

PROTECTING NURSING
HOME RESIDENTS

March
2006

Arkansas Advocates for Nursing Home Residents



***Note: Warden Road is now one-way going South.**

Next Meeting March 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 Resi-
dents (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 Meeting

AANHR's

Mission Statement:

**"To protect and im-
prove the quality of care
and life for residents in
Arkansas nursing
homes"**

Visit us 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*

ANHR Speaker for Monday, March 13, 2006 Dr. K. Richard Knoll, Pharm. D. Pharmacy Consultant with Long Term Care

Dr. Knoll will present "Avoiding Thrills from Your Pills" or How to Medicate with Sophistication and Eliminate Complications. This presentation offers information, which will assist with your understanding of how to improve your quality of life through appropriate use of prescribed and over-the-counter medication, nutrition, exercise, and staying on the go.

Dr. K. Richard Knoll is a pharmacy professor emeritus with 35 years of teaching in the Pharmacy Practice Department at the University of Arkansas for Medical Sciences College of Pharmacy. He has taught in the geriatric specialty area since 1965 at a time when Medicare/Medicaid programs first began to recognize the importance of the pharmacist expertise in patient care. Using his experience in geriatrics, he directed the instruction of students interested in geriatric therapeutics for nursing homes and related facilities. He is also a regular contributor of articles on medication management in the elderly published in Aging Arkansas and Arkansas Health.

Annual C.N.A. Appreciation Luncheon Scheduled

On Monday June 12, 2006, Arkansas Advocates for Nursing Home Residents will host their annual Appreciation Luncheon recognizing the very important roles that Certified Nursing Assistants play in the care of Arkansas nursing home residents.

The special awards ceremony and luncheon will be held at First Assembly of God church at 12:30 PM. The church is located at 4501 Burrow Drive in North Little Rock, Arkansas.



From the President's Desk

Nancy Allison

FROM THE PRESIDENT'S DESK:

The oral health of Americans is not very good according to the U.S. Surgeon General. 75% of adults over 35 have a form of periodontal disease, which are serious bacterial gum infections that destroy the attachment fibers and supporting bone that hold your teeth in your mouth. One fourth of adults over age 60 have lost all of their teeth primarily because of tooth decay and advanced gum disease. Tooth loss has more than cosmetic effects - it may contribute to nutrition problems by limiting the types of food that a person can eat. This is a very serious and not often addressed problem with residents of nursing homes.

The Surgeon General states that no one should suffer from oral diseases or conditions that can be effectively treated or prevented.

We know that incorporating a daily hygiene regimen of brushing and flossing could prevent our chances of tooth decay, tooth loss and other illnesses that may be linked to infections of the mouth. However, when we find ourselves in a nursing home and no longer remember to do these things, we are dependent on our caregivers to see that brushing is done. We, as the family members, must check to see that daily oral care is done on our loved ones. If mouths do not open fully, there are still ways to do some cleaning. Glycerin swabs should be available to slide around the mouth effecting some cleaning and freshening. If possible, take the resident for annual dental check-ups. AANHR has always hoped we could have a dentist, hygienist, or dental practitioner do check-ups in nursing homes.

We all need to remember that good oral health relates directly to our overall health. Share this information with your loved ones' caregivers if you feel they are not being responsible in the giving of oral care.

- ◆ Cavities and gum disease are the primary cause of tooth loss.
- ◆ When we brush, we remove food bacteria and keep the formation of plaque to a minimum. Plaque leads to periodontal disease. Bad breath is an indication of bacteria in the mouth. The tongue should also be brushed or washed.
- ◆ Gums that bleed all the time are one of the eight signs of gum disease.
- ◆ When gums are infected, bacteria can enter the blood stream, travel to major organs, and create other problems such as heart disease and stroke.

The Center for Disease Control is working to increase public and professional awareness of common oral conditions and risk factors. Let us hope that this information will reach the owners, administrators and employees of nursing homes.

AANHHR Members Get Information about Medicare Part D Drug Program

By Nancy Johnson

Sharon Marcum, Project Director of the Arkansas Senior Medicare/Medicaid Fraud Patrol, gave attendees at the February meeting much useful information about the Medicare Part D drug program. She emphasized that Medicare Part D is a voluntary insurance program, not an entitlement. One has to enroll to participate but there is a heavy penalty for enrolling after the initial period, which is now set to end May 15th.

She urged that anyone who has questions about the program or what they should be doing in response to the program should contact their local Area Agency on Aging for assistance. All the AAA's in Arkansas have persons able to work with individuals to determine their best course of action.

Persons who will continue to get drug coverage:

Anyone already having drug coverage from an existing policy or under an employer benefit should have already received a letter telling whether that coverage will continue. If you decide to keep that coverage, **IT IS VERY IMPORTANT TO KEEP THAT LETTER.** Later, if that coverage is dropped you may want to apply for Medicare Part D. If you can prove at that time that you had coverage from private sources, you will not be required to pay the 12% per year penalty for applying for Part D now. If you cannot produce such proof, you will be charged the penalty, which after several years may be a very substantial sum.

Do not try to enroll in Part D and keep private drug coverage. To do so may jeopardize your entire health insurance and perhaps even your pension.

If you decide to drop your private insurance and enroll in Part D, make sure that your supplemental health coverage is not affected.

Persons who presently have no drug coverage or want to explore Part D:

Go to www.medicare.gov website (or telephone 1-800-633-4227) and get all the information about the plans available in Arkansas and the details on each: the monthly premium, the deductible, the co-pay required, and the drugs covered by each plan (their formulary). There are many plans available and you need to pick the one that will best cover your own medications and your needs. Ms. Marcum handed out a sheet she had compiled which compared plans. She noted that one wants to pick a plan whose formulary covers a high percentage of the most used drugs. She noted that a few plans do offer coverage during the "Gap," but only at higher monthly premiums. However, if you know that your drug costs will put you into the gap, when your costs will not otherwise be covered, you may want that coverage.

Dual eligible's, those persons who are both Medicare and Medicaid eligible (many nursing home residents) have the right to choose their own Part D plan. The nursing home cannot choose for them. However, the plan they choose must be able to deliver to the nursing home in the form (in bubble packs, for example) that facility uses and that does limit the choice.

Complaints of fraud against the system are already being made. The drugs covered by a plan may change without notice, leaving people without coverage for the drugs they need. Also being reported are aggressive sales tactics (including agents in pharmacies seeming to indicate that only their plan will be filled by that pharmacy), companies trying to sell plans that are not affiliated with Medicare and don't provide a real benefit, and agents who use Part D only as the entree and then push other types of policies.

Numbers to call for assistance and information:

Medicare: 1-800-633-4227

Area Agencies on Aging: 1-866-224-6330 or your local agency

Senior Medicare Patrol Program: 1-866-726-2916

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.

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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.

AANHR Officer to Speak to Governor's Advisory Council on Aging.

AANHR's Vice President, Nancy Johnson, has been invited to speak at the March 9 quarterly meeting of the Governor's Advisory Council on Aging in Batesville. She has been asked to speak to them about "Advocacy".

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>

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

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. **Jack Wagoner** and **Gene Ludwig** for keeping AANHR supplied with copies of the book, DANGER ZONE.
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8. **Bob Davidson** of The Law Offices of Bob Davidson, P.L.L.C. for advising AANHR's Board of Directors.
9. **Eric Wewers** of The Law Offices of Eric Wewers, P.L.L.C. for advising AANHR's Board of Directors.
10. **Jana Barnett** of The Law Offices of Darren O'Quinn for editing the newsletter.

Frank Broyles to Speak

Athletic Director Frank Broyles of the University of Arkansas, Fayetteville, will be the keynote speaker at a March 30, luncheon to raise money for a University of Arkansas for Medical Sciences (UAMS) nursing program specializing in care for the elderly.

Broyles, whose wife, Barbara, died last year of Alzheimer's disease, will speak on "Coaching for Alzheimer's Caregivers" at the benefit luncheon for Geriatric Nursing Externships awarded through the Arkansas Hartford Center of Geriatric Nursing Excellence at UAMS.

The luncheon is scheduled for March 30, 2006, from 11:30 a.m. - 1 p.m. at the Country Club of Little Rock. Tickets are \$40 per person.

For more information, call Erwin Story at 686-7987, or visit the Hartford Center Web site, <http://hartfordcenter.uams.edu/>.

ARE FAMILY VISITS NECESSARY TO INSURE ADEQUATE CARE?

BY: Connie Smith (AANHR Member)

It often seems that my family member in the nursing home seems well cared for when the staff was expecting my visit, but may not look so good when a surprise visit occurs. How, then, can I be assured that my loved one will receive good care in a nursing home if I do not visit frequently? Does the staff at the nursing home really need my visits to motivate them to provide good care for my loved one? If so, what happens if I discover that I cannot fulfill that responsibility? Rarely are these questions asked during the initial process of choosing a nursing home. The nursing home's location is usually the all-important consideration because most families expect to be able to visit frequently, and provide some of the care. Families who live in town often visit a significant portion of every day. However, what about families who live too far away to make regular visits possible?

During the process of selecting the first nursing home where our son became a resident, a convenient location seemed to be a top priority because I envisioned offering daily care and supervision. Now that we have moved him to a more remote facility, that feels like a luxury. There have been two circumstances in our lives that have caused us to place the nursing home distance factor farther down on our priority list. First, we want our son to live in a home that can provide the most optimal care, and we could not find that close by. We moved Jordan to Greenhurst Nursing Home, which is more than a two-hour drive from our home. Second, I have, unfortunately been diagnosed with cancer, making frequent visits to any nursing home difficult during my extensive treatment process. Now, we find ourselves having to let go of control for so many aspects of our son's care, while learning to trust others to love and protect him. Being prepared for these factors at the beginning of our nursing home search would have saved us some heartache.

There are ways to assess if a nursing home can be trusted to provide good care in our absence, and surprisingly, we found that there are some benefits when more control is given to *capable* staff members. In our experience, many of our son's caregivers have been eager to fill the gaps of our absence, and seem to view it as a compliment to their ability. Specifics of his needs are communicated on an ongoing basis to all who provide his care. We have done this during our visits, by phone, and by email to both the nursing staff and the administrator. When we visit our son, we pay close attention to how the staff interacts with him, keep an eye on the condition of his skin, and assess his overall emotional status. If we are unhappy with any aspect of his care, we can talk to the family council, the administrator, or directly to the nursing staff. Every avenue has been effective, and the positive response to our suggestions and observations has built trust.

We have become acquainted with other residents and their families, and have asked them to look in on Jordan and let us know how he is doing. When there is an important event at the nursing home, we are often sent digital pictures via the Internet of Jordan participating in the activity. If it has been a few weeks, and/or if I find myself thinking about and missing Jordan, I jot an email to the administrator and I hear from him within a few hours with a description of what Jordan is doing and how he is responding. We have also asked friends and extended family to visit Jordan and they report to us about his status. Ideally, we would like to be able to spend more time with Jordan, but since we are not able to do that, we continually gather information from many sources about Jordan's condition, his environment and his caregivers. This has been a difficult journey, but once the communication and trust is built, it can mean a healthier existence for everyone.

Legislators can not keep their hands off Beverly deal (02/27/06 AR News Bureau) By Wesley Brown

Interestingly, a concept that is seemingly new to corporate boards is starting to emerge in the financial community, due to a little push from the federal Securities and Exchange Commission.

The venerable Wall Street Journal recently reported that corporate boards are increasingly imposing certain performance targets on their CEOs and the stock options the chief executives receive amid complaints about excessive executive pay.

At the state Capitol on February 23, Arkansas lawmakers brought up that very subject briefly in a discussion on the \$1.8 billion sale of Beverly Enterprises Inc. of Fort Smith.

Nevertheless, for the most part, Arkansas lawmakers seemed at a loss as to the difference between government regulation and meddling in the affairs of a publicly traded company.

Even though Beverly has its corporate headquarters in Fort Smith and operates 16 nursing homes across the state, some lawmakers feel that the company's first fiduciary duty is to the state, not to the shareholders and investors that own the nursing home giant.

However, that has not stopped the Legislature from attempting to pass legislation to thwart the sale, including a bill in the 2005 session that would have made Beverly jump through several hoops if approached by any serious suitors.

That bill died in a House committee after a few wise folks figured out that such legislation would be unconstitutional and probably would have ended up being thrown out by the courts.

The problem with this approach is that lawmakers have had several chances to do something about nursing home care in Arkansas, included the most recent regular and two special sessions. They also will have many opportunities to do so when the 86th General Assembly gets under way in 2007, if some maverick lawmaker is brave enough to take on the nursing home lobby.

If the truth were told, the real travesty of the Beverly situation is not whether the Fort Smith-based company goes private, but that a management team that can't shoot straight will soon cash a \$109 million check.

In the Journal's recent front-page story says that corporate boards are imposing performance targets on the stock and stock options they include in CEO's pay packages amid rising complaints about over-the-top executive parachute deals.

Not in Fort Smith.

Just by looking at a five-year chart of Beverly's stock performance since 2001; it should be clear to the company's board that the management team does not deserve the barrels of cash they will take away from this deal.

As the Journal story pointed out, many corporate performance targets don't necessarily make it easy for shareholders to know if the chief executives are earnings their big bucks. That is because under current SEC rules, companies are not required to divulge those targets and even will not be under the supposedly tougher rules proposed last month by federal regulators.

In Thursday's fruitless legislative hearing, a nursing home lobbyist pointed out to lawmakers that cash-rich exit deals and stock option packages given to Beverly executives are common in the corporate world.

Still, that does not leave a good taste in mouths of many nursing home workers who barely make enough to take out a living.

To paraphrase Forrest Gump, that's probably about all that needs to be said about that.

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.

Please lend us your support by becoming a member of our organization. Membership dues help to pay for our activities that support our mission statement. Memberships are available on a calendar year basis.

We are so appreciative of people like you who support our cause, because together we can make a difference.

- () \$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 72221-2421

NEW AANHR MEETING DIRECTIONS

First Assembly of God Church,
4501 Burrow Road,
North Little Rock, Arkansas

From Little Rock on Highway 67-167, take exit #2 onto Landers Road and stay 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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