

PROTECTING NURSING
HOME RESIDENTS
1995-2005

October
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, October 10

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.
David Couch of Grayson and Grayson, PA

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

David Couch will speak about the Criminal system

In the early-morning hours on July 31, 2003 a murder occurred at a Fordyce nursing home. Willie Mae Ryan, an 81-year-old nursing home resident, was bludgeoned to death. The nursing home claimed Ryan had fallen out of bed until Shermika Rainey, a 17-year-old nurse's aide, confessed to being an accomplice in beating Ryan. Rainey pled guilty and is serving a sentence for conspiracy to commit first-degree murder. Rainey testified against Gayla Smith Wilson, 45, also a nurse aide assigned to Ryan's care that evening. Recently Gayla Smith Wilson was acquitted. A news article said that failure to secure the crime scene was a major factor in being unable to get a conviction.

What should the family do if criminal activity is suspected as having caused harm to their resident? Insist on an immediate criminal investigation? David Couch with Grayson and Grayson, PA will advise us. He will speak to AANHR on the difference between the Civil and Criminal system in light of the Fordyce case.

Martha Deaver Recipient of Award

AANHR is proud to announce that board member, Martha Deaver, recently won the Janet Tulloch Memorial Award. This is an award given annually by National Citizens Coalition for Nursing Home Reform (NCCNHR) to a person nominated and chosen for effective advocacy work in the United States and for dealing one on one with families and nursing home residents. NCCNHR, national lead in advocacy, gives this award to the "best of the best".

Martha had close relatives in nursing homes for many years. Because of the challenge of securing good care for her family and the abuse her mother, Helen Steger, endured, Martha has advocated for nursing home residents for many years.

many other things, Bob writes:

"In addition to her advocacy work at the State Capitol, Martha has made it a point to get to know every reporter who covers health care issues in this state...She is constantly studying reports on care, spotting the important issues and giving notice of them to the media, who would more often than not, pay no attention at all if not for Martha..."



Martha Deaver, shown above, with dogs, Sissi and Angel, whom she rescued from the Humane Society.

"It is Martha's one-on-one dedication to reaching out and helping others that makes her so deserving of this award. She is never too busy to take a phone call from someone in need, and it is not unusual for Martha to go meet with families when they call about their problems with a nursing home..."

Attorney General, Mike Beebe, sent a letter of recommendation to NCCNHR, as did Bob Edwards of Wilkes and McHugh. Among

Congratulations, Martha! AANHR applauds you and appreciates your many contributions to bringing better care for nursing home resi-



From the President's Desk

Nancy Allison

The legislative session and it's meetings are behind us, but if we are to succeed in our mission *To Protect and Improve the Quality of Life for Residents of Nursing Homes in Arkansas* we cannot just sit back and relax.

I continue to attend meetings that help AANHR get its message out and create relationships with other organizations. The best way to get a message out is to share it with other people with similar missions creating a larger group of advocates. That is what AANHR is doing.

I recently spoke at the Advocacy Leadership Training Academy. This 6-weekend session sponsored by the Dept. of Aging and Adult Services has been a wonderful opportunity for advocates like you to hear what other people have done. It is a great testimony to the dedication the founders of some of these organizations have had, and the determination to continue with the fight when they are too tired to go on. Those of us who are asked to speak at this session share our successes and failures to a group that is interested in advocacy and want more information on the "what to dos". It helps "tentative or timid" advocates see how to get involved. If this class is offered again in the spring, I urge you to enroll

AANHR's recognition throughout the state is rising – and we are pleased and grateful, but the burden of the job gets heavy and we all know that many hands make burdens lighter. A small group of organizers founded AANHR 10 years ago and have gained an eager group of followers. But it is time for the followers to step forward and edge toward being the new leaders. New voices are needed on the board. Fresh ideas are needed to stimulate interest and encourage groups to form in other areas of the state. Younger or fresher bodies are needed to maintain the schedule that some of us are carrying. Our membership is over 200, but that is a small representation of the families of the 24,000 residents of nursing homes in the state.

Please consider easing your way into a position on the board or offering to serve on a committee. Our board meetings are open to everyone and we would encourage you to plan to spend the extra hour or two with us on meeting days. We need people to bring fresh ideas for increasing membership, people to serve on a nominating committee, help with the newsletter, suggestions for future speakers. Sometimes there are meetings in other parts of the state that we cannot attend because of time and distance, but if you live nearby, offer to audit the meeting for us. Bring us any ideas you might have to improve the job AANHR tries to do. This is your

VIDEOS!!!

AANHR has several wonderful videos that we would like to loan for use at Family Council meetings or to help any family member seeking 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 officers listed in this Newsletter and make arrangements to have one of these helpful videos mailed to you. They are:

- (1) NURSING HOME CARE PLANS
- (2) THE IMPORTANCE OF NURSING HOME FAMILY COUNCILS
- (3) BATHING WITHOUT A BATTLE.



Tommy Wingard and Renee Davison, RN

Nurse Aide Training in Arkansas

By Nancy Johnson

AANHR members learned about the training requirements for CNAs in Arkansas when Tommy Wingard spoke at the September meeting. Wingard has been the person in the Office of Long Term Care (OLTC) with responsibility for CNA training programs since the program began.

Before 1987 there were no standards or requirements for training of nurses aides. Arkansas Act 689 of 1987 required OLTC to "establish an aide training program". That same year federal legislation was also enacted requiring training of aides and set the minimum requirement of 75 hours of training. This has remained the minimum requirement until this year when the 2005 Arkansas Legislature added an additional requirement of 15 hours of training to be

devoted to the care Alzheimer's Disease and related dementias. Renee Davison, RN, who accompanied Mr. Wingard is now developing this additional curriculum but it is not yet in effect.

The training curriculum calls for at least 16 hours of instruction before the prospective aide is to work directly with residents, and then they are to perform only the skills for which they have received instruction. They are also required to demonstrate their proficiency in each skill in a laboratory setting before they are to work on the floor. Aides must complete all their training within four months and must pass a competency test administered by RNs who work for a national testing company (and therefore have no ties to the nursing facility). Instructors for the training course must be an RN with at least two years ex-

perience in nursing, at least one year experience in long term care, and experience in teaching or supervising nursing assistants. When the candidate passes the competency exam (and passes the criminal record check) he or she is placed on the Long Term Care Employment Clearance Registry and is eligible to work in long term care in Arkansas.

Renee Davison spoke briefly about the additional requirement for training in Alzheimer's Disease which is under development. They stated that presently certified aides will not be required to take the additional 15 hours of study. The expanded curriculum will, however, be necessary for those who become certified from now on. Mr. Wingard is also in the process of revising and updating portions of the present curriculum.

SERVICE PROJECT!!!

An AANHR member recently arranged with the Pastor of her church to host a meeting of individuals interested in improving care in nursing homes. The meeting was announced in church and advertised in the church bulletin. They invited the regional ombudsman to speak and at the end of the evening Arkansas had 6 new ombudsman volunteers.

Volunteer Ombudsman training takes one day and can make an incredible difference in the life of a nursing home resident. They are authorized to visit a nursing home and visit with residents making the resident's day brighter. They are also authorized to take complaints and report things they see that are questionable to their regional ombudsman who can take steps to remedy the situation. Volunteer ombudsmen can make a big difference. Contact your regional ombudsman and set this up with any group you are a part of – if you have questions, call Martha Deaver at 501-450-9619.

BEVERLY SALE STALLS AMID GROWING PUBLIC CONCERN

Press Release—Friday, September 23, 2005; Little Rock, Arkansas

The \$1.9 billion sale of Beverly Enterprises, Inc. (NYSE: BEV) to a group of real estate investors has stalled over escalating alarm expressed by public officials and nursing home resident advocates over how the deal might affect care at the company's 350 nursing homes and other facilities nationwide.

Arkansas Advocates for Nursing Home Residents said today they have received information that the pending transaction had been delayed because "equity partners were getting cold feet." They declined to disclose their source.

After missing a Thursday deadline to secure financing, Beverly announced in a press release today it had amended its agreement with North American Senior Care (NASC), Inc., to allow the real estate venture more time to raise money.

"We have been concerned from the outset that this group of investors, based on their track record, may not be able to meet their obligations to provide adequate care to the tens of thousands of nursing home residents that are part of this deal," AANHR President, Nancy Allison, said. "They (investors) are being sued by their own lawyers and by their own suppliers for failure to meet their financial obligations and pay their bills."

State Representative Stephen Bright and U.S. Sen. Mark

Pryor of Arkansas began raising questions about the BEI sale after learning that NASC's investors were also behind the purchase of Mariner Health Care in 2004 which is apparently showing signs of financial concern. Their actions were joined by the nursing home advocacy group, the National Citizens Coalition for Nursing Home Reform who had also contacted the HHS Office of the Inspector General as well as Beverly Executives stating their concerns.

Sale of Nation's Second-Largest Nursing Home Chain to investors with shaky track record prompts alarm.

Mariner has been hit with lawsuits in several states from creditors who say Mariner is not paying its bills. Gulf South, a medical supply company, announced this month it has ended a 20-year relationship that paid \$34.5 million over the past year because of lawsuits it has filed in Georgia to recoup unpaid bills from Mariner Health Care.

On Aug. 31, NASC agreed to buy Beverly, the nation's second largest nursing home chain, for \$1.9 billion. Funding was to come from \$350 in equity partners, \$1.325 billion in debt financing from Wachovia Bank and \$550 million in operating loans from CapitalSource

Financing LLC.

Mariner sold for \$1.05 billion in December to National Senior Care, solely owned by Harry Grunstein, a New York real estate investor. According to court testimony, Grunstein sold Mariner's assets to cover the costs of the acquisition. The company is now worth \$5 million to \$12 million, according to its chief financial officer.

According to Steve Monroe, editor of SeniorCare Investor, the proposed buy-out of Beverly by NASC is so debt-heavy it would require a selling of the assets. Cost of the Beverly acquisition is "higher than any average price paid per bed in the history of the nursing home acquisition market," he wrote in an August column. "If history repeats itself, jobs will be lost and assets will be sold."

Beverly operates 354 skilled nursing facilities, 18 assisted living centers, 64 hospice and home health centers. Its businesses are Beverly Healthcare, Aegis Therapies, AsseraCare, Aedon Staffing and Ceres.

Beverly owns facilities in Alabama, Arkansas, California, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Minnesota, Missouri, Mississippi, North Carolina, Nebraska, New Jersey, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, Wisconsin and West Virginia.

(Related Article, Page 7)

Election will be held at November Meeting For AANHR Officers and Board Members

Nominating Committee for November election:

Chairman – Virginia Cross, (501) 225-4082

Committee Members – Martha Blount, (501) 268-7654
Pat McGuire, (501) 847-1016

Call any member of the Nominating Committee if you wish to nominate someone (*with their permission*) for an office or board position. There is room on the board for at least one more position.

The AANHR by-laws require a presentation of a slate of officers nominated by the Committee for the coming year at the October meeting. They are:

President – Nancy Allison, Conway

Vice President – Nancy Johnson, Fairfield Bay

Secretary – Martha Blount, Searcy

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

Martha Deaver, Conway

Fred Plant, Little Rock

Larry Wakefield, Fairfield Bay

AANHR Special Thanks

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

1. **Darren O’Quinn**, of The Law Offices of Darren O’Quinn for assistance in the publication of this newsletter, meeting rooms, lunches and donations to help AANHR.
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. **First Assembly of God** in North Little Rock for providing a meeting room free of charge.
6. **Clark Mason** of Hare, Wynn, Newell & Newton for financial and promotional support over the years.
7. **Dan Sorey** and **Chad Trammel** for gift memorials and support.



*Brandy Eskridge, Certified Nursing Assitant with Martha Deaver,
Luncheon Chairman*

AANHR’s apologies: The incorrect name was given for Brandy Eskridge in the July newsletter.

Volunteers Wanted!

**We need volunteers to help with the
Newsletter.**

Do you enjoy computer work?

AANHR needs person with computer and computer skills who can compile the newsletter after receiving the content.

Do you enjoy writing and editing?

AANHR needs person to edit pre-written newsletter articles, and to write articles.

This would require commitment to AANHR's mission, and attendance at AANHR Board and General meetings. If you don't feel presently informed enough for this task, be assured it will come, as you work with us and do a little research.

For more information (if you are interested in one or both of these positions) call AANHR at (501) 225-4082.

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.

PROTECTING NURSING HOME RESIDENTS

NCCNHR questions William Floyd, President, Chairman and Chief Executive Officer of Beverly Enterprises, Inc., Fort Smith, Arkansas (Related Article, Page 4)

Dear Mr. Floyd:

August 29, 2005

The National Citizens' Coalition for Nursing Home Reform (NCCNHR) was created because of public concern about substandard care being provided to residents in nursing homes. NCCNHR is a coalition of consumers and advocates who define and achieve quality for residents of long-term care facilities through:

- Informed, empowered consumers
- Effective citizen groups and ombudsman programs
- Promoting best practices in care delivery
- Public policy responsive to consumer needs, and
- Enforcement for consumer directed living standards

It is this dedication to residents that prompts me to write to you today about several concerns that NCCNHR has regarding the pending sale of Beverly Enterprises, Inc. (BEI), to North America Senior Care (NASC).

First — Families across this country have entrusted BEI with the lives of their loved ones, be it their mother, father, siblings, or children. We believe that BEI has a responsibility to these residents and their families to educate them fully about who or what entity may be buying the homes where they live prior to finalizing any agreement with a would be purchaser. The fact that you have already entered into such an agreement without seeking input from the residents and families is something we find very troubling.

Second — We are concerned about whether or not the Corporate Integrity Agreement between BEI and Office of the Inspector General and the Department of Health and Human Services will remain in effect with the new owners of the facilities. It is our understanding that the intent of the Corporate Integrity Agreement was to operate for the benefit of the residents of BEI's facilities. Under this agreement, residents were guaranteed by the Office of the Inspector General and the Department of Health and Human Services that Beverly would comply with all federal laws, regulations, and guidelines applicable to its facilities for the benefit and well being of the residents. ***We are fearful that once the sale is completed, the residents at the BEI facilities will no longer be actively covered by the care measures addressed by the Corporate Integrity Agreement.*** If those measures fall to the wayside, we have grave concerns that the care of the residents in these facilities will fall off as well. Will the care measures contained in the Corporate Integrity Agreement remain in place under the new owners? What steps will be taken to ensure that the care measures are continued?

Third — Several years ago, Beverly Enterprises made a corporate commitment to culture change and the implementation of resident-directed care. This commitment is in line with the focus of the Center for Medicare and Medicaid's 8th Scope of Work with the State Quality Improvement Organizations. ***Are the new owners willing to honor Beverly's commitment to resident directed care and continue the culture change programs and activities that have already been started?***

NCCNHR is also disturbed by a statement that was made in the 08/18/05 issue of the L.A. Times. by Les Funtleyder, a health strategist at Miller Tabak & Co. who said "Becoming a private company would enable Beverly to cut costs without having to worry about shareholders". ***We are very concerned about cost cutting.*** It is our experience that when cuts are made, they are generally made in the areas of staffing, staff training, food and supplies. We ask that you closely examine North American Senior Care's intentions as they pertain to cost cutting and prohibit them from making cuts in any areas that would adversely affect resident care. We also ask that BEI simultaneously work to ensure that there are adequate numbers of well trained staff to meet resident needs (for details see NCCNHR's minimum staffing standard at www.nursinghomeaction.org).

We believe that Beverly Enterprises has a duty to put the residents first, before anyone, including the stockholders. The residents and their families (those who pay privately and those who receive public funds to help cover the costs of their care) have a right to be fully informed with the details of the sale so that they will be able to make informed choices about who will be providing them with care. We ask that you provide these consumers with detailed information and that you slow this process down so that the residents and their families can be informed about what is going on and that they be given a period of time to comment on this matter before it goes any further....

**Barbara J. Hengstebeck,
President, National Citizen's Coalition for Nursing Home Reform**

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 2005, 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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AANHR

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

MAP TO MEETING

