

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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Vol 8

01/28/2024

THEY SAID IT:

"This rule would massively change the industry"

Brian Miller, MD, MedPac member questioning if there is a need for additional recommendations to Congress based on the proposed staffing rule

"When you're promoting transparency, it can bring odd partners together"

Sen. Mike Braun of Indiana on a Senate investigation of assisted living – which the Feds do not regulate

"The facility failed to take measures to ensure security of the residents and staff during the evacuation. The failures jeopardized the health and safety for all residents and staff"

Missouri Department of Health and Senior Services report into Northview Village sudden closure and evacuation of 174 residents

"And we don't necessarily need an actual government oversight meeting just to beat somebody up"

Iowa Senate Majority Leader Jack Whitver on the GOP rejecting a request by Democrats for a state oversight meeting to investigate nursing home care

Quitters Have

Almost Quit Quitting

A massive wave of workers, not only in LTC but in all kinds of industries, left their positions following the earliest wave of the COVID-19 pandemic — a trend from which most nursing homes across the US are still trying to recover.

But the economic phenomenon known as the Great Resignation may be over.

In November 2022, 2.7% of all employed Americans quit their jobs.

November 2023 data just reported earlier this month revealed that rate had dropped by a net 20% — to 2.2%, only slightly above the August 2020 rate of 2.1%.

McKnight's, 01/25/2024

Owner Of Defunct Skyline Chain Pleads Guilty

Joseph Schwartz, former owner of Skyline Management and a 90-plus nursing home empire that collapsed in 2018, has pleaded guilty in a \$39 million fraud scheme.

Schwartz admitted guilt for willfully failing to pay employment taxes withheld from employees and willfully failing to file an annual financial report with the Department of Labor for his employees' 401K Benefit Plan.

He faces a maximum of five years in prison and a \$250,000 fine for tax fraud, and another 10 years and \$250,000 fine for failure to file critical paperwork related to the retirement plan.

Sentencing is scheduled for May 22.

McKnight's, 01/18/2024

Joseph Schwartz's plea agreement calls for a year in prison and \$5 million in restitution.

– NBC News

Report Rips Chaotic SNF Evacuation

Northview Village of St. Louis' lack of safety protocols led to a dangerous, chaotic evacuation after its abrupt closure due to lack of funds January 8.

A Missouri Department of Health and Senior Services report revealed phone lines going down, residents and staff trapped in an elevator, loss of medical records and an inability to properly track where all 174 residents were relocated.

Two residents went missing – one found the next day, the other not for several weeks.

The report didn't immediately propose penalties for the botched evacuation.

McKnight's, 01/26/2024

Senate to Probe Cost And Quality of ALFs

A U.S. Senate committee has launched an examination of assisted living, holding

its first hearing in two decades on the industry as leaders of both parties expressed concern about AL's the high cost and mixed quality.

Leaders of both parties said their inquiry aimed to detail the financial practices and quality levels in the industry so that consumers would be better able to choose facilities but were not interested in Congress to taking a more direct role in regulating AL.

The federal government has minimal oversight of assisted living, which is regulated by states, unlike skilled nursing homes.

KFF Health News, 01/25/2024

DOL Slaps Provider For FMLA Violation

The U.S. Department of Labor has found Whites Creek Wellness & Rehabilitation in Whites Creek, Tennessee illegally fired a housekeeper after the employee exercised the right to request and use FMLA-protected leave for a qualifying health condition.

DOL determined the employer failed to inform the worker of their rights and responsibilities for FMLA, correctly classify the employee's absences as FMLA and include all required FMLA information in the company handbook.

The agency collected back pay and other concessions for the housekeeper.

DOL news release, 01/18/2024

Iowa House to Look into Staffing Agencies Activities

Iowa House Speaker Pat Grassley says House Republicans intend to examine the activities of agencies in Iowa nursing homes.

Grassley says it appears the agencies are "poaching" staff from nursing homes.

In December, Senate Democrats called on Senate Republicans to launch an investigation of cases of abuse and neglect in Iowa nursing homes. Grassley says as House members are drafting next year's budget for the state agency that inspects.

KIWA, 01/19/2024

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

CHINA: On December 28, 2019 a Chinese researcher uploaded a nearly complete SARS-CoV-2 genetic sequence to the NIH database GenBank. About two weeks later – on January 11, 2020 - the Chinese government revealed the virus to the world. The revelation came to light through documents obtained from HHS by republicans on the U.S. House Energy and Commerce Committee (*The Wall Street Journal*).

CAPITOL HILL: House Republicans want to explore tighter inspection and safety requirements for infectious disease work done in foreign labs, following a two-day grilling of former top health official Anthony Fauci. The closed-door briefing comes just over a year after Fauci stepped down as director of the National Institutes of Allergy and Infectious Diseases. His retirement did not placate GOP lawmakers, who have demanded answers about Covid's origins and the societal impact of early shutdowns (*Stat News*).

CAPITOL HILL: The Library of Congress and StoryCorps announced this week that they have created a website for people to record for posterity their experiences with the covid-19 pandemic. Stories, or interviews with others who were touched by the pandemic, can be recorded online. They will be preserved in the Library's American Folklife Center and made accessible at archive [StoryCorps.org](https://www.storycorps.org) (*The Washington Post*).

ST. LOUIS: St. Louis health officials are again recommending that residents wear masks indoors or in crowded spaces where social distancing isn't possible as cases of COVID-19 and other respiratory viruses rise throughout the region. A spokesman for the mayor also said the city also is recommending that city employees wear masks indoors (*St. Louis Public Radio*).

CALIFORNIA: Drug developer Humanigen has filed for voluntary Chapter 11 bankruptcy after struggling to get regulatory approval for its COVID-19 treatment. The Burlingame, California-based company, once controlled by convicted pharma executive Martin

Shkreli, listed assets worth \$521,000 and total debt of \$44.1 million (*Reuters*).

UNITED KINGDOM: Many people with long COVID feel tired, unwell and in pain for lengthy periods after exercise, and researchers say they now know why. Experts say they have evidence that biological changes are to blame, such as severe muscle damage, mitochondrial problems and the presence of microclots in the body. Long Covid is thought to affect about 2 million people in the UK alone, and many experience a worsening of symptoms for weeks after a single bout of exercise (*The Guardian*).

THE WORLD: Moderna sales for 2023 modestly beat analyst estimates as it eked out a bigger US market share for Covid shots. The company reported \$6.7 billion in unaudited Covid vaccine sales ahead of its presentation Monday at the JPMorgan Healthcare Conference in San Francisco. That includes includes \$6.1 billion from its coronavirus shots — which have a 48% market share in the US — and \$600 million in deferred revenue related its work with GAVI, a global health initiative to boost immunization (*Bloomberg*).

THE WORLD: A study by Medical College of Wisconsin found that some long COVID symptoms were more likely for persons with multiple sclerosis (MS), traumatic brain injury (TBI), or spinal cord injury. After having COVID-19, patients with preexisting neurologic disabling conditions were more likely to experience new weakness mobility difficulties and cognitive dysfunction (*MedPage Today*).

AMERICA: The latest variant of the COVID-19 virus, JN.1, is now responsible for an estimated 15% to 29% of cases in the U.S. as of Dec. 8, according to a posted update from the Centers for Disease Control and Prevention (*Fox News*).

AMERICA: CDC recently released two reports on vaccination coverage and treatment for respiratory viruses. The agency found that vaccine fatigue, inaccurate health information and vaccine hesitancy contributed to lower vaccination rates in older adults. Uptake of the updated COVID-19 vaccine is

approximately 37% in adults aged 75 or more years, compared with the national average of 19% among all adults (*Senior Living*).

THE WORLD: For those who aren't vaccinated against COVID-19, a new study suggests probiotics could offer a level of protection against the virus. In a randomized, placebo-controlled study led by Duke Health in North Carolina, probiotics were shown to have a "significant ability to delay a COVID infection and reduce symptoms" among people who had not been vaccinated and were exposed to the virus in their households (*Clinical Nutrition*).

NEW HAMPSHIRE: You may be asked to wear a mask the next time you visit a New Hampshire hospital or health care facility. The New Hampshire Hospital Association said Wednesday the change comes as hospitals are nearly full due to an increase in respiratory illnesses among patients and staff, including flu, COVID-19, and RSV (*New Hampshire Bulletin*).

TAMPA: Scientists with the University of South Florida want to learn more about how the coronavirus spreads between humans and wildlife. They're involved in a national study funded by the U.S. Department of Agriculture. The five-year study will look at how SARS-CoV-2, the virus that causes COVID-19, spreads between humans and animals, such as white-tailed deer (*Health News Florida*).

MARYLAND: Reginald Alphonso Hopkins, owner of an assisted living community will spend two years in federal prison for fraudulently obtaining more than \$1 million in COVID-19 relief funds and \$9,000 in Economic Injury Disaster Loans. Hopkins used the funds for various businesses, including an assisted living community, a transportation business and a car sales business. He also attempted to fraudulently obtain more than \$3.1 million in PPP and EIDL funds (*DOJ*).

COVID-19, 01/26/2024

Global Cases – Deaths
774,291,287 – 7,019,704

U.S. Hospitalizations – Deaths
6,750,546 – 1,172,229

U.S. % Positive Tests Last Week
10.8% Down - 0.1.2%

COVID No Prob?

1/3 Could Be Sick by Feb.

Although it's spotty and inconsistent in many places, wastewater testing is pointing to a new wave of COVID-19 infections, with as many as one-third of Americans expected to contract the disease by late February.

With pandemic fatigue also in full force, and deaths and hospitalizations well down from peaks in 2021 because of high vaccination and immunity rates, many people are inclined to shrug off the new wave.

But COVID-19 continues to take thousands of lives a month. Older, sicker people need to take particular precautions.

The Baltimore Sun, 01/25/2024

CMS Pursues Tougher Antipsychotics Audits

CMS is extending its drive to reduce the use of certain drugs intended to treat schizophrenia, psychosis and other behavioral health conditions.

Last January, CMS announced it would review diagnoses among the nursing home population because it had observed a rise in rates of schizophrenia, which is most commonly diagnosed when a person is in their 20s.

Regulators said they suspected that some diagnoses were unfounded and potentially being given to mask dependence on medications to treat symptoms of other diseases or disorders.

CMS says about half the audited building have had erroneous schizophrenia diagnoses and are making corrections.

McKnight's, 01/24/2024

Georgia Owner Gets 2 Years And \$17 Million

Douglas Mittleider, former president of Hyperion Foundation and AltaCare Management Corporation, which operated 30 nursing homes, was sentenced to two years in prison after conducting decades-long schemes to obstruct the IRS from collecting millions in taxes.

The judge also imposed a one-year term of supervised release and a fine of more than \$17 million in restitution to the government.

Mittleider had legal run-ins with the IRS as far back as 2004, after he failed to provide the income, Social Security and Medicare taxes that had been withheld from his employees' wages.

DOJ news release, 01/22/2024

A Sigh of Relief from Operators in Rhode Island

Dozens of nursing homes would have racked up a total of more than \$60 million in fines, according to the industry, had Rhode Island's minimum staffing law been enforced.

Gov. Dan McKee issued an executive order on Dec. 29 suspending the fines that were supposed to back up the staffing requirements that became state law in 2021.

The fines were never enforced.

McKee's office says he signed the executive order suspending the fines "to provide clarity and predictability regarding nursing home minimum staffing fines" and it continues to work with all parties "to find long-term solutions to prevent facility closures.

WJAR-TV, 01/08/2024

Nursing Home Workers Ratify New Labor Contract

Nursing home workers at Schofield Residence in Kenmore, NY have voted to ratify a 17-month contract.

Wage increases range from 4.54 to 24%. Additionally, the new contract includes increased employer contributions, an extended bereavement window, Juneteenth as a paid holiday, expanded paid time off and the elimination of some work rules, including the previous dress code.

More than 75 workers, including licensed practical nurses, housekeepers, dietary aides and maintenance workers, are represented in the contract.

The previous contract had ended on Nov. 17, eventually leading to an informational picket outside the facility that month.

WIVB-TV, 01/05/2024

ONE COLUMN

Leave the Chainsaw in Closet Prevent Next Pandemic.

Researchers have discovered a surprising factor that could help prevent the next global pandemic - just stop chopping down trees so that the critters that may carry the viruses live in the wild forests and not cheek and jowl with humans.

A growing body of research suggests that the fights to prevent the next pandemic and to cool down our overheating planet may both come down to one united factor — our forests.

Health in Harmony, a non-profit with a mission focused on reversing tropical rainforest deforestation, believes that by addressing deforestation, we can address the health of humans, animals, and ecosystems worldwide.

This method, dubbed the One Health approach, posits that the health of all life on Earth is intrinsically connected and that to address one requires addressing the others.

Deforestation is the practice of clearing forest land for crops, grazing, development, and extraction of minerals, gas, and oil.

Beef cattle ranches and palm oil plantations are some of the biggest drivers of deforestation, creating millions of miles of forest edge just ripe for a spillover event.

On a policy level, ending our use of polluting gas, oil, and plastics would go a long way toward mitigating deforestation.

Humans often get sick through vectors, which are animals like mosquitoes, ticks, and rats that contract disease-producing microorganisms and pass them on to new hosts.

These diseases mutate over time. Wildlife illness can rapidly become human illness with enough exposure, like at a meat market or poultry farm.

Areas where human and animal spaces collide are called *interphases* which occur where humans have either destroyed habitat or otherwise forced animals into close proximity.

Yahoo News, 01/07/2024

COVID-19 Shots As a Political Identifier

Three-quarters (73%) of Americans 65+ have received flu shots, but only 41% have taken the Covid booster ... and it may be political.

Getting a Covid vaccine has come to symbolize identity politics," said Sara Gorman, executive director of Those Nerdy Girls, a collective of women scientists and clinicians that formed — initially under the banner Dear Pandemic — to answer questions and dispel misinformation about Covid-19.

More Americans on the political left tend to get COVID vaccines.

But those in the middle might not, because it would signal a certain political identity, i.e., liberal, that may not be palatable to them.

Stat, 01/22/2023

Prior Auth Rule for MA Plans Finalized

A new rule on Medicare Advantage prior authorization finalized by CMS suggests good news for providers and Medicare recipients.

The updated regulations are the latest in a string of recent signals that CMS is taking long-term care leaders' concerns about MA plans seriously..

Under the new rule, plans will have three days to send prior authorization decisions for expedited requests and seven days for standard requests. HHS believes that will cut decision times by as much as half.

Denials must also include the reasoning behind the denial.

CMS, McKnight's, 01/18/2024

MedPac Member Questions Payment Recommendations

The likely costs of complying with a federal staffing mandate will affect nursing home margins so "massively" that a Congressional advisory board should offer alternative payment guidance for the sector.

In December MedPac backed a 3% cut for skilled nursing facilities in fiscal 2025.

But MedPac member Brian Miller, MD, questioned the validity of a formal 3% recommendation, which did not take into account possible costs associated with the mandate proposed in September.

He asked whether there should be two recommendations: one based upon the current statutes, another based upon if the staffing rule were implemented next year?"

McKnight's, 01/12/2024

New Antibiotic Kicks Butt vs Drug-Resistant Bacteria

Researchers at Roche have developed a novel antibiotic with the ability to fight a dangerous drug-resistant bacteria.

Roche and Harvard University scientists described how they developed a new antibiotic that is effective against *carbapenem-resistant acinetobacter baumannii*—also known as CRAB—in mice.

The drug, *zosurabalpin*, works by interrupting construction of the bacteria's outer membrane.

CRAB is a common culprit in hospital-acquired sepsis and other infections, and is at the top of the list of both the World Health Organization's and the Centers for Disease Control's "priority pathogens" for which new drugs are urgently needed.

Fierce Biotech, 01/03/2024

CA's \$25/hour for LTC Workers Now in Jeopardy

Less than three months after he approved the measure Gov. Gavin Newsom is revisiting California's phase-in of a nation-leading \$25 minimum wage for as many as 500,000 health workers in the face of a projected \$38 billion deficit.

Newsom, whose administration initially opposed the wage deal as too costly, signed the bill into law without knowing the final price tag.

The governor's latest budget asks the state legislature to add an annual trigger making the minimum wage increases contingent on state revenues and to clarify which state employees are included, citing "the significant fiscal impact" of the law.

KFF Health News, 01/11/2024

Briefly IN THE NEWS

Senior living occupancy rates increased for the 10th consecutive quarter in the fourth quarter of 2023 and remains on track to return to pre-pandemic levels in the second half of this year. The senior living occupancy rate (assisted and independent living combined) increased 0.8 percentage points in the fourth quarter of 2023, to 85.1%, less than two percentage points of the **(NIC)**.

PointClickCare, already long-term care's largest health records and technology platform, has acquired American HealthTech. AHT has 3,300 LTC clients as of 2023. PointClickCare counts more than 30,000 healthcare entities as clients **(Senior Living)**.

Humana earning message predicted America's seniors are going to keep up their elevated use of the medical system throughout the year. That caused a 10% drop in the company's stock while competitors UnitedHealth, CVS Health and Centene were all down sharply. All four companies have significant Medicare Advantage businesses **(The Wall Street Journal)**.

A Northwestern Medicine study has for the first time, identified short strands of toxic RNAs that contribute to brain cell death and DNA damage in Alzheimer's and aged brains. Short strands of protective RNAs are decreased during aging, which may allow Alzheimer's to develop. The study also found that older individuals with a superior memory capacity (known as SuperAgers) have higher amounts of protective short RNA strands in their brain cells **(Northwestern University news release)**.

One cybersecurity company exec speculated the HMG leak possibly occurred due to a ransomware attack, and the company may have been forced to negotiate with the hackers to prevent further damage, one cybersecurity company exec speculated **(Senior Living)**.

Since *Roe v. Wade* was overturned in 2022 an estimated 519,981 rapes were associated with 64,565 pregnancies in states with abortion bans, 91% of which occurred in states with no rape exceptions **(MedPage Today)**.