

PROTECTING NURSING
HOME RESIDENTS
1995-2005

November
2005

Www.aanhr.org

Arkansas Advocates for Nursing Home Residents

*Celebrating our Tenth Year
1995-2005*



***Note: There
will be no
AANHR meeting
in December.**

NEXT MEETING
Monday, November 14

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 Resi-
dents (Closed to persons
representing the nursing
home industry.)

11 a.m.
Dr. Cagle Harrendorf

12 noon
Bring a sack lunch.

AANHR's Mission:

**"To protect and im-
prove 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

Caregiver's Guide to Dealing with Dementia Subject of November Meeting

Dealing with dementia in a parent or spouse can be challenging beyond belief. Dr. Cagle Harrendorf will give instruction to caregivers of dementia patients at AANHR's November meeting.

Dr. Harrendorf has experience in Clinical Practice, Academic Medicine, and Medical Research with an emphasis on Chronic Disorders, including Chronic Pain, Mental Health, Aging, Dementia...and caregivers for patients. His educational achievements include degrees in Pharmacy, Master's Degree in Natural Science, and Medical Doctorate from the University of Arkansas. He is a Fellow and Diplomate of the American Board of Medical Psychotherapists.

You don't want to miss this informative program. See you on the fourteenth!

Attorney General Mike Beebe Announced Beverly Settlement At Residents' Rights Rally

Attorney General Mike Beebe used the occasion of the Residents' Rights Rally to announce that Beverly Enterprises Inc. has agreed to pay \$1.5 million to settle 26 investigations involving 12 of its nursing homes in the state. \$1 million went into the state Medicaid Program Trust Fund.

Arkansas Advocates for Nursing Home Residents (AANHR) held the Residents' Rights Rally to highlight the lawful rights of nursing home residents. The event occurred on Monday, October 3 during nationally recognized Nursing Home Residents' Rights Week.

The well-attended Rally took place on the front steps of the

State Capitol where a tree covered with silver ribbons stood. Each ribbon represented a nursing home in Arkansas that has been cited in the last year for having caused harm to residents. "Last year there were 88 homes cited for having caused harm to residents. Today there are 31 fewer homes on the watch list," stated AANHR president, Nancy Allison. "This means fewer residents are being subjected to pain and-or various injuries by their caregivers. However, 57 homes, approximately one fourth of Arkansas' nursing homes, have been cited this year."

Allison, was Master of Ceremony. The Rally opened with an invocation given by

Rev. Leonard Hawkins. In addition to the Attorney General, speakers were Kathie Gately, State Ombudsman, and Billie Ann Myers, State AARP president.

AANHR Board member, Martha Deaver, chaired the event and read a proclamation signed by Governor Mike Huckabee recognizing National Nursing Home Residents' Rights Week. Allison gave special recognition to Deaver because she was to be honored for having won the Janet Tulloch Memorial Award at the annual National Citizens' Coalition for Nursing Home Reform conference later in October.

See Rally pictures pages 4 -5.



From the President's Desk

Nancy Allison

want to caution those who may be interested in the new Medicare Prescription Drug Program to be wary. The schemers are out there working the unsuspecting public. AANHR is going to have a speaker in February from the Arkansas Senior Medicare Medicaid Patrol (ASMP) to help those who may have questions, so watch for that information in the future.

Proceed with caution, is my advice. Enrollment will start Nov. 15 and end May 15, 2006. There is no penalty if you don't sign up immediately, but the deadline is May 15, 2006. I am listing below a few tips put out by ASMP:

- ♦ **"No one from Medicare, Social Security or the Prescription Drug Plan should ever ask for your social security number, credit card or bank information over the phone.**
- ♦ "Enrollment in approved Medicare prescription drug plans **must** be done by mail or internet.
- ♦ "Look for the official Medicare Prescription Drug Card seal and CMS contractor number on advertising materials.
- ♦ "Be wary of look-alike-envelopes or materials made to look like they are from Social Security, Medicare or approved Medicare Prescription Drug Card Plans.

"If you have submitted an application, the Social Security Administration will be calling you for follow-up. They will not ask for a Social Security number, birth date or mother's maiden name. If a caller does, ask these questions -

- (1) Get their name, number and where they are located
- (2) Tell them you will call them back.
- (3) Call the Social Security Administration office to verify if the caller is legitimate.
Their number is 1-800-447-8477. You can also call ASMP at 1-866-726-2916 (toll free) to report suspected fraud.

"You can also go to 1-800-MEDICARE or www.medicare.gov. or www.socialsecurity.gov. or Medicare RX Education Network, 1-800-670-9006 or www.medicareeducation.org."

Now another message on the heels of last month's message encouraging involvement. I would like to quote excerpts from a prayer by Rev. Ted Schroeder in a recent Thrivent publication:

"Make us people of vision who look not in but out, not backward but forward, not down but up, not at what cannot be done but at what might be accomplished by Your Spirit". "Make us those who seek mountains and not valleys, narrow paths instead of wide and easy ways, starts instead of finishes, tomorrows instead of yesterdays". "Give us running shoes instead of slippers, alarm clocks instead of sleep switches, accelerators instead of brakes". "Make us startle even ourselves with the power that You give".

May we continue to work together to see care in Arkansas Nursing Homes improve.



David Couch, Grayson & Grayson PA

Differences Between Criminal and Civil Abuse

Things Family Members Need to Know

By Nancy Johnson

David Couch, attorney with the Grayson & Grayson Law Firm, presented the program at the October AANHR meeting. He spoke on the difference between criminal and civil law as it applies in nursing home neglect and abuse cases. The determination as to whether a matter will be prosecuted as a criminal matter is made by the County Prosecuting Attorney. If he fails to take action, residents or family members may elect to file a civil action.

Mr. Couch prefaced his remarks with the reminder that all suspected abuse not only *should* be reported to authorities but is *required by law* to be reported. He stated that any time family members suspect abuse they should immediately call 911. Likewise, he stated that whenever residents or family members think medical attention is needed, to call 911 and ask for an ambulance.

He set out the differences between criminal and civil cases in the following areas:

* Objective - *criminal*: punishment deterrent to others

the action is considered a threat to society

civil: compensation

injunction (stop an action)

* How carried out - *criminal*: investigated and prosecuted by a legal authority

civil: the action is initiated and is between individuals

* Punishment - *criminal*: incarceration, fines, execution

civil: monetary damages are the only recourse

- to meet actual expenses resulting from the wrongful action

- punitive damages may be sought to punish wrongful conduct and to try to deter others

* How decided - *criminal*: all 12 jurors have to agree on the verdict

civil: only 9 out the 12 have to agree for a verdict

* Burden of Proof - *criminal*: intent to cause harm must be proved beyond a reasonable doubt

civil: only preponderance of evidence necessary (an easier standard to meet)

* Evidence - *criminal*: evidence does not have to be shared with both sides

civil: allowed to subpoena records, take depositions, etc.

* Payment - *criminal*: the cost of prosecution is, of course, paid by the state

if the defendant cannot pay for his defense, that also will be provided by the state

civil: costs must be borne by the individuals involved

Mr. Couch went on to say that there are many more protections for the defendant when charged in a criminal matter. The defendant is presumed innocent until proved guilty so there are restrictions on searching his private property. He has the right not to incriminate himself. He has the right to a speedy trial (within 12 months). If acquitted, he cannot be charged again - other words, the state cannot appeal the verdict.

In answer to a question about how residents or family members can initiate a criminal investigation when they suspect abuse, Couch repeated his advice to call 911 immediately. When it is a criminal matter, family members must rely on the authorities to pursue the case, but he urged members to also report it to as many authorities as possible. This would include the Office of Long Term Care, the Attorney General, and to exert pressure on the prosecuting attorney of the county to follow through on



Nancy Allison, AANHR President



Atty. Gen. Mike Beebe



Martha Deaver, Rights Rally Chairman



**Rev. Leonard Hawkins, Pastor
St. John's Baptist Church in Little Rock**



Cathy Scroggin of Morrilton; and Donna Martin of Bella Vista



Arkansas State Ombudsman, Kathie Gately



Arkansas AARP President, Billie Ann Myers

PROTECTING NURSING HOME RESIDENTS



Residents' Rights Rally Attendees



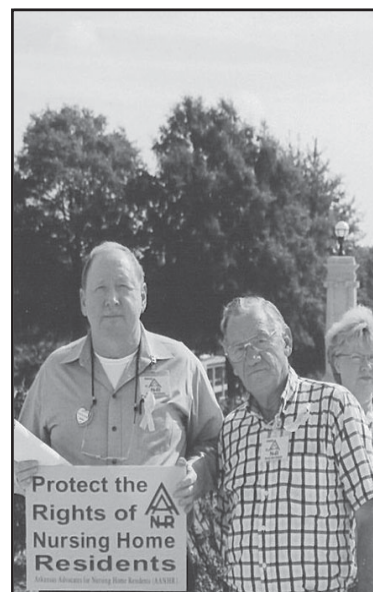
**Randy Wyatt, Exec. Vice
Pres. AR Health Care Assoc.**



**Ralph Erwin, distributing Residents' Rights
Educational Packets**



**Catherine Donovan
Arranging silver bows on tree**



**Gleason McGuire and
Sen. Shane Broadway visit**



Henry Key and Horace McGuire



Residents' Rights Rally Attendees

VOLUNTEER NEEDED!

Do you enjoy writing and editing?

**We need a volunteer to help with the AANHR Newsletter.
It requires that you have a computer and a few computer skills.**

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 this position, 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.

AANHR Officers and Board Members to be elected at November Meeting

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.

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
	Lela Burns, North Little Rock
	Martha Deaver, Conway
	Henry Key, Bryant
	Gleason McGuire, Bryant
	Horace McGuire, Alexander
	Larry Wakefield, Fairfield Bay

Note: This slate of nominations includes one more member of the Board of Directors than in recent years. Stepping down from Officer position is Secretary, Catherine Donovan.
Stepping down from Board positions are: Betty Buckta, Virginia Cross and Fred Plant.

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 donations to help 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.

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 until December 31, 2006. We are so appreciative of people like you who support us and our cause, because together we can make a difference.

- ☐ I wish to receive the AANHR newsletter
- ☐ \$15 per individual membership enclosed
- ☐ \$20 per family 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 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; LR, AR 72221

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AANHR

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

MAP TO MEETING

