

January  
2008

# Arkansas Advocates for Nursing Home Residents



## Next Meeting January 14

### 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 article at right)

Share Your

Happy

New

Year

With AANHR!

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

Conway (501) 450-9619 · Fairfield Bay (501) 884-6728

#### AANHR's Mission Statement:

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

## January Meeting

The January 14<sup>th</sup> meeting will highlight the recent NCCNHR Conference. John Satterfield and Lela Burns will report on the many sessions they attended. 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. These are your representatives, don't miss their report on the National Conference.

We have also received another DVD from CMS (Centers for Medicare and Medicaid Services) titled *From Institutional to Individualized Care*. It is another eye-opening case study of how some homes are transforming systems to achieve better clinical outcomes. We hope to have time to view part of this DVD.



### AANHR Receives Arkansas LTC Ombudsman <sup>2nd</sup> Annual Superior Citizen Empowerment Award

Arkansas Advocates for Nursing Home Residents (AANHR) recently received the second annual Arkansas LTC Ombudsman Program "Superior Citizens Empowerment Award". The award is given to an individual or group that has exhibited "above and beyond" support, promotion and assistance in strengthening the statewide LTC Ombudsman program. A recipient is selected based upon their efforts during the past year towards implementing various methods related to educating, expanding and involving the residents and community in regards to the LTC Ombudsman program at either a local or state level.



## From the President's Desk

Nancy Allison

We are starting a new fiscal year and you are being reminded of your membership renewals. I did some thought searching and asked myself "why do I stay involved in AANHR". And my immediate reaction was that even though my mother is gone and there is nothing I can do now to make her life in a nursing home easier - I can work to make it better for someone else. I can try to correct the things that are still wrong. I think of the thirty years Elma Holder dedicated to improving a situation she KNEW had to be better, the obstacles she overcame in the federal government, the inspiration she gave to me when I last spoke with her, the challenge she gives us all to continue the work she started - and I WILL GO ON. I hope you will too.

I will quote from an article by Donna Lenhoff, executive director of the National Citizens' Coalition for Nursing Home Reform (NCCNHR). She has made statements that "most of America's 17,000 nursing homes are so dangerously understaffed that residents are needlessly suffering and dying from neglect, while nursing home profits climb amid nursing home corporate scandals over misuse of public funds". This is not just her opinion - she quotes from reports by the General Accounting Office and the federal Centers for Medicare and Medicaid Services. We have this information and are in contact with state and federal legislators making them aware of it. We know legislators who have pledged their help in trying to see that staffing is increased to more than 80% of the time. They want to help us improve the training requirements for CNAs which will make them able to do a better job, command more respect from their superiors and the families of their patients and give them the right to a better salary.

We need each and every one of you. If you are still receiving this newsletter and are questioning whether you need to stay involved - PLEASE - reach through your pain and know how much your help can mean to this organization and the many who are tirelessly working to improve conditions for all nursing home residents. Again I quote Donna Lenhoff who says "if nursing homes were staffed according to the minimum levels reported by the Dept. of Health and Human Services, there would be one certified nursing assistant for every five or six residents during the day. In the majority of America's nursing homes, there is one certified nursing assistant for every eight to fourteen residents. Most families of nursing home residents know the ratio is much higher - especially at night and on weekends". When the burden of doing the job of two or more people is removed from each position, it will be easier to hire and maintain good CNA's.

If you can renew your membership for \$15 or \$20, we will appreciate it - if you can stay active by attending our meetings, helping us make phone calls, writing letters to legislators, or attending legislative committee meetings, that is appreciated also. Either by your financial support or your help in contacting legislators, we need each and every one of you and I appreciate your dedication to staying involved in a cause that must be seen through until we are all satisfied with care in nursing homes.

**FYI: Office of Long Term Care email address from the medicaid website:  
OLTC2@arkansas.gov**

MARK MALCOLM  
PULASKI COUNTY TREASURER  
Spoke at November 11th Meeting On:  
Mass Fatality Program and Nursing Home Investigations

Mark Malcolm was appointed Pulaski County Coroner in 1995 and is the only full-time county coroner in Arkansas. He has worked tirelessly to help improve the care of residents in nursing homes. In March of 2002 he appeared before the United States Senate Committee on Aging and provided testimony regarding the Arkansas law he authored mandating the report of all nursing home deaths to the county coroner. Family members of nursing home residents should become acquainted with their local county coroner whose priorities may/may not include following up on nursing home deaths. Coroners do have the authority to request nursing home medical records of deceased residents. Nursing home staff members are required to be forthcoming with said records. In most cases, the coroner may review the records finding no further action need be taken. In questionable instances, the coroner might consult with other qualified experts in order to facilitate closure on the case.

Mr. Malcolm spoke to AANHR members on November 11, 2007 about preparations in place in the event of a mass emergency in Arkansas such as pandemic flu. Problems arise with the overwhelming numbers of bodies involved. Therefore, Malcolm's areas of concern include identification of fatalities, care for the bodies, & notification of next of kin. Each local county coroner is responsible for the day to day deaths in his/her jurisdiction. Mr. Malcolm reported averaging 3 or 4 nursing home deaths per day in Pulaski. Malcolm's staff checks out these deaths searching for any unusual reasons for death.

In the event of mass fatalities, local officials are likely to become overcome with the sheer volume of fatalities. In June 2007 Mark Malcolm was appointed to the FEMA National Advisory Council created by Congress to provide advice and guidance on all aspects of preparedness and emergency management. He was named Director of Mass Fatality for the Arkansas Department of Health and sits on a National Committee that is responsible for developing a mass fatality training module for use in all 50 states. Malcolm's initial charge was to develop the emergency plan including assigning responsibilities, training the personnel to be effective, plus knowing whom to call upon during a crisis because some called upon may be so effected by the crisis that they will be unable to respond with help.

Next, during the crisis, emergency teams perform recovery and identification duties, disposition and repatriation, crisis communication such as call centers to dispense information concerning displaced persons, and grief counseling for families and crisis staff.

After the crisis has passed, operations shift to family and employee assistance, return of personal effects, and assistance with memorial services. Mr. Malcolm related that the current emergency plan ARMOR (Arkansas Rapid Mortuary Response) is primed to respond to a mass emergency with thirteen to fourteen hundred staff members and refrigerated storage adequate for the initial 24 to 72 hours. Following that time period, Malcolm anticipates help pouring in from around the nation and world.

Mr. Malcolm served as Director of Field Operations for International Emergency Services during the search and recovery of those who died following Hurricane Katrina and also served as Director of Morgue Operations in Phuket, Thailand following the December 2004 tsunami. He also helped during the aftermath of Hurricane Katrina.

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USEFUL WEBSITES:

[www.medicare.gov/NHCompare](http://www.medicare.gov/NHCompare)  
[www.memberofthefamily.net](http://www.memberofthefamily.net)  
[www.aanhr.org](http://www.aanhr.org)



## NCCNHR Honors David Pryor

The National Citizens Coalition for Nursing Home Reform (NCCNHR) recently honored former Senator David Pryor for his work on behalf of nursing home residents. Throughout his career in public office, Senator Pryor was among the most thoughtful and outspoken advocates for nursing home reform our country has known; and NCCNHR was often privileged to work with him during his service in the House and Senate. In 2007, NCCNHR commemorated the 20<sup>th</sup> Anniversary of the Nursing Home Reform Act, OBRA '87, and honored Senator Pryor with a special 20<sup>th</sup> Anniversary Policy Leadership Award for launching the campaign that led to passage of this historic legislation. OBRA '87 not only transformed the nursing home regulatory system but also created a new vision of how to provide quality of care and

Senator David Pryor with leaders of the National Citizens' Coalition for Nursing Home Reform in 1986, as they kicked off the campaign to pass the Nursing Home Reform Act. The landmark legislation was passed in 1987. From left to right, Ruth Knee, Barbara Frank, Senator Pryor, and Elma Holder, founder of NCCNHR.

quality of life in all long-term care settings. The law stands as a tribute to Pryor's years of leadership in Congress and his concern for those who live in long-term care facilities.

NCCNHR presented the award to Senator Pryor during a Capitol Hill Plenary in conjunction with its 2007 Annual Meeting and Conference, in the Dirksen Office Building Room G50 (the same room where Pryor hosted the 5<sup>th</sup> Anniversary celebration of the law).

*In November 2007, the Center for Medicaid Services compiled a list of the 15 Worst Performing Facilities in Arkansas. This NCCNHR memo concerning Special Focus Facilities is part of efforts to ameliorate the situation.*

DATE: November 14, 2007

TO: Citizen Advocacy Groups, NCCNHR Board, and Staff

FROM: Janet Wells Director of Public Policy

NCCNHR: The National Consumer Voice for Quality Long-Term Care  
1828 L Street, NW, Suite 801  
Washington, DC 20036

**SUBJECT: New CMS Policy on Special Focus Facilities**

CMS has sent a memorandum to state survey directors, dated Nov. 2, with several changes to its Special Focus Facility policy:

1. "Accountable parties" within a state will be notified when a facility is designated as an SFF -- the administrator, chair of the governing body, and owners and operators, including the holder of the provider agreement. (If "reasonably feasible," the notification should include other "clearly identifiable owners," such as the owner of the building, land, and corporate owners.)

2. The state ombudsman and state Medicaid director will also be notified.

3. CMS will make public a list of SFFs that have failed to significantly improve care after one survey. This information will be available on Nursing Home Compare.

4. Facilities that make "significant progress" will be removed from the list when it is updated.

5. Life Safety Code violations will be removed from consideration in identifying SFFs unless surveyors have found actual harm due to an LSC deficiency. (Needless to say, we find this disturbing.)

The state must put the policy into effect no later than Jan. 1, 2008

## A Brief History of AANHR

In 1995 several letters to the editor about poor conditions in nursing homes were printed in the Arkansas Democrat-Gazette. The writers contacted one another, met, and formed an advocacy group. Invitations to the first meeting in late 1995 went to people in the nursing home industry, Office of Long Term Care, and family members. Officers were elected and the group continued to meet monthly.

Truthfully, there was much disagreement about the purpose and the function of the group. However, that the mission of the group was to improve the quality of care and life for residents in Arkansas nursing homes was never in doubt. All agreed that education of residents and family members about resident rights was paramount. However two factions arose as to how best to promote better care practices. There were those who felt that the way to improve care was to work with administrators and the Arkansas Health Care Association (AHCA) care models, such as a model nursing home. Others felt that regulations and policies needed to be changed and that working through the political process would be necessary. By the end of the first year this disagreement split the group. However a small number continued to meet monthly and with the help of the State Office of Volunteerism, wrote by-laws and incorporated Arkansas Advocates for Nursing Home Residents as a 501 -(c)-3 organization. Later Advocates for Nursing Home Residents, with the same Board of Directors, incorporated as a 501 -(c)-4 organization to allow active lobbying.

AANHR has attempted to educate residents and family members by being available for counseling, providing topical speakers at monthly meetings, speaking to senior citizen organizations and groups, by actively promoting Family Councils, and the publication of information regarding residents' rights and what constitutes good care. We continue to be active in the National Citizens' Coalition for Nursing Home Reform.

Our first Resident's Rights Rally was held in October of 2004 with good attendance and great publicity. This has been repeated annually since.

In June of 2005 we held our first CNA Recognition Banquet honoring thirty CNAs from around the state. This also has become an annual event.

On the legislative front we have been successful in setting minimum staffing ratios and requiring that direct-care staff on duty at any time be posted in plain sight on every hall. We have been unsuccessful in fighting tort reform. In 2005 we had high hopes for the passage of a bill allowing surveillance cameras in residents' rooms only to see the bill amended in such a way as to give all the rights to the nursing home and none to residents. It was defeated.

AANHR is beginning a new year advocating. Members sense improvement in care but hope to see much more such as moving from institutional models to individual care.

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*“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*

### 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](http://www.ConsumerReports.org/nursinghomes)

### AANHR Special Thanks

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

- Chad Trammel and Don Sorey of The Law Offices of Nix, Patterson and Roach for gift memorials and financial support.
- 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.
- Eric Wewers of The Law Offices of Eric Wewers, PLLC, for advising AANHR's Board of Directors.
- Hare Wynn Newell & Newton for financial and promotional support over the years.
- Todd Griffin of The Law Offices of Todd Griffin, PLLC, for advising AANHR's Board of Directors.
- Jack Waggoner and Gene Ludwig for keeping AANHR supplied with copies of the book *DANGER ZONE*.
- Brandon Clark of the Law Offices of Brandon Clark, PLLC, for ongoing support of AANHR activities.
- 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.
- 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.
- First Assembly of God Church in North Little Rock for providing AANHR a meeting room.
- Bob Davidson of The Law Offices of Bob Davidson, PLLC, for advising AANHR's Board of Directors.

### AANHR Officers and Board Members

- Executive Director** - John Satterfield, Mountain View
- President** - Nancy Allison, Conway
- Vice President** - Nancy Johnson, Fairfield Bay
- Secretary** - Betty Buckta, Judsonia
- Treasurer** - Nancy Johnson, Fairfield Bay
- Members of the Board:** James Brooks, North Little Rock; Betty Buckta, Judsonia; Martha Deaver, Conway; Julie Edwards, Mabelvale; Gleason McGuire, Bryant; Ann Pinney, Benton.
- 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](http://www.aanhr.org) or e-mail us at [Info@aanhr.org](mailto: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, 2008.

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

- 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](http://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."**