

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Keep up with your boosters and find a pink N-95 or KN-95 if you can" Vaccine researcher Dr. Peter Hotez warning that the blockbuster movies "Barbie" and "Oppenheimer" could spark an explosion of COVID-19 cases

"It is time to call out so-called Medicare Advantage for what it is. It's private insurance that profits by denying coverage and using the name of Medicare to trick our seniors" Rep. Rosa DeLauro (D-CT) at a D.C. news conference called to blast Medicare Advantage programs

" it would be an understatement to say that we were tragically unprepared to respond to that {COVID} crisis" - Vermont Sen. Bernie Sanders, Chairman of committee that sent a pandemic preparedness bill to the full Senate for a vote

Nursing Home Nurse Killed After Saving a Resident

Last Sunday morning a resident walked out of Majestic Care of Livonia (Michigan) and was lying on a busy nearby road.

Before the police could arrive, Latrice Jones, an LPN and colleagues, picked up the resident, put her in a wheelchair, and started rolling her back to the facility.

But an 80-year-old driver swerved to miss the wheelchair and hit Jones.

The single mother of three died at a nearby hospital.

Majestic Care said she was an amazing nurse who "provided exceptional care to residents and created magic for all those around her."

She was 42.

McKnight's, 07/26/2023

AHCA Offers 4-Point Plan in Lieu of Staffing Mandate

AHCA stung the administration with its own words when it sent the White House another letter arguing against a planned federal nursing home staffing mandate.

AHCA pointed out that such a proposal would be in direct opposition to what the same regulators said seven years ago when they warned that a "one-size-fits-all" rule would not result in better care.

AHCA suggested the feds "refocus" on other ways to improve the quality of care in nursing homes, namely: 1) publicly reporting resident and patient satisfaction; 2) build the workforce; 3) improving the SFF Program; and 4) enhancing CMS's Value-Based Purchasing Program.

McKnight's, 07/25/2023

Because They Can! MCO Prior Auth Denials

An HHS OIG investigation found that MCOs included in a review denied one out of every eight requests (12.5%) for prior authorization of services in 2019.

Among the 115 MCOs in the review, 12 had prior authorization denial rates greater than 25%-twice the overall rate.

Despite the high number of denials, most State Medicaid agencies reported that they did not routinely review the appropriateness of a sample of MCO denials of prior authorization requests, and many did not collect and monitor data on these decisions.

OIG recommended CMS require States to review the appropriateness of MCO prior authorization denials regularly.

HHS OIG, 07/17/2023

"It's Been a Nightmare" VA's New \$50B EHR System

The Veterans Affairs Department's fumbling effort to replace its decades-old electronic health records system has strained its relationship with Congress to the breaking point.

Anger about the project — billions over budget, tied to at least four veterans' deaths, and now, on pause — is responsible for a spate of bill

introductions, some aiming to shut the project down, others to boost oversight and accountability.

The problems also led Iowa GOP Sen. Chuck Grassley to hold up a confirmation vote on President Joe Biden's nominee for one of the VA's top posts.

Politico, 07/21/2023

Office of Pandemic Prep Now Up and Running in D.C.

The White House launched its pandemic preparedness office, six months after Congress instructed the administration to set up a new arm in the wake of the coronavirus pandemic.

The Office of Pandemic Preparedness and Response Policy is a now-permanent installment in Washington and will first be led by retired Major General Paul Friedrichs.

It opens weeks after Covid-19 response coordinator Ashish Jha stepped down, reflecting an overall wind-down of the administration's coronavirus efforts.

The office will lead, coordinate, and implement actions "related to preparedness for, and response to, known and unknown biological threats that could lead to a pandemic."

STAT, 07/25/2023

Nursing Home Destroyed by Tornado Reopening Soon

An Arkansas nursing home that was destroyed by a powerful tornado is close to reopening.

Monette Manor in Monette, AR, was hit by a level EF4 tornado in December 2021.

One resident died. Dozens were injured. The building was leveled. Staff was hailed in national media as heroes for their efforts that night.

Monette Manor has scheduled an open house Aug. 8 and plans to start admitting residents the following week. The new facility features wider hallways, larger rooms, an open-style dining room, a larger therapy gym and a beauty salon.

McKnight's, 07/24/2023

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

AMERICA: The Senate Health, Education, Labor & Pensions (HELP) Committee voted 17-3 with relatively little fanfare to send pandemic preparedness legislation to the full Senate for a vote. The HELP Committee vote came on the heels of a similar vote by the House Energy & Commerce Committee to send to the House floor its version; unlike the Senate version, the House version does not contain any provisions to fight drug shortages (*MedPage Today*).

SAN FRANCISCO: People who contract COVID-19 but never develop symptoms -- the so-called super dodgers -- may have a genetic ace up their sleeve. They're more than twice as likely as those who become symptomatic to carry a specific gene variation that helps them obliterate the virus. In a paper just published in *Nature*, UC San Francisco researchers offered the first evidence that there is a genetic basis for asymptomatic SARS-CoV-2, helping to solve the mystery of why some people can be infected without ever getting sick (*Science Daily*).

AMERICA: PruittHealth put in place a strict no-agency rule for its 104 facilities early in COVID, which meant closing parts of buildings or putting a "cap and hold" on admissions when staffing levels at given buildings fell below internal thresholds. While those cap-and-holds have all but gone away with small-but-steady staffing gains, CEO Neil Pruitt says they could come back into play if a federal staffing mandate is imposed in a "strict, harsh, immediate way" (*McKnight's*).

ILLINOIS: Sen. Dick Durbin, the No. 2 Senate Democrat, has tested positive for COVID-19, marking the third time he has contracted the virus in the past year. The diagnosis means Durbin missed votes in the Senate this past week. Congress is expected to break for the month of August. (*The Hill*).

LOS ANGELES: Elon Musk floated the possibility that the COVID vaccine played a role in USC star freshman Bronny James suffering a cardiac arrest during a basketball workout in Los Angeles

Monday. James, the highly touted 18-year-old son of Lakers star LeBron James, lost consciousness before being revived. Musk tweeted, "We cannot ascribe everything to the vaccine, but, by the same token, we cannot ascribe nothing. Myocarditis is a known side-effect" (*New York Post*).

OHIO & FLORIDA: In a study of 538,159 individuals in Florida and Ohio between March 2020 and December 2021, COVID deaths were higher for Republican voters than Democratic voters after COVID-19 vaccines were available, but not before. After May 1, 2021, the excess death rate among Republican voters, concentrated in lower vaccine counties primarily in Ohio, was 43% higher than the excess death rate among Democratic voters. These findings suggest that differences in vaccination attitudes may have been factors in the severity and trajectory of the pandemic in the US (*JAMA Network*).

AMERICA: At least 7,109 admissions of COVID-19 patients were reported for the week of July 15 nationwide, a rise in hospitalizations of more than 10% - the largest increase since December. Emergency room visits are also up about 0.73%. An average of 0.73% of the past week's emergency room visits had COVID-19 as of July 21, up from 0.49% through June 21. "U.S. COVID-19 rates are still near historic lows after 7 months of steady declines" (*CBS NEWS*).

ARIZONA: Governor Katie Hobbs has awarded Barrow Neurological Institute \$10 million in American Rescue Plan Act funding to study and slow the effects of COVID-19. Scientists intend to use the money to explore the link between the virus and Alzheimer's disease. Barrow plans to conduct clinical studies and analyze data to gain a better understanding of the link (*KTAR-TV*).

IDAHO & OREGON: Saint Alphonsus Health System will unveil COVID-19 Memorial Gardens at its hospitals in Boise and Nampa, Idaho and Ontario and Baker City, Oregon. The gardens will memorialize lives lost to the pandemic and reflect upon the efforts of healthcare workers caring for COVID-19

patients. "The pandemic had such a profound impact on our communities and on healthcare that we felt it important to create lasting memorials" (*Saint Alphonsus news release*).

AMERICA: Spread of all three respiratory viruses -- COVID, flu and RSV -- is currently low, but the CDC has begun to detect slight increases in positive Covid tests and Covid-related emergency department visits. And the decline in Covid hospitalizations has stalled. Omicron XBB subvariants remain the most prevalent forms of Covid, although, the WHO identified a new XBB version, the EG.5, as rising in prevalence around the world and in the U.S. (*NBC News*).

CALIFORNIA: The family of an 81-year-old Alzheimer's patient who died of COVID-19 complications in 2020 have settled their lawsuit against the Burbank, California nursing home where their loved one allegedly acquired the virus. The estate of Vernon Robinson Sr. filed court papers last week stating the case was resolved. No terms were divulged. Robinson's family alleged that the nursing home was responsible for wrongful death, elder abuse and neglect, concealment and violation of the resident's Bill of Rights (*Burbank Leader*).

PHILIPPINES: President Ferdinand Marcos Jr. is lifting the COVID-19 public health emergency nationwide. On Friday, July 21, Marcos issued Proclamation No. 297, effectively removing the country's emergency status due to the pandemic but continued the government's emergency use authorization for another year to allow the utilization of all remaining vaccines (*Inquirer*).

COVID-19, 07/07/2023

Global Cases – Deaths
768,560,727 – 6,952,525

U.S. Hospitalizations – Deaths
6,216,701 – 1,135,919

Global – U.S. Vaccination Doses
13,479,832,732 – 144,182,810

CDC & WHO

Pfizer Manufacturing Facility Hit by Tornado

There were fears the fallout from a Pfizer facility damaged by a tornado could put even more pressure on already-strained drug supplies at U.S. hospitals.

The twister hit a Rocky Mounty, North Carolina factory that produces about 25% of the Pfizer sterile injectables used in U.S. hospitals.

The company said the tornado hit a warehouse area and not the production lines. And the FDA said it is unlikely to cause major drug supply shortages.

Pfizer said all employees were safely evacuated and accounted for, and no serious injuries were reported. The drugmaker is still assessing damage.

CNN, 07/24/2023

Rapid Testing Knocks Down Flu Outbreaks

Facilities using the rapid tests became more adept at “spotting and halting” outbreaks and flu cases fell from 22% in the first year of the study to 3% in the final year.

University of Wisconsin School and Medicine and Public Health research indicated ER dropped by 22%, hospitalizations fell 21%, and the length of hospital stays plummeted 36% when rapid tests were used when resident initially exhibited flu-like symptoms.

The study took place in 20 nursing homes in Wisconsin over the course of three flu seasons from 2016 to 2019.

McKnight's, 07/24/2023

Judge: No Florida Kids in Nursing Homes

After a decade-long legal fight, Federal Judge Donald Middlebrooks, siding with the Department of Justice, ordered Florida to make changes to keep children with “complex” medical conditions out of nursing homes and help them receive care in their family homes.”

The judge ruled that Florida has violated the ADA and the rights of children “who rely upon the provision of vital Medicaid services and are trying, in vain, to avoid growing up in nursing homes.”

Middlebrooks criticized the state for not doing more to ensure services such as private-duty nursing that could enable children to live outside of nursing homes.

Tampa Bay Times, 07/18/2023

They're Trying to Undermine the Pandemic Treaty

WHO Director-General Tedros Adhanom Ghebreyesus lashed out at special interest groups who he claimed were spreading false assertions about the pandemic treaty.

“Groups with vested interests are claiming falsely that the accord is a power grab by WHO, and that it will stymie innovation and research. Both claims are completely false,” said Tedros.

The pharmaceutical industry has argued that proposals included in an earlier draft of the treaty could delay the development of medical products.

Also, separately, far-right political commentators have made the claim that the treaty is an attempt by the WHO to do things such as mandate vaccines.

Politico, 07/19/2023

Hospices in 4 States Get a Closer Gov't Look

Regulators are taking a closer look at new hospices in four western states - Arizona, California, Nevada and Texas.

CMS, which pays for most American hospice care, said the effort was spurred by “numerous reports of hospice fraud, waste, and abuse” and “serious concerns about market oversaturation.”

Last fall published reports indicated the four states were overrun by for-profit hospices, many sharing addresses and owners.

In some cases, hospices obtained licenses only to sell them to other entrepreneurs.

Others appeared to be billing Medicare for “phantom” — that is, nonexistent — patients.

Some did both.

ProPublica, 07/21/2023

ONE COLUMN

Missing Americans: Record Mortality Exceeds Other Wealthy Nations

A new study examined how many deaths might have been averted, based on the averages of age-specific mortality rates of 21 other wealthy countries. Researchers found excess deaths “surged” during the COVID-19 pandemic, but the U.S. death rate had been diverging from those of other nations for decades.

The authors said there were 622,534 excess deaths in 2019. The came COVID and the number of “Missing Americans” tallied more than 1 million in 2020 and almost 1.1 million in 2021. Analyzing figures dating back to 1933, the number of excess deaths has never been larger in the United States.

In fact, more than 2 million Americans who died in 2020 and 2021 – nearly half of them younger than 65 – might still be alive today if the U.S. had mortality rates equal to those of other developed nations.

The mortality is not confined to one ethnic or racial group but the U.S. has a larger population of White people who made up about 2/3 of the missing Americans.

People of all races and ethnicities live with government policies that are failing to address issues such as the opioid epidemic, gun violence, pollution, poverty, hunger, and workplace safety.

The authors acknowledged the estimate of missing Americans is a statistical construct and there is no way to know what deaths might have been averted. But examining other countries shows what is achievable in high-income countries, setting a benchmark to judge the United States.

The comparison nations are: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

Boston University
School Of Public Health,
07/17/2023

CNA Fest Survey Shows Little Change in Past Year

As CNA Fest in Little Rock, AR, got underway, results of a certified nursing aide survey were unveiled. Not much has changed.

For the second time in a row, the staffing shortage was the top concern cited in the annual poll conducted by the National Association of Health Care Assistants.

Respect from supervisors and “burnout and exhaustion” were the next top repeat trouble areas.

Better pay and ongoing training opportunities also were sore spots highlighted in the eight-question survey taken by nearly 3,000 CNAs.

About 92% said they wanted to continue as a CNA if the position came with additional educational opportunities, pay raises and recognition.

McKnight's, 07/27/2023

MA Plans Called “Scam” By Prominent Lawmakers

Federal lawmakers and activists are turning up the heat again with attacks on Medicare Advantage, a month after 300 members of Congress told the federal agency that oversees the system to make it easier to manage.

Prominent progressives such as Rep. Rosa DeLauro (D-CT) and Sen. Elizabeth Warren (D-MA), who blasted Medicare Advantage as being a “scam” by private insurers, headlined a press conference during the week in which numerous speakers derided the program.

In January, 30.2 million of the 59.8 million people who have Medicare Parts A and B were enrolled in MA plans.

McKnight's, 07/27/2023

State Sues Shuttered For-profit Nursing School

Connecticut's attorney general has sued a for-profit nursing school and its owner alleging they left hundreds of students in the lurch when the school abruptly closed

its three campuses in the state in February.

Attorney General William Tong filed a civil lawsuit against Stone Academy's parent company, owner Joseph Bierbaum and another for-profit Connecticut school owned by Bierbaum — Paier College. Several students are separately suing Stone Academy and Bierbaum.

Tong said the students were deprived of nursing careers at a time when more nurses are needed nationwide to deal with multiple health crises including opioid overdoses and COVID-19.

AP, 07/13/2023

Lawsuit: Cigna Illegally Denies Claims in Bulk

A lawsuit filed in California accuses Cigna of using an algorithm to automatically deny claims in bulk instead of individually reviewing each case.

The suit charges the practice puts patients on the hook for bills the health insurer otherwise would have paid.

The system identified discrepancies between diagnoses and the tests and services it covers for those ailments then denies claims without looking into each case, in violation of California law.

The suit said a published report found in 2022 that 300,000 Cigna claims were denied in a two-month period. Physician reviewers spent an average of 1.2 seconds on each file.

PruittHealth Using “Radical Transparency”

PruittHealth is investing in changes designed to promote quality in the eyes of its residents and its families.

The company has morphed its approach to “radical transparency” about COVID data into the My PruittHealth app.

It allows family members to view their loved one's real-time medical conditions, monitor their vitals and see their medications on a smartphone.

A new feature will allow them to communicate directly with the administrator and facility staff.

McKnight's, 07/24/2023

Briefly IN THE NEWS

CMS proposed a rule last that would allow mental health counselors, substance use disorder counselors and others, to enroll in Medicare for billing purposes. These expanded therapists would allow for greater access to coverage for intensive outpatient services, which are less costly than inpatient services. Medicare, however, currently pays for inpatient psychiatric hospitalizations, partial hospitalizations services and outpatient therapeutic services, leaving a gap when patients need treatment between inpatient and outpatient programs (*McKnight's*).

A study at UC San Francisco of 1.6 million veterans found significant differences in dementia incidences based on neighborhoods of residence. Older veterans in the most socioeconomically disadvantaged areas were 22% more likely to develop dementia than those in the least disadvantaged neighborhoods. (*JAMA Neurology*).

Direct care workers in nursing homes feared retaliation from managers in a significant portion of cases recently investigated, according to a new study. The findings come on the heels of a study by the same investigator in June that discovered nursing home patients feared retaliation from facility staff (*McKnight's*).

A rule issued by CMS in July would reduce a key annual rate-setting factor by 3.34%. The cut would hit SNF doctors and also make substantial cuts to therapy pay. Although doctors' rates would be slashed across the board, it could be felt more severely by those at the bottom of the pay scale – internists and general practitioners who commonly round in SNFs (*McKnight's*).

A recent study examined the link between social isolation and placement into nursing homes. The study found that the higher the “isolation score,” the greater likelihood that the respondent entered a nursing home within two years. There was no corresponding link between social isolation and hospitalizations (*JAMA Internal Medicine*).