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TODAY

April 28th, 2024

Sunday newsletters focus on headlines and top read stories of the last week (in order) - enjoy!

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Headlines

Examining how improper payments cost taxpayers billions and weaken Medicare and Medicaid

HHS-OIG; by Christi A. Grimm, Inspector General, Office of Inspector General, U.S. Department of Health and Human Services; 4/16/24

HHS Inspector General Christi A. Grimm Testifies Before the U.S. House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations on April 16, 2024. IG Grimm briefs members on HHS-OIG's work to address improper payments in Medicare and Medicaid managed care programs. [Click here to watch the testimony.](#)

Extra: CMS publishes rule outlining final staffing requirements

McKnights Long-Term Care News; by Kimberly Marselas; 4/22/24

The Centers for Medicare & Medicaid Services said it would exempt nursing homes from having registered nurse coverage for up to 8 out of 24 hours a day “under certain circumstances,” unveiling a critical new detail in the second part of today’s staffing rule rollout. A director of nursing also can count toward the rule’s 24/7 RN requirement, CMS said, noting a change that providers will likely appreciate given their persistent challenges hiring RNs across the country. “The RN onsite 24 hours a day, seven days a week requirement ensures that there is an RN available to help mitigate, and ultimately reduce, the likelihood of preventable safety events, particularly during evenings, nights, weekends, and holidays,” CMS said. ...

CMS increases hours to 3.48 in final staffing rule

McKnights Long-Term Care News; by Kimberly Marselas; 4/22/24

Nursing homes will be required to deliver 3.48 hours of daily direct care per patient under a final staffing mandate issued this morning. A White House statement on the rule [4/22] said that 3.0 hours must be split between registered nurses at 0.55 hours and 2.45 hours for certified nurse aides. The remaining time

was not immediately defined by the White House release, and the full rule text was not available.



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Remote access technologies expose home care firms to cybersecurity vulnerabilities, experts say

McKnights Home Care; by Adam Healy; 4/18/24

Some of the most commonly used technologies in home care are also among the easiest for criminals to exploit. ... Remote access systems include any technology that allows users to connect to and access a computer, server or network remotely. Within home care, this could be tools such as remote patient monitoring devices, secure messaging apps, telehealth platforms, cloud-based applications or systems that allow users to remotely access patient data, according to the [Department of Health and Human Services](#). And while these technologies bring efficiency, they can also expose providers and their patients to risk.

New York State Bar Association backs expansion of end-of-life-options

Brooklyn Daily Eagle - Courts and Law; by Robert Abruzzese; 4/23/24

The New York State Bar Association (NYSBA) has endorsed the Medical Society of the State of New York's recent support for medical aid in dying. ... The proposed New York bill (A995a/S2445), which will be considered in the 2024 legislative session, includes comprehensive safeguards to ensure that the process is voluntary, informed and free from coercion. These include the confirmation of terminal illness by two independent physicians, mandatory mental health evaluations if needed and detailed counseling on all available end-of-life care options. ...

States lack resources to support new Medicaid waiver programs, association asserts

McKnights Home Care; by Adam Healy; 4/22/24

Medicaid 1115 waivers, which are commonly used to improve or expand home- and community-based services, face serious challenges as understaffed state programs are increasingly incapable of moving proposals through the administrative “pipeline,” the National Association of Medicaid Directors said in a recent letter. “The tough reality is that the Center for Medicaid and CHIP Services, which has taken many steps to streamline its administrative processes, simply does not have the staff resources to move forward all of the waivers in its pipeline,” Kate McEvoy, executive director of NAMD, wrote in the letter.



Kisco Senior Living data breach could affect more than 26,000

McKnights Senior Living; by Lois A. Bowers; 4/22/24

More than 26,000 Kisco Senior Living residents and others could have been affected by a June hacking incident, legal counsel for the company said last week. The Carlsbad, CA-based operator, which manages 25 senior living communities across eight states and Washington, DC, said in an April 16 letter to those potentially affected that the data breach occurred around June 6. Names and Social Security numbers could have been revealed in the incident, according to counsel.

Hospice boss warns of funding challenges

BBC News; Josh Sandiford; 4/28/24

[United Kingdom] A West Midlands hospice boss has warned it faces a "huge challenge" under the current funding model. Acorns Children's Hospice, which is based in Birmingham, told the BBC the situation was not sustainable despite demand for its services growing. It came after Hospice UK said there was a £77m funding deficit at centres across the UK.

Editor's Note: We highlighted this recurring theme from the United Kingdom in posts on 4/16/24 and 4/17/24 in our "International" section. Pairing this critical, ongoing financial crisis with our article on 4/19/24, "[Will Assisted Dying in Europe Impact Living With Dignity?](#)", how might these potential losses of effective hospice care impact patients' desires for assisted dying? What similar trends are we seeing in the United States?

Breaking News: Labor Department announces final overtime rule

McKnights Senior Living; by Kimberly Bonvissuto; 4/23/24

The Department of Labor on Tuesday announced a final rule that expands overtime protections to millions of salaried workers beginning this summer. The overtime rule increases the salary thresholds necessary to exempt a salaried executive, administrative or professional employee from federal overtime pay requirements. Effective July 1, the salary threshold will increase to the equivalent of an annual salary of \$43,888 and will increase to \$58,656 on Jan. 1. The July 1 increase updates the current annual salary threshold of \$35,568, which is based on a 2019 overtime rule update.



Home care industry slams finalized 80-20 Rule, warns agency closures are coming

Home Health Care News; by Andrew Donlan; 4/22/24

The “Ensuring Access to Medicaid Services” rule has been finalized. Most importantly, the bemoaned “80-20” provision has gone through as proposed, meaning providers will eventually be forced to direct 80% of reimbursement for home- and community-based services (HCBS) to caregiver wages.

... Organizations like the National Association for Home Care & Hospice (NAHC) and LeadingAge immediately condemned the rule being finalized on Monday. ...

Today's Encouragement

People who have come to know the joy of God do not deny the darkness, but they choose not to live in it. They claim that the light that shines in the darkness can be trusted more than the darkness itself and that a little bit of light can dispel a lot of darkness. They point each other to flashes of light here and there,

and remind each other that they reveal the hidden but real presence of God.
~Henri Nouwen, The Return of the Prodigal Son.



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