

PROTECTING NURSING
HOME RESIDENTS

October
2006

Arkansas Advocates for Nursing Home Residents



Next Meeting
October 9

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).

10:30 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

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."

Program and Speaker for the October 9th Meeting
PROTECTING THE RIGHTS OF THE ELDERLY
AVOID BECOMING A VICTIM OF PRESCRIPTION DRUG CRIME

Dr. David R. Montague's presentation addresses the timely issue of prescription drug crime and will show how senior citizens can be the method of access. He will demonstrate how to avoid becoming a victim.

Dr. Montague completed a PhD at Howard University, an MA at George Washington University and a BA at Morehouse College. He is an assistant professor of criminal justice at the University of Arkansas at Little Rock and the director of the university's Senior Justice Center which targets crime against the elderly via teaching, research and service using UALR student interns. His research interests include prescription drug crime against the elderly and social justice.

He worked for the United States Drug Enforcement Administration (DEA) as a federal drug diversion investigator and the United States JFK Assassination Records Review Board (ARRB) as the Senior Investigator. He has also served as a consultant on national security matters.

Dr. Montague taught crime and policy courses in the Departments of Criminology and African-American Studies at the University of Maryland College Park. He actively mentors students via his internship program and is the recipient of the Outstanding Faculty Staff Award for teaching and intellectual development of undergraduate students. Dr. Montague currently serves on the Advisory Board for the University of Arkansas School of Medical Sciences Substance Abuse Treatment Clinic and is a member of the Arkansas Sex Offender Management Team. He serves on Aging and Adult Services Statewide Advisory Council, is a public safety subcommittee coordinator for the Arkansas Legislature study on Senior Citizens, is a member of the Adult Protective Services Elder Abuse Task Force and many other organizations all focused on protecting the rights of the elderly.

Our Apologies!

AANHR offers its apologies to Hopkins & Associates. Contact information for this beneficial organization was inadvertently left out of the July newsletter. Hopkins & Associates may be contacted by the following means:

P.O. Box 55661
Little Rock, AR 72215
Phone (866) 256-5881
www.hopkinsinvestigations.com



From the President's Desk

Nancy Allison

FROM THE PRESIDENT'S DESK

When a person enters a nursing home they expect to receive care that will provide for them a quality of life that they cannot maintain while living alone. For some this means simply supervision in their daily living, for others it may mean total care. This year National Citizens Coalition for Nursing Home Reform (NCCNHR) has developed the theme CARE MATTERS:

Choice of long-term care setting and day to day decisions
Accountability of facilities and regulators to residents
Rights respected and care directed by residents
Empowered residents, families, advocates and staff

All residents have the right to make decisions and to have choice in their daily lives. Just because a person has a guardian or caregiver, it doesn't mean that they cannot express preferences and make decisions that reflect their individuality; nor does it mean that they are stripped of all their rights. We must encourage the right to personal preferences.

We know that 75% of nursing home residents receive Medicaid assistance. Medicaid money is your tax money and everyone has the right to get the best that dollar can buy. Most of all, the dollars paid to the nursing home industry must be used to *enhance* life, not merely to *sustain* life.

Common complaints from nursing home residents and their families today include lack of meaningful activity, being roused out of bed early to sit and wait for breakfast, rushed off to a bath or shower that you would rather have in the evening before retiring. Some complaints are as simple as having someone to talk to especially if that person is confined to a wheelchair or bed and the most interaction they receive with another human being is when vitals are taken or they are taken to eat. We know that isolation fosters loneliness and it can increase anxiety causing behavior problems and will put both staff and residents at risk. Consistent assignments will strengthen relationships between resident and caregiver and enhance the quality of life..

It is time for the Baby Boomers to take a look at nursing home care because they are next . People are reluctant to randomly visit nursing homes because they tend to be unhappy places and smell. If you want it to be different when your family member or even your are faced with living there - only you can create the change, but you must do it now. Visit nursing homes and volunteer your services to make it a happier place. Go beyond bingo and singing gospel music. Many of these residents have ability to do art projects or gardening - many would enjoy a story time reminiscing about the "old days". Some with failing eyesight would appreciate having a book read to them. Use your imagination - think what you would like if it were necessary for you to be in long term care. Ask the facility to allow you to have a simple party, something for the residents to look forward to.

The Residents Rights Nursing Home Reform Law of 1987 guarantees quality care, but you have to see that it works by spending some time in the long term care facility. It is time for the Now Generation to say NOW. What can I do to help?

Stormy Smith, Program Manager with the Office of Long Term Care (OLTC), briefed AANHR members on what constitutes abuse, neglect, and misappropriation of property in long term care facilities, the reporting requirements, and who the mandated reporters are, at their September 11th meeting. Stormy began his career as a nursing home administrator in 1973. He has been employed with OLTC since 1991. His primary function since 2000 is coordinating the flow of Freedom of Information act (FOIA) requests received by OLTC. Stormy highlighted the Adult and Long-Term Care Facility Resident Maltreatment Act which became Arkansas law in 2005 (ACT 1812 of 2005).

Purposes of this Adult Maltreatment Act include:

1. Provide a system for reporting known or suspected maltreatment.
2. Ensure prompt investigation.
3. Provide for a civil action, if appropriate, to protect maltreated adults.
4. Encourage cooperation between individuals and agencies in the investigation, assessment, and prosecution of those who mistreat adults and long term care facility residents.

Maltreatment, according to ACT 1812 of 2005, includes abuse, sexual abuse, neglect, misappropriation of resident property, and exploitation of residents. All employees of long term care facilities are required to be aware of what constitutes maltreatment and to report all alleged, witnessed or suspected maltreatment to the proper authorities for documentation and investigation. Also, medical personnel, financial personnel and others who come in contact with the adult or nursing home resident through business interactions must report incidents. Reporting must be done immediately upon discovery of an incident to the person in charge and the facility representative must file a report by 11:00 a.m. the next business day to the Office of Long Term Care under the regulations of that office.

Once a report of alleged, suspected, or known maltreatment is filed with the OLTC an investigation is carried out following guidelines and deadlines set by the OLTC. Deadlines are tracked by computer. Facilities must provide evidence that all alleged violations (including those of unknown source) are thoroughly investigated, and must prevent further potential abuse while the investigation is in progress. The results of all investigations must be reported to the designated facility representative and other officials (according to state law) within 5 working days of the incident. If the alleged violation is verified, appropriate corrective action must be taken (Act 1812 (483.13 (c) (1-3)).

There must be a preponderance of evidence to support a “founded report.” Once the incident is substantiated notice is sent to the administrator of the nursing facility where the perpetrator is employed and a thirty day appeal period begins. The resident victim involved and his/her legal guardian also receive notice of a founded report. All founded reports are entered into the Adult Abuse Registry which long term care facilities must check when applicants apply for employment. Notice is also sent of “unfounded reports” and these are expunged one year after the end of the investigation.

Mr. Smith told AANHR members that fractures and drug thefts currently stand out among alleged violations. He encouraged vigilance in overseeing resident family members’ prescription consumption. This is now more easily tracked with the advent of Medicare Part D where an accounting is regularly sent to the resident’s representative. Stormy stressed checking those medicines listed as “PRNs” which means “as needed” by the resident, which makes the dosage and usage more difficult to track and more vulnerable to procurement by those other than the prescribed, intended user.

Mr. Smith’s department deals with abuse of nursing home residents specifically in the realm of failed practices within the nursing home system. For example, there are systems (guidelines) on how medications are received into the nursing home, administered to the residents, and means for documentation of such activities. If, for some reason, a link in this system fails, OLTC enters the scene to document the failure and take whatever action is necessary to prevent a recurrence of such failed practice.

Resident care will improve only if all those who come in contact with those in facilities determine to become vigilant and aware of possible maltreatment and report such treatment to the proper authorities, providing witnesses and evidence to substantiate any allegation. Remember, there must be a preponderance of evidence, so take note and report -- to promote better care. Additionally, one may become better informed about the care of a particular nursing home by requesting a copy of the latest survey report from OLTC. Copies are available at little/no cost (the first 1000 pages are free). Contact Stormy for your copy using the contact information listed in “helpful/important numbers” featured on **page 7** in this newsletter.



THE CAB RIDE

Twenty years ago, I drove a cab for a living. When I arrived at 2:30 a.m., the building was dark except for a single light in a ground floor window. Under these circumstances, many drivers would just honk once or twice, wait a minute, and then drive away. But I had seen too many impoverished people who depended on taxis as their only means of transportation. Unless a situation smelled of danger, I always went to the door. This passenger might be someone who needs my assistance, I reasoned to myself.

So I walked to the door and knocked. "Just a minute", answered a frail, elderly voice. I could hear something being dragged across the floor. After a long pause, the door opened. A small woman in her 80's stood before me. She was wearing a print dress and a pillbox hat with a veil pinned on it, like somebody out of a 1940s movie. By her side was a small nylon suitcase. The apartment looked as if no one had lived in it for years. All the furniture was covered with sheets. There were no clocks on the walls, no knickknacks or utensils on the counters. In the corner was a cardboard box filled with photos and glassware.

"Would you carry my bag out to the car?" she said. I took the suitcase to the cab, then returned to assist the woman. She took my arm and we walked slowly toward the curb. She kept thanking me for my kindness. "It's nothing", I told her. "I just try to treat my passengers the way I would want my mother treated". "Oh, you're such a good boy", she said. When we got in the cab, she gave me an address, and then asked, "Could you drive through downtown?"

"It's not the shortest way," I answered quickly. "Oh, I don't mind," she said. "I'm in no hurry. I'm on my way to a hospice". I looked in the rear-view mirror. Her eyes were glistening. "I don't have any family left," she continued. "The doctor says I don't have very long." I quietly reached over and shut off the meter.

"What route would you like me to take?" I asked. For the next two hours, we drove through the city. She showed me the building where she had once worked as an elevator operator. We drove through the neighborhood where she and her husband had lived when they were newlyweds. She had me pull up in front of a furniture warehouse that had once been a ballroom where she had gone dancing as a girl. Sometimes she'd ask me to slow in front of a particular building or corner and would sit staring into the darkness, saying nothing.

As the first hint of sun was creasing the horizon, she suddenly said, "I'm tired. Let's go now". We drove in silence to the address she had given me. It was a low building, like a small convalescent home, with a driveway that passed under a portico.

Two orderlies came out to the cab as soon as we pulled up. They were solicitous and intent, watching her every move. They must have been expecting her. I opened the trunk and took the small suitcase to the door. The woman was already seated in a wheelchair.

"How much do I owe you?" she asked, reaching into her purse. "Nothing," I said. "You have to make a living," she answered. "There are other passengers," I responded. Almost without thinking, I bent and gave her a hug. She held onto me tightly. "You gave an old woman a little moment of joy," she said. "Thank you."

I squeezed her hand, and then walked into the dim morning light. Behind me, a door shut. It was the sound of the closing of a life. I didn't pick up any more passengers that shift. I drove aimlessly lost in thought. For the rest of that day, I could hardly talk.

What if that woman had gotten an angry driver, or one who was impatient to end his shift? What if I had refused to take the run, or had honked once, then driven away? On a quick review, I don't think that I have done anything more important in my life.

We're conditioned to think that our lives revolve around great moments. But great moments often catch us unaware-beautifully wrapped in what others may consider a small one.

PEOPLE MAY NOT REMEMBER EXACTLY WHAT YOU DID, OR WHAT YOU SAID, ~BUT~THEY WILL ALWAYS REMEMBER HOW YOU MADE THEM FEEL.

Resident Rights Rally
Monday, October 2, 2006
Arkansas State Capitol
Front Steps 11:00 a.m.

Speakers:

Dustin McDaniel

Democratic Attorney General Candidate

Gunner DeLay

Republican Attorney General Candidate

Kathie Gately

Arkansas State Ombudsman

Maria Diaz

Arkansas State Director of AARP

NATIONAL RESIDENTS' RIGHTS WEEK
Affirming Residents' Rights
In Long-Term Care Facilities

Resident Rights Education

Please Join Us!
Arkansas Advocates for Nursing Home Residents
www.aanhr.org

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 had 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."

Consumer Reports has included its Nursing Home Quality Monitor in the September issue:

- Learn which homes in each state to consider and which to avoid.
- Learn which 12 nursing homes have been on all of the *Consumer Reports* Watch Lists since the first one appeared in 2000.
- Get unbiased *Consumer Reports* advice on how to choose a nursing home.
- What type of homes are likely to provide better care?
- What can family members do to find the best possible home for a loved one?

The *Consumer Reports* Nursing Home Quality Monitor, a national database of homes to choose and homes to avoid, will be available free as of August 6, 2006 at www.ConsumerReports.org/nursinghomes

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. The Videos are:

- NURSING HOME CARE PLANS
- THE IMPORTANCE OF NURSING HOME FAMILY COUNCILS
- BATHING WITHOUT A BATTLE

AANHR Special Thanks

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

1. Jana Barnett of The Law Offices of Darren O'Quinn, PLLC, for composing the newsletter.
2. First Assembly of God in North Little Rock for providing AANHR a meeting room.
3. 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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5. Brandon Clark of The Law Offices of Brandon Clark, PLLC, for ongoing support of AANHR activities.
6. Jack Wagoner and Gene Ludwig for keeping AANHR supplied with copies of the book *DANGER ZONE*.
7. Todd Griffin of The Law Offices of Todd Griffin, PLLC, for advising AANHR's Board of Directors.
8. Hare Wynn Newell & Newton for financial and promotional support over the years.
9. Eric Wewers of The Law Offices of Eric D. Wewers, PLLC, for advising AANHR's Board of Directors.
10. Brian Reddick and Bob Edwards of Wilkes and McHugh for its financial assistance in the printing and mailing of AANHR's newsletter and other publications as well as financing the attendance of two board members to the annual NCCNHR conference.
11. Bob Davidson of The Law Offices of Bob Davidson, PLLC, for advising AANHR's Board of Directors.
12. Chad Trammel and Don Sorey of The Law Offices of Nix, Patterson, and Roach for gift memorials and financial support.

AANHR Officers and Board Members

President - Nancy Allison, Conway

Vice President - Nancy Johnson, Fairfield Bay

Secretary - Martha Blount, Searcy

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Members of the Board: 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 Sandstrum, Pine Bluff.

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;

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

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, 2007.

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

Driving Directions to First Assembly of God Church,

4501 Burrow Road, North Little Rock, Arkansas

Coming from the North:

When driving South on Highway 67/167, take exit #1 onto Warden Road. As soon as you safely can, get into the right hand lane, as you will be turning right at the Golden Coral Restaurant onto Commercial Street.

Coming from East, West or South:

If you are on either I-30 or I-40, take Highway 67-167 North. Take exit #2 onto Landers Road. Stay in the left hand lane, as you will be turning left and going under Highway 67/167 and enter Warden Road going southbound. As soon as you safely can, get into the right hand lane, as you will be turning right at the Golden Coral Restaurant onto Commercial Street. Commercial Street terminates at the church. Proceed straight across Burrow Road into the church's parking lot and turn right at the far side 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

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