Recipient of 2022 Cowles Award Draws Attention to a COVID-19 Injustice

By Tess Bird, DPhil

The 2022 Carey Cowles Award goes to Alan Horowitz, JD, RN, for "The Long and Winding Road: Life Care Center–Kirkland’s Journey for Justice" (Caring for the Ages 2021:23[2]:1-16). The award recognizes the author of the most read/downloaded article of the year and was established in memory of Carey Cowles, Caring's managing editor for four years, who passed away in 2018.

Mr. Horowitz writes on legal issues for Caring as well as other long-term care publications. He has worked in law for 32 years and is currently Of Counsel at Arnall Golden Gregory LLP. His practice involves regulatory compliance concerning skilled nursing facilities, hospices, and home health agencies. He previously served as assistant regional counsel at the U.S. Department of Health and Human Services and has represented the Centers for Medicare & Medicaid Services. Earlier in his career, he was employed as a registered respiratory therapist and a registered nurse.

The winning article addresses the adverse publicity around Life Care Center–Kirkland (LCCK), which was the first reported nursing home to have an outbreak of COVID-19 and was issued a citation by CMS at the "immediate jeopardy" level, resulting in a civil money penalty of $611,325. The state of Washington also imposed "conditions" on LCCK's license and a "Stop Admissions" order.

Mr. Horowitz told Caring that he wrote this article after being privy to the facts of this particular case. "It appeared to me that the folks at LCCK were really heroes," he said. At the time of the outbreak, "there were mixed messages in terms of what CMS, the Centers for Disease Control and Prevention, and the state departments of health were recommending." Nevertheless, the staff at LCCK "were being very proactive, they did everything appropriately, and they really got slammed. I thought it was unfair for CMS to find immediate jeopardy level deficiencies and impose a civil money penalty."

Mr. Horowitz expressed there was a shared responsibility in this case and heaping the blame on LCCK was not helpful. "We learned a lot of lessons from COVID-19," he said, "and I don't believe the blame game is the most effective way to improve patient safety."

This theme is echoed in another Legal Issues column published in the June/July 2022 issue of Caring, in which Mr. Horowitz argued that we need to address systemic flaws rather than blame individual health care practitioners if we want to encourage patient safety. His article, "Medication Errors and Homicide: When Law and Medicine Collide," was another of Caring's most-read articles of 2022. Mr. Horowitz also recently presented on the "Legal Aspects of Medical Errors: To Disclose or Not to Disclose" at the EDGE conference.

In conversation with Caring, Mr. Horowitz said, "Through COVID-19 we saw heroic acts in nursing homes on a daily basis — and while lip service is often paid, it has always troubled me when I see the system or individual entities pointing a finger and engaging in the blame and shame game rather than trying to find constructive solutions. That's why I write these articles."

Mr. Horowitz also feels that all staff in long-term care are "not given the recognition that they so richly deserve," particularly as they are caring for individuals with multiple comorbidities, cognitive impairment, distressed families, staffing challenges, and other less-than-perfect circumstances. "I think it takes a very special person to want to do that."

Caring's editor in chief Elizabeth Galik writes that "Alan's knowledge and personal experience with health care makes him well prepared to analyze and provide guidance on complex legal issues that impact [post-acute and long-term care] communities. Alan's article obviously struck a chord with so many readers and helped to validate the challenging circumstances that were encountered during the COVID-19 pandemic."

On winning the Carey Cowles Award, Mr. Horowitz said, "I am truly humbled by this honor. I was introduced to AMDA more than ten years ago, and in getting to know some of the AMDA members over the years, I'm just so impressed with what they do. It's a genuine privilege and an honor to be involved."" Stay tuned for Mr. Horowitz's presentation with Karl E. Steinberg, MD, CMD, HMDC, and Patricia L. Bach, PsyD, MS, RN, at AMDA – The Society for Post-Acute and Long-Term Care Medicine's Annual Conference in March 2023, entitled "Medical, Legal and Ethical Aspects of Medical Aid in Dying (MAID)."

Tess Bird, DPhil, is the current managing editor of Caring for the Ages.
JAMDA Goes E-Only in 2023

Before the pandemic, air quality and the possibility of infrastructure changes to improve it were low on the list of priorities for nursing home leaders. However, after COVID hit, it garnered more interest and attention. “We used to think about this as a quality-of-life issue at best, but it has significant health implications,” said Brian McGarry, PhD, assistant professor in the Department of Medicine at the University of Rochester Medical Center. He and his colleague Ashvin Gandhi, PhD, at the Anderson School at UCLA, recently received a $25,000 grant from the Foundation for Post-Acute and Long-Term Care Medicine for their proposed project, The Impact of Indoor Air Quality in U.S. Nursing Homes on COVID-19 Outbreaks and Resident Outcomes. (Watch the interview with Dr. McGarry here: https://youtu.be/Trw02Q_EMdQ)

This project will investigate and oversee the development and distribution of a survey and the implementation of 20 wireless air-quality monitors at 10 partnering nursing homes to analyze data, prepare a manuscript, and disseminate the results. “There is general interest in this topic in all sorts of workplace settings. However, having good indoor air quality is critically important for the long-term care population because they spend the majority of their time in their facilities,” Dr. McGarry said.

The idea for this project rose out of the pandemic. As Dr. McGarry explained, “My colleagues and I have done a number of studies throughout the pandemic about what was happening in real time. As we shifted away from crisis mode, we have looked at what worked and what could have been done differently. Air quality came up in many conversations we had [with clinicians and other facility team leaders],” he recalls. Nursing homes were being bombarded with ads about air filters and HVAC system upgrades, he explains. Facility leaders want to improve air quality but want to know: What costs will be involved? What are the most effective changes or upgrades to make? How do we determine the best investment in these efforts?

“If we are to answer these questions, we need really strong data, and we need to know about what nursing homes have done to improve air quality. Such studies involve some expense, and the AMDA Foundation grant will be a great help,” said Dr. McGarry. “We feel very aligned between the goals of the Foundation regarding research and what we wanted to do. We are delighted to get this award, and it will be very helpful in terms of primary data collection. We hope to have some results soon.”

Dr. McGarry noted, “We have had to do a crash course on air quality. We’ve talked to many people who are experts. We’ve learned that air quality—even temperature—can have an impact on health issues such as cognitive performance and mood.”

Based on early conversations with a small number of nursing homes, Dr. McGarry said, “We’ve found that facilities tried many things to improve air quality during the pandemic, including upgrading filters and opening windows. The next piece will be looking at what worked and what didn’t. This isn’t just a watershed moment in nursing homes. It’s an opportunity to learn more about how to care for and keep residents safe in communal environments.”

The Foundation grant, Dr. McGarry explained, enables him and Dr. Gandhi to get started on their project right away. “Often with research projects, there is a lag between applying for a grant and availability of funding. Having smaller mechanisms such as this is so important, and we appreciate that the Foundation is willing to invest in innovative ideas,” he said. He looks forward to presenting some preliminary results at PALTC23 in Tampa, FL. He explained, “The AMDA conference is an excellent venue to present our results, and it’s important to address the role of the medical director in this. Often, AMDA members are my eyes and ears into how things are working in nursing homes.”

Foundation Grant Funds Innovative Project on Indoor Air Quality

### Our Foundation from page 15

Projects or initiatives for AMDA – The Society for PALTC Medicine. Similar to the process for submission of research proposals, funds for special projects can be requested through the Society.

In 2021, the Foundation cofunded the national Drive to Deprescribe (D2D) initiative and sponsored the addition of four clinical assessment tools to the AMDA Mobile App. Both projects resulted in products and services that have been very well received by the Society’s members and others in the PALTC community. This year, five proposals have been submitted by the Society for consideration of funding by the Foundation. A decision will be made in the fourth quarter of 2022.

Funding for research proposals and special projects comes from donations made by individual and corporate donors dedicated to advancing the field and the Foundation’s mission. For further information on our grant process, please visit our site (https://paltcfoundation.org/paltc-grants/) or attend my round-table session at the PALTC23 Annual Conference in Tampa in March 2023, where I will be sharing more information on how to structure a grant submission.

Appreciation

The Foundation and the Society would like to take this opportunity to thank the members of the Proposal Review Committee for their dedicated efforts.

Don’t Miss These Events

- **November 3-6, 2022**
  - FMDA: Best Care Practices in the PALTC Continuum
  - Website: https://www.bestcarepractices.org/

- **November 9, 2022**
  - Webinar: Medicare Billing and Coding Update
  - Website: https://bit.ly/3xrmtRt

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The 2022–2024 Proposal Review Committee consists of representatives from the Society’s boards as well as independent research investigators with a broad set of skills and experience in public health, healthy policy, and clinical management of older adults.

We would also like to thank the individual and corporate donors who make the Foundation a priority in their annual philanthropic plans because these donations make it possible for us to conduct this national effort in support of innovation and excellence in PALTC. Together we are making a better PALTC world.

### Your Support

For more information on how to support the Foundation now during its “Giving Thanks for PALTC Campaign” and to honor someone this holiday season with your donation please visit https://paltcfoundation.org. Those honored will receive a seasonal themed notice of their gift and will be listed on the 2022–2023 Wall of Caring & Honor. Donations can be designated to fund Education and Training, Workforce Development, Clinical Resources, or Research, or they can be unrestricted to serve the Foundation’s response to needs as they arise.

Dr. Zarowitz is the Senior Advisor for the Peter Lamey Center on Drug Therapy and Aging at the University of Maryland. She serves on the Foundation for PALTC Medicine and chairs the Proposal Review Committee.