

September
2008

Arkansas Advocates for Nursing Home Residents



Next Meeting September 8

MEETING

PLACE:

First Assembly of God
Church

4501 Burrow Road
North Little Rock
Directions to church
on back of Newsletter.

10:00 a.m.

Meeting for members,
family and friends of
residents (Closed to
persons representing
the nursing home
industry).

11:00 a.m.

Public Meeting
(see article at right)

*Join the AANHR
Rally
to support
Residents' Rights
Mon. Oct. 6, 2008
11:00 AM
AR State Capitol
Steps
Gov. Mike Beebe
Keynote Speaker*

We're on the web!
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."



September 8th ANNHR Meeting Program: GETTING AANHR'S WORK DONE WITH VOLUNTEERS

Please join AANHR members Sept. 8th at 11:00 a.m. when Sherry Middleton will present a program on the value and impact of volunteerism in Arkansas. Her passion for and belief in the power of volunteering will be evident in her lively presentation.

An organization such as AANHR, that does not have paid employees, must depend on volunteerism. If the volunteers are not there, the work of the organization does not get done. Sherry Middleton will share many of her thoughts with us and try to help our organization get the most out of its volunteers.

Sherry serves as director of the Arkansas Department of Human Services Division of Volunteerism. She has over twenty five years of experience in non-profit and government development, management and training. She has owned her own consulting firm specializing in government, non-profit and volunteer management. She also founded and directed a community, volunteer based, non-profit organization recognized nationally for ideal volunteer action programs. Sherry is a past member of the Governor's Advisory Council on Volunteerism, has many awards for her work with volunteerism and is the 2008 recipient of the prestigious Willie Oates Volunteer Administrator Award.

Sherry is also an instructor for the Certified Volunteer Manager & Certified Public Manager programs in Arkansas. She has trained extensively throughout the United States.



From the President's Desk Martha Deaver

We at AANHR are back at work advocating for nursing home residents after a month long hiatus. We trust you have had a great summer and are ready to "step up to the plate" to join our advocating activities. I've allotted my space this time to several tidbits of timely info. Please mark your calendars to join AANHR for our annual Capitol Rally for Resident Rights during the week set aside annually to recognize & confirm the rights reserved for nursing home residents by Arkansas law. This year's rally is set for Monday, October 6, at 11:00 a.m. on the Capitol Steps. I'm pleased to announce that Gov. Mike Beebe will be our rally keynote speaker.

It's always nice to hear "good tidings" from a nursing home. I received the following reprint of an appreciation sentiment from a family member at Greenhurst Nursing Center in Charleston:

"Kris,

I would like to express my sincere appreciation to you and the Greenhurst Staff for the superb care rendered to my mother during her stay at your facility. While many contributed to her well-being, I was especially impressed by the folks I interfaced with...nurses, aids, orderlies, etc. They made me feel welcome and went far beyond what is considered reasonable to make sure my mother received the best care possible. I'm satisfied Greenhurst is recognized as a credit to the greater Charleston community. My family and I are forever grateful for your service."

Jim Chastain

SAVE THE DATE!

NCCNHR 33rd National Conference & Annual Meeting
Making It Happen: Advocacy into Action ~ Action into Care
October 15-17, 2008
Hilton Indianapolis, Indiana
National Citizens Coalition for Nursing Home Reform
2008 National Conference & Annual Meeting Information

AANHR Friend and Supporter, Darren O'Quinn Is Running A Marathon "And I am running it for a reason."

"I am running the Chicago Marathon on October 12 in memory of my grandmother and my father, who both passed away this year. The marathon is a tough race consisting of a grueling 26.2 miles that takes a lot of heart, but Mammy and Daddy were tough and had a lot of heart, too. They both lived extraordinary lives with a motto of helping others. So, I dedicate this race to them for the purpose of raising money for the National and Arkansas hospice organizations. Mammy and Daddy would have liked that. Plus, the solitude of the many long training runs necessary to properly prepare for a marathon allows me time to reflect on their lives and lessons and has the added benefit of helping lift some of the sadness related to their passing. Just click below to donate or do it the old fashioned way: National Hospice Foundation, Dept. 6058, Washington, DC 20042-6058 (with a memo on the check "RTR/Chicago/O'Quinn"). Also, you can share the following link with your family and friends. Thanks, Darren."

<http://www.active.com/donate/runtoremember2008/DOQuin1>





“The Case for Dignity”

A Successful Action Against Nursing Home Lack of Care: A Class Action on Behalf of All Residents of a Home (AANHR Meeting Program - July 14, 2008)

We all know that it is difficult to bring a suit against a nursing home for poor care. Usually an extraordinarily egregious event must be proved for a judgment to be rendered. J. Scott Davidson, an attorney from Batesville, became incensed about a case brought to him and decided to assert that the rights of ALL the residents of this one facility had been violated by the poor care given them. He argued this idea before the Arkansas Supreme Court, who upheld the concept of a class action suit on behalf of all the residents. Ultimately, when Beverly Enterprises settled the case, the award went to all 485 residents or their legal representatives.

Until now, it has been necessary to prove that a specific action caused harm to a person. The finding that poor care given to all the residents of a nursing home is a legal basis for a suit is a new concept which has now been upheld by the state Supreme Court, making it the law in this state. The potential for this in future cases may be immense.

Davidson’s first knowledge of the case occurred in April 2004 when Ms Annette Thomas, daughter of Helen Cook, a Batesville nursing home resident, contacted him after she happened to learn her mother had a substantial bedsore on her heel. Ms Thomas had visited her mother regularly and was shocked to discover this upon her mother’s admittance to an area hospital. Davidson was not hired at that time due to his being a “local” attorney.

Time passed and eight months later, Ms Thomas, after prayer and soul searching, once again contacted Davidson. By this time, Ms Cook’s leg had been amputated as a result of the bedsore. Attorney Davidson then filed a lawsuit based on the understaffing of the Beverly home. In early 2005, he learned that Little Rock based lawyers had filed two other similar suits on behalf of residents in a Beverly home in south Arkansas. These suits were filed as class action suits alleging that the nursing home’s failure to provide a proper environment violated its residents’ dignity as provided for under the Arkansas’ Residents Rights law. Dignity is defined as “anything that makes one feel less of a human being.” Many nursing home residents have little left other than their dignity.

A judge in south Arkansas agreed the suits could proceed as a class action. However, Beverly Enterprises was in the process of selling many of its homes in Arkansas at the time. Beverly’s remedy was to settle the case for \$18.9 million dollars to settle all claims, a modest amount, considering the chain’s expected gain as a result of the sale of its nursing homes.

In May 2006, the Thomas case came before Circuit Judge John N. Harkey in Independence County. Davidson’s case was based on the premise that underfunding (and thus understaffing) of the nursing home resulted in a lack of dignity provided for the over four hundred present and former (2000 - 2004) residents of the home. Beverly’s sole witness was a family practitioner whose testimony included the statement that “a lot of people are comatose and don’t realize their status”. Judge Harkey ruled the case was legally and morally a class action.

(continued on pg 4)

Money Follows the Person Up and Running!

Good News! A new demonstration program, called **Money Follows the Person (MFP)**, began July 1. The purpose of MFP is to help eligible persons who are living in certain long term care facilities and have a strong desire to return to a community setting of their choice, to do so. That's right! Individuals have an opportunity to decide **where to live and receive long term services and supports!**

If you know someone who has been living in an institutional setting for at least six (6) months and received Medicaid benefits for 1 month they may be eligible to receive transition services, paid for by MFP, to help them transition back into the community. They may also receive other long term services and supports to help them live more independently. There are additional requirements and conditions for MFP participation. These will be explained in further detail to the applicant.

Some of the services available through MFP are:

- Home and Community Based Medicaid services
- 24- Hour Help Line
- Extended Personal Attendant Care
- Home Modification
- Supported Living services
- Therapeutic services

There are several steps involved in the transition process. There are certain guidelines which everyone must follow. For more information regarding MFP, please call the Choices in Living Resource Center at 1-866-801-3435 or check out the MFP website at www.mfp.ar.gov

(Class Action continued from pg 3)

Beverly Enterprises' attorneys immediately filed a notice of appeal with the Arkansas Supreme Court. The case before the court in April 2007. Attorney Davidson presented an oral argument before the court as allowed by law. This Supreme Court ruled that Judge Harkey was correct and the case could move forward to trial as a class action for dignity claims relative to "all residents experiencing the same "wrongs".

During the "discovery" phase of the case Davidson was provided names of past/present residents of the home. Contact with residents/responsible parties was made as to whether or not they wished to participate in the class action. Few opted out. In early 2008, Beverly offered to settle the case re the dignity issue. Settlement with individual claimants was based on the number of days lived at the facility. Medicaid agreed to a modest reimbursement in the case relative to the numbers of dollars spent in payment for care at the facility.

Atty. Davidson told the AANHR members present at the July 14 meeting about the obstacles he faced in this landmark case. He benefited by the sale of Beverly Enterprises throughout this same period, something that would not be a factor in another case. He told of the difficulties encountered in getting the cooperation and correlating the records of so many residents and families and pointed out that it has taken four years to bring the case to a conclusion. However, he feels that the precedent that it sets and the potential that it has for future cases has made it more than worthwhile.

Ms Helen Cook now receives good nursing home care.

Residents' Rights Education
Fifth Anniversary Rally
October 6, 2008
AR State Capitol 11:00 AM

National Nursing Home Residents' Rights Week Rally

Hosted By
Arkansas Advocates for Nursing Home Residents
www.aanhr.org

Program of Events:

- Martha Deaver AANHR President-----Welcome
- Dr. Gerald Parker Sr., Pilgrim Progress Missionary Baptist---Invocation
- Martha Deaver, Event Chairman-----Proclamation Presentation
- Gov. Mike Beebe-----Keynote Address
- Dustin McDaniel-----Arkansas State Attorney General
- Kathie Gately-----Arkansas State Ombudsman
- Jerry Lancaster-----Interim State President of AARP
- Dr. David Montague-----Director of UALR Senior Justice Center
- Martha Deaver-----Closing Remarks

*“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*

“Care matters”

An essay by Celine Blair

Emerald Shores Rehab & Nursing
Panama City, Florida

Good morning ... or shall I say good afternoon. My name is Celine Blair and I’m forty-two years old. I reside at 626 N. Tyndall Pkwy. Panama City, Florida, which is the address is Emerald Shores Rehab & Nursing Home. I am the youngest resident there. I’m writing to inform why I think care matters.

I’ve been in a nursing home for fifteen years. I have a very rare birth defect, so my hands don’t work well and my legs have been removed. I have to lean and depend on my CNAs and nurses to provide for me. The people who take care of me, help me make it through the day. My CNAs do all the walking for me, because I can’t do it myself. They bathe me, clean up after me, and also help me with everyday living conditions. I have laptop computer so, my other job is to make all the signs for parties and other happenings going on here. I’ve done the American Heart Walk with the activities department here in Panama City I feel that care matters because, to help someone that can’t help him/herself, takes a lot of time and patience.

Question ... Why would you take the time to bathe, hold a conversation about another person’s situation, or problem, when you really don’t have to? My answer would be, because you *care*.

If it weren’t for caring nurses and CNAs I would be lost and alone. I wouldn’t have anyone to make sure I’m not in pain, not hungry, and most of all, not feeling alone! On the other hand, if those who care, would have a change of heart, I would be alone. I wouldn’t have anyone to comfort me when I’m feeling on the edge, and the list would go on and on.

What I’m trying to say is Care Matters Thank God for caring people!



AANHR congratulates two additional CNAs who weren’t pictured in the July issue. Quapaw Nursing Center Family Council is proud to honor CNAs: Lorraine Clemmons and Julia Rivers. Pictured left to right: James Brooks, Q.Q. Family Council President; Julia Rivers, CNA; Lorraine Clemmons CNA; Paulette Blevins, Council Secretary; and Betty Bolden, Council Member.

“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:

- 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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- 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.
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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.
- First Assembly of God Church** in North Little Rock for providing AANHR a meeting room.

AANHR Officers and Board Members

- President** - Martha Deaver, Conway
- Vice President** - Nancy Johnson, Fairfield Bay
- 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:** Ernie & Martha 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, 2009.**

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:

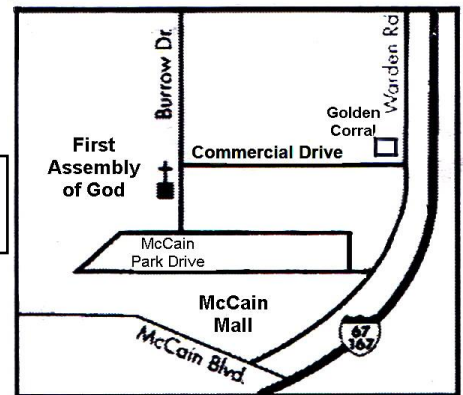
If you are on either I-30 or I-40, take Highway 67/167 North. Take exit #2 onto Landers Road. Stay in the left-hand lane, as you will be turning left and going under Highway 67/167 and enter Warden Road going southbound. As soon as you safely can, move into the right-hand lane, as you will be turning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