

PROTECTING NURSING
HOME RESIDENTS
1995-2005

September
2005

Www.aanhr.org

Arkansas Advocates for Nursing Home Residents

Celebrating our Tenth Year
1995-2005



***Note: Warden Road is now one way going South. Read new directions to AANHR's meeting. Page 8.**

NEXT MEETING

Monday, September 12

MEETING PLACE:

First Assembly of God Church; 4501 Burrow Road; North Little Rock
New Directions to church on page 8!

10 a.m.

Meeting for Members, Family and Friends of Residents (Closed to persons representing the nursing home industry.)

11 a.m.

Public Meeting: Subjects taught in certified nursing assistant training.

12 noon

Bring a sack lunch.

AANHR's Mission:

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

We're on the web!

www.AANHR.org

Conway (501) 327-3152 • Fairfield Bay (501) 884-6728
Little Rock (501) 225-4082

Nurse Aide Training to be Focus of September Meeting

Tommy Wingard, Special Programs Manager with Office of Long Term Care, and Renee Davison, RN, Review Nurse over Nursing Assistant Training, will speak about the training program which must be completed by nursing assistants before they can become certified. They will reiterate the subjects required in the 90-hour course.

NATIONAL NURSING HOME RESIDENTS' RIGHTS WEEK

October 2-8, 2005

Residents' Rights Education

Monday, October 3, 2005

**Arkansas State Capitol
Front Steps 11:00 a.m.**

Mike Beebe

(Key Note Speaker: Attorney General)

Together We Can...

Achieve Resident-Directed Care

Affirming Residents' Rights in Long Term Care Facilities.

PLEASE JOIN US!

**Arkansas Advocates for Nursing Home Residents
(AANHR)**



CELEBRATING 10 YEARS OF ADVOCACY AND EDUCATION (as printed in *Aging Arkansas*)

From the President's Desk - Nancy Allison

AANHR (Arkansas Advocates For Nursing Home Residents) started meeting in 1995 with the goal of educating the public about resident rights and nursing home regulations. *Knowledge is Power* was a phrase that was often used. AANHR continues to hold monthly public meetings with informative speakers and send out announcements that have evolved into a monthly newsletter. A Mission Statement was

developed: *To Protect and Improve Quality of Life and Care for Residents of Nursing Homes in Arkansas.*

From 1995 through 1997 you rarely saw an article on nursing homes in newspapers, and AANHR appeared to be the only group in Arkansas that voiced concern about residents. Awareness has steadily grown as is evident by nursing home and long term care articles regularly printed in *Aging Arkansas* and other Arkansas newspapers. There has been a steady increase in interest from other individuals and groups with which AANHR has aligned itself. AANHR members serve on the Silver Haired Legislature and have had recognition from both state and federal legislators.

In 1999 and 2001 AANHR worked with Senator John Brown of Siloam Springs and had some success getting staffing increased and a wage enhancement that was to go toward increased salaries for Certified Nursing Assistants. The staffing ratio was not as high as we would have liked, but it was an improvement, and a more easily understood method of determining staffing ratios was implemented.

In 2003 we incorporated as a nonprofit and AANHR became a 501C(3) to educate, with a 501C(4) arm, to lobby. The lobbying group is Advocates for Nursing Home Residents, ANHR, and has the same officers and board as AANHR. In 2003 ANHR fought against general medical malpractice tort reform which would limit damages and prevent the use of survey or inspection reports in a lawsuit. Our testimony to committee and contact with legislators did not stop that bill from becoming ACT 649. However, the Nursing Home Industry's Fair Care and Treatment Act of 2003 (another Tort Reform bill) failed when the session ended abruptly without it being passed into law. This bill was even more restrictive than the previous one.

During the most recent legislative session ANHR worked with Representative Sandra Prater as she introduced a bill increasing the hours of training for Certified Nursing Assistants. Fifteen additional hours are dedicated to understanding Alzheimer's and dementia; this is a step in the right direction. As in 2003, ANHR testified at committee meetings in support of Representative Stephen Bright's bill to allow residents to put surveillance cameras in their rooms. We believe strongly that this would improve care and give the family peace of mind. The nursing home industry's amendments to the bill provided protection for themselves and no protection to the resident. We were glad the amended bill failed to pass the Senate. We also fought against the Medication Aide bill. We feel that giving of medications by minimally trained persons poses a real threat to residents.

Last year a Residents' Rights Rally sponsored by AANHR was held at the Capitol, bringing attention to rights that are guaranteed by Federal Law. On October 3, 2005, this will be repeated. On June 13, 2005, AANHR honored 38 CNAs for their work in nursing homes. These CNAs had been nominated by nursing home family members or Family Council members because their work showed they "truly cared".

AANHR members continue to educate themselves by attending educational meetings and conferences both locally and in Washington D.C. We meet regularly with officials of the Department of Human Services and Office of Long Term. We have supported the State Director of the Ombudsman program with her volunteer program and have been very pleased to see the interest in this program increase. AANHR has not only become a resource within our state, but for all 50 states as we exchange ideas with other Citizen Advocacy Groups. We have developed a cordial relationship with the health care industry, which enables us to dialogue with them as we try to resolve some issues.

AANHR has had successes as well as setbacks. We believe nursing homes have improved but there is a long way to go. Family members today have more information and are better able to deal with unpleasant nursing home situations. However we still hear of frustration and intimidation when complaints are made. We have been unable to get oral hygiene programs started in nursing homes. Family Councils have not been developed in ALL nursing homes and information on which homes have family councils is not readily available. We would like to see AANHR meetings in other areas of the state. For more information you can access our website at www.aanhr.org and contact us.



The Role of the Coroner in Nursing Home Abuse

July's Speaker-Mark Malcolm, Pulaski County Coroner

By Nancy Johnson

Arkansas is the envy of nursing home advocates nationwide because of the law passed by the Legislature in 1999 which mandates that all deaths occurring in nursing homes in Arkansas must be reported to the County Coroner. Mark Malcolm, Pulaski County Coroner, was the leader in the passage of this bill, has diligently investigated every nursing home death in Pulaski County since, and has gained nationwide attention for his pioneering work in exposing nursing home neglect and abuse. As the featured speaker at the July 11 AANHR meeting he brought us up to date on how the law is working.

He stated that the law has made a big difference in the quality of care being given in Pulaski County. Whereas he frequently saw horrendous bedsores on deceased nursing home residents shortly after the law was passed, he now sees many fewer, they are smaller, and the charts indicate that a plan of treatment was in place.

His office investigates an average of 3-4 nursing home deaths every day. The inves-

tigation consists of going to the nursing home, examining the body carefully and a thorough review of the care chart. The

He (Mark Malcolm) stated that he would like to eliminate the county coroner position and have those duties assumed statewide by a State Medical Examiner. In fact, he said, only 22 states still have the coroner system.

body is not released to a mortuary until this is completed. He and his staff are rigorously trained in medical death scene investigation and forensic investigation. When they suspect neglect they refer the case to the Medicare Fraud Unit of the Attorney General's Office and to the Office of Long Term Care. If they suspect criminal abuse the case goes to the Prosecutor.

Unfortunately not all county coroners are as well trained or as diligent as Mr. Mal-

colm. In all counties except Pulaski the coroner is an elected official and there are no requirements in the law regarding either training for coroners or specific guidelines as to what constitutes an investigation.

When asked if there needs to be a law requiring training for coroners he cited several reservations about the value of such legislation. One is that minimum requirements tend to become maximums and can be used to discourage new techniques and continued training. Moreover, he pointed out that lack of training is only one factor in inadequate investigation: another is lack of adequate funding. He stated that he would like to eliminate the county coroner position and have those duties assumed statewide by a State Medical Examiner. In fact, he said, only 22 states still have the coroner system.

In response to the question of what family members can do when they suspect a death was due to neglect or abuse but the coroner does not follow up, Mr. Malcolm recommended contacting the Prosecutor for that county. And if there is still no action it may be time to contact a lawyer.



Nancy Johnson & Louie Cohorn

Louie Cohorn Receives Certificate of Appreciation

Louie Cohorn, received a Certificate of Appreciation at AANHR's July meeting for his years of service in doing the setup for water and coffee at each meeting. He has driven from Searcy and arrived an hour early at each meeting to ensure that hot coffee and cold water awaited early arrivals. Now he must resign because of his ailing knee.

Thank you, Louie! We wish the best for your knee, and are happy you will still be coming to meetings.

Legislation with the Greatest Impact By Bob Edwards, Attorney at Law

The regular session of the 85th General Assembly officially came to a close on May the 13th. The one piece of legislation from this session that could have the greatest impact on nursing home residents and their families is Senate Bill 424, (now Act 1423) better known as the M.A.P. bill.

M.A.P. stands for Medication Assistive Persons. This person, (or MAP) will work under the supervision of a nurse, helping to administer medicines to the residents. To be a MAP, one has to first be a certified CNA with at least one year's experience and a good record of service. Those who qualify may then train to be MAPs. A minimum of one hundred hours of training will be required to become a certified MAP. This is one of the largest training requirements of any state in the U.S. The program to become a MAP will be created and approved by the Arkansas Board of Nursing. MAPs will not count against the minimum direct-care staffing hours that nursing homes are required to have, but will be additional, new staff, if the home makes use of them.

The Arkansas Health Care Association (AHCA) was the driving force behind the legislation. AHCA has long claimed that there aren't enough nurses to go around the state. They argued that by creating these positions, nursing home owners could ensure that the residents in their homes can get bet-

A minimum of one hundred hours of training will be required to become a certified MAP (Medication Assistive Person).

ter care than they are at the present. Let us hope this is true. This act does increase the number of staffing in nursing homes should the homes choose to make use of this legislation. In theory, this should free up time for nurses to better assess residents and provide more hands on care. It should also, in theory, ensure that residents receive their medications in a timely manner.

The major concern that most people have with this bill is the fear that the number of medication errors in nursing homes will increase. It is a fact that MAPS will have less training than the LPNs or RNs who currently deliver medica-

tions to the residents do. It is no surprise that many are afraid that because of this fact, more medication errors are likely to occur.

Some people believe this legislation was simply a cost cutting measure by the nursing home industry. By creating MAPs, they may not have to hire an extra nurse, and may even be able to hold off staffing increases for nurses in the future. The industry says this isn't true and claims there is a nursing shortage. Many nurses in the industry, however, claim that there are nurses who are available to work in nursing homes but choose not to, due to the short staffing in homes that leads to so many unnecessary injuries and deaths. These nurses say they are not willing to risk their licenses to work in such an environment.

Today, about half the states in the union have some sort of MAPs program. Some are supposedly more successful than others. Here in Arkansas, it is too soon to know how successful our MAP program will be. We shall have to wait and see.

AANHR Special Thanks

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

1. **Dan Sorey** and **Chad Trammel** for gift memorials and support.
2. **Darren O'Quinn**, of The Law Offices of Darren O'Quinn for assistance in the publication of this newsletter, meeting rooms, lunches and numerous other help to AANHR.
3. **Brian Reddick** and **Bob Edwards** of Wilkes and McHugh for the generous donation toward the publication costs of this newsletter.
4. **Jack Wagoner** for keeping AANHR supplied with copies of the book, DANGER ZONE.
5. **David Couch** of Grayson and Grayson, PA, for employing Brent Birch of One6media, LLC to do AANHR's new website design.
6. **First Assembly of God** in North Little Rock for providing a meeting room free of charge.
7. **Clark Mason** of Hare, Wynn, Newell & Newton for financial and promotional support over the years.



Lela Burns and James Brooks

AANHR First-Year Board Members

Lela Burns and James Brooks are approaching the end of their first-year service as AANHR Board members. We appreciate their dedication to making nursing homes better places to live. They are both members of Quapaw Quarter Nursing Center Family Council in Little Rock.

Lela, a retired Registered Nurse, is married to Bowman Burns. They have two adult children—a daughter who is a radiologist at Children’s Hospital and a son who lives in Florida. He drives 18-wheelers cross country. Lela cared for her mother in a nursing home for six months before she died at age 90. After her mother died, Lela befriended nursing home residents who don’t have a lot of visitors. She’s “adopted” them., inasmuch as she visits them regularly and brings them gifts of food or flowers.

James wrote the following biographical sketch about himself:

James W. Brooks, Sr., retired sheet metal worker for Locomotive Sheet Metal, is married to Betty Jo Brooks and they are the parents of seven children. Mr. Brooks had a 79-year-old widowed aunt he had known and lived around all of his life. She became hostile toward him, and all of her family members as well as her church family. She accused every one of stealing and lying. She became abusive; friends and relatives distanced themselves from her. She became negative with the home care, nurses and aid and refused to cooperate with them or Mr. Brooks. Mr. Brooks petitioned the courts for guardianship over her person and it was approved. He had her placed in Quapaw Quarters Nursing Center. During his frequent visits he realized that in addition to her other illnesses she had been suffering from Dementia and that fear and helplessness was the cause of her radical behavior, after seeing other residents going through the same dilemma. She passed away in October 2003.

Mr. Brooks feels that we should be the ears, eyes and a bridge of **love, care and hope** for our elderly citizens as well as the sick, disabled, misunderstood and sometimes abandoned ones that have been left solely to the care of the nursing homes. We must remember that the residents could be us and we could be them.

Mr. Brooks is a member of AARP, NCCNHR, and AANHR. Mr. Brooks is currently serving as Vice President of the Family Council at Quapaw Quarter Nursing Center in Little Rock. The Family Council Members express, **LOVE, CARE AND HOPE** to all of the residents that reside there. Mr. Brooks is committed to being an advocate for the elderly and to nursing home residents.

Quapaw Quarter Nursing Center Family Council Hosts Tea for Residents

Recently, the Family Council at Quapaw Quarter Nursing Center in Little Rock hosted a 17th Annual Spring Tea, focusing on **Love, Care and Hope** for the residents at the Center. The Tea provides the opportunity for family, friends and community leaders to give financial support to the many projects of the Family Council in the coming year; projects such as supplying a wardrobe of new, good - quality clothing for those residents who need it. That’s just one example of the many provisions for which the Family Council is responsible on a yearly basis. At the tea the lady residents are dressed up in new, beautiful clothing for a style show enjoyed by all.

“We the family council members, want the

residents to know that our **love** for them is the driving force that causes us to be their drum majors. It was **love** for the residents that precipitated the formation of the family council. It is the same **love** that drives us to learn all we can about the needs of residents and the institution’s policies. Our goals are to provide happy moments and to persevere when it comes to doing all we can to ensure that residents receive quality care.

“We **care** because so many of the residents have faced countless hardships in life; hardships that have made the world a better place for us all. It is our duty to see that they are **cared** for. We have an unwavering commitment to ensuring that residents are given the respect and honor that they deserve by virtue of the position

they hold as our elders.”

Paulette Blevins, Family Council President wrote the following note to the residents:

“In so many instances, you **cared** for us, giving unconditional love; especially when we were most vulnerable and dependent. Now it is our turn to **care** for you. When the world seems to have turned its back on you because you may be ill, distressed, or elderly, know that we will never turn our backs on you.

“We will do all that we can to ensure that you have the quality of life that you are due. We hope that the **care** we provide, because of our **love** for you, will give you a well-deserved measure of calm, **hope**, joy and peace based in the knowledge that you are very much valued.”

Reflections

By Dr. Shelley King
Assistant Professor of Pediatrics
UAMS—Arkansas Children's Hospital

God tells us in His word to “love one another” and to “consider others better than ourselves”. From a practical standpoint, I have found this attitude and practice increasingly important in the practice of medicine. I learned early on that custodial staff, ancillary support staff, fellow physicians and administrators are all vital components in achieving the best possible outcome for my patients and their families. For one part cannot function without another satisfactorily.

I recommend making it a point to speak to others, smile and show appreciation for the work that is done. Whether it is sweeping a floor, changing bed linens, administering medications, consulting on a patient, or making a policy, a smile and a thank you go a very long way and will likely benefit you by improving the care your patient and patient families receive.

Go ahead—give it a try and see what happens.

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 Attorney General
TOLL FREE: 1-866-810-0016
LITTLE ROCK LOCAL: 682-7760

For additional assistance or a listening ear, call AANHR at (501) 327-3152 in Conway;
(501) 884-6728 in Fairfield Bay;
Or (501) 225-4082 in Little Rock.

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

Your local Ombudsman's number should be posted in the nursing home. You may also call your local Area Agency On Aging to secure the name and Phone number of the Ombudsman.

(Continued from page 7)

The saying "clean enough to eat off the floors" came to mind. The condition of the kitchen may be the result of Kriss's keen interest in the preparation of food and I understand he's constantly offering his take on how the kitchen is to be run. One last word on the kitchen: Kriss served the three of us as well as Susie Hood, family council President and Connie Smith a delicious lunch; made even more delicious by knowing how clean the kitchen was where the lunch was prepared.... Everyone cleaned their plates, then complained of having eaten too much. While I was doing my own thing I noticed that Greenhurst had more staff then I was used to seeing in most nursing homes. This fact I can't emphasize enough. Another little fact - In almost a half century of providing service to residents, Greenhurst has never been sued. I could write more but the purpose of my writing was to apprise you of the fact that Schaffer, LLC has a web site that I recommend you visit. The site introduces you to not only the nursing home with pictures, but also Skyler Estates, their independent-living apartments, also with pictures. The web site is: www.greenhurst.net

Creating a Better Bathing Experience

AANHR members viewed a video a couple of months ago which demonstrates how to create a better bathing experience for nursing home residents. We recommend it for your Family Council and/or staff at your nursing home. For more information and to order the video, go to the website: www.bathingwithoutabattle.unc.edu

Director of health-care unit for Consumer's Union Visits Arkansas

Trudy Lieberman, Director of the health-care unit for Consumer's Union, the publisher of Consumer Reports, visited some Arkansas nursing homes in May. Arkansas will be included in an upcoming report about quality of care in the nation's nursing homes. Consumer's Union wants to know why nursing homes have faced the same problems, such as patient neglect and lack of adequate staff for decades.

Martha Deaver, a board member with Arkansas Advocates for Nursing Home Resi-

dents, was instrumental in influencing Lieberman to come to Arkansas. Lieberman, the author of five books and also a contributing editor to the Columbia Journalism Review, met with Attorney General Mike Beebe during her week-long stay. She also toured homes in Central Arkansas and visited with nursing home residents and their families. In addition, she met with regulatory officials.

The survey results done by the regulatory officials on nursing homes every ten to fifteen months are a key factor in determining quality of care. The Consumer's

Union periodically releases a nursing-home "watch list" of the worst 10 percent of facilities in each state.

At least one facility visited by Lieberman solicits nothing but praise from AANHR members. That is Greenhurst Nursing Center in Charleston, Arkansas, owned by Kriss and Fred Schaffer.

AANHR's treasurer, Ralph Erwin, chauffeured Lieberman to Greenhurst. His first impression of the home is expressed in excerpts of an email printed below.

Dear Fellow Board Members:

Ever since a few of you visited Greenhurst Nursing Facility some time ago, I've heard the glowing reports of this almost perfect example of a nursing home. I've always listened to the reports with a fair degree of skepticism. Last Thursday I had my chance of clearing up this issue which had run through my mind several times since I was first told about this facility....

As we drove up to the facility I had to admit the pastoral setting was attractive and very peaceful looking. The crowing jewel of the property is located smack dab in the middle, right in front of the nursing home. It consisted of about a half-acre stocked pond with a gazebo and outdoor barbeque kitchen. The pond is home to several winged foul and hundreds of fish. There were several persons lounging on the nursing home's front porch enjoying the morning and each others company. I couldn't tell which of the persons were residents and which were visitors.

Upon entering the building I also had trouble distinguishing the residents from the visitors other than the ones in wheelchairs must be residents. I've visited enough nursing homes to know that the men don't wear wrist watches nor are they all clean shaven. The women residents don't wear make-up, nice clothes, shoes, jewelry including wedding rings, wrist watches and ear rings. **NOT SO** at Greenhurst and not only were the residents well groomed they were all smiling. I was truly amazed.

Trudy and I accompanied Kriss into the kitchen for him to get a cup of coffee. It was in the kitchen I received my next surprise. I've worked in several kitchens and visited several kitchens in several nursing homes. This kitchen at Greenhurst looked as if it was ready to be photographed for a spread in "Southern Living" or an advertisement of kitchen wares in a like type magazine. I was particularly impressed by the cleanliness of the area. (Continued on Page 6)

Strength in Numbers, AANHR needs you!!

Please take a moment to find out if you've renewed your AANHR membership. (Our fiscal year began on January 1, 2005. If you have not paid your dues since August 2004, then you are past due). We are so appreciative of people like you who support us because together we can make a difference.

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

Please make checks payable to:

AANHR P.O. Box 22421 Little Rock, AR 72221-2421

AANHR Officers and Board Members

President—Nancy Allison, Conway

Vice President—Nancy Johnson, Fairfield Bay

Secretary—Catherine Donovan, Little Rock

Treasurer—Ralph Erwin, Little Rock

Members of the Board of Directors: Marce Best, Maumelle; James Brooks, North Little Rock; Betty Buckta, Fairfield Bay; Lela Burns, North Little Rock; Virginia Cross, Little Rock; Martha Deaver, Conway; Fred Plant, Little Rock; Larry Wakefield, Fairfield Bay

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

AANHR Meeting Directions

First Assembly of God Church, 4501 Burrow Road, North Little Rock, Arkansas

From Little Rock, on Highway 67-167 take the West McCain Blvd. exit. After crossing the overpass, turn right (east) on to the newly constructed ramp. Get in the left lane and turn left at first opportunity. You will be on Landers Road, but it is unmarked. Stay in left lane and drive until you come to the new "turn around". Take the "turn around". It will go under Highway 67/167 to southbound Warden Road. Stay on Warden Road until you come to the Golden Corral restaurant. Turn right on to Commercial Street immediately after the restaurant. Commercial Street ends three blocks later at Burrow Road.

The church is at the end of Commercial Street and is easily recognized by three large crosses. Proceed ahead in the parking lot (do not turn right) past the crosses to the southwest corner of the building. Turn right on the narrow alley-like drive. Enter the door halfway down this side of the church. The meeting is in room 113 (immediately inside the entrance door).



Arkansas Advocates For
Nursing Home Residents
P.O.Box 22421, Little Rock, AR

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PROTECTING THE RIGHTS OF
NURSING HOME RESIDENTS FROM
FRAUD, ABUSE, AND NEGLECT

MAP TO MEETING

