

PROTECTING NURSING
HOME RESIDENTS

February
2006

Arkansas Advocates for Nursing Home Residents



***Note: Warden Road
is now going South.**

Next Meeting Feb. 13

MEETING PLACE:

First Assembly of God
Church
4501 Burrow Road
North Little Rock
Directions to church on
back of Newsletter

10 a.m.

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

11 a.m.

Public Meeting:
(see gray box on page
one)

12 noon

Bring a sack lunch, &
stay for the Board Meet-
ing

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) 450-9619 • Fairfield Bay (501) 884-6728
Little Rock (501) 224-8431

*Proverbs 31:8-9 "Speak up for those who cannot speak for them-
selves, for the rights of all who are destitute. Speak up and judge
fairly; defend the rights of the poor and needy." NIV*

AANHR Speaker for Monday, February 13, 2006

**Sharon Marcum, Project Administrator, Arkansas Senior Medicare/
Medicaid Fraud Patrol.**

Sharon Marcum has 35 years of experience in health and human services and a Masters Degree in Social Work. Ms. Marcum served 17 years in the public sector, including Director of Medicaid in Arkansas and Deputy Director of the Missouri Department of Social Services. After leaving public service in 1984, Ms. Marcum served as CEO of a large, non-for profit, geriatric center; CEO of a small managed behavioral healthcare company; and an executive with a Pharmacy Benefits Manager (PBM) and a large health insurance company.

VIDEO'S

AANHR has several wonderful videos that we would like to loan for use at family council meeting's 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



From the President's Desk

Nancy Allison

FROM THE PRESIDENT'S DESK:

One of the things that stands out in my mind about the meetings I attended at the NCCNHR conference were comments by speaker Wendy Lustbader on what long-term care really can be. She likened frailty to something she feared more than death. She imagined being "put" in a nursing home like being a jar on a lonely shelf. In addition, we all know what it is like to be "taken care of" by a parade of paid strangers – we see it just about every time we visit our loved ones in nursing homes.

Does the doctor or nurse speak to the person pushing the wheelchair, "How is **she** feeling today?" Does the person helping feed in the dining room say, "I've got to cut **this one's** meat, then I'll feed **that one**"? The fight not to be recognized as a person is what causes even more damage than the disability of age and disease. These people are more than a mouth or someone's task. We must hope that the person holding the fork or assisting in any manner will have a feeling for that person and an awareness that will grow as they get to know each other. I will always be grateful to Gloria, who knew my mother was from the Chicago area well known for Polish sausage. She would say, "Shall we go get us a Polish for lunch today?" Mom's eyes would light up, even when she was no longer able to speak. The difficult people in nursing homes are usually those who refuse to be diminished. They are probably not able to communicate what they are thinking clearly, but they demand, threaten, rage and refuse to cooperate. Creative approaches to solving problems arise from knowing the resident as a person and this requires an investment of time as well as sensitivity that will end up rewarding both the giver and receiver of care.

Consistent staff assignment allows aides and residents to get to know and understand each other, thus avoiding having battles over control. Nursing home administrators will give you many arguments for rotating staff and keeping to strict scheduling. However, the facts are that when people know each other, understand each other, and respect each other they work well together. AANHR would like to see more of this kind of staffing and caring among the staff in nursing homes. We think that more training of the CNA's would be a good place to start.

Cutting Cost by Cutting Care

By Martha Deaver

The United States Department of Health and Human Services (DHHS) has recently announced that there will be a series of Town Hall Meetings held across the nation. These hearings are being held to provide the public with the opportunity to comment on the economic impact of federal regulations governing the health care industry. The information from these public meetings will be used to identify immediate steps and longer-term proposals for “reducing” the “regulatory burden” on the health care industry with emphases on cutting cost.

For 10 years, AANHR has urged the legislature to look at the regulation of nursing homes from the opposite perspective. The result of inadequate regulations and weak enforcement in nursing homes are poor care, which results in turn with extraordinary cost to the taxpayers.

Numerous federal reports, *see list below*, have consistently demonstrated that state regulators are overly tolerant, not overly zealous, as the nursing home industry has repeatedly charged. Reports by the GAO and DHHS Office of Inspector General repeatedly find that states, under-report deficiencies and too often fail to impose any remedies for the deficiencies that they cite. The studies show that the deficiencies cited in state survey reports, while valid, represent just the “tip of the iceberg.”

Listed below are several GAO congressional reports showing the serious problems investigators have found. The reports have uncovered that the nursing home enforcement system often ignores dangerous conditions that are found in nursing homes. These are the very same facilities that contract with the government to house, treat, and protect frail, elderly and disable Americans.

- Despite Increased Oversight, Challenges Remain in Ensuring High-Quality Care and Resident Safety (December 2005)
- Nursing Home Deaths: Arkansas Coroner Referrals Confirm Weaknesses in State and Federal Oversight of Quality of Care (November 2004)
- Nursing Home Conditions in Arkansas: Many Nursing Homes Fail to meet Federal Standards for Adequate Care (November 2003)
- Nursing Home Quality: Prevalence of Serious Problems, While Declining, Reinforces Importance of Enhanced Oversight (July 2003)
- Skilled Nursing Facilities: Available Data Show Average Nursing Staff Time Changed Little After Medicare Payment Increase (November 2002)
- Nursing Homes: More Can Be Done to Protect Residents from Abuse (March 2002)
- Nursing Homes: Sustained Efforts Are Essential to Realize Potential of the Quality Initiatives (September 2000)
- Nursing Home Care: Enhanced HCFA Oversight of State Programs Would Better Ensure Quality Standards (March 1999)
- Nursing Home Oversight: Industry Examples Do Not Demonstrate that Regulatory Actions Were Unreasonable (August 1999)

Cont. on Page 4

So that you may be better informed, we urge you to order any of these reports.
There are three ways to receive any of these government studies free.

Cont. from Page 3

1. Telephone AANHR at (501) 450-9619.
2. Go to our web site at <http://www.aanhr.org> and click on "Contact Us."
3. Telephone the GAO office at (202) 512-6000.

The public needs to know that there has not been any congressional report written in the past twenty years that documents nursing home residents are being cared for and protected the way the federal laws require. The Arkansas Advocates for Nursing Home Residents (AANHR) are here to help with any problems you might face in dealing with nursing home care.

Nursing Home Inspections Found to be Deficient (01/16/06 New York Times)

By Robert Pear

WASHINGTON -- State inspectors often overlook serious deficiencies, including life-threatening conditions, in the nation's nursing homes, congressional investigators say in a new report.

In the report, the investigators, from the Government Accountability Office, questioned some data used by the Bush administration in arguing that its policies have fostered "significant improvements" in the nation's nursing homes.

Nursing homes must meet federal standards to participate in Medicaid and Medicare. State employees working under contract to the federal government inspect homes.

Much of the apparent improvement has resulted from the fact that those state inspectors "missed serious deficiencies" or understated their severity, the accountability office said.

The congressional investigators found pervasive understatement of "serious deficiencies that cause actual harm or immediate jeopardy to patients."

The harm includes severe weight loss, "multiple falls resulting in broken bones and other injuries, and serious, avoidable pressure sores," the report said. The deficiencies included fire safety violations.

The top Medicare official, Dr. Mark B. McClellan, said that he too was "concerned about possible understatement or omission of serious deficiencies" by state inspectors.

Overall, McClellan contended, the quality of nursing home care has improved in the last five years. However, he said, these gains are in jeopardy because Congress has not provided enough money and state budgets for this purpose are "very limited."

McClellan said the Bush administration wanted to link payment of nursing homes to the quality of care they provide. He said he expected to test such a "pay for performance" system this year.

Medicaid, the federal-state program for low-income people, covers two-thirds of the nation's 1.6 million nursing home residents. Together, Medicaid and Medicare spend more than \$67 billion a year on nursing home care.

Sens. Charles E. Grassley, R-Iowa, and Herb Kohl, D-Wis. requested the congressional study.

AANHR Special Thanks

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

1. **Todd Griffin** of The Law Offices of Todd Griffin , P.L.L.C. for advising AANHR's Board of Directors.
2. **Bob Davidson** of The Law Offices of Bob Davidson, P.L.L.C. for advising AANHR's Board of Directors.
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9. **First Assembly of God** in North Little Rock for providing a meeting room free of charge.
10. **Brian Reddick** and **Bob Edwards** of Wilkes and McHugh for its generous donation toward the publication costs of this newsletter.

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) 450-9619 in Conway;
(501) 884-6728 in Fairfield Bay;
(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

MANY NURSING HOMES RUN RISK OF CATASTROPHIC FIRES

In an excellent article, *USA Today* reported that more than half the nation's 16,000 nursing homes violate federal fire safety standards each year. According to the report, government regulations let thousands of older facilities operate without the sprinkles or smoke alarms often required in buildings used by the public. When inspectors do come across fire safety violations, they rarely impose fines or other penalties that might prompt a home to fix its problems, according to a *USA Today* investigation. Four of every five nursing homes that have had fatal fires over the past five years had gotten waivers from regulators that allowed them to keep doing business despite fire safety deficiencies.

The article in *USA Today* points out that 2,300 nursing home fires are reported each year in the U.S. ---or one for every seven nursing homes, according to the National Fire Protection Association, a fire prevention research group. While most of those fires are small and are controlled quickly, a nursing home fire can be a disaster when fire strikes at a poorly protected facility, the results can be devastating. That's what happened in Hartford in February 2003, and again seven months later in Nashville, where 15 patients died at a nursing home with no sprinklers and no smoke alarms in patients' rooms. The nation's 1.4 million nursing home residents run a particularly high risk of dying in fires because many can't get out on their own. Nursing homes are at a particularly high risk for having fires, with big kitchen and laundry operations, heavily loaded electrical systems, and in some cases, residents reportedly smoking inside the facilities.

Since Congress first set minimum fire safety standards for nursing homes 35 years ago, at least 500 people have died in nursing home fires. Hundreds more have been injured. Interestingly, the number of casualties is based on federal studies and data gathered by *USA Today*. It is shocking that no government agency or watchdog group even keeps track. It is not surprising that the 18 worst fires during that period occurred in nursing homes without sprinklers. In those fires an average of 10 residents died. There's never been a case in which fire killed more than two people in a nursing home that was fully equipped with sprinklers. Yet about 3,500 nursing homes lack sprinkler systems. Federal law mandates that all new nursing homes be built with sprinklers, smoke alarm systems, and other fire protections. But older facilities, often the least resistant to fire, are excused from many of those requirements. Congress has repeatedly failed to act on bills that would require sprinklers in all nursing homes.

Source: *USA Today*

AANHR Officers and Board Members

- **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, Sherwood; Martha Deaver, Conway; Gleason McGuire, Bryant; Horace McGuire, Alexander; Larry Wakefield, Fairfield Bay.
- **Honorary Board Members:** Jim and Faye Sand-strum, Pine Bluff.

AANHR Member is Honored

Arkansas Advocates for Nursing Home Residents (AANHR) is very proud to announce that we have nominated David Couch, local trial attorney, to the Board of Directors of the National Citizens Coalition for Nursing Home Reform's (NCCNHR).

David's story starts at an early age, as a child, he was always in and out of nursing homes where he developed a respect and love for the residents. These feelings are attributed to the fact that his beloved mother was a CNA for over thirty years and his love for nursing home residents shows today in his work as an attorney and an advocate!

In 2003, the Arkansas Trial Lawyers Association honored David Couch as "Nursing Home Advocate of the Year." Currently David goes all over the United States, giving seminars to trial lawyers, on how to put together nursing home abuse cases.

David has represented residents and their families in "Involuntary Discharge Hearings," spending countless hours at no charge, and he has prevailed at every hearing of this type.

David, without charge, supplies anyone who asks with a Durable Power of Attorney, which is one of the most important documents a family member can have. He also donates his time and money to AANHR whenever his help is needed.

There is no other attorney who is as "down to earth" as David Couch and AANHR is very proud to have him as our nominee.

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 or corporate membership.
- \$4 per student or CNA membership.
- Waive dues because of financial hardship.

Please make checks payable to: AANHR and mail to PO Box 22421, Little Rock, AR 72221



Arkansas Advocates For Nursing Home Residents

P. O. Box 22421 Little Rock, AR 72221-2421
www.aanhr.org

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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. Immediately after crossing under the McCain Blvd. bridge, turn right (east) onto the newly constructed ramp. Get into the left lane as you will be turning left (north) at the first opportunity onto Landers Road. Once on Landers Road, keep in the far left hand lane as you will be turning left when you get to the new "turn around." At the turn around, you will go under Highway 67/167 and enter Warden Road going southbound. As soon as you can move safely, get into the far right hand lane as you will be turning right immediately past the Golden Coral Restaurant onto Commercial Street.

Commercial Street dead ends in about three blocks into Burrow Road at the church, which will be recognized by its three large crosses. Proceed straight into the church's parking lot and turn right at the west end 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 (#113) is immediately inside the entrance door.

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