

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"We have seen something that we have never seen before. Twenty-four percent of those nurses that want to leave nursing have less than 10 years of experience" Maryanne Alexander, chief officer of nursing regulation National Council of State Boards of Nursing

"While well-intentioned, these rules are misguided and will ultimately threaten to undermine access to vital services that our most vulnerable rely upon" Rep. Brett Guthrie (R-KY), chair of the House Committee on Energy and Commerce Subcommittee on Health on the Biden staffing rule

"We just don't value elders the way that other countries and other cultures do" Rachel Johnson of the Leonard Davis Institute of Health Economics at the University of Pennsylvania

Nursing Homes to Disclose More Ownership Information

A final rule released during the week, requires greater transparency and disclosure of nursing home ownership.

Research released by HHS in conjunction with the new rule, indicates private equity ownership is associated with poorer staffing conditions and resulting decreases in quality of care.

Nursing homes must disclose individuals or entities that provide administrative services or clinical consulting services. They will also be required to disclose entities that exercise financial control over the facility, such as an organization the nursing home hires to manage its finances.

The final rule includes definitions of private equity and real estate investment trusts.

Healthcare Finance, 11/15/2023

Staffing - Missouri Is a Microcosm of LTC/U.S.A.

Nikki Strong, executive director of the Missouri Health Care Association says the proposed staffing rule would "decimate" the Show Me State's nearly 500 nursing homes.

Missouri's Medicaid currently under-funds facilities about \$50 PPD.

In Missouri, where there is already a staffing shortage, the Biden unfunded mandate will create a need for 4000 more workers with an additional annual price tag of \$198 million.

So, there's no money to pay workers and there are no workers to whom to pay the money that you don't have.

They should call it the Joseph Heller plan - It's the ultimate Catch 22.

Missourinet, 11/13/2023

LPNs Say 'Hey, CMS What About Us?'

The National Association for Licensed Practical Nurses (NALPN) are lending its voice to the withdrawal of the Biden staffing mandate by sharing a joint letter it sent to CMS.

The role of licensed practical nurses (LPNs) has been chopped off from the proposal, a stipulation contested in the letter addressed to CMS administrator, Chiquita Brooks-LaSure.

The exclusion of LPNs shows how "deeply flawed" the proposed rule is, the letter states, arguing that this move will discourage CNAs from seeking career advancement. Moreover, the rule also ignores the efficiencies gained from a collaboration between the different levels of nursing staff.

Skilled Nursing News, 11/13/2023

Orgs Blast CMS Giving LPNs 'Zero Credit'

Several of the nation's largest aging services and nursing organizations – AHCA, LeadingAge, et al – have united to defend LPNs and criticize the proposed CMS nursing home staffing rule.

The groups called the conspicuous absence of LPNs from proposed hourly requirements "yet another example of [the mandate's] fundamental flaws," and called on CMS rescind the proposed mandate entirely.

Congressional letters this month urged CMS to make its proposed staffing requirements even stronger by adding LPNs.

In contrast, however, the joint comment from the nursing home groups described the proposal's omission of LPNs as evidence that the whole proposal is untenable.

McKnight's, 11/14/2023

Medication Aides for Two More States

Michigan and Pennsylvania are in the process of establishing new certified medication aide (CMA) roles to help nursing homes struggling to address workflow and staffing challenges.

CMAs focus on assisting registered nurses and licensed practical nurses by administering routine medications to residents.

If the bills become law, Michigan and Pennsylvania would join 32 other states that already permit nursing assistants to specialize in this position.

Michigan's relevant bills have passed both houses of the legislature and are waiting for the governor's signature. The Pennsylvania bill is still being considered by the state senate.

McKnight's, 11/15/2023

Cleveland's Menorah Park Complex is Being Sold

Menorah Park in the Cleveland, Ohio area will sell its entire campus to New Jersey-based Outcome Healthcare, with the sale expected to be finalized before the end of the year.

The sale entails two nursing homes totaling 627 beds as well as 455 apartments in several buildings and other holdings.

Menorah Park began considering the sale over a year ago as it faced challenges due to ongoing impacts from the pandemic, increased health care and staffing costs and changes in government funding.

Cleveland Jewish News, 11/13/2023

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

FLORIDA: Gov. Ron DeSantis initially promoted COVID vaccination and the state performed well compared with other states in 2020 and 2021, ranking 38th in covid deaths per capita despite a large population of older adults. His stance changed as resistance to covid measures became central to his presidential campaign and now it has the sixth-highest rate of COVID deaths in the country (*NBC News*).

THE WORLD: A new study from researchers at the University of Pittsburgh shows adults who suffered childhood abuse or neglect were more likely to have severe problems with COVID-19 in adulthood. People who said they had suffered "adversity" in childhood had a significant increased risk for adverse COVID-19 outcomes, including COVID hospitalizations and COVID-19-related death (*Journal of Epidemiology and Community Health*).

WASHINGTON, DC: The Justice Department has just posted a new jobs ad — it's looking for eight new attorneys to defend the federal government in vaccine injury cases. Presumably, the hiring spree is in anticipation of a surge of COVID vaccine lawsuits, as people who were forced by government mandates to take the jab, and suffered serious side effects as a result, try to extract compensation from a system that is stacked against them (*New York Post*).

TEXAS: A rule added to Texas' budget that went into effect Sept. 1 forbids health departments and other organizations funded by the state government to advertise, recommend, or even list covid vaccines alone. "Clinics may inform patients that COVID-19 vaccinations are available," the rule allows, "if it is not being singled out from other vaccines" (*KFF*).

GERMANY: In a German analysis of 13 published studies, people of all ages with confirmed SARS-CoV-2 infection and pre-existing allergic conditions were linked to higher risks of experiencing long COVID. An analysis of three of the studies that included data on preexisting allergic rhinitis, the condition was significantly

associated with an increased risk of long COVID (*Clinical & Experimental Allergy*).

TEXAS: A sweeping ban on COVID-19 vaccine requirements for all private businesses, including hospitals and other health facilities, is the latest blow to medically vulnerable Texans who rely on others' immunization to shield themselves from highly transmissible viruses. But the new measure, which Gov. Greg Abbott signed into law could risk the health of groups like organ transplant recipients, cancer patients and those with underlying conditions as common as severe asthma (*Texas Tribune*).

AMERICA; Last month, a KFF poll found that 84% of Democrats said they were confident in the safety of covid vaccines, compared with 36% of Republicans. It's a dramatic drop from 2021, when two-thirds of Republicans were vaccinated (*KFF*).

FLORIDA: The health department has issued guidance against COVID vaccines that runs counter to scientific studies and advice from the Centers for Disease Control and Prevention. The shift in health information trails rhetoric from primarily Republican politicians who have reversed their positions on covid vaccines (*KFF*).

AMERICA: Healthcare workers in nursing homes are woefully under-vaccinated for both flu and COVID-19, threatening their own health and that of the frail elderly patients under their care, a new report finds. Looking at 2023 data collected at nearly 14,000 nursing homes nationwide, CDC researchers found that that only 22.9% of health care workers had received up-to-date COVID vaccines, while less than half (47.1%) had gotten the latest flu shot (*UPI*).

OHIO & FLORIDA: The politics of vaccines. A study published in July found that Republicans and Democrats in Ohio and Florida died at roughly similar rates before COVID vaccines emerged, but a disparity between parties grew once the first vaccines were widely available in

2021 and uptake diverged. By year's end, Republicans had a 43% higher rate of excess deaths than Democrats. In 2023, as the cold weather approaches, HHS says less than 5% of Americans have received an updated shot (*KFF Health News*).

THE WORLD: In a survey of ten major countries including the U.S., U.K., Australia and Japan, both vaccinated and unvaccinated respondents remembered their 2020 or 2021 COVID experiences inaccurately but in opposite ways. For example, vaccinated participants tended to overestimate their past risk perceptions and trust in science, while unvaccinated respondents underestimated them. The more strongly respondents identified with their vaccination status, the greater distortion in their recall (*Nature*).

AUSTRALIA: A cruise ship carrying about 3700 passengers and crew has been hit by outbreaks of gastro and COVID. About 300 passengers are apparently affected. The Grand Princess, operated by Princess Cruise Lines was on an 18-day cruise from Adelaide to Queensland around Australia. Affected passengers were confined their cabins and provided room service. The ship's laundry was also shut after fears it had become an infection hot spot (*Daily Mail*).

ARIZONA: COVID is back on the rise, particularly in Greenlee County, which had the highest monthly increase (56%) in known cases of any county in Arizona. The greatest prevalence of COVID is among 19–44-year-olds (28% of the known infected are in this age group). However, the report could reflect a vast underestimate of the true numbers due to people's ability to self-test (*Copper Era Courier*).

COVID-19, 11/17/2023

Global Cases – Deaths
771,820,837 – 6,978,175

U.S. Hospitalizations – Deaths
6,468,006 – 1,152,647

U.S. + Tests Last Week
8.5% down 0.5%

CDC, WHO

WHO Updates COVID-19 Treatment Guidelines

The World Health Organization (WHO) has updated its COVID-19 treatment guidelines to include a new “moderate risk” category.

High risk: People with weakened immune systems with an estimated hospitalization rate of 6%.

Moderate risk: People older than 65 years, those with chronic conditions such as obesity, diabetes, chronic obstructive pulmonary disease, kidney or liver disease, or cancer, and those with disabilities or comorbidities of chronic disease are at moderate risk, with an estimated hospitalization rate of 3%.

Low risk: People who are not in the high- or moderate-risk categories.

CIDRAP News, 11/13/2023

Families Sue Over COVID Deaths At State Vets Home

Survivors of more than 100 veterans who died or were sickened at a veterans home in Queens, NY, are suing the state over its failure to act “timely” to protect 350 residents and staff from a deadly COVID-19 outbreak or implement “basic” infection control practices.

The suit, filed in Federal court in New York, alleges the state acted with “deliberate indifference” at the 250-bed New York State Veterans Home at St. Albans.

The plaintiffs claim the facility became an “infection hotspot for its veterans and ultimately became a death sentence for 100 of our nation’s veterans.”

McKnight’s, 11/14/2023

Feds Side With The Kids Against Florida

With a hearing slated in January, U.S. Department of Justice is urging a federal appeals court to uphold a ruling aimed at keeping Florida children with complex medical conditions out of nursing homes, saying it would ensure “freedom from unwarranted isolation.”

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keeping Florida children with complex medical conditions out of nursing homes, saying it would ensure “freedom from unwarranted isolation.”

A federal judge last summer issued an injunction requiring Florida to provide more private-duty nursing to help children live with their families or in their communities, rather than in nursing facilities.

Florida quickly appealed the ruling.

News Service of Florida, 11/13/2023

Iowa Nursing Home Has 62 Cites, nearly \$90K CMPs

Pine Acres Care Center, a West Des Moines SNF, has been cited for 62 violations recently for understaffing, abuse and a resident who contracted gangrene and had a leg amputated.

Among multiple deficiencies the home allegedly failed to treat a growing pressure sore on the foot of a 70-year-old woman.

The hospital determined she had blood poisoning, septic shock, a serious bone infection and gangrene. Her leg was amputated below the knee.

Surveyors cited Pine Acres for violating a total of 47 federal and 15 state regulations. An \$89,500 CMP was proposed.

Daily Nonpareil, 11/14/2023

Congress, CMS Clash Over AI In Medicare Claims Denials

Congressional leaders continue to raise concerns about artificial intelligence in healthcare and its impact on denying coverage to seniors.

Thirty House Democrats released a letter recently urging CMS to take steps to make sure AI is not unfairly denying coverage. The concern is that AI’s coverage (denials) is based on cost considerations rather than health data.

In addition to possibly dictating care coverage (or lack thereof), other concerns about AI related to long-term care include whether AI tools are embedded in systems without regard for transparency, or if AI compromises residents’ privacy by releasing medical histories.

Senior Living, 11/07/2023

ONE COLUMN

U.S. News Adds Care Component to ‘24 Rankings

For the first time since *U.S. News & World Report* began rating nursing homes in 2009, the magazine has added a direct care measure to evaluate the role of registered nurses in patient care.

The change reflects the heightened public awareness around staffing levels as federal officials weigh whether to move forward with new requirements that would compel facilities to hire an estimated additional 102,000 additional Registered Nurses and Certified Nursing Assistants.

In all, more than 2,800 nursing homes, 19% of the 15,007 rated for the 2024 U.S. News list, were recognized as “Best Nursing Homes” for their short-term rehabilitation, long-term care, or both.

Nursing homes are evaluated on a battery of patient and resident outcomes, including infection rates and hospitalization; process measures, such as reliance on antipsychotic drugs; health inspection results; staffing levels and other quality metrics.

While the ratings do rely on specific data collected by the Centers for Medicare & Medicaid Services, analysts no longer include overall or domain-specific star ratings in their calculations.

And in many cases — 445 this year — a nursing home awarded 4 or 5 overall stars by CMS may only net a 1 or 2 rating from U.S. News.

The 2024 report found 436 nursing homes failed to meet the current RN rule for 8 hours of coverage, 8 hours per day on 20% or more days.

And data collected this summer also showed that fewer than 5% of evaluated nursing homes could meet both the existing 8-hour requirement and newly proposed staffing requirements for 24/7 RN coverage, 0.55 hours of direct RN care per patient day and 2.45 hours of direct certified nurse aide care per patient day.

McKnight’s, 11/14/2023

SNF That's Seen History, Will Now Become History

It's been there since before the Spanish-American War, WW I, the Great Depression, WW II, The Korean and Vietnam Wars, President Kennedy's assassination, Watergate, and 911. It's been there prior to the last 22 Presidents.

After providing care in three different centuries, Lutheran Home in Jamestown, New York is closing its doors due to regulatory and funding pressures.

New York's new staffing rules require that facilities provide 3.5 hours of nursing care PPD.

The 148-bed Lutheran Home currently has 49 residents.

Open since 1886, the Lutheran Home will close its doors January 2, 2024.

McKnight's, 11/17/2023

Senators Discuss Making Temp Telehealth Permanent

It's the rare Senate hearing when the only disagreements occur not between senators, but between panelists themselves.

The senators at a Finance Healthcare Subcommittee hearing all agreed that the current flexible rules for telehealth – such as paying for audio-only telehealth – should be made permanent.

Ateev Mehrotra, MD, a physician from Harvard Medical School proposed that audio-only visits should not be permanently renewed in favor of video visits.

But a then Chad Ellimoottil, MD, MS, medical director of virtual care at the University of Michigan in Ann Arbor, quickly disagreed saying that audio-only is "necessary and should be included."

MedPage Today, 11/16/2023

Telemedicine Up for M'care Mental Illness Enrollees

In a study of 120 050 Medicare beneficiaries with schizophrenia or bipolar disorder, patients receiving mental health care at practices that almost exclusively

switched to tele-mental health service had 13.0% more mental health visits than those receiving care at practices that largely used in-person visits.

There were no changes in medication adherence, hospital and emergency department use, or mortality based on the extent of tele-mental health use.

These findings suggest that greater tele-mental health use was associated with more mental health visits, but not other changes in measures of quality of care.

JAMA Health Forum, 10/27/2023

Who Foots the Bill? 3-to-1 Odds It's Not You

Who pays for nursing home care? According the KFF, one-fourth of LTC residents use personal savings or long-term care insurance benefits to cover their care, whereas two-thirds rely on Medicaid and 13% use Medicare.

But payor sources are not uniform throughout the country.

At the upper end, 44% of lowans in LTC are private pay including LTC insurance; closely followed by 40% South Dakota, 39% in North Dakota and 37% in Minnesota.

At the other end, only 8% of residents are private pay in Washington, DC, 11% in Alaska and 14% in West Virginia.

Senior Living, 10/25/2023

Fake Nurse Pleads Guilty For Faking It as a Nurse

Leticia Gallarzo, 49, pleaded guilty to using the identity of another person to obtain employment as an RN at a Michigan nursing home.

Gallarzo pleaded guilty to two federal crimes. A health care fraud charge is punishable by up to five years in prison. An aggravated identity theft charge carries a mandatory two years in prison, which must be served consecutively (after) any prison sentence imposed for the health care fraud charge.

Her sentencing date has not yet been set.

DOJ news release, 11/07/2023

Briefly IN THE NEWS

More Americans than ever are surviving lung cancer. While the disease remains the leading cause of cancer deaths among both women and men, over the past five years, the survival rate has increased nationally to 26.6%. Additionally, it has increased at a faster pace among communities of color such that it is no longer significantly lower compared to white Americans (*American Lung Assn. news release*).

Having a baby is expensive in the U.S. — and it's getting costlier. The median cost for an in-network C-section in the U.S. last year was about \$15,500, while the median cost of a vaginal birth with no complications was almost \$13,000, according to FAIR Health's Cost of Giving Birth tracker. An out-of-network birth is more than twice as expensive (*The Hill*).

Kaiser Permanente's healthcare workers ratified a new contract with the hospital chain, ending a months-long negotiation that resulted in the largest recorded strike in the U.S. medical sector. The union said more than 85,000 healthcare workers approved the four-year contract by a margin of 98.5%. The new contract includes across-the-board wage increases totaling 21% over four years (*Reuters*).

Older adults who receive flu shots have less unnecessary antibiotic use. People who got flu shots had a low risk for frequent antibiotic use, a higher risk ratio for healthcare visits, a lower rate for hospital admission, and a lower rate for death. (*Journal of Antimicrobial Chemotherapy*).

National Healthcare Corp. reported a 6.5% year-over-year increase in net operating revenues and grant income for the third quarter, \$288.4 million in 2023 compared with \$270.8 million a year ago. NHC affiliates operate for themselves and for third parties 68 skilled nursing facilities, 26 assisted living communities, five independent living communities, 35 home care agencies, 30 hospice agencies and three behavioral health hospitals (*Senior Living*).

