

PROTECTING NURSING
HOME RESIDENTS

March
2007

Arkansas Advocates for Nursing Home Residents



Next Meeting March 12

MEETING

PLACE:

First Assembly of God
Church

4501 Burrow Road
North Little Rock
Directions to church
on back of Newsletter.

10:00 a.m.

Meeting for members,
family and friends of
residents (Closed to
persons representing
the nursing home
industry).

11:00 a.m.

Public Meeting:
(see gray box on this
page)

Local NBC affiliate
KARK ran a story,
"Finding A Good
Nursing Home" on
February 14
featuring AANHR
members. The news
clip of this segment
will be replayed at
the March meeting.

We're on the web!
www.AANHR.org

Conway (501) 450-9619 · Fairfield Bay (501) 884-6728
Little Rock (501) 224-8431

AANHR's Mission Statement:

"To protect and improve the quality of care and life for residents in Arkansas nursing homes."

DINA TYLER WITH DEPARTMENT OF CORRECTIONS TO DISCUSS FELONS IN NURSING HOMES AT MARCH 12th MEETING

Early this year AANHR realized there was a bill to allow sick felons to be removed to nursing homes. During our investigation of this we found it was a practice that had been going on for over 10 years. Through our contact with Representative Sandra Prater, we met Ms. Dina Tyler, Assistant Director for public and legislative affairs with the Department of Corrections. Ms. Tyler explained the lengthy process of dealing with felons who have become too ill to remain in prison and how they determine where they should go - home with family or the possibility of a nursing home, and how they are monitored.

Dina Tyler is a native Texan but chooses to live in Arkansas. She grew up in a small town near Corpus Christi and graduated from Texas A&M with a degree in journalism and, she says, "a deep appreciation of a good Aggie joke". She started a broadcasting career at a TV station in Lufkin, Texas, and in 1984 accepted a reporter's position at KTHV, Channel 11, in Little Rock. During her tenure at KTHV her reporting received honors from the Associated Press, United Press International, UALR School of Journalism and the Arkansas Farm Bureau.

In 1994, Dina worked as press secretary during the gubernatorial campaign. After the election she became the public information officer for the Arkansas Department of Community Punishment and in 1995 moved to her present position in the Department of Corrections.

Reminder! Daylight Savings Time begins earlier this year.
Don't forget to set your clocks ahead one hour
Sunday, March 11.





From the President's Desk

Nancy Allison

Resident assessments are the means to gather information about the resident and how well a resident can take care of themselves. The assessment must be done within 14 days of the resident's admission to a nursing home, 7 days for a Medicare resident, and at least once a year after that. The assessment includes determining what help may be needed in activities of daily living (ADL's) or "functional abilities" such as walking, eating, dressing, bathing, seeing, hearing, communicating, understanding and remembering. It also helps to examine a resident's habits, activities and relationships in order to help him or her live comfortably and feel at home in a facility. Habits, etc. can also help staff understand unusual behaviors.

The Plan of Care is formed after the assessment is analyzed. This should address all the needs and concerns of the resident. The care plan is developed by a team - nurse, nurse aide, activities and dietary staff, social worker and *critical input from the resident and/or family members*. All participants attend a Care Plan Conference to make certain that all medical and non-medical issues, including meals, activities, therapies, personal schedule and emotional needs are agreed upon and addressed. This initial care plan must be completed within 7 days after the assessment. The care plan says what each staff person will do and when it will happen, such as CNA Smith will walk Mrs. Jones to her meals each day to build her strength. These care plans must be reviewed regularly and must be revised as needed.

Good care plans should be followed as an important guideline for providing good care for the resident and be written so that everyone can understand it and know what to do. It should reflect the resident's concerns and support his or her well being and be re-evaluated and revised routinely.

Care Plan Meetings:

- ◆ The meeting should be at a time convenient for you and/or your family member.
- ◆ Ask for a copy of the current care plan so that you can examine each aspect thoughtfully.
- ◆ Plan your list of questions, needs, problems and goals.
- ◆ Be sure the resident is heard - it helps staff learn to communicate with them.
- ◆ Ask questions if you need terms or procedures explained and be sure you agree with the care plan.
- ◆ Find out who to talk to if changes are needed or there are problems with the care being provided.
- ◆ Monitor whether the care plan is being followed.

Culture change facts: Some facilities implement culture change activities on a superficial level. True culture change (resident directed care) involves a change in the attitude and philosophy of management and staff to focus on the needs and preferences of people rather than those of the facility.

Attorney Bob Edwards Speaks at February 12 AANHR Meeting

Members attending the February 12th meeting were treated to a viewing of an unfinished video presentation from the law firm of Wilkes and McHugh. It was presented by Bob Edwards, attorney with the firm, and Sonja McCaleb, paralegal. The presentation is being planned to present to community groups as an educational tool about nursing homes and how to judge whether good care is being given. Also presented were things that law firms look for when considering a case against a nursing home.



Good care cannot be given if there is an insufficient number of staff giving direct care. Yet because staff salaries make up the largest percentage of a nursing home's costs, this is almost always the first area to be cut. Edwards showed correspondence from actual cases which indicated that the cutting of staff was a directive from owners and CEOs down through all levels of administration. He pointed out that cost cutting which results in poor care can also be considered Medicare and Medicaid fraud because the care those funds paid for is not given.

Readers are reminded that the number of staff on duty must be posted on each hall, wing, or corridor so that residents and family members can determine at a glance who and how many staff are working in that area at any time. This can be not only a real convenience for residents and their visitors but also a tool for monitoring the adequacy of staffing.

"A Step Backward For Arkansas Nursing Homes"

(" A letter to the editor" by Martha Deaver, ANHR board member, published in late February 2007)

Arkansas was the first in the nation when in 1999 it enacted legislation requiring posting of staffing information on each hall, wing, or corridor in nursing homes. Not until January 1, 2003 did the lesser federal requirement of posting in an undesignated although "visible" location take effect. States must obey federal regulations, i.e. cannot enact lower standards - but can enact **standards which exceed** federal regulations. There is no reason to relax a law that has been working. Senate Bill 285 will do just that! Lessening of oversight is a step backward. Posting of staff working on each hall or unit enables residents and visitors to know who is on duty and who to ask for when assistance is needed. Bill 285 is a clear-cut case of putting institutional convenience ahead of resident wants and needs. Posting of staff working on each hall or unit also enables residents and family members to monitor staffing levels. Please don't let Arkansas legislation take a step backward in the care of our state's frailest of the frail, nursing home residents. If this legislation affected children in day-care; it wouldn't get out of committee. WHY is that?

*"Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy."
Proverbs 31:8 NIV*

Legislation of Interest

The Arkansas state legislature is in session. We will try to give an update of pending legislation affecting nursing homes residents. "SB" before the bill number indicates that the bill was initiated in the Senate, while "HB" indicates a House initiation.

***HB1363** and **HB1364** - These two bills would allow the Office of Long Term Care to issue grants to encourage Eden and Green House facilities - in other words, facilities based on resident-centered care. These grants would be funded from Civil Monetary Penalties which are penalties paid by nursing facilities. In the past there was no provision for use of these funds so they have accumulated unused. ANHR is, of course, very much in favor of promoting resident-centered care. Bill still pending.

***HB1132** - This bill would provide persons needing long term care with counseling about the long term care options most appropriate for that person. It is an attempt to provide the person with information about the availability of community and in-home care instead of automatically assuming nursing home care is the only available option. This bill has the strong endorsement of AARP. Bill still pending.

***SB294** - This bill would exempt a "life-care" facility from the bed tax. The bed tax is an amount assessed nursing homes (based on the number of beds) which goes into the state treasury and is used for Medicaid reimbursement. There have always been attempts to exempt those beds occupied by private-pay residents from this tax. However any facility that accepts Medicaid funds must treat all residents the same and therefore tax them the same. A "life-care facility" is narrowly defined as one into which a resident pays and is guaranteed care for the rest of his life. This facility does not get Medicaid funds and it turns out there is only one such facility in Arkansas. ANHR takes no position on the bed tax. SB294 has passed.

* **SB285** - A bill that would no longer require the posting of staff on duty on each hall or unit. Arkansas in 1999 was the first in the nation to require nursing staff to sign in on each unit so that information is readily available about who is on duty in that area at any time. This can be invaluable for residents and family members in the case of an emergency. It also provides residents, visitors, and ombudsmen a quick sense of whether sufficient staff are on duty. This bill would require only that a single sheet be posted in a "prominent place readily accessible to the public" within 20 feet of the main entrance of the facility. This basically negates the primary reason for posting such information. Although nursing staff have been signing in and out for six years the nursing homes are now saying that this creates too great a burden for them. This is a classic example of putting the convenience of the institution above the needs of the residents. This bill would enact into law the opposite of resident-centered care. The Arkansas Senate has passed this bill and at the deadline for this newsletter, it is pending in the House Public Health, Welfare and Labor Committee. ANHR representatives have been at the Capitol three times to oppose this law, only to have action deferred each time. At this time SB285 is still pending.

These bills and other state legislative items of interest may be followed using the internet by going to this website: <http://www.arkleg.state.ar.us/>

The List

(reprinted from CARE Matters to Residents, A Collection of Essays and Poems, compiled by NCCNHR, 2006, pg 23.

If you could only hear my heart and the things I want to say,
You would surely know the hurt I felt when you turned and walked away.

I want to know you really cared that I lived upon this earth;
That I was seen as a special soul who had dignity and worth.

I want you to know that I felt the pain when you got hurried with my care.
And did not listen to what I needed, as if I were not there.

I want you to know that simple things meant so very much
To those of us who hungered for a kind and gentle touch.

I want you to know that I endured so much in the course of just one day.
When life around me hurried on while I had much to say.

My time with you is over, but do not grieve for me.
I am "home" in loving arms, just where I chose to be.

So if I could leave you with just one thing, it would be these words you hear
To say just what I needed from all of you and what I held so dear.

*Respectfully submitted by Janet Brennend
on behalf of Ms. E.M. who dictated her "list"
before her death in Feb. 2006.
New River Valley Agency on Aging
Pulaski, Virginia*

Free

By Walter Bostwick
Arnot Health
Elmira, New York

I used to walk long and tall
Now I seem to want to fall
The people here are kind to me
I give them a big smile to see
But I'd rather go out and play ball
And watch my great-grandkids crawl
If the lord ever sets me free
Appreciated he will very much be

Public Notice

Arkansas Advocates for Nursing Home Residents are here to help with any problems you might face in dealing with nursing home care. As consumers, you need to know, there has not been a congressional report written in the past twenty years documenting that nursing home residents are being cared for and protected the way the federal laws require.

In order that you are better informed, we urge you to order GAO congressional reports illustrating the serious problems government investigators have found in nursing homes.

To receive the government studies free of charge either:

✦ Telephone AANHR at (501) 450-9619

✦ Go to our web site at <http://www.aanhr.org> and click on "Contact Us"

Volunteer Ombudsmen Needed

Regardless of whether or not you end up becoming a volunteer ombudsman, your knowledge will increase greatly by attending an ombudsman training session. Volunteer Ombudsman training takes only one day and can make an incredible difference in the life of a nursing home resident. A volunteer ombudsman is authorized to help the residents with any concerns. Protecting the resident's rights is a priority. The volunteer ombudsman is authorized to take complaints and report things they see that are questionable to their regional ombudsman, who can take steps to remedy the situation. A volunteer ombudsman can make a big difference brightening the life of a nursing home resident. After the day of training and a short orientation period one can become a Certified Ombudsman and can choose to be assigned to a specific nursing home where just two hours service per week is expected. If interested, please contact Martha Deaver at 501-450-7405; she will put you in touch with your regional ombudsman.

AANHR Videos for Loan

AANHR has several wonderful videos that we would like to loan for use at Family Council meetings, or to help any family member seeing to learn more about receiving good care of residents in nursing homes. If you cannot attend our monthly meetings in Little Rock, please contact one of the offices listed in this newsletter and make arrangements to have one of these helpful videos mailed to you. The videos are:

- ✦ *Nursing Home Care Plans*
- ✦ *The Importance of Nursing Home Family Councils*
- ✦ *Bathing Without a Battle*

Consumer Reports

included its Nursing Home Quality Monitor in the September 2006 issue:

Learn which homes in each state to consider and which to avoid.

Learn which 12 nursing homes have been on all of the *Consumer Reports Watch Lists* since the first one appeared in 2000.

Get unbiased *Consumers Reports* advice on how to choose a nursing home.

What type of homes are likely to provide better care?

What can family members do to find the best possible home for a loved one?

The Consumer Reports Nursing Home Quality Monitor, a national database of homes to choose and homes to avoid, became available free on August 6, 2006 at www.ConsumerReports.org/nursinghomes

AANHR Special Thanks

We extend our heartfelt thanks to the following people and groups who make our outreach possible:

1. **Bob Davidson** of The Law Offices of Bob Davidson, PLLC, for advising AANHR's Board of Directors.
2. **Brian Reddick and Bob Edwards** of Wilkes and McHugh for its financial assistance in the printing and mailing of AANHR's newsletter and other publications as well as financing the attendance of two board members to the annual NCCNHR conference.
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6. **Jack Waggoner and Gene Ludwig** for keeping AANHR supplied with copies of the book *DANGER ZONE*.
7. **Brandon Clark** of the Law Offices of Brandon Clark, PLLC, for ongoing support of AANHR activities.
8. **David Couch** of The Law Offices of David A. Couch, PLLC, PA, for employing Brent Birch of One6 Media, LLC, to create and maintain AANHR's website.
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10. **First Assembly of God Church** in North Little Rock for providing AANHR a meeting room.
11. **Jana Barnett** of The Law Offices of Darren O'Quinn, PLLC, for her assistance in composing the newsletter.
12. **Chad Trammel and Don Sorey** of The Law Offices of Nix, Patterson and Roach for gift memorials and financial support.

AANHR Officers and Board Members

President - Nancy Allison, Conway

Vice President - Nancy Johnson, Fairfield Bay

Secretary - Open

Treasurer - Ralph Erwin, Little Rock

Members of the Board: James Brooks, North Little Rock; Betty Buckta, Judsonia; Ruth Dapremont, Conway; Martha Deaver, Conway; Gleason McGuire, Bryant.

Honorary Board Members: Jim and Faye Sandstrum, Pine Bluff.

Helpful/Important Numbers

The Office of Long Term Care (OLTC)

has a toll-free number for information, assistance and complaints for residents and family members:

1 - 800 - LTC - 4887 between 8 a.m. and 4:30 p.m. on weekdays.

You may also write to: Office of Long Term Care (OLTC) P.O. Box 8059, Slot 400 Little Rock, AR
72203-8059

OLTC website:

[Http://www.medicaid.state.ar.us/General/units/oltc/index.htm](http://www.medicaid.state.ar.us/General/units/oltc/index.htm)

You should also report complaints to the Arkansas Attorney General

Toll Free: 1 - 866 - 810 - 0016

Little Rock Local: 682 - 7760

For additional assistance or a listening ear, call AANHR at

(501) 450 - 9619 in Conway;

(501) 884 - 6728 in Fairfield Bay;

Visit our website at www.aanhr.org or e-mail us at Info@aanhr.org

Your local Ombudsman's number should be posted in a prominent place in the nursing home, preferably near the front entrance. You may also call your local Area Agency on Aging to secure the name and phone number of the Ombudsman.

The UALR Senior Justice Center can be reached at: 501 - 683 - 7153.

**Strength in Numbers,
AANHR Needs You!!**

AANHR is a nonprofit organization run by non-paid volunteers dedicated to protecting and improving the quality of care and life for Arkansas residents in long term care facilities.

Won't you please lend your support to us by joining our organization? Your membership dues help to pay for our activities that support our mission statement. Memberships are available on a calendar year basis. Join now and you will be a member through December 31, 2007.

We are appreciative of people like you who support us and our cause, because together we can make a difference.

- () I wish to receive the AANHR newsletter.
- () \$15 per individual membership enclosed.
- () \$20 per family or corporate membership.
- () \$4 per student or CNA membership.
- () Waive dues because of financial hardship.

Please make checks payable to: AANHR and mail to PO Box 22421, Little Rock, AR 72221.

**Driving directions to
First Assembly of God Church,
4501 Burrow Road, North Little Rock**

Coming from the North:

When driving South on Highway 67/167, take exit #1 onto Warden Road. As soon as you safely can, move into the right-hand lane, as you will be turning right at the Golden Corral Restaurant onto Commercial Drive.

Coming from East, West or South:

If you are on either I-30 or I-40, take Highway 67/167 North. Take exit #2 onto Landers Road. Stay in the left-hand lane, as you will be turning left and going under Highway 67/167 and enter Warden Road going southbound. As soon as you safely can, move into the right-hand lane, as you will be turning right at the Golden Corral Restaurant onto Commercial Drive.

Commercial Drive terminates at the church. Proceed straight across Burrow Road into the church's parking lot and turn right at the far side of the building into the narrow alley-like drive.

The entry door is located about half-way down this side of the church and the meeting room (#113) is immediately inside the entrance door.



Arkansas Advocates
For
Nursing Home Residents

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www.aanhr.org

NON-PROFIT
ORGANIZATION
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