



# AANHR

*Arkansas Advocates for Nursing Home Residents*

**PROTECTING NURSING  
HOME RESIDENTS  
March  
2008**

Conway (501) 450-9619 · Fairfield Bay (501) 884-6728  
Conway (501) 450-7405

**AANHR's Mission Statement:**  
"To protect and improve the quality of care and life for residents in Arkansas nursing homes."

Next Meeting March 10<sup>th</sup>

**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)**

**KRISTA M. HUGHES, Program Administrator**  
Department of Health and Human Services will speak on  
**MONEY FOLLOWS THE PERSON at March 10<sup>th</sup> AANHR Meeting.**

What do you do when a loved one needs some assistance with Activities of Daily Living and the only choice available is a nursing home because Medicaid will pay for it?

It makes good sense that allowing the money to follow the person to an alternative care setting could cost Medicaid less money and certainly be better for the person. Most of the time the individual needing some assistance with their ADLs could, and would prefer to, remain in their own home with someone giving aid a few hours each day. Other times a senior day care setting could be appropriate. Krista Hughes is going to tell us about this new program that is being developed to keep our loved ones in the alternative setting that will benefit them the most and still be eligible for Medicaid money.

Krista has an extensive background in Health Care starting as a geriatric rehabilitation therapist and blind mobility trainer. She has worked with a private in-home service agency with Medicaid program enrollment and also has expertise working with group health and supplemental benefits. She has worked with Outlook Point Maumelle and Sherwood and also Sunrise Senior Living doing staff training and liaison with family and medical providers. In 2007 she accepted the position of Administrator of the Money Follows the Person program with Dept. of Health and Human Services.

**Please join us for this informative meeting on March 10<sup>th</sup> at 11:00 a.m.**

**DID YOU KNOW?  
The AANHR  
Newsletter Is  
Available Online  
At [aanhr.org](http://aanhr.org)**

**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 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*

## Meet AANHR's New Prez .....Martha Deaver

In September of 2006, the well-respected *Consumer Reports* published a survey and analysis on the status of nursing homes in America. And like the November 2004 GAO report entitled "Arkansas Coroner Referrals Confirm Weaknesses in State and Federal Oversight of Quality of Care," you won't find Martha Deaver's name anywhere on it.

But you will find her fingerprints. Martha helped shape the GAO report and worked diligently with the research team from *Consumer Reports* to make sure the nursing home industry was not the only voice at the table. She and Ralph Erwin, AANHR's late treasurer, personally hosted a *C.R.* representative on a tour of several central Arkansas nursing homes.

These are but two small examples of how Martha Deaver has worked, and continues to work tirelessly and without glory, pay, or praise to improve the lives of nursing home residents, not just in Arkansas, but across the U.S. and why she justly deserved NCCNHR's (National Citizen's Coalition for Nursing Home Reform) recognition as the 2005 Janet Tulloch Memorial Award recipient for effective advocacy.

Martha's experience with the nursing home industry began when her mother, Helen Steger, became the victim of nursing home abuse. A registered nurse, the wife of an Air Force Colonel, and the mother of four, Mrs. Steger had spent her life caring for others. Around 1999, while taking her youngest daughter, Mary Ann, who has Down's Syndrome on a Sunday drive, Mrs. Steger had a stroke. Due to her condition, the family made the decision to place Mrs. Steger in a nursing home.

It would take too much space to go into detail about what happened to Mrs. Steger. Readers acquainted with nursing home environments can identify with the nightmare that Martha and her family went through as she fought to protect her mother from abuse and neglect at the hands of the nursing home staff. Martha's story was included in a June 2006 *Ladies Home Journal* article and also on the website for NHAAG (Nursing Home Abuse Action Group). For further details on Martha's nursing home experiences, readers may go to those websites listed at the end of this article.

The worst thing about Martha's situation with her mother was that the nursing home was able to get a restraining order issued against Martha and her family, preventing them from entering the facility. Martha challenged the restraining order and won, proving that it was issued in retaliation for her questioning the system and demanding proper care for her mother. Her victory came too late. Martha's mother died just days before the hearing. Tragically, Martha and her family were denied the right of being with Mrs. Steger for almost three months at the end of her life.

After her mother passed away, Martha could have gone back to her regular routine and closed the book on this painful chapter in her life, but she chose otherwise. In March of 2001, immediately after her mother's death, Martha was at the state capitol in Little Rock, testifying in front of the house judiciary committee against nursing home tort reform. Thanks in large part to AANHR's efforts, the nursing home industry's attempt to make themselves immune failed. In January of 2003, the Arkansas General Assembly was being bombarded with pro-tort reform propaganda. The nursing home industry was making another run at passing tort reform. This time they called it "The Fair Care and Treatment Act of 2003." There was nothing fair about this bill. Thankfully, Martha plus other AANHR members stepped up to the plate once again. They spent days at the state capitol, meeting one on one with legislators, rallying other advocates and family members of victims to join them, and testifying before committees. Their efforts paid off, as this second attempt by the nursing home industry failed like the first.

Martha has been a member of AANHR since 1999 and has served on AANHR's board of directors since 2001. She has been one of the most active members of the organization. Whether she is recruiting new members, helping get a speaker for an event, or helping plan a rally for Resident's Rights week, you will find Martha involved. In October 2004, she chaired AANHR's first Residents' Rights Rally at the state capitol. It was a great success, being very well attended and covered by the press. In 2006 Martha helped organize AANHR's first awards luncheon recognizing outstanding C.N.A.s from nursing homes around Arkansas.

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## Jimmie Lou Fisher Speaks On Protecting Your Identity and Financial Information At February Meeting

At the February 11th meeting AANHR members were privileged to meet with Jimmie Lou Fisher, representing the Consumer Protection Division of the office of Arkansas Attorney General Dustin McDaniel. Ms Fisher is a well-known name in Arkansas, having served 21 years as Arkansas State Treasurer and as candidate for governor in 2004. Her information about how to protect one's financial information and identity against theft was extremely valuable.

Ms Fisher's tips included:

- \* Do not carry your Social Security card, Medicare card, or any identification which has those numbers unless you are going to be needing that card, i.e., to a doctor's appointment.
- \* Limit the number of credit cards you carry.
- \* Make copies of credit cards and file in a safe place at home.
- \* Pick up bank statements at the bank to avoid possible theft from your mailbox.
- \* Mail payments from the post office, not your home mailbox.
- \* Payment on-line is safer than by mail.
- \* Check the credit rating for each member of your family, even minor children. An annual credit rating is free at [www.annualcreditreport.com](http://www.annualcreditreport.com). This website has links to the three major credit reporting organizations: One can alternate between the three firms to check credit ratings periodically to keep abreast of one's credit rating and detect possible infringements into one's identity.
- \* Be aware of those around you in check-out lines and ATM machines. It is easy to photograph credit cards and PIN numbers with cell phones.
- \* Shred, burn, or bury any outdated financial or medical paper work.
- \* It is shrewd to be rude to telemarketers.

If you are the victim of identity theft the Attorney General's office has an ID packet which can give direction and help you prove your true identity.

➡ A good web-site for consumer information is [www.ftc.gov/bcp](http://www.ftc.gov/bcp) - click on consumer information. The Office of the Attorney General can be reached at [www.ArkansasAG.gov](http://www.ArkansasAG.gov) or 1-800-482-8982.



*("Deaver" Continued from page 2)*

Finally, it is Martha's one on one dedication to reaching out and helping others that makes her a perfect fit to lead AANHR. She is never too busy to take a phone call from someone in need, and it is not unusual for Martha to go meet with families when they call about their problems with a nursing home. She has arranged for countless meetings of families of victims with ombudsmen, the Attorney General's office, the Office of Long Term Care, and with Family Councils across the state. She is so determined and so driven to help others, not for any reward or any personal glory, but for the simple reason that she just doesn't want anyone to go through what she and her family went through.

Martha's faith in God, her love of her fellow man, and the memory of her mother Helen, give her the strength to perform amazing feats as an advocate for nursing home reform. AANHR will be well served with Martha Deaver at the helm, leading and inspiring other volunteers to speak up and defend those who cannot defend themselves. AANHR on the march!!!

*Thanks to Bob Edwards, Esq. who contributed to this article.*

NHAAG website: <http://www.safetyforum.com/nhaag/deaver.html>

*Ladies Home Journal:*

<http://www.lhj.com/lhj/story.jhtml?storyid=/templatedata/lhj/story/data/1148398502044.xml>

Feb. 12, 2008

Memo from the CMS Office of Public Affairs

## **CMS TAKES NEXT STEP TO IMPROVE QUALITY IN NATION'S NURSING HOMES; LATEST IN A SERIES OF ACTIONS TO EXPAND INFORMATION TO CONSUMERS**

The Centers for Medicare & Medicaid Services (CMS) this day built upon historic action it took last November by making public more names of underperforming nursing homes across the country.

On November 29, 2007, the agency began publishing the names of Special Focus Facility (SFF) nursing homes that had failed to improve significantly after being given the opportunity to do so. Once a facility is selected as an SFF, state survey agencies are responsible for conducting twice the number of standard surveys and will apply progressive enforcement until the nursing home either (a) significantly improves and is no longer identified as an SFF, (b) is granted additional time due to promising developments, or (c) is terminated from Medicare and/or Medicaid.

"This is the latest in a series of steps we will be taking to improve quality and oversight in nursing homes," said Kerry Weems, CMS acting administrator. "We are issuing more information on special focus facilities to better equip beneficiaries, their families, and caregivers to make informed decisions and stimulate robust improvements in nursing homes having not improved their quality of care."

Between November and February, CMS worked with states to assure that the SFF list (see link provided) is current and provides consumers with the information needed to make a distinction between nursing homes that are improving and those that are not.

Today's release includes a broader list of all nursing homes identified in the SFF initiative. This updated and expanded list identifies facilities by the category they fall within, such as:

New Additions: nursing homes added within approximately the past six months;

Not Improved: nursing homes that have failed to improve significantly in at least one survey after being named as a SFF nursing home;

Improving: nursing homes that have significantly improved on the most recent survey, including no findings of harm to any resident and no systemic potential for harm;

Recently Graduated: nursing homes that have sustained significant improvement for about 12 months, indicating an upward trend in quality improvement compared to the nursing home's prior history of care; and those

No Longer in Medicare and Medicaid: nursing homes that were either terminated by CMS from participation in Medicare within the past few months, or voluntarily chose not to continue participation.

The SFF initiative was created by CMS in 1998 in response to the number of facilities that were consistently providing poor quality of care. Those facilities were periodically instituting enough improvement so that they would pass one survey, only to fail the next (for many of the same problems as before). Facilities with this compliance history rarely addressed underlying systemic problems that were giving rise to repeated cycles of serious deficiencies.

Serious deficiencies include such things as failing to give residents their medications in the correct dose at the correct time, taking steps to prevent abuse or neglect, inappropriate use of restraints and failure to prevent or properly treat bed sores.

Nearly three million Americans, most of who are enrolled in Medicare or Medicaid, depend on the nation's 16,000 nursing homes at some point during each year. The number of SFFs in each state varies according to the number of nursing homes in the state. These nursing homes, at the time of their selection as an SFF, had survey results that were among the poorest five or 10 percent in each state.

There are currently about 131 active facilities identified as an SFF. This number varies over time as nursing homes are graduating or leaving Medicare and Medicaid and new nursing homes are in the process of being added to the SFF list.

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The CMS data indicate that about 50 percent of the nursing homes identified as SFFs significantly improve their quality of care within 24-30 months, while about 16 percent are terminated from Medicare and Medicaid.

“Today’s announcement is the latest step toward continually improving the SFF initiative and the Nursing Home Compare website, with more improvements to occur throughout the rest of the year,” Weems said. “This spring, for example, we will add links between the individual nursing homes shown on the Compare Web site and the full SFF list.

“In the summer of 2008, we will provide information on methods by which SFFs may access additional technical assistance to help move them into compliance with federal quality of care requirements,” he said. More on the SFF initiative can be found on the CMS Web site at [http://www.cms.hhs.gov/CertificationandCompliance/12\\_NHs.asp#TopOfPage](http://www.cms.hhs.gov/CertificationandCompliance/12_NHs.asp#TopOfPage).

Data gleaned from this website indicates that two nursing homes in Arkansas are included in the Special Focus Facility list as of February 12, 2008:

Medi-Home , Inc. in Fort Smith is listed as having not improved since the last update. This facility’s most recent survey date was October 13, 2007. Medi-Home has been a SFF for five months.

Benson’s Nursing Home, Inc. in Nashville Arkansas is listed as having shown improvement since the last update. Benson’s last survey is documented as being on October 11, 2007. This facility has been designated a SFF for twelve months.

## **END OF LIFE ISSUES**

During the admission to a nursing home, your loved one will be asked if they have an Advance Directive, a legal document which will guide the doctor and the nursing home regarding treatment if your resident becomes unable to express his or her own wishes. If a resident does not have an Advance Directive and is or becomes unable to make their own decisions someone else will make those decisions and it may not be what the individual would have wished. It is important to understand that these documents take effect only when the resident is unable to make or express his or her own wishes and that they can be revoked or changed at any time.

There are at least three important kinds of Advance Directives .

\* **A Living Will** tells family members and medical professionals to what extent special means should or should not be used when a person becomes incurably ill or permanently unconscious. Such a statement can relieve family members of the burden and stress of trying to guess at a very emotional what their loved one might want.

\* **Financial Durable Power of Attorney** - in which a person is appointed to make business and financial decisions for the resident. This person is not authorized to make health decisions.

\* **Health Care Durable Power of Attorney** - which names the person to make decisions about health care and treatment. Appointment of such a person may avoid later quarrels between family members who may disagree about treatment.

Advance Directives must be in writing, signed by the maker, and witnessed by two other adults. Forms prepared by the Health Law section of the Arkansas Bar Association are available at <http://www.arkbar.com> or from any attorney.

*“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*

**A.A.N.H.R. GRATEFULLY ACKNOWLEDGES THE FOLLOWING GIFTS:**

*Memorials to Ralph Erwin:*

*Joe and Nina Hudgens  
North Little Rock, AR 72118*

*Ernie & Martha Blount  
Searcy AR 72143*

*Rebecca Head  
North Little Rock, AR 72118*

*Greenhurst, Inc.  
Charleston, AR 72933*

*Naomi Baresel  
Olympia, WA 98506*

*Donations:*

*Lorensen & Co., Booksellers  
Little Rock, AR 72205*

*Geoff Oelsner, Jr.  
Fayetteville, AR 72701*

*David Couch  
Little Rock, AR 72205*

*Don & Mary Skowbo  
San Angelo TX 76904*

*Mabel Davis  
Little Rock, AR 72119*

**Request for Email Addresses**

AANHHR is currently compiling an email address list of those interested in nursing home issues. This list will be used solely for advocacy purposes related to AANHHR such as sending the newsletter and sending alerts when action on an issue is prudent.

If you would like to be included on this email action list, please send your email address to either:

Martha Deaver at [marthadeaver@sbcglobal.net](mailto:marthadeaver@sbcglobal.net)  
or  
Martha Blount at [marthablount@sbcglobal.net](mailto:marthablount@sbcglobal.net)

**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)
- [www.safetyforum.com/nhaag](http://www.safetyforum.com/nhaag)

**FYI:** Office of Long Term Care email address from the medicaid website:  
[OLTC2@arkansas.gov](mailto:OLTC2@arkansas.gov)

### AANHR Special Thanks

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

- 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.
- 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.
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- 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.

### AANHR Officers and Board Members

- President** - Martha Deaver, Conway
- Vice President** - Nancy Johnson, Fairfield Bay
- Program Chairman** - Nancy Allison, Conway
- Secretary** - Betty Buckta, Judsonia
- Treasurer** - Nancy Johnson, Fairfield Bay
- Members of the Board:** Martha Blount, Searcy; 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.
- Newsletter Editors:** Martha & Ernie Blount, Searcy

### 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  
135 Hillside Dr #112 Fairfield Bay AR 72088-4026

## 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:

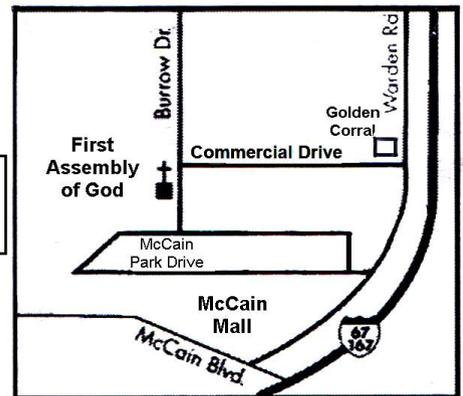
If you are on either I-30 or I-40, take Highway 67/167 North. Take exit #2 onto Landers Road. Stay in the left-hand lane, as you will be turning left and going under Highway 67/167 and enter Warden Road going southbound. As soon as you safely can, move into the right-hand lane, as you will be turning 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.

**AANHR's Mission Statement:**  
"To protect and improve the quality of care and life for residents in Arkansas nursing homes."

Map To  
Meeting



**AANHR**

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

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ORGANIZATION  
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