

PROTECTING NURSING
HOME RESIDENTS
1995-2005

January
2005

Arkansas Advocates for Nursing Home Residents *Celebrating our Tenth Year*



NOTE: If public schools are closed due to inclement weather, there will be no January meeting.

NEXT MEETING

Monday, January 10, 2005

MEETING PLACE:

First Assembly of God Church
4501 Burrow Road
North Little Rock
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:
Nancy Allison and Nancy Johnson speak of the 2004 NCCNHR Conference

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

January Meeting to Highlight NCCNHR Conference

AANHR'S January meeting will feature Nancy Allison, AANHR president, and Nancy Johnson, AANHR vice president, as speakers. They will tell us about the annual fall NCCNHR Conference held in Washington D.C. The theme of the conference was **"Spotlight on Quality—Focus on Residents"**.

The needs, rights and preferences of residents should be foremost in all quality initiatives, and our role as advocates is to give voice to resident issues. Come and learn as the two "Nancys" focus on what quality means to residents.

Reflections of the past year of the Arkansas State Ombudsman Kathie Gately

The Arkansas Ombudsman Program has successfully provided quarterly training to all Regional Ombudsmen. These trainings have included presenters from the AOA, Sue Wheaton; Alice Hedt & Elma Holder, NCCNHR; Raymond Harvey, Elderlaw; and Carol Compass, AFMC; Virginia Vollmer, PhD; staff of DAAS; and School of Social Work, ASU. These trainings have not only provided in-depth knowledge and tools for the Regionals, but have reinstated the unity of the program.

The Arkansas Ombudsman Program has grown significantly with the expansion of the Volunteer Ombudsman Program. We currently have all eight Area Agencies on Aging involved. We have fourteen Certified Volunteer Ombudsmen throughout the state and twenty-two that are working on their nursing home practicum. We currently have four Volunteer Ombudsman Coordinators and are projecting one in each Region for 2005.

We have developed a Certified Back-up Ombudsman program to allow for coverage during those events that the Regional Ombudsmen are not available. At this time eight individuals have completed their training and requirements and have obtained Certification as a Back-up Ombudsman. It is our goal to have Certified Back-up Ombudsmen in all the Region's for 2005.

We are working with the nursing home SW and Admission Coordinators to distribute our brochures upon admission and notify us if they are in need of new or additional posters. This is to ensure that everyone is informed of the Regional Ombudsman in their area.

As we continue to grow in numbers and increase our knowledge, it is our hopes that one day "Ombudsman" is a household name. Thank you for assisting with promoting the program.



From the President's Desk

Nancy Allison

Family Councils play an important role in promoting good care for residents of nursing homes. It is the right of family members to have a family council and the facility must support it. In a recent column Peggy Moody, President Arkansas Health Care Association, states “we encourage Family Councils. Homes appreciate the direct involvement these groups have in helping to improve the quality of life enjoyed by patients.” Federal law requires all nursing homes that receive Medicaid or Medicare reimbursement to promote and support the right of families to organize and pursue positive change for the residents.

At the NCCNHR Conference in October 2004, I attended several meetings focused on Family Councils. I want to share with you what a family member said about these groups.

Susan's 58 year old father had suffered a stroke and after moving him into a facility, she realized that there was no Family Council and likened such an organization to the PTA at a local school. “Would you send your child to a school that did not have a Parent Teacher Organization?” She used that approach to enlist the help of the first members of her core group to establish the Council. They got advice from other Councils.

Her message is to let everyone take on a piece of the responsibility. She has a co-chair and a volunteer to keep minutes. Their minutes are kept simple and resident focused. They arrange for speakers, have membership drives with cookies and juice and pass out flyers in the lobby. There have been days Susan asks, “who made this my job?”, yet she continues to work to improve the care in the facility. The council members keep logs on each others loved ones and they continue to document, document, document.

She argued that the care of these residents was not about mediocrity – it was about excellence. She advocates choosing and defining winnable issues taking on one issue at a time. Her group acknowledges improvements the facility makes and employees doing a good job. They have developed a “working relationship” with the administrator by coming up with a strategy where they speak with surveyors while they are there and follow up with a conference call to the administrator. One facility has tried occasionally inviting employees to part of the meeting and have them report on what is going on in the facility. Then council members can ask questions and discuss areas that may be of concern. They point out that visitors see things differently than employees do.

When you stay involved in the Family Council at a nursing home, you become a first-hand grassroots representative. You are able to speak with others about issues of care in nursing homes. We can make it better, but it will take all of us working together. If you do not have a family council in the facility you visit, ask the Ombudsman to help you get one started.



Natalie Baker, MSN, CRNP spoke at AANHR's November Meeting

By Nancy Johnson

Featured speaker at the November meeting of AANHR was Natalie R. Baker, MSN, CRNP. Ms Baker is a Certified Geriatric Nurse Practitioner who has made a specialty of legal consultation. She provides expert assistance to lawyers and to family members about the medical and nursing implications of the care of their loved ones.

She showed a video titled, "Setting Realistic Expectations", which is being used by some nursing facilities at the time of admission to tell new residents and their family members what to expect from life in a nursing home. Unfortunately the picture this video paints is bleak indeed: loss of privacy, individuality must give way

to the needs of the group, life in the nursing home is full of risks.

The over-all tone of the video presentation was that you need to expect these risks so don't blame the facility if there are problems.

One cannot help comparing this presentation to the possibilities of culture change as presented to members one month ago, wherein privacy, individual choice, and a home-like atmosphere is being offered in some nursing homes. It can be done and it should no longer be necessary to endure the discomfort and unpleasantness that is now associated with nursing homes and which was so graphically portrayed in the video shown by Ms Baker.

AGING ARKANSAS

AGING ARKANSAS is a statewide newspaper that keeps Arkansans over 50 informed about health, consumer issues, advocacy and senior legislation. Each issue is filled with wonderful informative articles and serves as an advocate for Arkansans. AANHR would like to suggest that you subscribe to this monthly paper for the nominal fee of \$10 a year. It will keep you up-to-date on all the goings on in the legislative session that will start January 10, 2005. By being well-informed you can have a stronger impact on what happens with issues affecting senior citizens.

A check for \$10.00 mailed to AGING ARKANSAS, 706 South Pulaski St., Little Rock, AR 72201, will be money that will pay great dividends toward your future in this state.

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. A social worker or nurse will be available to answer questions and address concerns. 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>

You should also report complaints to the Attorney General's office! (OLTC no longer alerts that office to suspected criminal activity.)

The Arkansas Attorney General's office has a toll free number to investigate adult abuse and Medicaid fraud. Please do not hesitate to call them. TOLL FREE: **1-866-810-0016** LITTLE ROCK LOCAL NUMBER: **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. For instructions on how to file a complaint, 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.

State Aging Conference (Fall 2004) Excerpts from Nancy Johnson's Presentation

CHOOSING A NURSING HOME:

Suppose your father or your grandmother has gotten to the place where they need to enter a nursing home. Where do you start looking for a nursing home for a loved one and what should you look for?

Nine times out of ten, of course, location will be a primary factor. If possible you will want a nursing home that is close, where friends can visit often and where you will be able to drop in at any time. You are not relinquishing your care giving duties when Mom is admitted, only changing the nature of those duties. It is just as important for you to be fully involved in oversight of her care as previously.

Other factors to be considered: cost - and if Medicare or Medicaid will be involved, if the home is certified to accept this kind of re-

imbursement. Not all are. The nursing home must inform you in writing, before admission, about its services, charges, and fees. If your loved one needs special services, such as dementia care, physical or occupational therapy, a special diet, make sure that they can provide what is needed.

We recommend that if at all possible, you make at least three visits to a facility - at different times of the day and on a weekend - before making a decision. Remember that a new building or a beautiful lobby does not necessarily indicate the kind of care which residents receive. You will want to check for general cleanliness. Ask to see the shower and bathing rooms (if cleanliness is not a priority it will show up here) - and ask what the bathing routine is, because this is often a source of discomfort for residents. Ask about the policy for dealing with incontinence.

Note the availability of staff. Homes are required to post sign-in

sheets on each hall to show who and how many nursing staff are on duty at any time. Look for it. Does there seem to be enough or do those on duty seem rushed and frazzled? Are they friendly and gentle to residents? Do they call residents by name? Are call lights answered promptly?

Note the social activity calendar - are activities available at nights and on weekends. Ask about Resident and Family Councils. Talk to the family members of other residents and get their opinion about the care their loved one receives.

Ask questions. How long has the administrator been at this nursing home? How many administrators have they had in the last two years? A rapid turn-over of staff, especially those in charge: the administrator and DON, often indicates turmoil and organizational confusion.

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AANHR Special Thanks

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

1. First Assembly of God in North Little Rock for providing a meeting room free of charge.
2. Brian Reddick and Bob Edwards of Wilkes and McHugh for the generous donation toward the publication costs of this newsletter.
3. Jack Wagoner for keeping AANHR supplied with copies of the book, DANGER ZONE.
4. David Couch of Grayson and Grayson, PA, for employing Brent Birch of One6media, LLC to do AANHR's new website design.
5. Clark Mason of Hare, Wynn, Newell & Newton for financial and promotional support over the years.

Honorary Board Members Selected by AANHR Board

Jim and Faye Sandstrum have agreed to become Honorary Board Members of the AANHR Board. Jim Sandstrum served on the AANHR Board of Directors for three years before his health prevented his running for the position for a fourth year. A World War II veteran, he moved to Arkansas in 1968 to work as Project Engineer in Cherokee Village and Bella Vista Village. In 1975 he went to work at Horseshoe Bend Development Corporation. There, he and Faye met and fell in love.

Faye was Recreational Director for Horseshoe Bend Corporation. Prior to that, Faye had been a professional camping coordinator for the Girl Scouts. She oversaw the construction of Camp Crossed Arrow of twelve-county Crowley's Ridge Council with offices in Jonesboro and operated it for seven years.

Jim and Faye were married in January 1977 in the Horseshoe Bend Sales Office. Outside, there were seventeen inches of snow on the ground! They moved to Pine Bluff in 1981. Jim retired in January 1998 as Director of Facilities Engineering and Housing.

The Sandstrums became involved in AANHR in 1997 and have been loyal members ever since. Their daughter, Barbara, has lived in nursing homes for eighteen years as a result of the effects of Chronic Progressive Multiple Sclerosis. The challenges of caring for Barbara and overseeing her care in nursing homes have been many. While Jim and Faye are grateful for nursing homes, they are reminded daily of the need for more caregivers and that the nursing assistants need more and better training, increased supervision and higher pay.

The Sandstrums' strength and help come from their Lord and fellowship at their church. They have also appreciated the support and help that AANHR offers. Thank you, Faye and Jim, for being there for AANHR over the years!

The Sandstrums join Billie Bice and Tom Taggart as honorary AANHR board members.



AANHR WELCOMES TWO NEW BOARD MEMBERS

At the November AANHR meeting, new officers and board members were elected. (See Page 8)

Lela Burns and James Brooks were elected as two new board members. They are both involved in Family Council and have been enthusiastic AANHR members for years.

James and Lela, it's great to have you on board!

CHOOSING A NURSING HOME: (Continued from Page 4)

Ask to see the home's last survey from the Office of Long Term Care. A copy of the survey is required to be where residents and the public can easily see it. Read it carefully and ask what steps have been taken to correct any deficiencies. Also ask if - or how many - surveys were the result of complaints about the facility.

Visit at a meal time. Does the food look and smell good? Is the atmosphere pleasant? Is it noisy? Are residents being watched and assisted? If residents need to be fed, observe how it is being done. How many are being fed by one aide?

ADMISSION TO A NURSING HOME:

After you have made a decision about which nursing home, you come to the actual admission process. This is about as stressful a process as you will ever encounter - made that way by complexity of the process, the confusing number of papers to be digested and signed and the emotions of all involved. The resident is probably not too keen about having to be there and family members almost always experience great feelings of guilt about not being able to care for him or her themselves. If you are smart your loved one has been involved in the decision process. I hope you will never spring admission to a nursing home as a surprise or trick them into it. That is a recipe for great unhappiness for all concerned.

You will probably be working with the facility's Social Services Representative in the admission process. I hope you understand that social services in this capacity does not refer to parties and sociability. The Social Services Representative should be of assistance regarding payment plans, advance directives, guardianship issues, and be familiar with the provisions of Medicare and Medicaid. She is there to provide assistance with counseling, mediation of disputes with other residents, and assistance in contacting other professional services, if requested. You want to get to know her well.

I cannot emphasize too much how important it is for you to read and understand the admission contract. It is a legal document and you are bound by its provisions. If possible consult an attorney and have him or her make sure that there is nothing in it that would impinge on your loved ones rights. We are finding that many nursing homes are now including mandatory arbitration clauses in their admission contracts. Such a clause requires the resident and family members to take all disputes to arbitration by a third party. Of course, one never expects to come to such an impasse but one never knows what the future may bring. Arbitration is NOT mediation, which is an effort to get both parties to agree. In arbitration all parties agree to abide by the decision of the third party arbitrator. His decision is final and cannot be appealed. How would you know who to hire for this important job? Believe me, the nursing home will know. An arbitration clause effectively takes away

the right to sue the facility in a court of law, no matter how egregious the wrong. I'm sure you are aware of the case in Fordyce where aides beat an Alzheimer's patient with brass knuckles. If such a clause had been included in Mrs. Ryan's admission contract the family would have had no recourse against the nursing home at all. You cannot be refused admission for refusing to sign an arbitration clause. It is perfectly permissible to cross it out or to make a notation that you refuse that provision.

Other admission papers will have to do with payment agreements, and your loved one will be asked about who, if anyone, has power of attorney or guardianship. Make sure you get a copy of the complete inventory of your resident's clothing and belongings. Make arrangements for handling of their money. Make sure that you understand the facility policy on transfer or discharge. Except in emergencies, the facility must give a 30-day written notice of discharge or transfer. Residents have the right to appeal an involuntary transfer or discharge.

A resident must be given a list of Resident's Rights when admitted. This is also among the hand-outs given to you. Basically stated, a nursing home resident has the same rights as when they lived in their own home but this is something that somehow needs to be continually emphasized.

Know your resident's rights and insist upon them.

It is highly recommended that you keep a file of all papers and information that is given to you, both at the time of admission and later. (Continued Page 7)

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OVERSEEING CARE AFTER YOUR LOVED ONE IS ADMITTED TO A NURSING HOME:

Your work as a caregiver continues after your loved one's admission. Frequent visits with your resident will make their adjustment much easier and the facility needs to know that you will be monitoring the care they give. If at all possible visit at different times of the day, even during the night if you have concerns about the care. You should become well acquainted with all staff members. They affect the quality of life for your resident.

One of the first things that you should be contacted about is what is called a Care Plan Conference. This is exactly what it sounds like: a conference to plan the care for your resident. Such a conference is required within a couple of weeks after admission, and at least quarterly after that or whenever a change of condition occurs. The resident and family members should be included in all Care Plan Conferences but you may have to insist upon it. It seems that many facilities do not meet this requirement.

Numerous studies have shown that there is a direct correlation between staffing and the level of care in nursing homes. If there never seems to be enough nursing staff - CNAs - then be on the look-out for signs of poor care, such as poor dental hygiene or general hygiene. Other things to look for may be weight loss or any unexpected change in your loved one's physical or mental condition. Often the first sign of an infection such as a urinary tract infection in the elderly may be mental confusion. Therefore any such change should be reported to the nurse on duty and you need to follow up to make sure that treatment was

given.

If your resident is not very mobile, is bedfast or even sits for long periods of time without moving, be alert for the possibility of bedsores developing. Bedsores are entirely preventable but are very difficult to treat and may be life threatening if they are allowed to progress. Bedsores occur when the blood supply is cut off to an area because the person's position is not changed frequently. They develop rapidly if, in addition to immobility, the patient is malnourished and feeble, is incontinent, and where friction from bedclothes occurs. Therefore the most common areas where bedsores occur are over the tailbone, in the groin area, or over heels and elbows. This is no time to worry about privacy. As a family member it is extremely important to inspect these areas regularly if your loved one has any of these risk factors. The first danger sign is reddened skin over a bony area such as over the tailbone or heel. If caught early, and blood circulation is restored, a very painful and life-threatening condition can be avoided.

What to do if a problem occurs. How should you handle a concern? The first step may be to question those who care directly for your loved one - the CNAs - to see if they have observed the same behavior. Then go up the chain of command to the charge nurse and the Director of Nursing when the problem has to do with nursing care. If the problem persists or has to do with other aspects, speak to the Administrator. If problems continue you have other resources. One is the LTC Ombudsman, whose job it is to represent the nursing home resident. The telephone number of the ombudsman is supposed to be prominently displayed in all nursing facilities. They can also be reached through your Area Agency on Aging. If the problem is very serious or per-

sists, the Office of Long Term Care should be notified. Their telephone number is 1-800-LTC-4887. Anyone can lodge a complaint with OLTC without giving your name and they investigate all complaints, although it may take longer than you think it should. It is wise to keep a written record of all attempts to solve a problem.

FAMILY COUNCIL

I need to mention one other resource that is often overlooked. There is strength in numbers and I cannot emphasize too much how valuable a Family Council in a nursing home can be. If there are enough residents who are physically and mentally capable of directing their own destiny the facility should encourage their input through a Resident Council. Likewise a Council of family members can be a marvelous resource in support of each other and in dealing with problems that may arise with care. They may also do some very nice extra things for residents and staff members. Facilities are required to allow the formation of a Family Council, to provide a place to meet, and to cooperate with their requests, but unfortunately many administrators see an active Family Council as a threat. As a result we know of places which will not publicize Council meetings or conversely, of facilities where the administration and staff organize and dominate the organization. An independent active Family Council can be an asset to its members, to the facility, and most of all to the residents. We strongly urge formation and participation in Family Councils.

Red Hat Society in Nursing Home?

Why not?

This might be a good project for an individual or Family Council to organize.

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 November 1, 2003. If you have not paid your dues since August 2003, 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, Mautelle; 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: Billie Bice, Batesville; Tom Taggart, North Little Rock; Jim and Faye Sandstrum, Pine Bluff.

AANHR Meeting Directions

(see map below)

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. Immediately after crossing the overpass, turn right (north) on Warden Road (the access road that parallels the divided highway and McCain Mall). Stay on Warden Road for three blocks.

Turn left on Commercial Street, the street with the Golden Corral restaurant on the corner. 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).



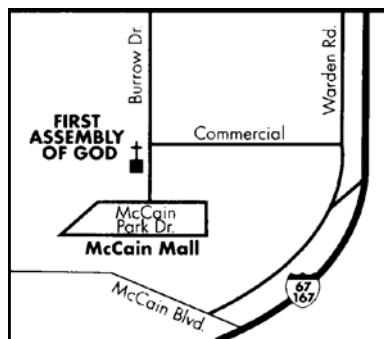
Arkansas Advocates
For

Nursing Home Residents

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NURSING HOME RESIDENTS FROM
FRAUD, ABUSE, AND NEGLECT*

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MAP TO MEETING