



AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING HOME RESIDENTS
April 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."

**LeAnn Edwards, Division of Aging and Adult Services
To Speak At April 14th Meeting On
Alternatives to Nursing Home Placement**

LeAnn Edwards is the Assistant Chief Program Administrator for the Medicaid Home and Community Based Waiver Programs administered by the Division of Aging and Adult Services. She will give us a description of *Options Counseling* and discuss the waiver programs that give alternatives to nursing home placement. You will not want to miss hearing about these programs and how they will make it possible for everyone to receive counseling that will help determine the type of service that will best serve their loved ones' needs and keep them functioning at the highest level.

LeAnn is responsible for all three home and community based Medicaid waiver programs; ElderChoices, Alternatives for Adults with Physical Disabilities and Assisted Living. These programs serve approximately 7000 elderly and disabled adults throughout the state.

Ms. Edwards is originally from McGehee, Arkansas. She attended Arkansas State University and returned to her home town to begin working for the Dept. of Human Services in Desha County. She has supervised and administered economic and medical programs. After moving to Little Rock she began writing Medicaid policy for the Division of Medical Services and developing medical services policy for the Arkansas Medicaid Program. She will bring her years of experience to our meeting and will help you understand some of the changes coming about in serving those who need this care.

Please join us for this informative meeting on April 14th at 11:00 a.m.

Tell us about culture change at your nursing home.

Has your nursing home recently updated its décor to include more green plants and homey furnishings or changed hall designations from numbers to "street names"? Perhaps, bare dining room tables have been transformed with attractive placemats and centerpieces. Are residents now permitted to sleep late if they choose and enjoy breakfast at their leisure instead of per facility schedule? These are all examples of what is known as "culture change" in the nursing home industry.

AANHR is interested in your experiences with culture change at your nursing home. Please feel free to call President Martha Deaver (501)450-9619 or (501)450-7405 or email her at marthadeaver@sbcglobal.net.

Your input will be greatly appreciated.


Next Meeting April 14th

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)

DID YOU KNOW?
The AANHR Newsletter Is Available Online At aanhr.org

 **Have a Great April!**



AANHR Alive and Well!!! Martha Deaver

Word has reached me of rumors that AANHR has closed its doors and gone home. I want to emphatically dispel that notion!! Nothing could be further from reality! Truth is that AANHR experienced a tumultuous year last year. The organization bore the loss of its beloved, capable treasurer, Ralph Erwin, and the infirmities of various board members including Nancy Allison, previous President.

AANHR also expanded beyond its limits to hire an Executive Director for the first time. We, the AANHR board, learned through this experience. One thing we learned was that we were not quite up to the task of supporting a full time E.D. but we also knew that we had grown into a successful twelve year old organization without the input of an executive director. We wisely retreated from this venture (for the time being) and regrouped under the former management model.

AANHR is indeed alive, well, thriving, and ready for action in the days ahead. We will build upon our successes in a future that will find the baby boomer generation reaching the age of needing extended skilled care. AANHR continually seeks ways to educate and empower family members and associates of nursing home residents in an ever increasing drive to improve the daily lives of Arkansas' most frail citizens. To that end, we've included in this issue (pg. 4-5) a reprint of a report in the *Arkansas Democrat-Gazette* written by Carolyn Park which details the Coalition for Nursing Home Excellence conference that I recently participated in. As you will gather from this article, Arkansas nursing home care has improved but still has miles to go for optimum care of its nursing home residents.

MANDATORY ARBITRATION CLAUSES

AN AANHR ISSUE: *(reprinted from aanhr.org)*

Residents and family members need to be aware that admission contracts in nursing homes may contain clauses that would prohibit them from pursuing legal recourse in the event of abuse or injury.

BACKGROUND :

Many nursing homes are now adding mandatory arbitration clauses to the admission contracts that residents are asked to sign when entering a nursing facility. Beverly Enterprises, Inc. publicly announced in 2001 that this was their practice. A person who signs such a clause as part of the admission contract agrees to take any dispute with the facility to an arbitrator, whose finding in the matter must be accepted. There is no appeal from an arbitrator's ruling. A resident, by signing such a clause, is forfeiting the right to sue the facility for injury, should they ever wish to do so.

Mandatory arbitration clauses in nursing home admission contracts have been ruled by the Arkansas Attorney General to violate Medicaid rules and the Arkansas Office of Long Term Care has declared them to be a violation of resident's rights. The Center for Medicare and Medicaid Services (CMS) has ruled that a resident cannot be refused admission to a nursing home for refusal to sign a mandatory arbitration clause. As yet, however, the legality of such a clause has not been tested in Arkansas courts.

Residents and their family members are asked to sign many papers at the time of admission. This is almost always a bewildering experience at a time of great stress. Therefore there is great pressure to sign these contracts without carefully reading them. Of course one assumes at admission that one will receive good care. The possibility of needing legal recourse in the future is the farthest thing from anyone's mind at that time. However, if the admission agreement is not carefully read and understood prior to signing, a resident or his/her family may be forfeiting an important right and should be done only if they understand the ramifications.

POLICY IMPLICATIONS :

Residents and family members, at a time a great anxiety and stress, are presented with a bewildering amount of paperwork. They need to be aware that provisions may be hidden in those pages that are not in their best interests. They need to read things carefully or even have them cleared by an attorney before signing.

RECOMMENDATIONS :

Any action which places restrictions upon the right to apply for redress for injury in a court of law should be vigorously opposed.

The legislature should specifically outlaw mandatory arbitration clauses in nursing home admission contracts.

Editor's note: As in all contracts, it is probably a good idea to request a copy of every document involved in the nursing home admission process. It usually involves mere minutes for admission staff members to make photocopies.

"Money Follows the Person" Program to Aid Persons Residing in Nursing Homes Who Can Live in Own Homes With Needed Assistance

Persons attending the AANHR meeting March 10 heard Krista Hughes, Program Administrator of Money Follows the Person (MFP), tell of this new program administered through the Arkansas Department of Adult and Aging Service. It aims to aid persons who are residing in nursing homes but who need less than 24-hour care to live independently. It will aid primarily adults with physical disabilities, individuals with developmental disabilities and those with mental illness by directing them into existing community-based programs. MFP will be available to provide extra support while participants regain their confidence and independence. This is a new program which will be available July 1st.

To be eligible for this program an individual must have qualified for Medicaid and to have resided for at least six months in a hospital, nursing home, or facility for the mentally retarded and desire to assume responsibility for their own care and to live as independently as possible.

Services which may be provided according to individual need include:

- * transitional services, i.e., arranging for suitable housing (including needed modifications to existing housing), medical equipment, furniture and appliances, etc. This provides follow-up after placement with other agencies to insure that the individual's needs are being met.
- * supportive services such as personal attendant care, transportation, or shopping assistance until community agencies assume care
- * a 24-hour help line that provides access to a nurse who can provide care advice and provide a listening ear for any concerns
- * detailed assessment of a person's needs such as nutrition, depression, medications, etc.
- * use of technology to monitor health problems and notify help in case of an emergency. This may include receiving therapy via telephone, computer, or video.

Further information about this program may be found at www.mfp.ar.gov or by contacting Krista Hughes, Program Director, at 501-682-8773 or by e-mail at kristahughes@arkansas.gov or Julie Kaplan, Program Coordinator, 501-682-6390 or julie.kaplan@arkansas.gov.

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



State's nursing homes strive to improve care

(reprinted with permission from the Arkansas Democrat Gazette)

By Carolyn Park

LITTLE ROCK — Arkansas' 239 nursing homes are participating in a national campaign to improve care by setting goals such as minimizing painful pressure sores, reducing chronic pain and cutting back on use of restraints on frail or disorderly residents. Arkansas is the only state to have all of its nursing homes enrolled in the Advancing Excellence in America's Nursing Homes Campaign, launched nationwide in September 2006. "No other state has achieved that yet," said Claudia Beverly, associate director of the Donald W. Reynolds Institute on Aging at the University of Arkansas for Medical Sciences, site of a recent campaign conference. "It's unprecedented."

While the campaign is a step in the right direction, Arkansas' nursing homes have a long way to go, said Martha Deaver, president of the nonprofit Arkansas Advocates for Nursing Home Residents. The state Office of Long Term Care cited more than 3,500 deficiencies at Arkansas nursing homes last year in a variety of areas such as medication errors, poor nutrition, dehydration and pressure sores. "There cannot be too much focus on these issues," Deaver said. "You're talking about the most vulnerable, the sickest and the weakest of our citizens who need skilled nursing care 24 hours a day to survive. When you have deficiencies written on these types of violations, residents suffer."

Arkansas nursing homes use physical restraints more often than those in any other state, on 11 percent of patients compared with a national average of 5.1 percent, according to campaign data. California is second-highest at 10.7 percent, followed by Louisiana at 9.9 percent. Campaign figures show the state fares better on residents with high-risk pressure sores at 11.7 percent, slightly below the national average of 12 percent. Arkansas is also below the national average for residents experiencing chronic pain, at 3.3 percent compared with 4.4 percent nationwide. The national campaign's goals are to get physical-restraint use at 5 percent or less, high-risk pressure sores such as bed sores below 10 percent and chronic pain at 4 percent or less before September.

Nationwide, 6,760 nursing homes, or 43 percent, are participating in the campaign, chairman Mary Jane Koren said. The goal is to have about 8,000 facilities signed up by the campaign's two-year anniversary in September. Arkansas is participating in the campaign through the Coalition for Nursing Home Excellence, founded in 2004 to facilitate collaboration among agencies statewide, said Beverly, one of three coalition founders. Participating facilities must select three of eight goals: having staff regularly assigned to the same patients; improving resident and family satisfaction; setting improvement targets; reducing high-risk pressure sores; reducing use of physical restraints; reducing chronic pain; reducing post-acute care pain; lowering nurse turnover. Current data is listed on the Web site www.nhqualitycampaign.org

But changing attitudes and routines in nursing home care isn't easy, Koren said. Originally set for two years, the Advancing Excellence campaign is projected to continue at least four to five years more. "Change takes a long time," Koren said. "We want to be sure that this is not a flash in the pan. We want to be sure that what we're doing becomes embedded practice in nursing homes. This is not the flavor of the month. ... We want this to become the norm."

Vicki Baker, 59, has lived at Cabot Nursing & Rehabilitation Center since November. She wears a hot-pink cast on her right leg, evidence of the October car accident that shattered her foot and ankle into about 50 pieces. Her mother, who suffered a stroke in February, lives in the room next door. Baker said she enjoys staying at the home. She's active in the resident council and participates in activities such as bingo, church visits and a Wednesday bowling trip. "Try to bowl in a wheelchair; that's a kick," she said. Even so, Baker said she's looking forward to going home. She's scheduled for surgery in April, when doctors will take a bone graft from her hip to help rebuild her foot. She hopes to return to her North Little Rock home in May.

(continued from page 4)

Sheila Martin, a registered nurse, is administrator of the 89-bed Cabot center. "Residents give up a lot of freedom when they move into a nursing home", she said. Suddenly they have people telling them when to eat, when to sleep and what to do. The campaign and other initiatives are aimed at improving residents' daily lives and giving them more choice. "Granted, it's not like being back at home, but it's the next best thing," Martin said.

For the Advancing Excellence campaign, the Cabot facility committed to reducing pressure sores, restraint use and pain. "These are things we had been working on, but sometimes you need a little more help," Martin said. In the past two years the facility has reduced restraint use from 22 percent to about 3 percent of patients, Martin said. One of the biggest challenges is convincing families change is needed, Martin said. Many people think restraints such as bed rails and wheelchair belts are needed for safety to prevent their loved ones from falling. The facility has found other methods such as alarms on beds that alert nurses that a patient is trying to get up.

"It's amazing how many people think momma needs be tied into bed," said Michael Carter, a nurse practitioner at Southridge Village Nursing and Rehabilitation Center in Heber Springs and an adjunct professor at UAMS. Southridge Village was one of the first Arkansas facilities to sign up for the campaign.

Reducing chronic pain is also a challenge because nurses rely on patients to express the level of their pain, Carter said. That may be difficult with patients who have Alzheimer's disease or dementia.

Quality of care is the overall goal, said Peggy Moody, executive director of Catlett Care, which owns facilities in Cabot, Lonoke, Lakewood and Jacksonville. Moody, Beverly and Cornelia Beck, director of the UAMS Memory Research Center, got together in summer 2004, determined to form a coalition to improve care in Arkansas' nursing homes struggling with increased regulation, staff shortages, low reimbursement and sicker residents. They didn't have any money or authority, but they invited people involved in nursing home care and advocacy statewide to discuss their common goals, forming the Coalition for Nursing Home Excellence. Having the coalition helped propel the state's participation when the Advancing Excellence campaign was launched two years later.

"Arkansas already had a coalition well before the campaign, so that coalition was just able to hit the ground running," Koren said. The national campaign includes volunteers from various agencies, including nursing home trade associations, professional groups, consumer advocacy groups and the Centers for Medicare and Medicaid Services. Together they raised \$350,000 in grant money to aid states trying to launch the campaign locally. States vary widely in nursing home care, and the campaign provides "national perspective" by bringing various groups together, said Koren, also assistant vice president for the frail elders program at The Commonwealth Fund. The private foundation supports research and initiatives to improve health care.

"We're all climbing the same mountain," Koren said. "We're all coming from different directions, but we're all working to get to the top."

Arkansas Section, Pages 17, 18 on 03/30/2008

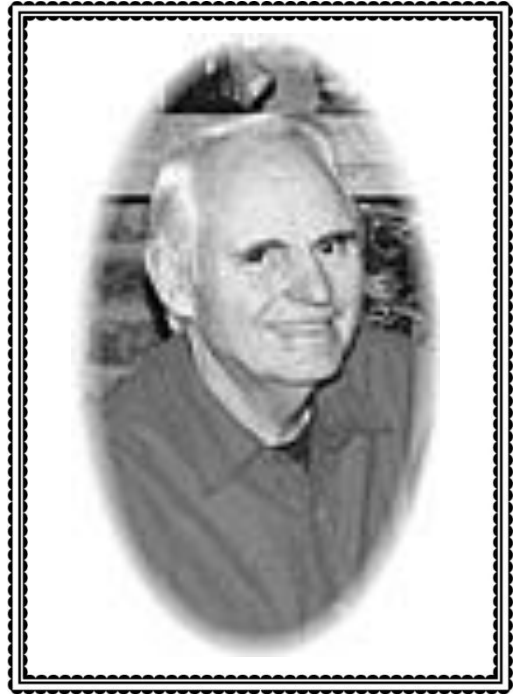
AANHR's annual CNA luncheon coming in June. Invitations for nominations go out April 25th.

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

"The Mourning for a Soul"

Life is short
 Life is sweet
 No time to mourn
 No time to weep
 Just Know that he is in a better place
 Singing with the angels, "Amazing Grace,"
 His life was full of love and joy
 The grace form above will fill your void
 He loved you truly
 You loved him too
 Keep him in your heart
 For the Lord will redeem you
 One day you will meet him in the gates of heaven
 To sing a tune
 Like he once did before you.

(Written in memory of Joe by his fifteen year old neighbor, Brittany Wiles.)



Joe C. Hudgens

December 21, 1932 - March 23, 2008

Joe Hudgens, long time AANHR member, went home to be with Jesus, Easter evening, March 23, 2008. Memorial service was held at 11:00 a.m. Saturday, March 29, at Roller Owens Funeral home at 5509 JFK Blvd. in North Little Rock. In lieu of flowers, memorials to AR Hospice, 5600 W. 12 St., Little Rock, AR 72204 or Heifer International, #1 World Ave., Little Rock, AR 72202. Online guest book www.rollerfuneralhomes.com/owens

Many in the AANHR family remember well, how dedicated Joe was to "his" nursing home residents. He was interviewed by the media during an AANHR meeting several years ago. His message to the reporter, "he couldn't understand how some caregivers could maltreat the elderly frail that he (Joe) had come to know and love." Joe was always coming up with witty, but truthful one-liners. They came as easy as breathing to him. When he was on his soapbox, they rolled out of his mouth. Joe made one laugh, but he drove home his points.

Once, he played his harmonica on the State Capitol steps for a big AARP event that brought in busloads of people. He and Nina were always faithful to attend monthly AANHR meetings and events at the State Capitol. They kept it up until their health made it impracticable to continue. AANHR has the Hudgens to thank for securing the monthly meeting place at the Hudgens' church, First Assembly of God, in North Little Rock.

Joe will be remembered as a gentle Christian, southern gentlemen. AANHR's condolences, along with prayers and loving thoughts, go out to his wife, Nina, who is a dear friend to many AANHR members.

"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

AANHR Special Thanks

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

- 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.
- 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.

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 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, 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:

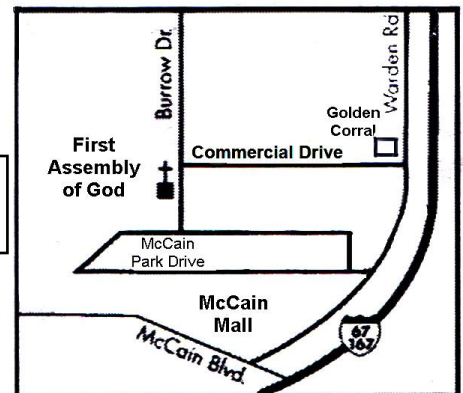
If you are on either I-30 or I-40, take Highway 67/167 North. Take exit #2 onto Landers Road. Stay in the left-hand lane, as you will be turning left and going under Highway 67/167 and enter Warden Road going southbound. As soon as you safely can, move into the right-hand lane, as you will be turning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

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www.aanhr.org

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