



# AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING  
HOME RESIDENTS

Oct  
2016

Residents'  
Rights Rally  
Mon. Oct 10  
11:00 AM  
Capitol  
ROTUNDA  
will replace  
the October  
monthly  
meeting.  
Next  
regularly  
scheduled  
AANHR  
meeting at  
First  
Assembly of  
God Church,  
NLR  
is  
Monday,  
Nov. 14<sup>th</sup>  
10:00 AM.

Conway (501) 450-9619

#### AANHR's Mission Statement:

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

## Thirteenth Annual Residents' Rights Rally Please Join Us!!!

Monday, October 10<sup>th</sup>, 2016

AR State Capitol Rotunda, 11:00 AM



October is National Long-Term Care **Residents' Rights Month**

#### Keynote Speaker:

Deputy Arkansas Attorney General: Lloyd Warford

Hosted By

Arkansas Advocates for Nursing Home Residents

[www.aanhr.org](http://www.aanhr.org)

For more info please call 501-450-9619 or 501-269-4626

#### Program of Events:

Martha Deaver, AANHR President .....Welcome  
Dr. Gerald Parker Sr., Pilgrim Progress Missionary Baptist..... Invocation  
Martha Deaver, Event Chairman .....Proclamation Presentation  
Lloyd Warford .....Deputy Attorney General  
Col. Matt Snead.....ADVA Director  
Jennifer James .....AR State Ombudsman  
Dr. David Montague.....Director of UALR Senior Justice Center  
Martha Deaver .....Closing Remarks



## *From the President's Desk . . . . Martha Deaver*

October 10th, a Monday, which is Columbus Day, AANHR (Arkansas Advocates for Nursing Home Residents) will host its thirteenth annual Residents' Rights Rally on the State Capitol steps. If you have never been to the Capitol, there is a drop off area available under the front steps, eliminating the necessity of walking to the site. Seating is also provided and in the event of inclement weather, the rally moves into the Capitol Rotunda. Consider this your invitation to attend in support of our frailest Arkansas citizens! At the rally, you will see a Christmas tree (in October!) that has many silver bows on it. Each of those bows represents an occurrence of actual harm to an Arkansas nursing home resident. You may be surprised at the number represented.

It is always gratifying to see all the volunteers who still give freely of their time to attend this rally and also to visit folks in nursing homes. We're all still coming, still visiting, still standing up for those who cannot speak for themselves. It is also reassuring to see all those whose vocation is to oversee the care and better the lives of nursing home residents, as well as see that those who infringe on residents' rights are brought to justice.

We are expecting our usual great turnout of advocates, friends, and relatives of nursing home residents, as well as actual nursing home residents! Our keynote speaker will be Deputy AR Attorney General, Lloyd Warford. Other featured speakers include: Dr. David Montague, Director of the UALR Senior Justice Center; Col. Matt Snead, ADVA Director; Jennifer James, Arkansas State Ombudsman; and, Dr. Gerald Parker, Sr., Pilgrim Progress Missionary Church. The Honorable Governor Asa Hutchison signed a proclamation recognizing this event.

AANHR's goal as an organization is to "protect and improve the quality of care and life for nursing home residents in Arkansas". We acknowledge the importance of these rights guaranteed by the Federal Nursing Home Reform Act of 1987. This annual rally is to acknowledge the rights of nursing home residents -- rights we all have, rights that are not forfeited when one enters a nursing home to live. We know that when a person can no longer be responsible for their own care, many go to a long-term care setting. These rights must not be diminished!

Information pertaining to protecting the rights of Arkansas nursing residents will be distributed to every person in attendance. For more information about residents' rights visit [www.aanhr.org](http://www.aanhr.org) or call 501-450-9619.

### **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 501-450-9619; she will put you in touch with your regional ombudsman.

Check out [aanhr.org](http://aanhr.org) for valuable information and to read former AANHR newsletters.

# *DEVALUING LIFE:*

## ISSUE 4: THE PROPOSED LAWSUIT REFORM AMENDMENT

### Background:

The so-called lawsuit reform amendment, Issue 4, is nothing like what it pretends to be. It is an attack on the value of human life. Here is why.

When a person gets hurt or killed because someone else is careless, the careless person is required to pay money to the injured person to make up for the harm he or she caused. This is right and understandable. We all ought to be accountable for our carelessness, even when we cause harm we didn't mean to cause. And this system makes the person who caused the harm responsible for paying for it rather than all of us as taxpayers through government payouts or increased health care costs.

The money paid for injuries caused is called "damages." The injured person can be paid for the cost of medical care and lost wages, for example. But that is not all. Part of the injury to a person caused by carelessness is what is known as "non-economic damages." These are things like the pain and emotional upset that goes with an injury, the embarrassment of a scar, or the human upset of losing an arm or a leg. The "value" a jury places on life itself is also in the category of "non-economic damages."

One reason we have this rule that those who cause injuries have to pay for them is to encourage people to act responsibly. If we all know we have to pay for the harm we cause, we will tend to act more responsibly. Holding us all accountable creates a safer world by encouraging responsible behavior.

The lawsuit reform amendment does just the opposite. It encourages careless behavior by limiting those "non-economic damages" that pay injured people back for very real harms caused by carelessness. What's more, the carelessness encouraged will be most dangerous to the most vulnerable. Many very valuable members of our society only have "non-economic" harms they can suffer. They don't work, so they aren't able to recover lost wages. They can only be injured by things like pain, scarring and death. So, where carelessness is directed toward them this amendment essentially protects careless people by allowing them to escape the true value of the harm they cause. This encourages careless behavior by failing to have full accountability for it.

So who are these most vulnerable members of our society who will be exposed to careless behavior?

- Stay-at-home moms and dads;
- Elderly and retired folks;
- Children and infants; and
- Unborn babies.

This amendment makes all of these people worth a paltry \$250,000 and not a dime more.

*(continued on page 5)*

# Be Informed on the 2016 Ballot Issues!

In addition to the Candidates for office, there are seven ballot issues to be decided upon on the November 8 General Election ballot. The Arkansas State Legislature is allowed to propose three amendments to the State Constitution each general election cycle and they usually do so. Seems like they might leave things as is for a change but they seem to feel the need to tweak! This time they propose Issues 1 through 3 for readers' opinions.

There are many venues for educating yourselves on these issues. Among them [uaex.edu](http://uaex.edu), the State Extension Service. One can either go on their website or stop by the local county extension office for handouts; [ArkansasVotersGuide.com](http://ArkansasVotersGuide.com) provided by Family Council in Arkansas also has valuable information; AARP likely also has info.

So be informed and be prepared to make your wise decision on whether to support or oppose.

**Issue 1** (House Joint Resolution- HJR 1027) If passed, this amendment doubles the terms of some county officials from two years to four years. The proposal also defines what criminal offences might determine ineligibility to hold an office.

**Issue 2** (Senate Joint Resolution SJR 3) If passed the Governor retains powers & duties when out of state. Presently, Lieutenant Governor takes over.

**Issue 3** (SJR 16) removes limits on general obligation bonds. Currently AR Constitution limits Arkansas' borrowing abilities by limiting bond issues. Issue 3 also increases local governments' ability to acquire land via eminent domain and other functions.

The last four ballot issues are citizen initiated, meaning canvassers gathered enough signatures to bring them to a vote:

**Issue 4** indirectly takes away jury decisions on lawsuits for negligence. AANHHR is particularly concerned about Issue 4 as it will limit Attorney Contingency Fees and Non-Economic damages in Medical lawsuits. If passed, the Arkansas State Legislature could cap non-economic damages at \$250,000. This Issue is nursing home owners versus trial lawyers. Issue 4 was initiated by the owners.

**Issue 5** establishes a monopoly for three new casinos in AR: specifically one each in Boone, Miller, and Washington Counties each one run by a certain designated company. This amendment would allow these casinos to operate 24/7 every day of the year and offer any form of gambling surrounding and other states offer. They may sell or give away alcoholic beverages. Casinos will not pay local or state sales taxes and local governments are prevented from levying more taxes on them. The Governor will appoint members of a commission to oversee casino operations.

**Issue 6** The AR Medical Marijuana **Amendment** legalizes medical marijuana. This amendment is twenty-four pages long and details twenty-one medical conditions which would allow a person, regardless of age, to use medical marijuana. One would need a doctor's letter stating condition such as pain, nausea, cancer, etc to present to the AR Department of Health to receive a card that allows marijuana purchases at forty stores around the state. Four to eight marijuana farms would be established in the state. A care-giver could be designated to oversee marijuana procurement for up to five marijuana card-holders. If passed, this amendment becomes part of the Arkansas Constitution and can be changed only by a statewide vote.

**Issue 7** The Arkansas Medical Cannabis Act also twenty-four pages long, also legalizes medical cannabis. This amendment allows up to sixty conditions to receive a marijuana card. Marijuana card holders who live more than twenty miles from a store could grow up to ten plants at home. Care-givers may grow up to fifty plants for card holders. If passed, this initiative becomes state law that can be changed only by a two-thirds vote of the AR State Legislature.

Voters are encouraged to do their research on these seven ballot issues before election day arrives! There are so many (seven); some are so lengthy. You won't want to take the time to read through each in the voting booth. Also, voters usually see only the ballot title & short explanation displayed on the voting machine screen. It's best to have one's decision made on the issues and yes, personal "cheat sheets" aka notes are allowed in the voting booth. Be informed and vote wisely!

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*(Devaluing Life - continued from page 3)*

#### **The Fight Against Issue 4:**

The State of Arkansas allows for the creation of Ballot Question Committees to either support or oppose ballot questions. The supporters of Issue 4 have the disingenuous name "Health Care Access for Arkansans." They purport that attorneys file frivolous lawsuits that drive up medical costs. They will attempt to say limiting lawsuits will encourage more doctors to move to Arkansas and lower health care costs for everyone. This line of reasoning has been used in other states, and study after study shows that limiting lawsuits does nothing to lower health care costs.

A non-partisan group of nursing home resident advocates has stepped up to lead the fight AGAINST Issue 4. The Committee to Protect AR Families is aggressively fighting this amendment. We have called to the voters' attention that the amendment is being pushed by corporate nursing home owners who want to grow their profit margin by limiting Arkansans ability to hold corporate nursing homes accountable when they neglect and abuse our elderly family members.

The Committee to Protect AR Families has filed a lawsuit against the committee pushing this amendment. The lawsuit questions the manner in which signatures were collected by the committee. It will be up to the Supreme Court of Arkansas to decide whether the case is sufficient enough to prevent this amendment from becoming law.

Another group sponsored by the Arkansas Bar Association, "Fairness for Arkansans," has formed to oppose Issue 4. They have also filed a lawsuit that highlights the misleading nature of the ballot title.

#### **How to Help Fight Issue 4:**

1. Vote AGAINST Issue 4 in November
2. Like and Share the Protect AR Families page on Facebook
3. Write a letter to the editor at your local paper
4. Donate to the Committee to Protect AR Families
5. Inform your friends, family, neighbors, coworkers, and anyone else you can

## Election at November 14th Meeting for 2017 AANHR Officers and Board Members

### Nominating Committee for November Election:

Chairperson: Julie Shaw, Memphis -- (901)508-0558  
 Committee Members: Linda Brimer, Searcy -- (501) 230-5844  
 Martha Deaver, Conway --(501) 450-9619

Call any member of the Nominating Committee if you wish to nominate someone as an officer or board position. You must have the permission of you nominee.

The AANHR by-laws require a presentation of a slate of officers and board members for the coming year at the November meeting. Officers are automatically members of the board of directors.





### These are the nominees for 2017:

President: Martha Deaver, Conway (501-450-9619)  
 Vice-President: Open -- TBA  
 Secretary: Open -- TBA  
 Treasurer: Nancy Patterson, Searcy

### Nominees for the Board of Directors:

Martha Blount, Searcy  
 Linda Brimer, Searcy  
 James Brooks, North Little Rock  
 Julie Edwards, Alexander  
 Pat McGuire, Alexander  
 Ann Pinney, Benton

### ***Steps to take if you find care lacking . . . . .***

1. Talk to the CNAs on duty for your hall. \_\_\_\_\_ → 
2. Talk to the nurse for your hall. \_\_\_\_\_ → 
3. Talk to the Director of Nursing or the Administrator. \_\_\_\_\_ → 
4. Call the Office of Long Term Care or the Regional Ombudsman. \_\_\_\_\_ → 

❖ The Office of Long Term Care Phone in Arkansas is 1-800-582-4887.

❖ Regional Ombudsman contact information complete with a photo of the ombudsman should be posted in a prominent place in your facility. You may also have a certified volunteer ombudsman (CVO) for your facility who might offer advice.

### AANHR Special Thanks

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

**Gary Miller of Prosmart Printing** for assistance in newsletter and brochure publication.

**The Law Office of Bob Edwards and Mrs. Edwards** for providing financial assistance as well as AANHR Good Care booklets

**M. Darren O'Quinn, Attorney, Little Rock**, for his continued assistance to and support of AANHR.

**Paschall Strategic Communications** for their continued assistance with public relations needs.

**First Assembly of God Church** in North Little Rock for providing AANHR a meeting room.

**David Couch** of The Law Offices of David A. Couch, PLLC, PA, for his support and assistance, and his providing POA documents pro bono.

### AANHR Officers and Board Members

**President** - Martha Deaver, Conway (501-450-9619)

**Vice President** - Nancy Patterson, Searcy (501-305-4034)

**Secretary** - Nancy Allison, Conway (501-327-3152)

**Treasurer** - Nancy Patterson, Searcy (501-305-4034)

**Members of the Board:** Martha Blount, Searcy (501-278-9168); Linda Brimer, Searcy (501-268-4699); James Brooks, North Little Rock (501-454-6279); Julie Edwards, Alexander (501-425-9959); Pat McGuire, Alexander (501-847-1016); and Ann Pinney, Benton (501-249-1084); Julie Shaw, Memphis (9012-508-0558)

**Newsletter Editors:** Martha Blount, Searcy; Marcy Wilson, Sherwood

**Honorary Board Members:** Faye Sandstrum, Searcy.

### 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://humanservices.arkansas.gov/dms/Pages/oltcHome.aspx](http://humanservices.arkansas.gov/dms/Pages/oltcHome.aspx)

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**

Visit our website at [www.aanhr.org](http://www.aanhr.org) or e-mail us at [Info@aanhr.org](mailto: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.**

[www.ualr.edu/senior justice](http://www.ualr.edu/senior justice)



Arkansas Advocates for Nursing Home Residents

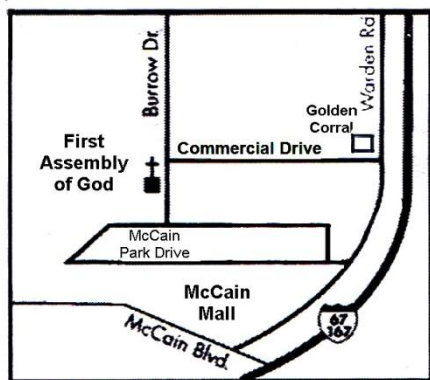
AANHR

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[www.aanhr.org](http://www.aanhr.org)

NON-PROFIT  
ORGANIZATION  
U.S. POSTAGE PAID  
LITTLE ROCK, AR  
PERMIT NO. 1886

Oct. 2016



### 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, 2017**.

Today's Date \_\_\_\_\_

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

- ☐ I wish to receive the AANHR newsletter.  
☐ \$20 per family or corporate membership.  
☐ Waive dues because of financial hardship.

Please make checks payable to: AANHR and mail to  
111 River Oaks Blvd, Searcy AR 72143.

### 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 #1A 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 (#102) is immediately inside the entrance door on the left.