

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

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## THEY SAID IT:

**"Not only in Florida but nationally, we're seeing a pretty dramatic uptick compared to six weeks ago"** University of Southern Florida epidemiologist Jason Salemi on the increase in COVID cases

**"That should be an industry wake-up call that half of the people in administration or DONs are continuously considering quitting their job"** Cara Silletto, president and chief retention officer of workforce firm Magnet Culture

**"We get it. The public needs someone to condemn, someone to push back against"** LeadingAge President and CEO Katie Smith Sloan a USA Today guest column after the staffing mandate was announced

**"It is clear that we have significantly more work to do"** N.J. Gov. Phil Murphy after a DOJ report said poor pandemic care at state veterans homes violated the Constitutional rights of veterans

## **Need for CNAs Grows as Demand for Care Declines**

There are currently 447,940 CNA positions in America and a PHI study projected open positions for nursing assistants in nursing homes will grow to 769,300 by 2031.

Those figures were likely calculated in advance of a proposed federal staffing mandate that is likely to drive demand for certified nurse aide hours higher.

PHI, which advocates for frontline healthcare workers, actually expects the nursing assistant workforce to lose 17,200 jobs by 2031 due to a decreased demand for nursing home care because of both consumer preference and public policies. But turnover will mean a constant cycle of hiring and rehiring.

McKnight's, 09/13/2023

## **Nursing Homes Receive Low Marks in Gallup Poll**

A new Gallup poll found Americans give nursing homes an average D+ grade for quality of care, and few say they would be comfortable living in a nursing home if they could no longer care for themselves.

Most U.S. adults would be reluctant to admit a relative to a nursing home.

More than four in 10 U.S. adults grade nursing homes negatively for overall quality of care -- 36% give them a "D" and 6% an "F."

Another 33% grade nursing homes as "C" -- satisfactory. While only 1% rate them Excellent (A) and 8% as good (B).

Gallup Blog, 09/12/2023

## **LTC Associations Stand Up to Gallup Findings**

In response to the Gallup poll both LeadingAge and AHCA/NCAL were quick to jump to nursing homes' defense.

LeadingAge noted "especially during the COVID pandemic — nursing homes have been portrayed as the villain by media and policymakers." Further, "a negative bias toward aging, combined with outdated funding models and under-investment in the nursing home infrastructure, has led to systemic, chronic undervaluing of nursing homes."

AHCA/NCAL pointed out that aging is difficult for some to accept, leading to "misperceptions" about the value of nursing home care. But among actual LTC residents and families about 75% are satisfied with their care.

McKnight's, 09/13/2023

## **For the First Time Newsweek to Rank CCRCs**

On November 29 *Newsweek* will publish its first-ever ranking of US continuing care retirement communities, with results based on surveys that are underway.

Newsweek is partnering with global market research and consumer data firm Statista in the effort, which the companies expect will be an annual undertaking.

This year, besides SNF rankings, *Newsweek* will publish rankings of

physical rehabilitation centers, addiction treatment centers, oncology hospitals, , maternity hospitals, fertility clinics children's hospitals, specialized hospitals in the Asia Pacific region, hospitals around the world, specialized hospitals around the world and smart hospitals around the world.

Senior Living, 09/11/2023

## **Feds: Sale of Seven SNFs "Doesn't pass the smell test"**

Nursing home operators facing criminal and civil charges for health care fraud and unfair labor practices are now being accused by the federal government of trying to sell off assets prior to trial to avoid any financial judgments that may be imposed.

Comprehensive Healthcare Management Services found a buyer for seven of its Western Pennsylvania facilities in a \$56 million deal that is slated to close Oct. 1.

The Department of Labor is seeking a temporary restraining order and injunction to stop it.

Labor Department attorney Alejandro Herrera told the court it "doesn't pass the smell test."

Pittsburgh Tribune, 09/08/2023

## **Assessment Coordinators - A Quarter Lack Experience**

A study found that over a quarter of nurse assessment coordinators (NACs) have two or fewer years of experience in their role and that they are finishing the MDS 34% faster.

That's not necessarily good. The AAPACN report opined that could mean NACs are not receiving adequate training which can lead to survey deficiencies.

The report found that 26% of the NAC have less than two years' experience compared to only 7% in 2014.

Also in 2014, no NACs reported having two years or fewer experience in long-term care, compared with 5% in this survey.

2023 AAPACN Nurse Assessment Coordinator Work Study and Salary Report  
McKnight's, 09/12/2023

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

**AMERICA:** Hospital admissions have increased in the U.S. for 8 straight weeks –18,971 for the week ending Sept. 2 – a nearly 9% increase from the week prior. Deaths were up 10.5%. For context, in 2022, there were 34,546 new admissions for the same week, and in 2021, they were at 84,235 (*Becker's Hospital Review*).

**WASHINGTON, D.C.:** The US Food and Drug Administration on Monday gave the green light to updated Covid-19 vaccine booster shots from Moderna and Pfizer/BioNTech. The updated vaccines are each approved for people 12 and older and are authorized under emergency use for individuals 6 months through 11 years old. Tuesday the CDC and its advisors gave approval to the booster (*The Mercury News*).

**FLORIDA:** Gov. Ron DeSantis' surgeon general warned healthy adults under the age of 65 against taking a new Covid-19 booster, contradicting the CDC and FDA. Surgeon General Joseph Ladapo, said after three years of Covid, most healthy people don't need to worry about getting infected from a virus that has killed more than 1 million people across the country (*Politico*).

**AMERICA:** Overestimation of oxygen saturation by pulse oximetry led to delayed delivery of COVID-19 therapy in about 10% of patients of all races. A report by the Baylor College of Medicine also indicated these patients also had higher odds of readmission. A subset of 8,635 patients who didn't have an immediate need for COVID therapy, black patients were significantly more likely to have pulse oximetry values that did not indicate a need for COVID therapy (*MedPage Today*).

**FLORIDA:** As COVID-19 hospitalizations rise across the country, Florida is seeing higher admissions levels than other states. As of Monday, 43 of Florida's 67 counties reported moderate levels of weekly new hospital admissions for COVID-19 -- a higher proportion than any other state in the U.S. (*ABC News*).

**AMERICA:** The CDC said the new BA.2.86 lineage of coronavirus may be more capable than older variants in causing infection in people who have previously had COVID-19 or who have received vaccines. CDC said it was too soon to know whether this might cause more severe illness compared with previous variants. But due to the high number of mutations detected in this lineage, there were concerns about its impact on immunity from vaccines and previous infections (*Reuters*).

**THE WORLD:** The EG.5 variant (aka Eris) now makes up more than 17% of new COVID cases in the U.S. Most people will have an upper respiratory tract infection. Some people develop non-respiratory tract symptoms, like diarrhea or pink eye. One thing that's less likely with Eris, though, is loss of taste and smell (*Prevention*).

**AMERICA:** COVID-19 led to shortened life expectancies across the U.S. and exacerbated existing racial disparities compared to 20 high-income peer countries, a phenomenon the authors called a "disadvantage in longevity." Total US life expectancy fell from 78.85 years in 2019 to 76.99 in 2020 and to 76.44 years in 2021. Between 2019 and 2021, life expectancy decreases were largest among Native American 4.89 years; Hispanic 4.08 years, and Black 3.77 years (*American Journal of Epidemiology*).

**THE NETHERLANDS:** Johnson & Johnson's Janssen division, which helped to develop its single-dose COVID-19 vaccine, will close much of its vaccine research and development operations in the Netherlands. J&J has confirmed plans to exit some of its vaccine research and development programs. (*De Telegraaf*).

**AMERICA:** The CDC expects updated Covid vaccines from Pfizer, Moderna and Novavax to be available to the public in mid-September. That's the most specific timeline to date. Federal officials had said the new shots could arrive around September and CDC Director Mandy Cohen previously provided a later timeline, telling NPR that the vaccines could be available by "early October" (*CNBC*).

**AMERICA:** Everyone over the age of 6 months should get the latest COVID-19 booster. After hearing an estimate that universal vaccination could prevent 100,000 more hospitalizations each year than if only the elderly were vaccinated, the CDC's Advisory Committee on Immunization Practices voted 13-1 for the motion after months of debate about whether to limit its recommendation to high-risk groups (*KFF*).

**AMERICA:** In clinical trial data the biotech company released, the updated shot produced an 8.7-fold increase in protective antibodies against BA.2.86, which has been detected in small numbers nationwide. The CDC previously said the strain, also known as "Pirola," may be more capable of escaping antibodies from earlier infections and vaccinations, but new research also suggests that the variant may be less immune-evasive than feared (*CNBC*).

**WASHINGTON, D.C.:** HHS and Regeneron announced \$326M extension of their long-standing partnership to develop life-saving monoclonal antibodies. The extension is designed to support the advanced development of a next generation monoclonal antibody for COVID-19 prevention. The agreement includes a clause where Regeneron committed that if a new product is commercialized, its list price in the U.S. will be no higher than its retail price in comparable markets globally (*HHS news release*).

**THE WORLD:** Pyrra, a company that monitors threats and misinformation on alternative social networks reported the use of "plandemic" and "scamdemic" — two terms describing Covid-19 as a ruse — rose sharply in August on right-wing websites (*New York Times*).

### **COVID-19, 09/15/2023**

**Global Cases – Deaths**  
770,563,467 – 6,957,216  
**216S. Hospitalizations – Deaths**  
6,308,630 – 1,141,782  
**SHOTS Global – U.S. SHOTS**  
13.5 billion – 153.4 million

*CDC & WHO*

## **DOJ: NJ Vets Homes Violated Vets Constitutional Rights**

A scathing Justice Department report released last week into the failures at the state-run Paramus and Menlo Park veterans homes where 200 residents died from COVID focused notably on the lack of preparation, deficient infection control practices, policies against mask-wearing that led to the virus' spread and poor communication with family members whose loved ones were dying.

There was a growing distrust between managers and staff.

The DOJ found a "multilevel leadership failure" where there was no accountability, no checks and balances and no one who appeared willing to take on the challenge of COVID.

*NorthJersey.com, 09/13/2023*

## **Rounding Clock-in Time May Be Expensive Problem**

A former employee at St. Luke's Health System, sued the provider alleging its timekeeping system did not comply with the Fair Labor Standards Act.

St. Luke's policy was employees who clocked in six minutes early at the start of a shift were not paid for the six minutes. If they clocked out six minutes before the end of the shift they were paid for that time.

St. Lukes said the policy was fair. The employee said it had cost her seven hours of pay. A lower court initially sided with the employer. The appeals court sent it back for reconsideration.

*McKnight's, 08/20/2023*

## **Nurses Group Calls For Violence Protections**

A group of leading nurse educators and policymakers are calling for more protections for nurses and staff who care for patients with psychiatric issues, including those in nursing facilities.

the authors urged stakeholders to act quickly to help "prevent further injury and death to psychiatric nurses and staff." Their comments were directed in particular at legislators, healthcare

organizations and nurses at all practice levels.

Workplace violence and harassment of healthcare staff became a hot button issue during the pandemic, and the call comes as SNFs are being encouraged to accept more patients with behavioral health and substance abuse problems.

*Health Affairs, 08/23/2023*

## **Doc's Test Site Policy Gets Him Slammer Time**

A federal jury in Baltimore convicted Maryland doctor Ron Elfenbein for submitting over \$15 million in false and fraudulent claims to Medicare and a commercial insurer for patients who received COVID-19 tests at his testing sites.

Elfenbein operated multiple drive-through COVID-19 testing sites in Maryland and instructed employees to bill for high-level evaluation and management visits as well as standard COVID-19 tests.

Elfenbein ordered the high-level visits to be billed for all patients, including those who were asymptomatic, who were getting tested for COVID-19 for their employment requirements, and who were being tested for COVID-19 so that they could travel.

*DOJ news release, 08/04/2023*

## **UAs Are The 'Go To' But Should They Be?**

If healthcare workers in long-term care communities can reduce unnecessary urine culture testing on residents, they can also lower the amount of unneeded antibiotics.

The problem originates when a resident tests positive on a urine culture but actually doesn't have an infection.

Instead, they can have asymptomatic bacteriuria (ASB) in which there are bacteria but no symptoms and no pyuria (white blood cells in the urine).

Testing people when they don't have symptoms prompts unnecessary antibiotic treatment.

*The BMJ, 08/17/2023*

## **ONE COLUMN**

### **Prez Gives Our Biz the Biz Sloan Gives Prez the Biz**

In a guest column in *USA Today*, which also carried President Biden's attack on the nursing home sector for sacrificing "the safety of its residents just to add some dollars to its bottom line," LeadingAge President and CEO Katie Smith Sloan called on the president to temper his tone.

In the narrative the administration is selling, nursing homes have been uniformly cast in the role of villain," Sloan wrote.

"It's an emotionally compelling tactic to address a complex situation. The trouble is, it's not accurate."

"Nonprofit and mission-driven nursing homes, including members of the association I lead, are not the grifters and blame-shifters that the public is being led to believe they are," she added.

in rallying support for the minimum staffing standards proposed by the CMS Biden, reserved some of his harshest language for corporate facilities for "taking taxpayer dollars while cutting corners on staffing so they can make big payouts to executives and shareholders."

Sloan wrote that if the administration wants to target certain owner or investor types, then it should align its words and actions with those goals.

Instead, she warned, the anti-nursing home rhetoric is undermining the public's faith in a healthcare setting already beaten and battered by the pandemic.

Now, mission-based providers, many of whom serve a high share of Medicaid patients whose reimbursement often falls below the cost of care delivered to them, face another obstacle of hiring during an ongoing labor crisis.

"Raise reimbursement rates and inspire states to do the same, so we can afford the care we exist to deliver," she added. "It's time for the administration to recognize it must be part of the solution."

*McKnight's, 09/07/2023*

## ALL THE NEWS WHETHER WE LIKE IT OR NOT

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I named this weekly publication that I have edited for many years –  
“IN THE NEWS”

To me that means all the news.

“News” is an all-encompassing term.

Some stories are good.

Some bad.

Some informative.

Some will make you smile.

Some will infuriate you.

This is the latter - or I hope it will generate that feeling in you, as it has in me.

It infuriates me on multiple levels.

First, my heart goes out to this resident and her family. Her infuriating death was apparently painful, undignified, and avoidable.

It also infuriates me because it reinforces the popular opinion that nursing homes are evil, cruel, money-grabbing “snake pits” that care next to nothing about our residents.

We are not that, even though there are some bad actors – but these stories make it increasingly difficult to defend our business – if you will – our mission.

This story and the follow-up editorial were published in the *Iowa Capital Dispatch*.

They ran on two separate days a week apart in early and mid-August.

The story August 8 and Commentary August 14 are not edited by me.

They are printed verbatim as they appeared in the newspaper.

*Drew Vogel*

## Care Facility Accused Of Neglect in Iowa Woman’s Death

### Resident Died After Pressure Sores Progressed To Huge, Open Wounds

By Clark Kauffman  
August 8, 2023

*Editor’s note: This article includes graphic images that may be upsetting to some readers.*

A central Iowa care facility is being sued for allegedly causing the death of a resident whose pressure sores progressed to huge, open wounds on her body.

According to a lawsuit filed this week in Jasper County District Court, Deanna Kay Mahoney was admitted to the Newton Health Care Center in June 2021. On April 18, 2022, she was transferred to MercyOne Newton Medical Center’s emergency room where the medical staff found a large skin ulcer, or open wound, on her buttocks and another on the heel of her foot. The emergency room physician reported that the wound on her buttocks was contaminated with feces and ran “very deep,” exposing muscle and bone.

Mahoney was then transferred to Iowa Lutheran Hospital in Des Moines for a higher level of care, where the staff photographed the wounds and admitted Mahoney to the critical care unit.



*The wounds of Deanna Kay Mahoney, a resident of the Newton Health Care Center, were photographed by the staff at Iowa Lutheran Hospital. (Photos from Jasper County District Court records)*

On May 6, she died at the hospital, with the immediate cause of death listed as sepsis, a blood infection, that resulted from sacral osteomyelitis, which is a bone

infection near the base of the spine. She was 83 years old.

The lawsuit filed by Mahoney’s estate seeks unspecified damages for negligence. The defendants include Newton Health Care Center and its corporate owners, Newton OpCo and ManagerCo Prairie Rose. They have yet to file a response to the lawsuit.

A few weeks after Mahoney’s death, in June 2022, the home was inspected by the Iowa Department of Inspections, Appeals and Licensing as part of a routine, annual recertification process. While there, inspectors also investigated a backlog of six separate complaints against the facility, and three self-reported incidents, all of which were ruled substantiated.

DIAL cited the facility for 24 state and federal violations, but the inspectors’ report appears to make no reference to any deficiencies in Mahoney’s care. The violations were related to residents’ rights, abuse-and-neglect policies, resident care plans, quality of care, medication and treatment, pressure sores, insufficient nursing staff, insufficient support staff, unnecessary psychotropic drugs, medication errors, unsanitary conditions and infection prevention.

A state fine of \$14,000 was imposed but was later reduced to \$9,100 when the home agreed not to appeal the penalty. In 2020 federal officials imposed a \$156,660 fine against the home. That was later reduced to \$101,829 when the home agreed not to file an appeal.

In April, inspectors returned to Newton Health Care Center in response to four complaints, all of which were substantiated. The home was cited for four violations of federal regulations, including the failure to treat pressure sores.

The home’s plan of correction indicates that one of the two residents whose pressure sores were left untreated, resulting in exposed bone and muscle, has since died. The report provides conflicting information as to the fate of the second of the two residents, stating that the individual continues to reside there but

also stating the resident is now “deceased.”

During the April inspection, a nurse aide told state officials “staffing was not good” at the home, residents did not receive the care they needed, did not get showers, and wound dressings were not being changed as ordered by physicians. She said it sometimes took 30 to 45 minutes to answer residents’ call lights.

No fines and citations were issued as a result of the inspection.

The Newton home has a one-star overall rating from the federal government, the lowest in a five-star rating system, as well as a one-star rating for its health-inspection results.

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## COMMENTARY

### **After Another Nursing Home Atrocity, It Appears Not All Lives in Iowa Are Truly Sacred**

By Randy Evans  
August 14, 2023

Deanna Mahoney was like countless Iowa women through the years. She nurtured three children. She worked outside the home to supplement the family income. She loved bowling and mushroom hunting.

That is how she lived.

How she died tells us so much about the way some business owners, and too many government leaders in Iowa, have pushed aside their legal, moral and humanitarian obligations, especially to vulnerable Iowans.

The death of the 83-year-old Newton woman was tragic. Two photographs made that so horribly clear.

In spite of the statements and pledges about the sanctity of every human life, Mahoney’s death illustrates that too many members of the Iowa Legislature, and our governor, too, show too little concern for the sanctity of the lives of people in Iowa’s nursing homes.

In the days since the circumstances of her death became public, we have heard not a peep from the state officials who were obsessed earlier this year with school books, drag show performers, and a belief that teachers and school librarians are out there coaxing kids to become transgender, gay or lesbian.

These state officials could not move fast enough to enact new laws to combat the perceived dangers to young Iowans from some schoolbooks or medical providers whose patients are children identifying as a different gender.

But these state officials have little to say about the treatment, and mistreatment, of people like Deanna Mahoney who live in certain nursing homes. Too many elderly Iowans are not receiving the care their families were promised and that they and Iowa’s Medicaid program pay for. But there is no flurry of proposed laws to address such neglect.

There is a reason for that: In her travels around Iowa, the governor often meets with CEOs of nursing homes. You do not see her meeting with loved ones of people like Deanna Mahoney. Families of nursing home residents are not a lucrative source of campaign donations the way the owners are.

The circumstances of Mahoney’s death were laid out in words — and documented with two photographs — in a lawsuit filed Aug. 4 in court in Newton. Iowa Capital Dispatch shined the first spotlight on this unnecessary tragedy.

The photos were made by the emergency room staff at Iowa Lutheran Hospital in Des Moines soon after Mahoney arrived by ambulance early on April 19, 2022. The photos show two massive open wounds on her back and buttocks and on one heel.

Two weeks later, Mahoney was dead.

According to the lawsuit, hospital medical records stated Mahoney’s largest wound that day was 6 inches in diameter and 2 inches deep. That wound was contaminated with feces. The photo shows her muscle and bone exposed in a gruesome mass of reddish flesh.

The wound on her heel was smaller, but it was black, a sign the skin was dying. The photo showed the wound had created a crater into the bottom of her foot.

This was not a case in which Mahoney had been trying to care for herself at home. For seven months, she had been a resident of Newton Health Care Center, a supposedly skilled nursing and long-term care facility. But the care she received there, according to the lawsuit, was negligent and constituted a wanton disregard for her wellbeing.

Mahoney’s death should not be explained away by assertions she was old and eventually would have died anyway.

She moved into Newton Health Care Center in June 2021. In the seven months that followed, she was seen twice at MercyOne Newton Medical Center, first for vomiting, fever and bloody stools, and then a month later for Covid. During neither hospital visit did nurses find any signs her skin was breaking down.

On the morning of Feb. 2, 2022, a registered nurse at Newton Health Care Center wrote in Mahoney’s records that there were no open areas or skin issues observed. But six hours later, another nurse saw a wound at the base of Mahoney’s tailbone. And 21 days after it was first noticed, the wound had grown significantly larger — it was three-quarters of an inch deep and had a foul odor.

She was placed on antibiotics to treat the infection. But Mahoney’s condition worsened. That led to the ambulance trip to Des Moines on April 18, 2022, when the photos were made.

Death came on May 6, 2022, when her body was unable to fight the infection any longer.

Mahoney’s family is not the first to complain about the care provided by the Newton nursing home, Iowa Capital

Dispatch reported. In June 2022, the Iowa Department of Inspections, Appeals and Licensing investigated a backlog of complaints against the facility and concluded all were substantiated. The violations related to the treatment of pressure sores, insufficient nursing staff, insufficient support staff, medication errors, unsanitary conditions and poor infection prevention.

John and Terri Hale, advocates for elderly Iowans, wrote recently in the Des Moines Register, "We've been in the long-term care policy arena for over 15 years. We've seen the perpetual paralysis of elected officials and the power of trade associations and lobbyists who fight tooth and nail to preserve the status quo.

"... The crisis is becoming a catastrophe. Lawmakers serving Iowans need to step up and do what we elect them to do — lead. If they won't, they are complicit in the unfolding tragedy. And the message will be clear: The lives of vulnerable older Iowans and Iowans with disabilities just don't matter."