

# IN THE NEWS

News for LTC Professionals  
in 100 Words-or-Less

Edited by Drew Vogel

[drewvogel5255@msn.com](mailto:drewvogel5255@msn.com)

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## THEY SAID IT:

**"More information does hold people more accountable"** Ohio Gov. Mike DeWine on the unveiling of the state new Nursing Home Quality Navigator

**"For years, residents at Fulton Commons endured despicable mistreatment that left them with traumatic injuries and humiliating living conditions while the owners and operator of the facility pocketed millions of dollars of taxpayer funds instead of investing in critical care"** NY Attorney General Letitia James after fining the facility up to \$8.6 million

**"I think MA growth should be slowed or stopped, at least until we end the extraordinarily high subsidies for MA plans, which are unfair to traditional Medicare and burdensome to the public treasury and many beneficiaries"** Don Berwick, MD former administrator of CMS

## **CMS: Ya-all Come ... Back to the Office**

CMS is asking employees to spend more time in the office.

A spokesperson for the agency said it will ask employees to work at its Baltimore headquarters and regional locations more often beginning March 11, but the exact number of in-office days required varies by role and position.

In April 2023, the Biden Administration told federal agencies to bring employees back to the office.

Sen. Bill Cassidy, MD, pressed HHS Secretary Xavier Becerra on the agency's remote work policies at a March 2023 hearing, questioning the secretary over photos of empty parking lots at CMS' headquarters.

Becker's Hospital Review, 02/22/2024

## **New York Nursing Home Fined Million\$ & Million\$**

Fulton Commons Care Center in East Meadow, Long Island, New York will pay up to \$8.6 million after a settlement with the state Attorney General's office.

Fulton Commons also agreed to monitors to reform the nursing home's health care and financial operations due to years of fraud and resident mistreatment.

Further, the Fulton Commons corporation pleaded guilty for criminal acts related to covering up reports of sexual assaults against residents.

AG Letitia James described a "toxic culture of deceit" when it came to coronavirus pandemic, including underreporting deaths, and telling families the facility was free from Covid-19 when it wasn't.

Long Island Herald, 03/04/2024

## **Groups Join Forces in Support of Immigration Bill**

AHCA/NCAL were among 52 signatories on a letter sent last week to bill sponsors in Congress supporting Healthcare Workforce Resilience Act, which would allow unused visas to be reprocessed for nurses and other healthcare professionals.

The groups see the measure as a "creative solution" to offset the severe workforce shortages.

The proposal would allow the US Citizenship and Immigration Services to recapture green cards already authorized by Congress but as yet unused. The bill would make up to 25,000 visas available for nurses and up to 15,000 for physicians.

No new visas would be authorized under the measure.

McKnight's, 03/04/2024

## **Arizona SNF Settles COVID Wrongful Death Suit**

Ten families have settled lawsuits with Granite Creek Health and Rehabilitation, a Prescott nursing home where at least 15 residents died, and more than 50 others

got sick in 2020 after employees with COVID-19 were forced to work.

Details of the settlements were not revealed.

Granite Creek was run by an administrator who served a prison term for defrauding people. He had gotten his license just two months prior.

The tragedy resulted in major reforms to the board that licenses administrators, including advocates for seniors added to the board and a prohibition on licensing felons.

Arizona Republic, 03/04/2024

## **Delaware Lawmakers Zero In on Long-Term Care**

A four-bill package aimed at long-term care has been introduced in the Delaware legislature. One bill would require accreditation of AL by an independent organization selected by the state.

Another would require SNFs and ALFs to be inspected at least once a year. Current law requires only "regular" surveys.

The third bill sets up scholarships for university nursing students and loan forgiveness for those who stay in the state to work.

The final proposed law doubles all Civil Monetary Penalties and decrees each day of a continuing violation constitutes a separate violation.

Delaware News Journal, 02/26/2024

## **Dashboard Helps Ohioans Select Nursing Homes**

A new state tool to research and weigh different nursing communities around Ohio is up and running.

The Nursing Home Quality Navigator is an online database that indexes federal and state data about Ohio's over 900 of long-term care facilities.

The Navigator is searchable by location and by individual nursing home. A profile on each place features the 5 Star rating, details its bed numbers and staff ratio, and flags whether it's been cited for abuse, among dozens of other data points. It also allows users to weigh locations side-by-side.

Ohio Statehouse News Bureau, 02/21/2024

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

**AMERICA:** State COVID-19 vaccine mandates didn't significantly change how many people took the initial shots. Researchers from the University of Arizona and Furman University compared state-by-state differences. They also found percentage of eligible residents who received a booster was smaller in mandate states Percentages were smaller among adults and children who received flu shots in mandated states, as well (**CIDRAP**).

**AMERICA:** University of North Carolina–Chapel Hill investigators report today that COVID-19 hospitalization risk was reduced by 84% among Paxlovid (nirmatrelvir and ritonavir) recipients in a large, diverse healthcare system during January to August 2022, when the Omicron strain was dominant. In early clinical trials, the use of the antiviral drug was associated with a relative risk reduction of 89% of disease progression to severe illness (**Journal of Antimicrobial Chemotherapy**).

**AMERICA:** Four major nonprofits that rose to prominence during the coronavirus pandemic by capitalizing on the spread of medical misinformation collectively gained more than \$118 million between 2020 and 2022. Of those the Children's Health Defense, an anti-vaccine group founded by Robert F. Kennedy Jr., received \$23.5 million in contributions, grants and other revenue in 2022 alone — eight times what it collected the year before the pandemic began. Another influential anti-vaccine group, Informed Consent Action Network, nearly quadrupled its revenue during that time to about \$13.4 million in 2022 (**The Washington Post**).

**IRELAND:** An Irish research team reported disruptions in the blood-brain barrier along with a hyperactive immune system are the likely mechanisms behind "brain fog" in patients who are experiencing long COVID, Brain fog has been reported during acute COVID infection and has also been reported in nearly 50% of patients who experience long COVID, or symptoms well past the acute phase of COVID-19 (**Nature Neuroscience**).

**AMERICA:** In 2021 almost 18% of all U.S. workers – about 26.4 million people - worked from home. In 2022 the number had dropped to about 15% but that's still far above the pre-pandemic numbers. In 2019, 5.7% of the country's workforce did their jobs from home (**U.S. Census Bureau**).

**THE WHITE HOUSE:** The Administration has lifted its COVID-19 testing requirement for those who plan to be in close contact with President Joe Biden, as well as Vice President Kamala Harris and their spouses, bringing to an end the last coronavirus prevention protocol at the White House. The White House said the change aligns its policies with the Centers for Disease Control and Prevention guidance (**AP**).

**CALIFORNIA:** The sentencing hearing for former Jet Propulsion Laboratory employee Armen Hovanesian, who pleaded guilty to defrauding a government-sponsored loan program intended to aid individuals and businesses during the economic fallout of the COVID-19 pandemic, has been rescheduled to March. Hovanesian, 32, from Glendale, admitted to misusing \$151,900 from the program to support illegal marijuana cultivation (**Pasadena Now**).

**AMERICA:** Far-right conspiracy theorist Alex Jones and numerous social media users are misrepresenting American Red Cross disclosure requirements to falsely claim Covid-19 vaccinated people "may be ineligible to give blood." While the FDA guidelines require a short (two-to-four weeks) waiting period after certain inoculations, those who receive approved coronavirus shots are eligible to donate blood (**AFP Fact Check**).

**VIRGINIA:** Mehdi Pazouki, 65 of McLean pleaded guilty to defrauding the Small Business Administration by fraudulently obtaining approximately \$455,000 in Paycheck Protection Program (PPP) loans and Economic Injury Disaster Loan (EIDL) funds. Pazouki actually used the money to fund his gambling at area casinos, pay down personal debt, and purchase real estate (**DOJ**).

**CALIFORNIA:** An inmate at Kern Valley State Prison in Delano is facing two new federal charges following actions committed behind bars. DOJ had a wiretap on Kristopher Thomas' illegal cell phone investigating a drug ring the inmate was allegedly operating from behind bars. The Feds say from the wiretap, they learned Thomas led a payroll tax scheme that claimed \$550 million in bogus COVID-19-related credits for real and fake businesses (**KSEE/KGPE**).

**CHINA:** The driving factor behind the higher blood clot risk in COVID-19 patients is in the gut. Chinese researchers found that people with COVID have an increased risk of thrombosis — the formation of blood clots — due to a gut microbial metabolite called 2-methylbutyrylcarnitine (2MBC). — the leading cause of death and disability related to major cardiovascular events like heart attacks and stroke (**Islander News**).

**THE WORLD:** A global study of over 99 million people across eight countries has identified two new harmful but very rare side effects of Covid-19 vaccines. It found that some patients had heart inflammation conditions like myocarditis and pericarditis after they took mRNA vaccines, and some had muscle-weakening Guillain-Barré syndrome and a type of blood clot in the brain. Researchers also found signs of inflammation of part of the spinal cord (transverse myelitis) as well as inflammation and swelling in the brain and spinal cord (**The Independent**).

**AMERICA:** Many doctors and insurance companies are not on board with long COVID and Americans are paying a price. According to a 2022 analysis, long COVID costs the American economy at least \$200 billion a year because of lost productivity, lost wages and medical costs (**USA Today**).

**COVID-19, 03/07/2024**

**Global Cases – Deaths**  
774,631,444 – 7,031,216

**U.S. Hospitalizations – Deaths**  
6,857,629 – 1,181,607

**CDC, WHO**

## He Took How Many Vaccination Shots???

A 62-year-old from Magdeburg deliberately got 217 Covid-19 vaccine shots in the span of 29 months, according to a new study, going against national vaccine recommendations. That's an average of one jab every four days.

In the process, he became a walking experiment for what happens to the immune system when it is vaccinated against the same pathogen repeatedly.

A correspondence published Monday in the journal *Lancet Infectious Diseases* outlined his case and concluded that while his "hyper-vaccination" did not result in any adverse health effects, it also did not significantly improve or worsen his immune response.

CNN, 03/06/2024

## Judge Rejects SNF's COVID Immunity Plea

A judge has ruled a Staten Island SNF must face a pandemic-era negligence suit that does not allege COVID missteps alone but rather broader infection control lapses.

The judge's decision allowing the suit to progress, limits the reach of immunity the state granted healthcare providers during the pandemic.

The case involved a resident who Recovered from COVID early in 2020. He died seven months later of conditions such as osteomyelitis, pressure ulcers, chronic *Clostridium difficile* and sepsis.

The facility, Richmond Center, argued that claims about its infection control policies during the pandemic were covered by both state and federal law.

McKnight's, 02/27/2024

## Free COVID Tests Go Bye-Bye, For Now

The federal government's free at-home COVID-19 test program will be suspended beginning Friday March 8 in response to a drop in respiratory diseases.

HHS administration brought back the free test program last year ahead of the respiratory viral season. By going

to [COVIDtests.gov](https://www.covidtests.gov), households could order a free pack of four at-home COVID-19 tests. This most recent batch of free tests was the sixth round made available.

The program may be brought back again in the future as needed.

The Hill, 03/05/2024

## U.S. House Committee Subpoenas Cuomo

The House committee investigating the pandemic response issued a subpoena to former NY Gov. Andrew Cuomo over his alleged failure to cooperate with an investigation into the state's COVID-19 nursing home policies.

The House Select Subcommittee on the Coronavirus Pandemic is demanding Cuomo appear for a closed-door deposition on May 24.

Chairman Brad Wenstrup (R-Ohio) accused the former governor of stonewalling the investigation and said the panel had been met with months and months of "repeated and unjustified delays."

The panel is investigating Cuomo's COVID-19 nursing home policy decisions and those of Democratic leaders of New Jersey and Pennsylvania.

The Hill, 03/05/2024

## AHCA Report: 2/3 Will Close Without Staffing Relief

Of nearly 450 providers surveyed, two-thirds are concerned that escalating workforce challenges may force them to close their facility. More than 70% reported staffing levels lower than before the COVID-19 pandemic, with fully 99% saying they are hiring for open positions.

In a report this week from AHCA, amid final deliberations on a first-ever final federal nursing home staffing mandate, CEO Mark Parkinson, said nursing homes want the same increased staffing levels as federal regulators, but need help achieving those goals.

"Our updated *State of the Sector Report* demonstrates ... the ongoing labor shortage is nothing less than a crisis."

AHCA, 03/06/2024

## ONE COLUMN

### High Infection but Fewer Deaths from COVID-19

Annually for the past four years, there have been at least two and sometimes three periods of high community transmission of the COVID-19 virus.

For example, the percentage of positive tests, a key indicator of community spread, reached peak levels of 14.6% in August 2023 and 12.9% in January 2024, which is similar timing as the peak levels observed in earlier years.

Despite periodic episodes of high transmission, severe outcomes from COVID-19 have decreased substantially from 2020 and 2021. Hospital admissions in the U.S. for COVID-19 have decreased by more than 60% from their peak in 2021,

The decline in deaths associated with COVID-19 is even more dramatic. In 2021, over 450,000 deaths among Americans were associated with COVID-19. In 2023, there were roughly 75,000

That said, the number of COVID-19-related deaths is still substantial. In 2023 COVID-19 ranked the 10th most common cause of death in the country, a drop from 3rd in 2020 and 2021 and 4th in 2022.

Although COVID-19 infections remains about the same, hospitalizations and deaths have decreased. In general, the portion of the population with COVID-19 antibodies is partially responsible.

In January 2021, only 21% of people aged 16+ had COVID-19 antibodies. By the second half of 2023, 98% had antibodies from vaccination, prior infection, or both.

To date, more than 81% of Americans of all ages have received at least one COVID-19 vaccine dose.

Certain groups continue to be hospitalized at higher rates, including older adults, infants During the first seven months of 2023, adults 65+ and older accounted for 63% of hospitalizations and 88% of in-hospital deaths from COVID-19. During the run of the pandemic over 170,000 nursing home residents died.

CDC, 02/23/2024

## **The Goal is Fewer Complaint Surveys**

An advancing Iowa bill could lead to fewer on-site complaint surveys.

The new bill, passed by the Iowa House, would give state regulators more discretion into when surveys can be conducted remotely or where a repeat complaint is made about the same issue multiple times within 90 days.

Currently, the Iowa surveyors are required to make on-site inspections following all complaints unless they are determined to be without merit in an initial review.

Brent Willett, CEO of the Iowa Health Care Association said the bill is a streamlining of the process not an oversight reduction.

*McKnight's, 03/04/2024*

## **Kansas Asked to Forbid Fire Marshall's LTC Filming**

LeadingAge Kansas lobbyist Kylee Childs asked state senators to support legislation banning State Fire Marshal's Office deputies from filming with body cameras or capturing audio recordings during safety inspections of licensed care facilities.

She said it was "because these inspections weren't part of a criminal investigation and the cameras intruded on rights of individuals to consent to being filmed or recorded."

The Kansas House approved the bill by a 108-11 margin last month.

The state fire marshal's office is not opposed to the proposed legislation.

*The Kansas Reflector, 03/05/2024*

## **100-Year-Old SNF to Close Families Want Answers**

Neighborhood and family members protested recently outside Benjamin Health Center in Boston's Roxbury community.

The nearly 100-year-old minority-owned and run facility is slated to close July 1. Families say they were blind-sided with the news of the closing two weeks ago.

Employees joined residents demanding that city and state officials take a close look at financials including the salary of the facility's President and CEO Tony Francis whose salary jumped from \$189,435 in 2016 to \$628,592 in 2021.

The state Department of Public Health will hold a meeting to decide if closure of the 205-bed facility will move forward.

*WFXT-TV, 02/22/2024*

## **\$50M In Lawsuits Filed vs Midwest Provider**

An operator of nearly 100 Midwest care facilities is now embroiled in a two-front legal battle over more than \$50 million in loans.

Two lenders say that Petersen Health Care has failed to make payments due at 17 nursing homes across Illinois, Iowa and Missouri and are seeking foreclosure.

One suit alleges \$31 million in unpaid loans. The other claims \$19 million is past due.

The Peoria, IL, company is among the largest care providers in the region, employing several thousand workers.

*McKnight's, 02/06/2024*

## **Amid Athena's Money Struggles \$750K in Tax Bills Not Paid**

Athena Health Care Systems, operator of more than 40 nursing homes in three Northeastern states, is facing pressure from local governments to repay more than \$750,000 in overdue utility and tax payments.

Athena has been caught up in multiple, expensive legal actions in recent months – a \$6 million lawsuit over outstanding employee health insurance claims and a nearly \$2 million fine paid to the Massachusetts Attorney General's office for improperly admitting residents with substance abuse disorder.

A spokesperson emphasized that Athena is working with local governments to ensure outstanding taxes are properly repaid.

*McKnight's, 02/26/2024*

## **Briefly IN THE NEWS**

The Albert Einstein School of Medicine in NYC will now be tuition-free for all students, thanks to a historic \$1 billion donation from board chair Ruth Gottesman, 93, and her late husband billionaire-investor David "Sandy" Gottesman. Einstein's tuition this year is about \$59,000 and many students graduate owning as much as \$200,000 (*The Wall Street Journal*).

The analysis of data from close to a quarter million community-dwelling older adults in Ontario, Canada with at least one interRAI (Resident Assessment Instrument) home care assessment showed that only half of those with an estimated survival of fewer than 3 months received at least one palliative home care visit before death (*Medscape Psychiatry*).

Sabra Health Care REIT issued earnings guidance averaging 5% to 6%, depending on specific metrics, for the year ahead. It was Sabra's first time issuing annual guidance since prior to the pandemic. Sabra ended 2023 with 413 investments spread across healthcare, with about 54% of that in the skilled nursing or transitional care space (*Sabra website*).

Four people died and at least 21 were injured after a fire broke out during the night between Sunday and Monday at a retirement home in western Germany. The facility is located in Bedburg-Hau in North Rhine-Westphalia. Forty-six residents were safely evacuated. Cause of the blaze remains under investigation (*Euronews*).

Consulate Health Care, Florida's largest skilled nursing provider, has appointed Ashley Winkle its new COO, Winkle's career has included roles touching on quality measures, recruitment and retention, regulatory compliance, and physician and provider partnerships. Consulate has experienced some hard times in recent years – holding dropping from 77 in 2018 to 50 today (*Consulate news release*).

Over 1 billion people globally -- or one in eight -- are living with obesity with the rate among children and teens quadrupling from 1990 to 2022 (*The Lancet*).