40 Years in Slammer For Home Health Owner

In the largest case of its kind in Texas, the operator of five Houston-area home health agencies was sentenced to 480 months in prison.

Godwin Oriakhi admitted that he and co-conspirators including his daughter, obtained patients for his home health agencies by paying illegal kickbacks to physicians, patient recruiters and his office employees for hundreds of patient referrals.

They also paid bribes to patients to use their identification numbers to bill Medicare and Medicaid.

In total, approximately $17,819,456 in fraudulent claims were submitted to Medicare and Medicaid, of which approximately $16,198,600 was paid.

Hospice Patients DC’ed While ‘Alive-and-Kickin’

Hospice may be care for the dying, but in recent years nearly 1 in 5 patients has been discharged from hospice before death.

A study published in Health Affairs finds that hospices with the highest rate of so-called live discharges also have the highest profits.

But the rate actually varies widely from one care organization to another. Some hospices discharge fewer than 2 percent of their patients prior to death, while others discharge more than 80 percent. Nonprofits have lower rates of live discharge than for-profit hospices.

Regionally, living discharges are highest in the South.

CMS Launches Hospice Compare Site

Medicare rolled out its Hospice Compare website last week.

The site, located on the Medicare home page (medicare.gov), displays information in a ready-to-use format and provides a snapshot of the quality of care each hospice facility offers.

The Hospice Compare site will allow patients, family members, caregivers, and healthcare providers to compare hospice providers based on important quality metrics, such as the percentage of patients that were screened for pain or difficult or uncomfortable breathing, or whether patients’ preferences are being met.

Currently, the data on Hospice Compare is based on information submitted by approximately 3,876 hospices.

Future Not Looking Bright for HCR ManorCare

Quality Care Properties announced last week that it has begun the process of appointing an independent receiver to oversee its skilled nursing and assisted living facilities currently operated by HCR ManorCare.

Talk of a possible receivership began to swirl last month, after ManorCare failed to pay rents owed to QCP. Earlier this summer ManorCare also lost one of its major investors, private equity and investment firm Carlyle Group.

QCP it believes an independent receiver, which ManorCare consented to in its lease, would be the “best way to preserve the value of the facilities during the transition to new operators.”

CMS Overhauling Fraud Audit Process

CMS has unveiled a major overhaul of how it pursues Medicare fraud and improper payment cases.

The agency plans to implement a new audit strategy in which Medicare administrative contractors, or MACs, will only target providers and suppliers with the highest error rates or billing practices that vary significantly from their peers.

Currently, MACs largely flag and challenge claims at random, a process that has led to a high backlog in appeals that the agency is struggling to work its way through.

there are currently more than 667,000 pending appeals which could increase 46% to over 1 million by 2021.

Texas Repeals SNF Voter Fraud Law

The Texas House has approved a bill that would crack down on mail-in ballot fraud. But, an amendment on the bill also repealed law meant to prevent such fraud at nursing homes.

The maneuver came as the House took up a separate bill targeting mail-in voter fraud.

The repealed law, which would have taken effect September 1st, was an attempt to simultaneously remove opportunities to commit ballot fraud while expanding ballot access to nursing home residents.

The state Representative who championed the original nursing home bill term the repeal, “a sad commentary on politics in Texas.”

Don’t Sweat Climate Change – Move to Africa

Increases in air pollution caused by rising temperatures will trigger an additional 60,000 premature deaths each year worldwide by 2030, and as many as 260,000 more annually by 2100.

More people will die from diseases like heart attack, stroke, lung cancer and chronic obstructive pulmonary disease (COPD), which are exacerbated by exposure to smog-laden air.
In all, the researchers found that climate change is expected to increase air pollution-related deaths globally and in all world regions except for Africa.

A team at University of North Carolina's Gillings School of Global Public Health examined several models in making the glum prediction. Nature Climate Change, 7/31/17

Mary Jane for Pain? VA Says Not Now

Earlier this year, the National Academy of Sciences released a report saying there is conclusive or substantial scientific evidence that marijuana is effective at treating chronic pain, calming muscle spasms caused by multiple sclerosis, and easing nausea from chemotherapy.

New reviews into chronic nerve pain known as neuropathy and PTSD were commissioned by the VA.

Researchers examined 27 studies and proclaimed there’s “low strength” evidence that marijuana can help nerve pain. But said there's not enough reliable research to come to a conclusion about other types of pain.

For now, the VA will not prescribe medical marijuana.

Some Cancer Patients Just Don’t Want to Know

About 250 terminal cancer patients in Taiwan were questioned several times over their last six about their knowledge of their condition and prognosis.

Initially, 60% had an accurate awareness of their prognosis; 15% had an inaccurate awareness, 17% did not know but wanted to know, and 8% did not know and did not want to know.

When questioned just before death, 82% were accurately aware of their prognosis, but 18% still did not have a complete understanding. Of those, almost 4% were in complete denial and did not make suitable preparations for their death.

The Oncologist, news release, HealthDay, 7/6/17

Hospital-to-SNF Is Not an Emergency

A Georgia hospital has agreed to pay $2.5 million to settle claims that it billed discharged patients’ ambulance trips to skilled nursing facilities as emergencies.

The United States Attorney Middle District of Georgia said that Navicent Health will pay to resolve allegations that it violated the False Claims Act by submitting claims for inflated or unnecessary ambulance trips. McKnight's, 8/7/17

Pumping Iron May Help Those with MS

In people suffering from multiple sclerosis the brain shrinks faster than normal. Now a study shows that resistance training may slow the shrinkage.

For this study, the researchers at Aarhus University in Denmark followed 35 patients for six months. Half of them did resistance training, i.e., lifted weights, twice a week, while the other half (the control group) did no formal exercise.

MRI scans before and after the six months showed that the patients who did resistance training had less brain shrinkage than those in the control group.

UPI, 8/4/17

FDA Warns of Product Contamination

The FDA is warning against using any liquid drug or dietary supplements from Rugby Laboratories, Leader Brands, and Major Pharmaceuticals, all manufactured by PharmaTech of Davie, Florida. The products are possibly contaminated with the bacteria B. cepacia.

PharmaTech manufactures liquid stool softeners and various dietary supplements including liquid vitamin D drops and liquid multivitamins.

The CDC says B. cepacia poses the greatest threat to hospitalized patients, critically ill patients and people with health problems such as weakened immune systems and chronic lung diseases.

FDA news release, 8/11/17

Employees Accused Of Stealing from SNF

Four employees of Fayetteville Health and Rehab, an Arkansas SNF, have been charged with stealing nearly $15,000 from facility accounts on personal items including 25 gift cards.

They have been charged with theft of property, credit card fraud and conspiracy.

The women, including an assistant administrator who approved the invoices, an activities assistant, a financial specialist and a nurse, have been fired.

All four were released from jail after posting bond.

KFSM 5News, 8/11/17

Delayed Medicaid Rate Suit Can Continue

Back in 2016 a group of SNF operators sued the Illinois Department of Healthcare and Family Services arguing that it violated federal law by not recalculating their Medicaid reimbursement rates following a 2012 change in ownership.

The operators said the “state’s laxness” left them with $12 in unpaid costs.

The director of IDHFS filed a motion to dismiss the suit, arguing that the facilities’ claims were not supported by the Medicaid Act.

Now a federal appeals court has ruled that the providers have an enforceable procedural right to the Medicaid rate readjustment outlined in the Medicaid Act.

McKnight’s, 8/10/17

UnitedHealth Names New CEO

UnitedHealth Group Inc. announced David S. Wichmann, its current president, will succeed Stephen J. Hemsley next month as chief executive, a widely expected transition
at the top of the nation’s largest health insurer.

Wichmann will take over the CEO job on Sept. 1, and Hemsley, who has held the title since 2006, will become executive chairman.

Wal Street Journal, 8/16/17

**National Emergency Or Political Football?**

Recently President Trump's opioid commission, chaired by New Jersey Gov. Chris Christie, issued a report recommending the opioid epidemic be declared a national emergency.

That would give HHS the power to negotiate lower prices for naloxone.

Since then, HHS Secretary Tom Price said the administration believes they already have the resources and focus they need to tackle the problem without needing an emergency declaration, but he did add that "all things are on the table for the president."

The report also asked the president to require every law enforcement officer in the country to carry naloxone.

NPR – All Things Considered, 8/8/17

**“Hoop-Jumping” Results In Managed Care Lawsuit**

A group of ten Florida SNF operators has filed a class action lawsuit against multiple insurance providers over delayed Medicaid payments.

The suit was filed in Federal court in Florida this month against seven managed care companies including affiliates of Humana, Molina Healthcare and United HealthCare.

It claims the MCOs purposely delayed payments to generate larger profits, withheld interest on past due payments, fabricated reasons to reject claims and forced providers to “jump through unnecessary, nonsensical hoops.”

The Florida Health Care Association estimates the statewide shortfall is $135 million.

McKnight’s, 8/4/17

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**Alzheimer’s Drug May Help TBI Patients**

Researchers have found that memantine, a drug used to treat Alzheimer’s dementia may help traumatic brain injury patients, as well.

Despite progress in neuromonitoring and neuroprotection, pharmacological interventions have been unsuccessful at bringing relief to patients with TBI.

The study showed after seven days patients with moderate TBI given memantine had significantly reduced blood levels of neuron-specific enolase, or NSE, a marker of neuronal damage and marked improvements in their level of consciousness after three days.

The study is published in the *Journal of Clinical Pharmacology*.

UPI, 7/21/17

**The First Sign of Alzheimer’s Disease**

Problems navigating new surroundings crop up before memory loss, and long before any clinical diagnosis of Alzheimer’s disease.

In a recent study published in the *Journal of Alzheimer’s Disease*, Researchers at Washington University in St. Louis asked study participants to use patterns and landmarks to make their way through a maze on a computer.

The study showed that individuals with preclinical Alzheimer’s had more difficulty learning the locations of objects.

MSN Lifestyle, 8/7/17

**Kids’ Poverty May Predict Adult Heart Failure**

Finnish researchers investigated the backgrounds of current heart patients who were children in 1980.

The findings showed that kids from poor families were more likely than richer children to have an enlarged, poorly functioning lower left heart chamber -- a sign of heart failure -- three decades later.

Although, the study can’t actually prove that poverty led to poor heart health, the association remained, even after researchers took into account age, sex, standard risk factors for heart disease, and participants’ earnings as adults.

Previous research has shown that poverty is consistently related to cardiovascular disease and other health outcomes in adulthood.

*JAMA Pediatrics*, online 6/26/17, HealthDay

**Widening ‘Race Gap’ In U.S. Infant Deaths**

A study looked at 2005-2015 data from a major U.S. government database and found that the death rate for black infants, after falling since 2005, increased from 11.4 to 11.7 per 1,000 births between 2014 to 2015.

At the same time, the death rate among white infants declined from 5.7 to 4.8 per 1,000 births between 2005 to 2015.

For the other leading causes of death - birth defects, sudden infant death syndrome (SIDS) and maternal complications -- rates among black and white infants declined overall between 2005 to 2015. However, death rates from both SIDS and birth defects began to rise again for black infants from 2014 to 2015.

*JAMA Pediatrics*, news release, 7/3/17

**Exercising Oldies Not Much More Active**

Regular exercise apparently does little to reduce senior citizens’ sedentary time.

In a study published in *JAMA*, seniors, average age 79, who were inactive for less than 60 minutes at a time, were compared to those who did moderate-intensity exercise.

The folks who exercised were inactive only 12 minutes a day less than those who didn’t exercise at all.

And, among those whose periods of inactivity lasted an hour or longer at a time, there was no difference between
those who exercised and those who did not.

University of Florida, news release, 7/18/17

**Sabra Merger Approved Now 564 Facility Company**

Shareholders have given a thumbs-up to a merger of Sabra Health Care REIT and Care Capital Properties. The new company, controlled by Sabra, will total 564 properties in 43 states with a market capitalization of $7.4 billion.

SNFs will represent 73% of the portfolio; senior housing 19%; and hospitals 8%. Thirty-six percent will be private-pay.

McKnight’s, 8/17/17

**Publicly Funded Cancer Trials Are Helping**

Researchers analyzed SWOG data from 193 phase 3, or late-stage, trials conducted between 1956 and 2016. SWOG is the clinical trials network funded by the U.S. National Cancer Institute (NCI).

The trials investigated whether new drugs or treatments would improve survival among patients and led to the approval of 14 new drugs and more than 100 changes in cancer care techniques.

Researchers say the clinical trials studied extended lives by 3.34 million years at an estimated return on investment from federal funding of $125 for each year of life gained.

JAMA Oncology. SWOG, news release, 6/5/17

**Opioid Prescriptions Dip But Still a Problem**

Prescriptions for opioid painkillers have dropped since 2010 in the United States, but the number of Americans getting the highly addictive medications is still too high.

The CDC reports prescriptions declined from a peak of 782 morphine milligram equivalents (MME) per person in 2010 to 640 MME per person in 2015 – a decline of about 18%.

However, the total amount of opioids prescribed in 2015 was still about three times that of 1999, with many people being provided lengthy prescriptions of the narcotics at high doses.

CDC, UPI, 7/6/17

**Simple Test Predicts Bladder Cancer Return**

Researchers from the University Hospital of Lyon developed a simple urine test to more accurately predict the recurrence of bladder cancer.

The study, in the *British Journal of Cancer*, tested the urine of 348 bladder cancer patients for a faulty protein known as TERT that was able to predict the recurrence of bladder cancer in more than 80% of patients.

The current method for detecting the recurrence of bladder cancer, cytology testing, detects the return in just 34% of patients.

UPI, 7/7/17

**Pop & Pregnancy Makes for Fatter Kids**

A study by Harvard Medical School indicates that eight-year-olds who drank at least a half of a regular soft drink each week were about 2 pounds heavier if their moms consumed more than two sugar-sweetened beverages a day during the second trimester of pregnancy

Pediatrics, 7/10/17

**Hospital Fee-for-service Will Stay for Now**

CMS has moved to cancel some Obama-era pilot programs that would have paid certain hospitals a lump sum for all of the care associated with heart attacks, bypass surgeries, and some hip and femur fractures, including the initial visit, the surgery, and follow-up care.

It’s also canceling a similar program that targeted cardiac rehabilitation.

STAT, 8/18/17

**THIS-N-THAT**

**WALKING THE DOG:** Research suggests your dog may be an effective personal trainer. A study found that dog walking gives a significant boost to older adults’ exercise levels year-round. Dog owners who walked their pooch got an average of 30 minutes more physical activity a day.

*(University of East Anglia, UK)*

**MONTHLY HIV MEDS:** New research suggests that injectable, long-acting antiretroviral therapy for HIV is as safe and effective as oral medicines. The injection is given every four or eight weeks. If this phase 2 trial is successful, then phase 3 commence to show that the treatment is effective in a large group of residents *(The Lancet)*.

**The $100 COLONOSCOPY:** As an experiment, people in need of the procedure were sent emails by the University of Pennsylvania in Philadelphia offering $100 if they would schedule a colonoscopy. Others were sent emails with no money offer. Surprise! More than twice as many people who were offered the money scheduled the procedure *(Gastroenterology)*.

**ROTATOR CUFF STUFF:** Arthroscopic superior capsule reconstruction has been developed by Japanese surgeons to repair rotator cuff injuries that were considered unreparable. Of 100 patients who had the surgery 26 were able to play sports again, 32 who had heavy lifting jobs were able to return to work and two others returned to work at a reduced schedule. *(American Orthopaedic Society for Sports Medicine)*.

**DONOR KIDNEYS:** A study by Case Western in Cleveland indicates a donated kidney is turned away for seven times before finally being transplanted in a patient. Despite this and despite the fact that over 100,000 people in the U.S. are awaiting a kidney transplant. *(Clinical Journal of the American Society of Nephrology)*.