees (**MercyOne news release**).

House Committee on Energy and Commerce Chair Cathy McMorris Rodgers (R-WA) and House Committee on Oversight and Accountability Chairman James Comer (R-KY) have written to CMS Administrator Chiquita Brooks-LaSure, requesting documents and communications to assist in investigating CMS's response to a data breach last October impacting personally identifiable information of approximately 254,000 Medicare beneficiaries. The pair asked why, after the breach was discovered, it took CMS two months to determine it constituted a "major incident" as defined in the Federal Information Security Modernization Act (**Rep Rodgers news release**).