

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"When actors in the nursing home industry put profits first at the expense of people's health and well-being, the public deserves to know who they are" Massachusetts AG Andrea Campbell, who is co-leading a coalition of state AGs in calling for more transparency in SNF ownership

"I think that's the right thing to do and the wise course of action. All emergencies have to come to an end" Lawrence Gostin, Director, WHO Collaborating Center on National and Global Health Law on the WHO declaring the COVID emergency over

"Dr. Walensky has saved lives with her steadfast and unwavering focus on the health of every American" President Biden announcing the resignation of CDC director Rochelle Walensky

CDC's Boss Lady is Moving on Next Month

Rochelle Walensky, MD, MPH is stepping down the end of June as director of the CDC.

The agency said Walensky "has led CDC through a transition to greater normalcy across the country, after two years of COVID-19 related closures and waves of dangerous, new virus variants."

No reason was given for Walensky's departure.

The CDC also announced it will cease reporting of COVID-19 cases, deaths, and transmission rates in conjunction with the end of the PHE and will stop publishing its COVID Community Level data, although it will continue to track hospitalizations.

White House, CDC news releases, 05/05/2023

Not Gone. Not Forgotten. But Officially It's Over

WHO's International Health Regulations Emergency Committee declared Friday COVID-19 is no longer a global health emergency.

WHO Director-General Tedros Adhanom Ghebreyesus noted that for more than a year the pandemic has been on a downward trend and the committee has urged him to declare an end to the PHE.

"I have accepted that advice," he said.

The United States is set to let its COVID-19 public health emergency end on May 11.

However, COVID-19 continues to spread, the virus is evolving and remains a global health threat, but at a lower level of concern.

CNN, 05/05/2023

CMS Itchin' To See SNF Ownership Data

CMS is eager to use data collected under a proposed ownership transparency rule.

Deputy CMS administrator Dara Corrigan said the disclosure "is critical because it allows us and others to analyze the ownership and management data" with an eye on whether certain types of ownership have a positive or negative effect the quality and cost of care.

For-profit nursing homes and especially those owned by private equity companies and REITs are targets of the new rule. The agency also hopes the changes will lead to a better understanding of related party relationships.

McKnight's, 04/26/2023

HHS BinaxNOW Program Continues After PHE Ends

The HHS program that distributes Abbott BinaxNOW tests to skilled nursing facilities and assisted living communities will continue after the end of the Public Health Emergency (PHE). HHS has not set an end date.

HHS will be shifting the shipments of point-of-care (POC) Abbott Binax cards to Abbott Binax over-the-counter tests (OTC). These two products are nearly identical in use and performance. The OTC tests will have at least 60-days until expiration from the time of delivery.

The OTCs can be used as point-of-care in sites that have valid CLIA-waivers and can be self-administered.

AHCA/NCAL, 04/27/2023

Justice Bops SNF for Sign Language Violation

A Providence, Rhode Island nursing home will pay \$35,000 for failing to provide American Sign Language interpreters for a deaf resident.

Elmhurst Rehabilitation & Healthcare Center violated the ADA, which requires such services to be provided and paid for by the facility.

Elmhurst will pay a settlement of \$30,000 to the complainant and a \$5,000 civil penalty.

Elmhurst will also adopt and train staff on new ADA policies, report any future complaints, and cooperate with the U.S. Attorney's Office to ensure ongoing compliance with the terms of the settlement agreement.

DOJ news release, 04/27/2023

Staffing Agency Tried to Avoid OT, Will Shell Out \$\$\$

CSI, a Florida nurse staffing agency has been ordered by a federal court in Tampa to pay 61 workers over \$260,000 for misclassifying caregivers as independent contractors and between 2019 and 2022 paying them straight-time rates rather than overtime for all hours worked.

The Sarasota-based CSI Catalano's Nurses Registry Inc. is part of Caregiver Services Inc. in Miami, and one of 14 nurse registries in 47 Florida counties.

The company provides staffing that includes registered nurses, certified nursing assistants, home health aides and companions.

DOL news release, 04/21/2023

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

ATLANTA: The CDC confirmed it is conducting an investigation into several dozen COVID-19 cases linked to an agency annual conference. The CDC's three-day 2023 Epidemic Intelligence Service (EIS) conference began April 24 in Atlanta, where the agency is headquartered. By May 2 at least 35 people had tested positive (*The Hill*).

AMERICA: The CDC is planning to stop tracking the spread of Covid in communities across the U.S. Moving forward, the CDC is expected to rely more heavily on Covid-related hospitalizations, much like it does to track the spread of flu. The CDC said the move away from tracking community level transmission is tied to the May 11 expiration of the national public health emergency (*NBC News*).

THE WHITE HOUSE: The Biden Administration will end the COVID-19 vaccine requirements for Federal employees, Federal contractors, and international air travelers at the end of the day on May 11, the same day that the COVID-19 public health emergency ends. Additionally, HHS and DHS will start the process to end vaccination requirements for Head Start educators, CMS-certified healthcare facilities, and certain noncitizens at the land border (*White House news release*).

UNITED KINGDOM: Two of the UK's big four accounting firms are giving extra training to younger recruits after finding that those who spent large parts of their education remote-working during Covid lockdowns struggled with communication and teamwork tasks. Deloitte and PwC said they were offering newer recruits training on skills that may have been neglected during the pandemic such as giving face-to-face presentations and participating in in-person meetings (*The Guardian*).

CALIFORNIA: The state will pay bonuses to all nursing homes that hire additional staff, reduce turnover or improve the quality of care – regardless of star rating. Higher-scoring facilities

will earn larger bonuses but any facility that meets the new metrics will be eligible for some of the program's \$280 million. The bonus program is "comparable" to the level of temporary funding available to nursing homes during the pandemic (*McKnight's*).

BRAZIL: Brazilian police raided former President Jair Bolsonaro's home and seized his cell phone as part of an investigation into his COVID-19 vaccination records. The investigation may answer questions about how Bolsonaro, a strident coronavirus skeptic who vowed never to get a COVID vaccine, was registered as vaccinated in health records made public in February (*Reuters*).

FLORIDA: The Florida House on Wednesday passed a bill that extends and expands the state's ban on Covid-19 mandates, furthering Gov. Ron DeSantis' resistance to COVID-related restrictions. The House approved S.B. 252 on an 84-31 vote while the Senate approved it last week. The measure will extend bans related to COVID-19 indefinitely; they were set expire in June (*Politico*).

HONG KONG: Fang Bin and other members of the public who were dubbed citizen journalists posted details of the pandemic in early 2020 on the internet and social media, embarrassing Chinese officials who faced criticism for failing to control the outbreak. Fang was sentenced to three years in prison. Last week Chinese authorities released him from prison (*AP*).

WASHINGTON, DC: Sheba Medical Center in Israel honored Dr. Anthony Fauci, the former director of the US National Institute of Allergy and Infectious Diseases (NIAID), with the Champion of Global Human Health Award in recognition of the help he gave Israel during the COVID-19 pandemic (*The Times of Israel*).

MEXICO: About a week ago Mexican President Andres Manuel Lopez Obrador said he had tested positive for COVID-19, his third time battling the virus. Lopez Obrador, who suffered a heart attack in 2013, wrote on Twitter that his case is mild and that "my heart is at 100 percent" (*ABC News*).

BOSTON: another promising sign of the retreat of COVID-19, Tufts Medical Center said Tuesday it had reached the point where zero inpatients are positive for the disease. It's the first time since the pandemic began ravaging the state more than three years ago that there have been no COVID-19 patients in the hospital (*Boston Globe*).

CALIFORNIA: Pink eye may be a sign of COVID-19. San Diego County public health experts say XBB.1.16 – informally called "Arcturus" – has been associated with itchy, watery eyes. Health care workers in California are not required to report pink eye – also known as conjunctivitis – to the government So it may be difficult to track how closely the variant runs in parallel with reports of itchy, watery eyes (*inewssource*).

AMERICA: When the US COVID-19 public health emergency ends this week, coronavirus tests will still be available, but there will be changes to who pays for them. Questions remain about exactly what those coverage changes will look like, but the guarantee of free testing will be lost for many. Also, the FDA has extended the expiration date for many home tests beyond what is printed on the box. Check the agency's website before throwing them out (*CNN*).

EUROPEAN UNION: The bloc is reportedly negotiating an amended deal with Pfizer and BioNTech SE for around 70 million COVID-19 vaccine doses, despite the European public prosecutor opening a criminal investigation into their original agreement. The new proposal includes a provision for member states to pay half price, about €10, for each canceled dose. The revised contract would allow the EU to upgrade to newer vaccines tailored to any future COVID-19 variants (*Yahoo Finance*).

COVID-19, 05/05/2023

Global Cases – Deaths
765,222,932 – 6,921,614

U.S. Cases – Deaths
104,618,931 – 1,131,819

U.S. Updated Booster Doses
56,087,602 or 16.9% of U.S

CMS & WHO

Providers Embrace CMS Plan to Revoke Vax Mandate

Skilled nursing providers cheered the federal government's decision to revoke its COVID-19 vaccine mandate for healthcare workers.

The controversial rule, issued in November 2021, had split nursing home owners, operators and frontline staff, mirroring a nasty national divide over voluntary vaccination campaigns, masking and other COVID protocols.

The surprise announcement by the Administration that officials "will start the process to end their vaccination requirements" at CMS-certified healthcare facilities was met with a warm welcome from providers. LeadingAge CEO Katie Smith Sloan, for example, whose organization has been a strong advocate for vaccines, said "the vaccine mandate is no longer needed."

McKnight's, 05/03/2023

Florida Surgeon General Altered Vax Report

Florida Surgeon General Dr. Joseph Ladapo altered an analysis released by the Florida Department of Health last year to suggest mRNA Covid-19 vaccines pose a significant health risk to men ages 18 to 39.

Deleted were comments that said a link with slightly increased risk of cardiac-related deaths after Covid-19 vaccination was "no longer significant" for multidose vaccines and "there is little suggestion of any effect immediately following vaccination."

A line was added that said mRNA vaccines may be driving an increased risk of cardiac-related death in males, especially those ages 18-39.

Politico, 04/24/2023

Got It Again? Vaccination Is A Factor in Re-infections

CDC data shows the COVID-19 case rate for unvaccinated people was 81.11 per 100,000 -- more than three times higher than the rate of 25.81 per 100,000 among people fully vaccinated and boosted.

Additionally, the chance of reinfection increases if a person lives in a county with high community transmission levels versus low transmission levels.

Another study from the CDC looked at essential workers who had previously been infected. It found that being unvaccinated, not frequently wearing a mask since first infection and being black all increased the risk of being reinfected.

ABC News, 04/25/2023

Temporary Extension for Telehealth Prescribing

The Drug Enforcement Agency has temporarily extended the flexibilities that allow physicians to prescribe controlled substances via telemedicine without an in-person evaluation.

After receiving 38,000 comments on its initial proposal, announced in February, the DEA said it would allow healthcare providers to prescribe various controlled substances, including Adderall, oxycodone, buprenorphine, as well as Schedule III-V non-narcotic controlled medications, via telehealth without a prior in-person medical evaluation.

Per the DEA's original proposal, physicians would be able to give an initial 30-day prescription via telemedicine without an in-person exam, but then have to do an in-person exam to refill it.

Becker's Hospital Review, 05/03/2023

Resident, 76, Charged with Killing Roommate, 81

A 76-year-old nursing home resident will be in court this week charged with first-degree murder in the death of his 81-year-old roommate.

A nurse found Robert Hill standing over the victim at Crestwood Nursing and Rehabilitation Center in Warren, Rhode Island on April 27. Hill allegedly suffocated his roommate, who was not identified, using pillow stuffing.

Hill reportedly later told employees, "He tried to kill me first. He's been trying to kill me for five, ten years."

At his arraignment, Hill was ordered held without bail and to undergo a competency evaluation.

WPRI-TV, 04/29/2023

ONE COLUMN

When PHE Ends How Will COVID Shots be Paid For

The era of free COVID-19 vaccines is coming to a close as the federal government wraps up its public health emergency for the pandemic.

The Administration and manufacturers are taking steps to maintain vaccine accessibility, particularly for the uninsured, as the shots transition toward commercialization.

But while Americans with insurance are still expected to be able to get vaccinated free of charge, questions remain over how those without coverage can obtain them and the ease of the overall process.

The White House has launched a new program characterized as a public-private partnership that's specifically aimed at giving uninsured people access to both coronavirus vaccines and treatments, such as *Paxlovid*.

The Department of Health and Human Services (HHS) plans to purchase vaccines at a discount and distribute them through state and local health departments.

The Administration is investing \$1.1 billion into this program, with plans to partner with pharmacies to carry it out.

The program is reminiscent of the government's test-to-treat initiative that sought to provide free rounds of Paxlovid to people soon after they tested positive for SARS-CoV-2.

Both Pfizer and Moderna have said their patient assistance programs will ensure that all individuals will still be able to receive their vaccines free of charge.

Moderna, which had not brought a product to market before its COVID-19 vaccine, has said its program will become available following the end of the national public health emergency for COVID-19 on May 11.

Details on the programs have yet to be shared, but lawmakers have already expressed concerns over potentially complicated, involved processes that may discourage uninsured people from seeking immunizations.

The Hill, 04/23/23

ALF Where Residents Were Poisoned Could Lose License

The California Department of Social Services has moved to revoke the license of Atria Park in San Mateo, an assisted living and memory care facility near San Francisco, after two residents died last summer from ingesting cleaning solution.

An employee mistook an unlabeled pitcher of dishwashing chemicals for juice and served it to three residents. Two later died at the hospital.

The subsequent investigation also found that the facility had 12 complaints alleging staff negligence before the dishwasher soap incident.

The Atria Park is owned by Atria Senior Living that manages more than 340 facilities in 44 states.

SFist, 04/29/2023

29 Residents Die In Chinese LTC Hospital Fire

A private Beijing hospital where more than two dozen people were killed in a fire recently had turned to offering long-term care for the elderly as it struggled to stay in business during the Covid pandemic.

Of the 29 people killed in the fire at Changfeng Hospital in the capital's southwest, 21 were over age 60 and most of the patients on a number of floors were dependent older people.

A preliminary investigation said sparks from renovation work ignited paint supplies being used on a ward.

Twelve people including the hospital's director and the chief of construction have been charged.

South China Morning Post, 04/21/2023

Nursing Homes May Be Big Winners in New Ohio Budget

The now-being-debated Ohio House budget reflects new spending in assisted living and other home and community-based care. It provides 48% more in the state's Medicaid-funded assisted living waiver program and \$18/hour for home health care workers.

The Timberjay, 04/28/2023

But nursing homes scored better in the proposed budget.

It increases the frequency with which SNFs can adjust reimbursement figures for inflation, reworks the state's quality incentive program, rewarding homes with higher occupancy rates, and offers an add-on payment to facilities that put Medicaid patients in private rooms.

The Cleveland Plain Dealer, 04/24/2023

Good Care, Bad Finances Five-Star Facility Closing

A 5-star, three-generation, family-owned nursing home in West Hartford, Connecticut is closing. It's a move the owner pursued as the state embarked on a campaign to eliminate some 1,000 beds from state rolls.

Hughes Health and Rehabilitation Center, a 170-bed facility with just 81 residents, lost \$1.38 million in 2022 and needs a \$10 million renovation.

Connecticut officials have said they want to trim as many as 1,000 beds from the state's skilled nursing sector. In March, they proposed a new rule that would institute a financial penalty on providers that cannot maintain 90% occupancy.

CT Mirror, 04/30/2023

Minnesota – Big Surplus Very Little SNF Help

Going into a legislative session with a \$17.6 billion surplus, Minnesota's nursing home industry was hopeful legislators would come through in a big way to help with a growing financial crisis that has forced closure of 15 nursing homes in the past year.

It appears those hopes will go unrealized. House has only allocated \$3.9 million toward nursing home support in the budget, according to senior care advocates.

Nursing homes received some additional one-time assistance during the pandemic, when the state temporarily raised reimbursement rates and approved \$500 million in payments to nursing home and other frontline workers.

The Timberjay, 04/28/2023

Briefly IN THE NEWS

Last week the Habersham Medical Center in Georgia had a small lay off - not nurses, not support staff, not technicians. In fact, the Hospital Authority of Habersham County voted to get rid of just four people – Tyler Williams, president and CEO; Angie Harpold, COO and vice president of operations; Kesha Clinkscale, VP of culture and wellness; and Susan McCrary, director of finance (*Becker's Hospital Review*).

In Nebraska the final version of the budget for the next two years came out of the Appropriations Committee around \$100 million less than had been predicted. Cutbacks will likely be needed, and the \$80 million carved out for helping workers in hospitals and nursing homes could be on the chopping block (KLKN-TV).

Using EHR data for veterans 50 and older who received care from the Veterans Health Administration 2000-2019 investigators detected a sharp increase in the prevalence and incidence of mild cognitive impairment, especially after 2010. In addition, the prevalence of Alzheimer's disease and related dementias (ADRD) rose from 1.07% to 1.50% during the period, but because annual prevalence and incidence of Alzheimer's disease and ADRD by itself declined period (*McKnight's*).

According to recently released data from the Centers for Medicare & Medicaid Services (CMS), Medicare Advantage now provides Medicare coverage for just over half of eligible beneficiaries. In January 2023, 30.19 million of the 59.82 million people with both Medicare Part A and Part B were enrolled in a private plan. It the first time MA plans have topped the 50% mark (*Kaiser Family Foundation*).

Legislation being considered in Iowa would tweak the certificate of need process and place a six-month moratorium of the construction and expansion of nursing homes. The bill also would give Medicaid payers more power in recovering funds from health insurers. The state senate approved the legislation last week, passing it back to the House with an amendment (*Senior Living*).