

February
2007

Arkansas Advocates for Nursing Home Residents



Next Meeting February 12

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)

Inclement Weather Notice:

Please note that the
AANHR monthly
meeting will be
cancelled in instances
when North Little Rock
schools are closed due
to bad weather.

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."

HOW WILL CHANGES IN NURSING HOME OWNERSHIP AFFECT CARE OR WILL IT?

Bob Edwards and Kathy Rast, attorneys from Wilkes & McHugh will be our speakers this month. Their topics will range from the State of the State Nursing Homes and the increasing turnover in ownership of long-term care facilities. They will also speak on the current Arkansas budget surplus, what opportunities are there for money for the nursing homes and looking toward the 2008 Legislative Session.

Bob Edwards received his BA in Biology from Hendrix College in Conway, Arkansas in 1991, and his Juris Doctorate degree from William H. Bowen School of Law in Little Rock in 1998.

Prior to joining Wilkes & McHugh, P.A. in 2003, Mr. Edwards served as Chief of Staff in the Arkansas Attorney General's Office. Mr. Edwards is licensed to practice law in Arkansas and Tennessee and is a member of the Arkansas Bar Association, the Arkansas Trial Lawyers Association, the American Bar Association, and the Association of Trial Lawyers of America.

Kathy is litigation paralegal with Wilkes & McHugh. She joined the firm in 1999 and has personally worked on many of the firm's most notable cases. Kathy's duties include discovery, research, trial preparation and training of staff. Kathy graduated from McClellan High School in 1984 and received degrees from St. Mary's University in San Antonio, Texas, in the areas of English, Criminal Justice and Broadcasting. She worked for the Little Rock city attorney's office in 1992 prior to going to work for the law firm of Kujawski & Faerber in 1993.



Bob Edwards



From the President's Desk

Nancy Allison

- By the time you read this we will have one month of the year 2007 behind us and the 86th Legislative Assembly will have been in session one month. I sincerely hope each of you has taken the time to meet your local legislator and talk to him about concerns you might have about the care and safety of the elderly and infirm in Long Term Care Facilities. Through our newsletter we will try to keep you informed about any issue we are concerned about and hope you will follow up with speaking to the appropriate person.
 - I hope you read Dr. David's column in the Democrat Gazette on Sunday, January 7th. It appears he had a loved one in a hospital and was complaining about the fact that to get good care for your loved one you must be there 24 hours a day and constantly monitor or complain about everything that is done. We hope this was an eye-opener for Dr. David. Certainly he should be able to figure out that care in many nursing homes is the same or worse. In hospitals you have doctors and registered nurses. In nursing homes you have licensed practical nurses and certified nursing assistants, the least educated and trained, who work harder than any others under the worst possible conditions.
 - The recent AARP magazine has a story written by a paraplegic who was forced to stay in a nursing home for rehab after shoulder surgery. He was able to use his power wheelchair so he had some freedom and mobility, but he spoke of the abuse and neglect he witnessed. He commented on the things that were done for the convenience of the staff, not the benefit of the resident -- all things that we know so well -- as we have tried to make things better for our loved ones in these homes. Mr. Corbet makes the observation that residents are there because they need care, temporarily or permanently. But that does not mean they need *institutional* care. The care of these people should not be about mediocrity; it should be about excellence!
 - So we continue on our mission to "protect and improve the quality of care and life for residents in nursing homes". We can develop Family Councils, develop relationships with the administrator and staff and try to remind them that these people are individuals who have minds. Those minds need to be fed with meaningful activity, their bodies fed with food and water, and most of all to be treated with respect and given the rights guaranteed them by Federal Law.
-

Ledge & NCCNHR Conference Topics at January Meeting

Members attending the January 8 meeting heard Matthew Haas, political consultant for the Arkansas Trial Lawyers Association (ATLA), give his perceptions of what to expect in the 2007 legislative session. He does not foresee a session in which issues affecting nursing homes will loom large. ATLA would like to see failure to meet regulations, especially failure to meet staffing requirements, be punishable by jail time. Watch to see if this proposal flies. Other possible legislation, according to Mr. Haas, might be a system for rating doctors (and nursing homes?), whistle-blower protection, and a bill which would mitigate liability when a provider admits a mistake.



Matthew Haas

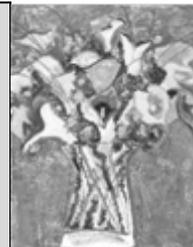
Martha Deaver and Ralph Erwin gave a report on the annual conference of the National Citizen’s Coalition for Nursing Home Reform (NCCNHR) which they attended in October. They reported that the opportunity to meet with others from across the country who also advocate for better nursing home care was invaluable. In addition they learned much from sessions on Advancing Excellence in Nursing Home Care, Care Planning, dealing with felons in nursing homes, guardianship issues, etc. Each year the organization chooses areas in which to take action. This year an issue which was proposed by AANHR was adopted. This was to urge that a comprehensive study be made of the effect on care of dividing provider companies into several separate corporations to limit liability. One of the highlights of the conference was a book of poetry and essays written by nursing home residents which reflects their perception of their life. Excerpts from this compilation will appear in this newsletter throughout the coming year.



Ralph Erwin & Martha Deaver

AANHR members extend their sympathy to Marce Best, a former board member, whose sister passed away on December 30, 2006, at Pleasant Valley Living Center. A service was held for the family on January 10, 2007.

Our deepest sympathy is also extended to Kathie Gately, Arkansas State Ombudsman, upon the death of her father, James V. Fussell III, of Little Rock, on January 17, 2007. Funeral service was Saturday, January 20.



*“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*

Welcome to the Real World!

Editor's note: Following is a letter sent to Dr. David Lipschitz in response to his column in the Sunday Arkansas Democrat-Gazette January 7, 2007.

January 10, 2007

Dear Dr. Lipschitz:

Nothing gave me more pleasure than to read your column in the *Arkansas Democrat-Gazette* of Sunday, January 7, 2007 regarding the difficulties older patients have getting care in a hospital and to realize you finally "got it". Not everyone can leave quickly. For long-term care patients, whether in a hospital or nursing home, simply contemplate encountering the neglect you described existing over a long period of time. As a long-time advocate for nursing home residents I have witnessed this lack of care daily in nearly all nursing facilities.

YOU have the position and the influence to make things different. YOU have the ability to teach medical and nursing students what it is like to be helpless and infirm. You have told me that medical students don't like geriatric rotations. Well, that is tough. No one likes to be ill or to feel helpless or confused, either. The responsibility of future and present doctors is to help alleviate these conditions. YOU have a unique opportunity to change attitudes - of medical personnel and of the entire world of long term care.

Let me remind you that you wrote: "at the present time, if you have an older loved one admitted to a hospital or to a nursing home, never leave this person alone. Trust no one, question every decision, make sure you understand what is being done and assure that the attending (staff) fully appreciate all of the problems of the patient, both past and present. . . .Every older person needs an advocate, who should be there at all times." How true! How awful that it is true! Surely it does not have to be!

Please work for the day when people who need assistance can be assured of getting the care they expect, are entitled to, and pay for.

Sincerely,
Nancy A. Johnson
Vice President and past President
Arkansas Advocates for Nursing Home Residents

FYI

Office of Long Term
Care email address
from medicaid
website:

OLTC2@arkansas.gov

Full Circle

By Barbara Hammond

Seacoast Nursing & Rehab Center

Gloucester, MA

“The time has come the walrus said, to speak of many things.
Of sad times -- of happy times -- of times when your heart sings!”

This silly phrase has been running through my head and to myself I say, maybe “Nana’s Stories” have come full circle and I should get them down on paper while I can still write. Most of my other stories have been about the many great memories of the past. This, however, is such a different time of my life not always funny, but just as real. I’m in a completely different world, one I never would have dreamed I’d find myself. If I can just tell people, on both sides, of my experiences, what it’s like, it might help someone to make the most of one of life’s hardest experiences. The possibility of spending the last days of your life in an “old folks home”.

I’m now a resident of Seacoast Nursing and Rehabilitation Center. I landed here after several falls at home, never suspecting when I left that it would be my last look at my cozy little room on Story St. So far I’ve been here for 17 months with not much hope of moving in the near future. To me it’s like going out to get the milk and having the door blown shut, leaving you on the porch in your pajamas. However, I refuse to give up all hope and prefer to take one day at a time and pray for a miracle. When I first came here, I couldn’t stand.

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 seeing 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. Eric Wewers of The Law Offices of Eric Wewers, PLLC, for advising AANHR's Board of Directors.
2. Hare Wynn Newell & Newton for financial and promotional support over the years.
3. Todd Griffin of The Law Offices of Todd Griffin, PLLC, for advising AANHR's Board of Directors.
4. Jack Waggoner and Gene Ludwig for keeping AANHR supplied with copies of the book *DANGER ZONE*.
5. Brandon Clark of the Law Offices of Brandon Clark, PLLC, for ongoing support of AANHR activities.
6. 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.
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.
8. First Assembly of God Church in North Little Rock for providing AANHR a meeting room.
9. Jana Barnett of The Law Offices of Darren O'Quinn, PLLC, for her assistance in composing the newsletter.
10. Chad Trammel and Don Sorey of The Law Offices of Nix, Patterson and Roach for gift memorials and financial support.
11. Brian Reddick and Bob Edwards of Wilkes and McHugh for its financial assistance in the printing Bob Davidson of The Law Offices of Bob Davidson, PLLC, for advising AANHR's Board of Directors.
12. 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.

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

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

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AANHR's Mission Statement:

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