

IN THE NEWS

News for LTC Professionals
in 100 Words-or-Less

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THEY SAID IT:

"Historically, this is a big deal, and we're glad we have now established a floor." From here we can go upward, recognizing there will be a lot of complaints about where we are going to get more people to fill these positions" Blanca Castro, California's long-term care ombudsman on staffing mandate

CMS' new rule to set a minimum staffing standard would make these jobs more attractive to workers" from letter to three major operators questioning their financial business practices and objection to the proposed staffing mandate

"The Minnesota House health and human services bill is a case of taking one step forward and two steps back as Minnesota prepares to meet the needs of our aging population" Kari Thurlow, CEO of LeadingAge Minnesota, after amendments to benefit LTC facilities were defeated

Oklahoma Twister Hit Nursing Home – No Injuries

The Oklahoma State Department of Health reports a nursing home was damaged when a tornado struck Barnsdall in Osage County early Tuesday morning.

No nursing home residents had injuries that needed hospital care.

The tornado killed one person in Barnsdall and the Oklahoma Department of Emergency Management report about 3000 customers were without electric power.

Oklahoma Highway Patrol (OHP) reported 30-40 homes were damaged in the area and there was a natural gas leak.

KTUL-TV, 05/07/2024

Biden's Minions Hustling To Make Mandate Stick

Government agencies have been racing to finalize some of their most consequential policies including the staffing mandate.

At issue is the Congressional Review Act (CRA), a fast-track legislative tool that allows lawmakers to nullify rules even after the executive branch has completed them.

The CRA also bars agencies from pursuing "substantially similar" rules going forward, unless Congress orders it.

Rules can be protected if they are finished before the "look-back" window opens in the last 60 legislative days of the 2024 session. The problem is until Congress actually adjourns no one will know when the 60-day window began.

The Hill, 05/05/2024

First-Ever Bill Capping LNHA Liability

Nursing homes in Louisiana would face lesser financial threats from lawsuits under a new bill the full state Senate is set to consider.

The bill would expand the definition of medical malpractice to include not just treatment of patients directly, but also administration and the implementation of related staffing, custodial and other service policies.

Classifying these policies as medical malpractice would put a cap on the amount providers could be required to pay in related lawsuits.

Louisiana would become the first state to include management companies and administrators as healthcare providers under its medical malpractice law.

McKnight's, 05/09/2024

Transparency Hassel on The Not-So-Distant Horizon

While a new Medicaid transparency rule for nursing homes doesn't go as far as a similar measure dictating how home care providers spend their money, the practice will likely lead to future changes.

The provision falls short of a requirement in the Medicaid Access Rule that requires 80% of Medicaid payments for home care, personal care, and homemaker services to go toward direct care staff.

But it will likely still have an impact on spending patterns, after its planned implementation four years from now.

States will collect the data at a provider level, send it to CMS to be published.

McKnight's, 05/08/2024

Nurse Fined for Operating Unlicensed Home

The Hawaii Department of Health issued a violation notice and \$315,000 fine to RN Nenita Mauricio for operating an unlicensed adult residential care home in her house in Ewa Beach on Oahu.

After numerous complaints DOH inspectors confirmed six unrelated residents were receiving care at the home at different times.

As a result of the investigation, Mauricio is required to stop operating her unlicensed facility and pay a penalty of \$315,000. The fine includes \$1,000 for each day the unlicensed facility operated — a total of 315 days, starting on July 1, 2023

Spectrum News, 05/03/2024

1-in-6 AL Residents Subjected to Aggression

A study involving 930 residents of 14 licensed assisted living facilities in New York state, found incidents of resident-to-resident aggression were nearly as prevalent as they are in nursing homes – unexpected, since assisted living residents tend to be less impaired, more mobile and have more privacy than those in nursing homes.

The results revealed a monthly prevalence of resident-to-resident aggression of 15.2%, with verbal (11.2%) the most common.

Physical aggression – such as hitting, kicking, spitting – affected 4.4%; sexual aggression – including touching and saying sexual things affected 0.8%, and "other" behavior 7.5%.

Cornell Chronicle, 05/03/2024

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

LONDON: Talks to draw up a global pact to help fight future pandemics have ended Friday without a draft agreement. Negotiators from the WHO's 194 member states were hoping to have a final draft agreement by the end of Friday, with a view towards adopting the legally-binding text at the World Health Assembly later this month. But they stopped negotiating on the text at lunchtime and moved instead to working out how best to continue work on the treaty - either in the next few weeks, months or even years (*Reuters*).

THE WORLD: The WHO Technical Advisory Group on COVID-19 Vaccine Composition, which meets about every 6 months to assess if any changes are needed, has recommended that the next COVID vaccine formulations use a single-strain JN.1 lineage. The experts note that the XBB lineage has been displaced by JN.1 and said that, over the short-term, circulating variants will likely be derived from JN.1. The advisors also urged countries to continue to use any COVID vaccines that are emergency listed or prequalified by the WHO and emphasized that COVID vaccination shouldn't be delayed while waiting for updated versions (*WHO*).

AMERICA: Razer, a company alleged to have fraudulently sold a face mask as N95-grade must refund more than \$1.1 million to customers nationwide. Razer advertised the Zephyr mask as N95-grade despite never submitting it for testing or certification by the Food and Drug Administration or National Institute for Occupational Safety and Health. In addition to covering full refunds to customers misled about the product they were buying, the sellers will pay a civil penalty of \$100,000 (*FDA news release*).

MIAMI: Three men have been charged conspiracy to commit health care fraud and wire fraud, and conspiracy to commit money laundering for their alleged roles in an approximately \$36 million health care fraud. The men were owners and employees of Innovative Genomics, an independent laboratory. The defendants allegedly conspired to submit claims for medically unnecessary and non-

reimbursable COVID-19 testing (*DOJ news release*).

FRANCE: Among French CoviCompare trial participants who received the Moderna mRNA-1273 (Spikevax) vaccine in early to mid 2021, the vaccine stimulated mucosal immunity in people previously infected with SARS-CoV-2. It generated only a tiny amount of immunity in people who had never been infected (*MedPage Today*).

THE WORLD: A recent survey of 23,000 adults in 23 countries taken in October 2023 finds a lower intent to get a COVID-19 booster vaccine (71.6%), compared with 2022 (87.9%). Moreover, 60.8% expressed being more willing to get vaccinated for diseases other than COVID-19 as a result of their experiences during the pandemic, while 23.1% reported being less willing (*Nature Medicine*).

CHINA: The hunt for the origins of COVID-19 has gone dark in China, the victim of political infighting. An AP investigation found that the Chinese government froze meaningful domestic and international efforts to trace the virus from the first weeks of the outbreak, despite statements supporting open scientific inquiry. As early as Jan. 6, 2020, health officials in Beijing closed the lab of a Chinese scientist who sequenced the virus and barred researchers from working with him (*The National Post*).

AMERICA: As of May 1, hospitals no longer have to report data on admissions, occupancy, etc., as another COVID-era mandate has ended. The sunset of that reporting requirement marks a turning point in the government's real-time tracking of airborne pathogens that helped drive coronavirus surveillance and reporting since 2020. The required reporting to the CDC's National Healthcare Safety Network was scheduled to end last May but was extended through Tuesday with fewer requirements (*Axios*).

THE WHITE HOUSE: The Biden reelection campaign criticized former President Trump after Trump said he would get rid of the Office of Pandemic

Preparedness and Response Policy (OPPR). The OPRP was founded by the Biden Administration in 2022 to address

failures in government response to the COVID-19 pandemic. "The office is "a way of giving out pork," Trump said. Biden's campaign blasted Trump for the idea, pointing to the former president's response to the COVID pandemic outbreak in early 2020 as lackluster and without a clear plan (*The Hill*).

THE WORLD: Plunging sales of Moderna's breakthrough COVID-19 vaccine have touched off a Wall Street debate about the future of a biotech company once seen as the brightest star in the Massachusetts drug-making firmament. Sales of Moderna's messenger RNA vaccine fell 91% in the first quarter from a year earlier, a dramatic illustration of waning demand for protection from the virus that caused a global pandemic. The company's latest earnings report continued a downward trend for sales of the biotech's vaccine, Spikevax. (*The Boston Globe*).

AMERICA: US indicators for flu, COVID, and respiratory syncytial virus (RSV) declined further in the week ending 04/29/2024 with no states reporting moderate, high, or very high activity, down from one the week before (*CDC*).

THE WORLD: Researchers from the University of Minnesota published evidence that the common diabetes drug metformin decreases the amount of SARS-CoV-2 in the body and helps reduce the risk of rebound symptoms if given early in the course of non-severe illness. The study suggests metformin may also help prevent long COVID. Early treatment was key: Participants were enrolled within 3 days of a positive test, and if symptomatic, reported having symptoms for 7 or fewer days. (*Clinical Infectious Diseases*).

<p>COVID-19, 05/10/2024</p> <p>Global Cases – Deaths 775,364,261 – 7,046,320</p> <p>U.S. Hospitalizations Past week 5098 (-7.6%) Total Deaths 1,190,546</p> <p>CDC, WHO</p>
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The Government's Vax Campaign Paid Off Big Time

HHS's COVID-19 vaccination campaign saved 52,000 American lives and \$732 billion by averting illness and related costs during the Delta and Omicron variant waves.

A study by HHS and the research firm Fors Marsh estimated the return was nearly \$90 for every dollar spent through the "We Can Do This" public education campaign.

The push, one of the largest of its kind in US history, aimed to reach 90% of adults at least once per quarter, with more than 7,000 television, digital, print, and radio ads in 14 languages.

American Journal of Preventive Medicine, 05/07/2024

COVID Is An Occupational Disease in Colorado SNF

The Colorado Court of Appeals ruled a LTC worker's family can receive workers' compensation payments resulting from his 2020 death due to COVID-19.

In 2020, Vincent Gaines was a 20-year veteran floor technician and housekeeper at a Life Care nursing home in Colorado, according to court documents. He contracted COVID in late May during an outbreak at the facility. He was hospitalized on June 2 and died a month later.

The decision is the latest wrinkle in the complicated and often contradictory web of legal decisions about providers' liability for COVID outbreaks during the peak of the pandemic.

McKnight's, 05/07/2024

Hospitals That Got Out of LTC, May Want Back In

A significant number of hospitals have converted their SNF units into other bed types or sold on-campus nursing homes to new buyers in recent years, citing increased regulatory scrutiny, the high costs of skilled nursing care, staffing shortages, and, most recently, the pandemic.

But now that they're finding it more difficult to discharge patients who are

ready to leave the acute-care setting. Consequently, some hospitals are considering new, albeit limited ways to get back into the SNF game.

Modern arrangements might include management and lease agreements, bed-reservation contracts, or sharing of clinicians.

McKnight's, 05/08/2024

'Grannie Cam' Bill Advances in Rhode Island

The Rhode Island Senate has voted to approve legislation that would allow nursing home residents to have cameras installed in their rooms.

The bill would allow for electronic monitoring of residents' rooms in nursing homes and assisted living facilities, provided all residents of the room consent in writing.

The consent can be withdrawn at any time, and a variety of safeguards exist for protect resident privacy.

The bill now heads to the House for consideration.

What's Up News, 05/07/2024

Weekly Resident Screening Will Save Lives

The researchers found that weekly testing of residents — including those with no symptoms — can reduce infections by 60% in situations with low COVID incidence and by 70% with high incidence. Testing twice weekly can reduce that total by another 55% to 65%.

Twice-weekly screenings were also effective at reducing resident deaths — by around two-thirds in low-incidence settings and by more than half in high-incidence settings.

The study estimated the cost of weekly testing for a month of weekly screening at \$4,000 for a nursing home averaging 90 residents and 83 staff members.

JAMA Network Open 04/29/2024

"If a patient is cold, if a patient is feverish, if a patient is faint, if he is sick after taking food, if he has a bed sore, it is generally not the fault of the disease, but of the nursing."

~ Florence Nightingale

ONE COLUMN

A 25% Rehospitalization Reduction? Hide and Watch!

A new partnership between technology company Circadia Health and 77 skilled nursing facilities operated by Ciena Healthcare aims to significantly improve preventive care and reduce preventable rehospitalizations.

Circadia's C100 remote monitoring devices — which the company describes as the first FDA-cleared device of its kind — will be installed in residents' rooms. They are capable of continuously monitoring key vital signs like residents' breathing rate, heart rate and unusual motions and compare them to personalized profiles.

The "real magic" of the system is virtual nurses reviewing AI-triggered care escalations before they are sent on to providers, according to Rich Molfetta, vice president of operations at Circadia. That human element keeps results efficient and as accurate as possible.

The device's artificial intelligence-driven algorithms can alert nurses working remotely of any red flags that could indicate early warning signs of health problems such as sepsis, COPD and heart failure. Those nurses then review the alerts and decide whether to continue escalating the potential problem signs to on-site caregivers like a facility's director of nursing.

Based on past results, the system is expected to reduce rehospitalizations from Ciena facilities by around 25%. Providers will be able to use existing Medicare remote monitoring codes for billing, Fares Siddiqui, CEO of Circadia explained — an extra revenue stream that Medicare justifies because of how effective remote monitoring has proven at reducing expensive and resource-intensive rehospitalizations.

"When you look at the impact of AI in nursing homes and long-term care, there's a lot of technology that is promising results," Siddiqui said. "There's a difference between being theoretical and actually driving standardization and improvement in quality on a day-to-day basis."

McKnight's, 04/11/2024

Lawmakers Demand Major Chains Justify Spending

Congressional leaders demanded insight on the spending policies of three large LTC chains – Ensign Group, National HealthCare Corp. and Brookdale Senior Living – casting doubt on their leaders' claims that they cannot afford to meet the new federal nursing home staffing mandate.

The three providers, the letters claim, spent a combined \$420 million on stock buybacks and \$220 million on executive pay between 2018 and 2023.

"Turnover is high due to poor working conditions, understaffing of facilities, and low pay – conditions that you are in position to rectify," the lawmakers wrote.

McKnight's, 05/07/2024

Medicare Audits 'Ramping Up' Isolation Coding in Crosshairs

Auditors are paying special attention to isolation and quarantine coding amid already heightened Medicare nursing home audits that are expected to increase in coming months.

While the coding requirements for resident isolation are rather simple, rushed documentation can be "low-hanging fruit" for Medicare administrative contractors.

The ongoing staffing crisis in long-term care may be leaving some providers in danger of improper documentation.

Why worry? The strategy of auditors targeting relatively simple requirements that may not always be clearly documented will likely extend to other areas of MDS in the future — such as mechanically altered diet codes.

McKnight's, 04/22/2024

Insurance Rates Stabilize for LTC Providers

Senior living and skilled nursing providers saw insurance rates stabilize in the fourth quarter of 2023, similar to what was seen in 202

In the fourth quarter of last year, according to the report, fewer WTW clients had to

choose between self-insurance and risk transfer, "because market capacity stabilized and increased in some areas."

However, some areas of the country will continue to see increases in "litigious venues," such as California, Florida, New Jersey and New York, with Philadelphia and Cook County, (Chicago) IL, also considered high risk.

WTW's Insurance Marketplace Realities Update, Senior Living, 05/08/2024

Hospital Opens 'Wellness Room' for LTC Staff

NYC Health + Hospitals/Coler opened a dedicated wellness room to "support the physical and mental well-being of more than 700 employees, serving its five-star rated nursing home and rehabilitation center."

At the height of the COVID-19 crisis, wellness rooms became an essential resource for holistic wellness among staff seeking respite from the stress of work and life.

This new, permanent space includes amenities designed to help staff relax and de-stress, such as coffee machines, aromatherapy, calm music, fruit-infused water, healthy snacks, and designated areas for creative activities or conversation between colleagues.

NYC Health, Hospitals/Coler news release, 05/03/2024

Not Much Help for LTC In Minnesota Legislature

The Minnesota House passed a human services supplemental budget bill Monday, but six amendments intended to bolster struggling LTC facilities in the state failed.

One proposed amendment to the budget bill would have extended a temporary \$12.35 rate PPD through June 2025. Other provisions would have increased the loan funding available to long-term care providers and allowed distressed nursing homes to receive an exemption from new minimum wage requirements.

The House bill still includes \$7.69 million in loans for long-term care services and provides more flexibility to the scope of licensed practical nurses in the assisted living setting.

McKnight's, 05/08/2024

Briefly in the News

A malfunctioning exhaust fan set off a small but smoky fire in a restroom at Rolling Fields Elder Care Community, a nursing home near Conneautville, Pennsylvania. A short cause fan's motor to burn. Staff put out the fire with extinguishers. No injuries, but 13 residents were temporarily evacuated (*Meadville Tribune*).

National Health Investors' investment pipeline currently is valued at more than \$300 million. Consequently, the REIT is looking at opportunities across the continuum of senior living and skilled nursing. NHI has submitted letters of intent on deals valued at more than \$100 million, with yields of more than 8% on average (*Senior Living*).

Between 2019 and 2021, remote physiologic monitoring via wearables and mobile apps soared by more than 1,300% among Medicaid users. Women, people in metropolitan areas, and those with diabetes or hypertension used the technology the most. Every state except for Vermont billed remote physiologic monitoring claims in 2021, despite the lack of documented policies in some states (*Health Affairs*).

U.S. Senator Bob Casey has introduced The Alternatives to Guardianship Education Act which would establish grants to provide education on guardianship alternatives for older adults and people with disabilities to healthcare workers, educators and family members. Among other facets, the bill would require States to collect guardianship data (*Sen. Casey news release*).

The Joint Commission is launching The Rural Health Clinic Accreditation Program, a new accreditation program to standardize patient care practices and staff training at rural health clinics nationwide. It will open to applicants sometime this summer and is intended to help clinics in medically underserved, rural communities improve the safety and quality of primary care and personal health services (*Modern Healthcare*).