

January
2007

Arkansas Advocates for Nursing Home Residents



Next Meeting January 8

MEETING PLACE:
First Assembly of God
Church

4501 Burrow Road
North Little Rock

Directions to church
on back of Newsletter.

10:00 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)

Happy New Year!

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 January 8 Meeting

JANUARY MEETING TO HIGHLIGHT NCCNHR CONFERENCE

AANHR'S January meeting will feature Martha Deaver and Ralph Erwin as speakers. Martha and Ralph attended the annual October NCCNHR Conference held in Washington, D.C. which celebrated the 30th anniversary of the organization. The theme this year was CARE Matters and sessions focused on Choice, Accountability, Rights, and Empowerment. These conferences provide numerous opportunities to hear from knowledgeable persons in all areas of health care and sharing of information with other Citizen Advocacy Groups and Ombudsmen. Martha and Ralph will report what they learned in the areas of predators in nursing homes, 20 most common problems, and information on culture change and the campaign for quality. Often some of the sessions offered at the conference will cover material that overlaps so we will hear about these issues from two different observers.

These are your representatives, don't miss their report.



Matthew Haas from Arkansas Trial Lawyers Association (ATLA) is also scheduled to speak at the January meeting about what to expect in the upcoming legislative session.



From the President's Desk

Nancy Allison

- I'd like to start the New Year by sharing a message I received from Susie Hood, President of the Family Council at Greenhurst. The message referenced an obituary in the Charleston News in which the family testified to "the absolute compassionate and loving care their mother and father had received while at Greenhurst Nursing Home in Charleston". We are always happy to share stories about this particular facility. We have seen the way they care.
 - And while I am mentioning Greenhurst, I would like to thank their owner/administrator, Kriss Shaffer for inviting AANHR board members to attend the recent Alzheimer's Association Fundraiser Dinner honoring Frank Broyles. Ralph Erwin, James Brooks, Martha Deaver, Pat McGuire and I enjoyed the evening at Kriss' table along with Connie Smith (Jordan's mother) and Carol Compass. We were pleased to have the opportunity to honor Coach Broyles, recognizing his work searching for a cure for Alzheimer's Disease. We also remembered his support of our bill to get the extra training CNAs needed to understand Alzheimer's and dementia.
 - This past summer NCCNHR asked residents of nursing homes to write a poem or essay with the theme **Care Matters**. NCCNHR published these works and I have chosen a few excerpts to share with you. The following is from a resident in Frankfort, Indiana:
 - **"I care! I care what you do with me when I need help. I just want you to explain it to me, slowly, so my older brain can process it. I care about my personal appearance. I care and appreciate it when you remember my name even though it's hard for me to remember yours. I don't like being talked to as a child. I don't like being talked about to someone else. I don't like doctors to talk to a caregiver as if I weren't there. I care that you care about me!"**
 - :From Mystic, Connecticut:
 - **"I rang the bell a couple times, once because I was very uncomfortable and again to ask for my next pill. The nurse who came in was from another wing and she told me I would have to wait. Her attitude was unkindly and very sharp. She left the room and there was laughter in the hall I felt was aimed at me".**
 - From Evansville, Indiana:
 - **"Most of the nurses and aids are great and make this place feel like home. However, I feel that they forget that working in a nursing home is not just any other job. It is a job where the main focus is not on them, but instead on the residents. Unfortunately, some days they forget to check their problems at the door and bring them into their interactions with us."**
 - Wouldn't it be wonderful if each caregiver asked one resident what was important to them each day, and then remembered that in their daily interactions?
-

David Couch spoke to AANHR in November

David Couch, of the David Couch Law Firm, who was recently elected to the NCCNHR board, spoke to AANHR members at the November general meeting. Mr. Couch detailed restructuring efforts and strategies by Beverly Enterprises designed to shield its resources and profits from lawsuits by individuals seeking regress because of poor care given their family members residing in Beverly nursing homes. The basic idea is to separate entities from each other in order to shield many if one is sued.



Nancy Allison & David Couch

Beverly representatives from across the nation met in the spring of 2006 to restructure Beverly Enterprises partly in response to successful efforts by lawyers seeking redress for poor care given by BEI employees. BEI divided its holdings into state entities under the mantra: Beverly Health Rehabilitation Services. Each state's facilities then were subdivided into cities where each facility became a limited liability corporation, thus all other facilities are insulated from each other.

Liability insurance coverage was also restructured. About thirty days after BEI sold in March, insurance coverage was renegotiated so that the middle layer of coverage removed, in order to save on the cost of insurance coverage across the board. Insurance settlements many times pay facility defense cost first (including the cost for defense lawyers) thus shrinking the amount possible for recovery by a plaintiff.

The bottom line is that huge numbers of health care dollars are provided for the care of the frail elderly in our nation. Cost control sheets track profitability of each resident in a nursing home. Liability insurance is a reimbursable expense that is many times required of those doing business with the public. Any successful business must become more efficient with staffing and supplies. However, reports have shown level of care relational to the staffing hours provided per resident each day. The buck must stop somewhere. Perception is that it stops at the top where the corporation is responsible for the care given at its facilities -- not the individual performing the hands on care who is acting on behalf of the corporation. The buck stops with the corporation -- but at what level? Beverly's goal may be to stop the buck at the lowest possible level.

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

What is the Senior Justice Center?

Dr. David Montague, our October 2006 speaker, founded The Senior Justice Center in 2005. It is housed in the UALR Department of Criminal Justice and its mission is to address crime within the elderly at the grass roots level. By using community seminars, presenting programs at senior centers, and operating a hotline, the center provides knowledge that could prevent crimes typically committed against the elderly. With information collected from surveys, Dr. Montague helps policy makers be more aware of the type of crimes or scams against the elderly. He points out these are forms of abuse, whether in a senior's home or in a nursing facility.



Dr. David Montague

The hours for the Senior Justice Center are from 9 am to 5 pm, Monday through Friday. The phones are operated by interns of the center, and the callers are assisted by the interns or referred to an organization that can assist them directly. If you have concerns *the telephone number for the Senior Justice Center Hotline is 501-683-7153*. You can also call the Senior Justice Center to find out when there might be a seminar in your neighborhood. In an emergency, you should always call 911 or your local emergency number prior to attempting to contact the Senior Justice Center.

The center also works to educate current professionals and future professionals by working with organizations such as the Arkansas Medicare/Medicaid Fraud Patrol and the UALR Graduate Gerontology Certificate Program Committee.



AANHR members Nancy Allison (L), along with Pat McGuire (center) and Martha Deaver (R) attended the recent Alzheimers Association Fundraiser dinner honoring Coach Frank Broyles. Other AANHR members attending but not pictured: James Brooks and Ralph Erwin.

FYI

Office of Long Term
Care email address
from medicaid
website:

OLTC2@arkansas.gov

Anna Mae Halgrim Seaver spent her last days in a nursing home. After her death, her son gathered her belongings together and found some notes in her room. He sent them to Newsweek magazine where they were published (Newsweek, June 27, 1994). Here is a short excerpt of her article:

"I don t much like some of the physical things that happen to us. I don t care much for a diaper. I seem to have lost the control acquired so diligently as a child. The difference is that I m aware and embarrassed but I can t do anything about it. I ve had three children and I know it isn t pleasant to clean another s diaper. My husband used to wear a gas mask when he changed the kids. I wish I had one now.

Why do you think the staff insists on talking baby talk when speaking to me? I understand English. I have a degree in music and am a certified teacher. Now I hear a lot of words that en in y. Is this how my kids felt? My hearing aid works fine. There is little need for anyone to position their face directly in front of mine and raise their voice with those y words. Sometimes it takes longer for a meaning to sink in; sometimes my mind wanders when I am bored. But there s no need to shout.

I tried once or twice to make my feelings known. I even shouted once. That gained me a reputation of being crotchety. Imagine me, crotchety. My children never heard me raise my voice. I surprised myself. After I ve asked for help more than a dozen times and received nothing more than a dozen condescending smiles and a Yes, deary, I m working on it, something begins to break. That time I wanted to be taken to a bathroom."

What happened? The nursing home staff looked at her veneer and saw only an aged woman. They missed the teacher, the mother, the intelligent and productive human being that was Anna Mae Seaver.



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"

Volunteer Ombudsmen Needed

Regardless of whether or not you end up becoming a volunteer ombudsman, your knowledge will increase greatly 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 brightening the life of a nursing home resident. After the day of training and a short orientation period one can become a Certified Ombudsman and can choose to be assigned to a specific nursing home where just two hours service per week is expected. If interested, please contact Martha Deaver at 501-450-7405; she will put you in touch with your regional ombudsman.

AANHR Videos for Loan

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 offices 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*

Consumer Reports

included its Nursing Home Quality Monitor in the September 2006 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 *Consumers 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, became available free on August 6, 2006 at www.ConsumerReports.org/nursinghomes

AANHR Special Thanks

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

1. **Bob Davidson** of The Law Offices of Bob Davidson, PLLC, for advising AANHR's Board of Directors.
2. **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.
3. **Eric Wewers** of The Law Offices of Eric Wewers, PLLC, for advising AANHR's Board of Directors.
4. **Hare Wynn Newell & Newton** for financial and promotional support over the years.
5. **Todd Griffin** of The Law Offices of Todd Griffin, PLLC, for advising AANHR's Board of Directors.
6. **Jack Waggoner and Gene Ludwig** for keeping AANHR supplied with copies of the book *DANGER ZONE*.
7. **Brandon Clark** of the Law Offices of Brandon Clark, PLLC, for ongoing support of AANHR activities.
8. **David Couch** of The Law Offices of David A. Couch, PLLC, PA, for employing Brent Birch of One6 Media, LLC, to create and maintain AANHR's website.
9. **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.
10. **First Assembly of God Church** in North Little Rock for providing AANHR a meeting room.
11. **Jana Barnett** of The Law Offices of Darren O'Quinn, PLLC, for her assistance in composing the newsletter.
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 - Open

Treasurer - Ralph Erwin, Little Rock

Members of the Board: James Brooks, North Little Rock; Betty Buckta, Judsonia; Ruth Dapremont, Conway; Martha Deaver, Conway; Gleason McGuire, Bryant.

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 Arkansas 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 a prominent place in the nursing home, preferably near the front entrance. You may also call your local Area Agency on Aging to secure the name and phone number of the Ombudsman.

The UALR Senior Justice Center can be reached at: 501 - 683 - 7153.

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 through December 31, 2007.

We are 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

Coming from the North:

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

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, move into the right-hand lane, as you will be turning right at the Golden Corral Restaurant onto Commercial Drive.

Commercial Drive 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

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AANHR's Mission Statement:

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