

PROTECTING NURSING  
HOME RESIDENTS

May  
2006

# Arkansas Advocates for Nursing Home Residents



Next Meeting  
May 8

**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).

**11:00 a.m.**

Public Meeting:  
(see gray box on page  
one)

**12 noon**

Bring a sack lunch, &  
stay for the Board  
Meeting

**We're on the web!**  
[www.AANHR.org](http://www.AANHR.org)

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

## AANHR's Mission Statement:

"To protect and improve the quality of care and life for residents in Arkansas nursing homes."

### May 8<sup>th</sup> Program:

ATTORNEY DARREN O'QUINN

To speak on

### 20 Common Nursing Home Problems & How to Solve Them

Does the squeaky wheel get the grease? Do you understand the protections provided by the Nursing Home Reform Law? Join us and learn the answers to these questions and how to resolve many common nursing home problems.

AANHR is proud to have Darren O'Quinn speak to us today. Mr. O'Quinn has vast experience and insight into nursing home litigation from two perspectives. Prior to opening his own law practice in 2002, he defended nursing homes. He understands the special needs of nursing home residents and now vigorously prosecutes their claims. Mr. O'Quinn has been a strong supporter of AANHR and he has built an extensive law practice dedicated to protecting nursing home residents and their families from strong nursing home corporations.

Mr. O'Quinn is also a licensed pharmacist holding a degree in Pharmacy from the University of Arkansas for Medical Sciences. He earned his Doctor of Pharmacy in 1985. He is an assistant professor of Pharmacy Law at the University of Arkansas for Medical Sciences College of Pharmacy. He has also served as a special judge in the district and circuit courts of Pulaski County.

### Deadline Nears for Annual C.N.A. Appreciation Luncheon

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's featured speaker will be Carol Compas, Program Director for the Arkansas Foundation for Medical Care. The luncheon commences at 12:30 PM at First Assembly of God church in North Little Rock.

May 15<sup>th</sup> is the deadline for making reservations. Please mail your check for \$10.00 per person to AANHR, PO Box 22421, Little Rock, AR 72221-2421. Should you have any questions, call Martha Deaver at 501-450-9619.



## From the President's Desk

Nancy Allison

### FROM PRESIDENT'S DESK:

Have you noticed if there is a fire alarm system in the facility your loved one calls home? I am sure you would like to know if the residents are protected in this way.

Arkansas Law states each nursing home shall have an electrically supervised, manually operated fire alarm system in accordance with Section 6-3 NFP 101, Life Safety Code Handbook that applies to their nursing home. This will include fire alarm system with stations, signal devices, control board and wiring diagrams. Each year state surveyors check these systems to see that they are operating. They also check to see that emergency lighting shall have 90-minute duration batteries. Please be aware that battery operated smoke alarms located in residents' rooms or other areas of the facility are not adequate.

Arkansas Law follows Federal Life Safety Code on physical environment standards for *new construction and/or alterations* and requires that *sprinkler systems* be installed. There is presently a move to have all nursing homes retrofitted with sprinklers, but the cost is high and the industry is looking for assistance. Sprinkler systems could have eliminated an unnecessary loss of life in fires in Tennessee, Kentucky and other states.

All nursing homes are supposed to have a plan to handle emergency evacuations and they are required to practice regularly. During last years Katrina disaster there were stories of residents not being moved in spite of the evacuation order that was the policy of the facility. When policies are not strongly enforced and practiced, panic and insecurity move in and bad decisions (or no decisions) are made. No one can say if many of the residents who died would have been saved had they been moved, but in many cases they were abandoned and left to die frightened and alone.

Last winter there was a fire at a facility in Little Rock and the residents were all safely moved out of the building. Several hours later buses and vans came to move them to another facility or family home. Why were those residents not moved immediately to indoor safety instead of sitting in the yard of the burning building? It is very important that you, the family or friend of any nursing home resident, ask about the fire alarm system in that facility. Ask how often the emergency plan is practiced and how quickly they are moved to an indoor facility after they are removed from danger. Ask a CNA if she can tell you what she is to do in the event of a fire.

## Efforts Are Being Made to Improve the Quality of Care in Nursing Homes in Arkansas

Carol Compas, Program Director for the Arkansas Foundation for Medical Care, told AANHR members at the April 10 meeting of that program's continuing efforts to improve care. The Arkansas Foundation for Medical Care (AFMC) is an agency, which contracts with the federal government to monitor and improve medical care in our state. After originally working with physicians and hospitals to improve acute care, AFMC has also been working with long-term care providers (nursing homes) to improve conditions.



Ms. Compas highlighted four areas that have received concentrated attention in nursing facilities in recent years. Facilities must report the prevalence of these conditions and she works with the staff in these facilities to address the following problems:

1) Depression and 2) Pain. These are widespread problems in nursing home residents and both can be adequately treated. A problem, however, is the lack of mental health practitioners and medical personnel professionals trained in pain management, especially in rural areas.

3) Pressure Ulcers. The treatment of pressure ulcers (bedsores) is complicated because it requires teamwork between every medical provider including EMTs, ER personnel, hospital staff, and physicians as well as the nursing home staff. Ms. Compas pointed out that a bedsore can begin in a high-risk patient in any of these settings.

4) Restraints. Cutting the use of restraints is, in her opinion, a matter of solving the problem of why the restraint was thought to be necessary in the first place. For example, if a resident falls, determine and solve the reason why he or she fell and determining how best to help that resident to function to the best of their ability.

Ms. Compas talked at some length about the way nursing homes are organized and administered. Facilities are now being asked to question the long standing practice of "top-down management" and to begin to allow decisions to be made by the persons that are most affected by the decision. This means giving priority to the needs of residents and those workers most in contact with residents. There are many forms of this change, which you may have heard referred to collectively as "culture change." Some examples are the Eden Alternative, Pioneer Network, Green House, Neighborhood Models, etc. This is now being implemented successfully in several facilities in Arkansas.

AANHR is printing excerpts from an English composition by CNA Carol Beirne on the "Requirements to Become a Nursing Assistant." After describing the training process, she has then included her analysis of the program.

The training process lacks the teaching of temperament and screening the nursing assistant trainee for maturity and motivation to serve and understand what dementia and Alzheimer's is and does to an elder resident.

The certified nursing assistant is the crucial link of quality care for the patient or resident. It is important that the potential CNA candidate understand and is mature enough to provide the intimate and personal care that a long-term resident depends on or will need assistance with. Many nursing facilities rely on the minimum age requirement of sixteen to pass the certification program and be job ready with a controlled temper and the patience for taking care of an elder who requires undivided attention and care and assist him or her (resident) in a sincere manner without forcing the resident to follow orders.

The screening, investigation and background check should include a thorough examination of character and stamina of the nursing assistant trainee. There have been several cases of nursing home neglect upon the residents by certified nursing assistants, mostly due to lack of education relating to mental status of the resident. There is a newspaper geared to the older generation titled "Aging Arkansas" which for years has supplied articles with concern of neglect and abuse in long-term facility. They also address the fact that certified nursing assistants do not have sufficient training to prevent the serious actions that have taken place and have even caused death to residents in nursing homes from being mistreated and are punished for something that they are not capable to understand. Abuse and neglect in nursing homes happens in all states and not just Arkansas.

There should be longer and more in-depth on-the-job-training to include a trainer who will observe the skills and techniques of the new employee over a probationary period of at least ninety days. Since the certified nursing assistant is the one who has direct contact with the resident and reports to the licensed practical nurse, then education on management skills should be a requirement for the licensed practical nurse.

Carol's suggestions for the training program and opposing arguments will continue next month.

#### VOLUNTEER OMBUDSMAN NEEDED

Regardless of weather or not you plan to become a volunteer ombudsman your knowledge will increase ten fold by attending an ombudsman training session. Volunteer Ombudsman training takes only one day and can make an incredible difference in the life of a nursing home resident. A volunteer ombudsman is authorized to help the residents with any concerns. Protecting the resident's rights is a priority. The volunteer ombudsman is authorized to take complaints and report things they see that are questionable to their regional ombudsman, who can take steps to remedy the situation. A volunteer ombudsman can make a big difference in brightening the life of a nursing home resident. Please contact Martha Deaver at 501-450-9619 or 501-450-7405, she will put you in contact with your regional ombudsman.

*This short article proves that monumental changes can be made if those with authority care!*  
(Ed.)

### One home turns it around

In the span of a year, Belcourt Terrace Nursing Home in Nashville, Tennessee went from being one of the worst rated nursing homes in the state to one of the best.

It was slapped with 36 reports of violations in its 2003 state inspection - more than quadruple the state average of eight. A fine of about \$40,000 soon followed.

The following year, though, not a single violation was found.

"I can't describe the feeling. It was wonderful," said Tammy Aguilar, Belcourt's director of nursing, who was hired shortly after the 2003 inspection to straighten out the nursing home. "There were a lot of tears in that room."

More than anything else, Aguilar *attributes the turnaround to hiring full-time employees instead of using temporary agencies* to staff the facility.

"When I first came here, we were 90% agency. We're not using agencies anymore," she said. "*Now the same nursing assistants are with the same residents every day.* Everyone knows what our policies and procedures are. You can't have a team when nobody knows each other."

Brian Vermillion, Belcourt's administrator, said *a change in attitude also made a difference*. He said success depends on employees' willingness to help whenever needed.

"The worst thing I hate to hear is, 'That's not my job,'" he said. "As a supervisor, I am willing to mop the floor if the housekeeper is not available.

"If your supervisors aren't doing it, then it conveys the message that it's just not that important."

Among other things, Belcourt was cited in 2003 for failing to protect the privacy of a resident. Nursing home inspectors could see a woman sitting on the side of her bed unclothed from the waist up.

"Neither the certified nursing technician in the room nor the licensed practical nurse passing the medication intervened to cover the resident," the report stated. "The door to the hallway was open and no barrier was between the doorway and the resident."

That would not happen today.

Vermillion said one of the most effective changes he has made since taking over as administrator two years ago is training everyone to answer the residents' call lights.

"Nursing assistants can't do everything," he said. "If the maintenance man can answer the call light to change the (television) channel for a resident...that helps."

Vermillion said it took the entire staff for Belcourt to improve. He admits that it was a painful process at times - *more than 10% of employees were either fired or quit*. The former administrator left about 45 days after the 2003 inspection.

"Some people had to leave," he said. "A few people can ruin the spirit of the whole building."

The administrator tries to reward hard work by doing things such as having cash drawings for employees with perfect attendance records.

Belcourt recently had another annual inspection, but the results are not public yet. Vermillion said the score was not a zero, but the nursing home performed fairly well.

"If you have happy employees, you have happy residents," he said. "If you have happy residents, you have happy families. When you have happy families, you have happy surveyors and good results."

## PUBLIC NOTICE

Arkansas Advocates for Nursing Home Residents are here to help with any problems you might face in dealing with nursing home care. As consumers, you need to know, there has not been a congressional report written in the past twenty years documenting that nursing home residents are being cared for and protected the way the federal laws require.

In order that you are better informed, we urge you to order GAO congressional reports illustrating the serious problems government investigators have found in nursing homes.

To receive the government studies free of charge either:

- Telephone AANHR at (501) 450-9619
- Go to our web site at <http://www.aanhr.org> and click on "Contact Us."

### **It is Not Unrealistic to Expect Good Care**

#### *Do Not be Mislead by Video Being Shown in Nursing Homes*

It has come to our attention that some nursing homes are showing a video titled, "*Setting Realistic Expectations*," to residents and their family members. This nursing home industry propaganda says that residents and family members should not expect too much from a nursing home. It implies that a facility has no responsibility to supervise residents and wants you to believe that accidents are to be expected and are not the responsibility of the nursing home staff. It says, "*Don't blame us if anything goes wrong - we can't be expected to give good care!*"

This video completely ignores the responsibility of the nursing home to live up to the terms of their contract and tries to negate the basic rights of every nursing home resident. Residents and family members need to know and always remember that federal law states that nursing homes must provide **care that will enable residents to live up to their highest possible level of independent functioning**. That is the *REALISTIC EXPECTATION* that every resident and his or her family members should have and anything less is *unrealistic* and unacceptable.

Anytime a nursing home tries to negate this responsibility, to live up to the terms of their contract as a caregiver, all residents and family members must take issue with the nursing home's policies.

### AANHR Officers and Board Members

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## AANHR Special Thanks

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

1. **Brian Reddick** and **Bob Edwards** of Wilkes and McHugh for its generous donation toward the publication costs of this newsletter.
2. **Jack Wagoner** and **Gene Ludwig** for keepin AANHR supplied with copies of the book, DANGER ZONE.
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7. **Darren O'Quinn** of The Law Offices of Darren O'Quinn, PLLC, for assistance in the publication of this newsletter, meeting rooms, lunches and donations.
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9. **Todd Griffin** of The Law Offices of Todd Griffin, P.L.L.C. for advising AANHR's Board of Directors.
10. **Bob Davidson** of The Law Offices of Bob Davidson, P.L.L.C. for advising AANHR's Board of Directors.

### **National Citizens' Coalition for Nursing Home Reform Giving Voice to Quality Project**

#### **Resident Routines, Preferences and Potential**

#### **Hearing Resident Voices through Care Planing**

Find out.....

#### **How You Can Use Care Planning to Promote Resident-Directed Care in Nursing Homes**

(participate by phone from home)

**Tuesday, May 9, 2006  
3:00 p.m. ET – 4:15 p.m. ET**

This \*free\* conference call for residents, family members and other advocates will explain how care planning in nursing homes can be resident-directed and how residents and family members can participate meaningfully. Participants will be asked to share the information they learn with others – in day-to-day interactions with other consumers, at resident or family council meetings, or in conversation with facility staff.

**Join us!**

To register or get more information, visit [www.nursinghomeaction.org](http://www.nursinghomeaction.org) or contact the National Citizens' Coalition for Nursing Home Reform, at tel. 202-332-2275, or email: [voice@nccnhr.org](mailto:voice@nccnhr.org).

## **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

## **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.



## **Arkansas Advocates *For* Nursing Home Residents**

P. O. Box 22421 Little Rock, AR 72221-2421  
[www.aanhr.org](http://www.aanhr.org)

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