



AANHR

Arkansas Advocates for Nursing Home Residents

**PROTECTING NURSING
HOME RESIDENTS**
**January
2011**

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
Jan. 10**

**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



**January 11 AANHR Program topic:
Public Guardians for Adults
Speaker: Ivy Lincoln**

Our Arkansas State General Assembly found that many adults lack the capacity to provide informed consent to necessary health care, have not executed an advance health care directive or a durable power of attorney, and have no friend or family member qualified and willing to consent on their behalf. Act 862 of 2007

created the Office of Public Guardian for Adults to meet this public need, and funding was secured in 2009. The Office of the Public Guardian for Adults is within the Department of Human Services Division of Aging and Adult Services.

Ivy Lincoln, our state's first Public Guardian for Adults, was selected from a field of applicants and began work May 3, 2010. Ivy comes to us with a broad range of experience. A second-generation attorney, he has practiced law in federal, state, and private practices since earning his Juris Doctor in 1978. He has also worked for public school districts, serving as director of human resources for Fayetteville School District and chief financial officer for Watson Chapel School District in Pine Bluff. He and his wife Jacqui have been married 33 years and live in Little Rock, where they both grew up. Ivy has helped Jacqui raise four children and enjoy six grandchildren. His hobbies are boating and photography.

Please join us January 11th at 11:00 am to learn important information about the public guardian program in Arkansas. You never know when you may need the program for a family member or encounter someone who needs this valuable information.

Calendar of Events		
Jan. 10	10:00 AM	AANHR Meeting
Feb. 11	10:00 AM	AANHR Meeting



From the President's Desk Martha Deaver

AANHR Prez to travel to D.C. to receive second FBI Award

I was truly humbled and honored to receive this very prestigious award. I sincerely thank the Arkansas Federal Bureau of Investigations, and especially Karen Vorhees, for nominating me. I want to also thank the FBI for recognizing the very serious and real issue of nursing home abuse and neglect.

Nursing home abuse and neglect will affect every citizen in the United States, if changes are not made now to protect our most frail and vulnerable American Citizens. These American citizens do not lose their basic civil rights when they enter a nursing home. Sadly, the government data shows, year after year, that their basic rights are violated on a daily basis. We will all be in danger of losing "our civil rights" as well, if drastic changes do not occur now!

To have the latest government data showing that seventy-eight percent of Arkansas' nursing homes have been cited for having an environment that caused accidents, sixty percent cited for poor quality of care, fifty-two percent cited for poor food sanitation and forty-seven percent cited for failing to prevent bed sores, IS DEPLORABLE!!!!

The suffering and dying that is going on in our country, as a result of nursing home abuse and neglect, is beyond measure. The rewards I receive in fighting for the rights and protection of nursing home residents, is truly humbling and a blessing. This prestigious award is "God sent" in that it will bring awareness to the public that there are advocates out there who will leave no stone unturned, in fighting for the rights, dignity and well-being of these American citizens, who have made this great country what it is today!

I accepted this award in honor of my beloved mother, Helen Steger, and my mother-in-law, Faye Deaver, and, also for every nursing home resident who has suffered or died from abuse and neglect, in nursing homes throughout our country, and for their families and friends that had to endure watching their loved ones suffer!

I would like to thank my sisters, Cathy Scroggin and Donna Martin, who were there side by side with me, in fighting to protect our beloved mother.

And most importantly I would like to thank the Lord for the work He has given me to do in protecting our most frail and vulnerable citizens. I give Him ALL the credit and praise!!!!

Proverbs 31:8 "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."

Thank you fellow advocates and newsletter readers for your efforts on behalf of nursing home residents and may God bless in the coming year.



FBI Media Release:

Date: December 16, 2010

FEDERAL BUREAU OF INVESTIGATION
LITTLE ROCK FIELD OFFICE

PRESENTS

2010 DIRECTOR'S COMMUNITY LEADERSHIP AWARD TO**Martha Deaver**

PRESIDENT, ARKANSAS ADVOCATES FOR NURSING HOME RESIDENTS

Special Agent in Charge (SAC) Valerie Parlave is pleased to announce that Martha Deaver, the President of Arkansas Advocates for Nursing Home Residents (AANHR), is the recipient of the 2010 FBI Director's Community Leadership Award for the state of Arkansas. SAC Parlave will present a certificate of the award to Mrs. Deaver at a press conference at the FBI Little Rock Field Office on December 16, 2010, at 10:00 a.m. Mrs. Deaver, along with the other recipients from across the country, will be presented with the distinguished FBI award by FBI Director Robert Mueller, III at FBI Headquarters in Washington, DC in early 2011.

Since 1990, the FBI has recognized individuals and organizations whose achievements in the areas of terrorism, crime, drug, gang, or violence prevention/education have had an exemplary impact on the community. Each year, the SAC of each FBI Field Office selects an individual or organization that has made a major contribution in these areas. Martha Deaver's selection is based upon her diligent and dedicated work to not only improve the lives of the nursing home residents in Arkansas, but also across the United States, by protecting them from crimes and abuses committed against these elderly and infirm citizens, as well as raise the public's attention to this tragedy.

Martha Deaver is the President of AANHR, an organization dedicated to protecting the elderly from abuse and criminal activity. In addition to her advocacy work for those who are often incapable of protecting themselves, Martha Deaver has become a resource on these issues for numerous media outlets, public relations companies, and the public at large. Through her outreach efforts, Martha Deaver has raised the public's and the industry's awareness of the vulnerability of those in nursing home facilities. She has also worked extensively with federal and state agencies, such as the Arkansas Office of Long Term Care, that are responsible to keep these citizens safe from abuse and criminal activity.

Martha Deaver's tragic experiences with family members precipitated her journey as an advocate for the rights of nursing home residents. Her story was featured in the *Ladies Home Journal*. She Martha Deaver worked for three years with Consumer Reports to produce an in-depth documentary on America's Nursing homes titled, "The Crisis in America's Nursing Homes." Through her tireless efforts, Mrs. Deaver also contributed to the 2004 Government Accountability Office report entitled, "Arkansas Coroner Referrals Confirm Weaknesses in State and Federal Oversight of Quality of Care".

In 2006, Martha Deaver received the "Janet Tulloch Memorial Award" from the National Coalition for Nursing Home Reform in being named their "advocate of the year" for her work in protecting the rights of nursing home residents.

In 2005 Martha Deaver created AANHR's first National Nursing Assistant Recognition Awards Banquet which recognizes Certified Nursing Assistants (CNAs) in the state of Arkansas for their dedication in caring for nursing home residents. She also organized the first state-wide rally for National Residents' Rights Week in 2004 and has chaired each of the last seven annual rallies at the state capitol.

Martha Deaver's efforts on behalf of the elderly and infirm in our nursing homes has placed her among the elite ranks of recipients of this prestigious FBI award. The Little Rock Field Office of the FBI is commending her efforts in this area by honoring her with this award.

From the President's Desk . . . Part 2 . . . Martha Deaver



**It is time to renew your AANHR membership.
(See page 8)**

We are beginning a new fiscal year so I'm reminding you it's time to renew your membership. Occasionally I ask myself "why do I stay involved in AANHR". My immediate reaction is that, although 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 GO ON. I hope you will too.

I quote from an article by Donna Lenhoff, executive director of the National Citizens' Coalition for Nursing Home Reform (NCCNHR). Ms. Lenhoff states 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 minimum staffing is increased to more than 80% of the time. They want to help us improve the training requirements for CNAs which will enable them 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 retain 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.



How the Attorney General’s Office Acts Against Nursing Home Abuse

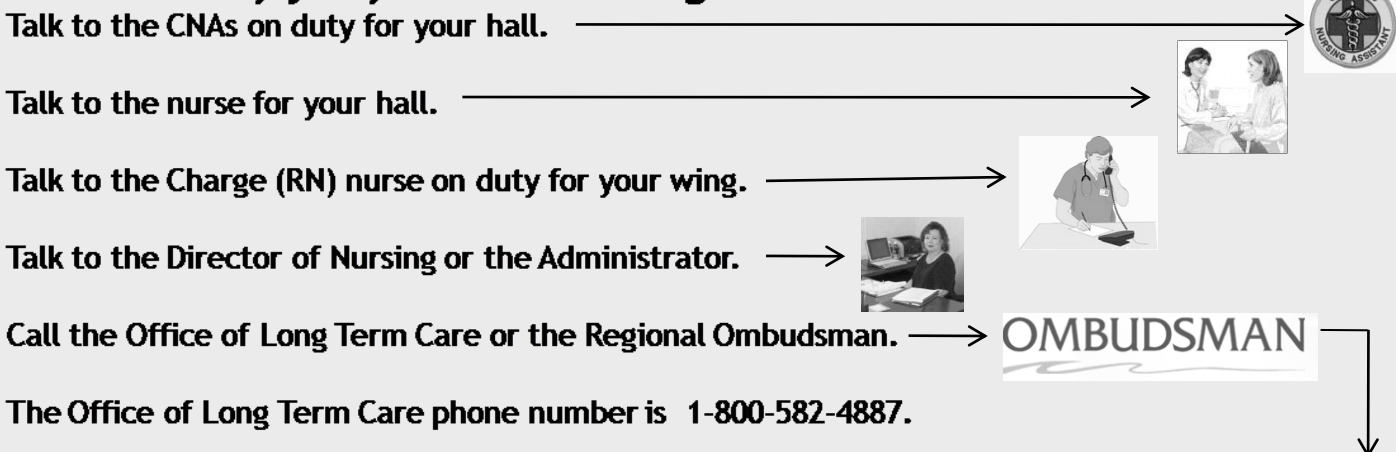
At the November 8th meeting, AANHR members heard Floyd Strayer, investigator in the Medicare/Medicaid Fraud Unit of the Office of the Arkansas Attorney General, describe how his unit takes action against nursing homes for neglect and abuse of residents. Any instance of poor care to a nursing home resident receiving Medicare or Medicaid can be considered fraud because the resident is not receiving what that money is being paid for. This unit has the authority to levy fines against nursing homes in civil actions as well as bring criminal charges if needed. This may be in addition to enforcement efforts of the Office of Long Term Care. This means it is possible for a facility to be fined twice for the same incident.

The Fraud Unit works closely with the Office of Long Term Care. They read all the complaints made to OLTC (3610 in 2009!) and investigate more thoroughly those where further action seems warranted. Furthermore it is now possible to track complaints against a company or facility over a period of years to see if a pattern of poor care persists. Suppliers such as pharmaceutical companies may also be investigated. When it appears that a criminal case is made it is turned over to the prosecutor for action.

Another important function of the Fraud Office is to instruct facilities and their staff about the legal ramifications of neglect and abuse and when and how it must be reported. They are available for in-service presentations.

Mr. Strayer noted that fraud also occurs in home care. He urged anyone receiving home care to carefully inspect all bills as it is very easy for agencies to bill for more hours than the recipient receives. Money defrauded from Medicare or Medicaid is money from everyone’s pocket.

What to do if you find care lacking?



Contact information, along with a picture, of your Regional Ombudsman should be posted in a prominent place in your facility. You may also have a certified volunteer ombudsman (CVO) for your facility who might offer advice.



Check out these useful websites:

- Memberofthefamily.net
- aanhr.org
- medicare.gov/NHCompare



STARTING A FAMILY COUNCIL

A Booster Club for A Nursing Home's Residents

That Results in Better Care for All Residents and Thus, Each Resident

By Gary Melton, Searcy, Arkansas

During the past several years, I have had family members in two nursing homes. Sometimes I have found the care to be adequate; however, a few times the care was less than adequate and that is unacceptable!

Having recently retired from the military and wanting to improve the quality of care of residents, I thought of starting a Family Council. First, I asked the administration to announce a meeting and help spread the word by posting announcements on doors, talking to acquaintances and posting a notice in the nursing home newsletter.

At our first Family Council meeting we discussed the election of officers, our goals, organization of the meetings and plans for the next meeting. Fortunately, the six people in attendance were persons with a can-do attitude. The vice-president elect is a school teacher who has received major awards in her career field, the secretary is a CPA, and the treasurer/staff advisor is a social worker on the staff of the facility.

By the second meeting, I was hearing the questions: What is a Family Council? What does a Family Council do? And, I don't need you to help take care of my love one!

Fortunately, in talking with my Regional Ombudsman she had a movie entitled, "Strength in Numbers, The Importance of Nursing Home Family Councils." The movie became our next program.

By working hard and spreading word of the movie, we had 20 present. At this second meeting, we passed a budget of \$1000 for the year. We arrived at this amount by deciding on our projects: (1) donate \$25.00 to the employee of the month, (2) furnish snacks to the midnight shift, once a quarter and (3) a complimentary meal for each dietary staff member and spouse at a local restaurant. We discovered having our meetings in the dining room was disrupting the feeding/bingo schedule, so we moved to the big, front lobby. Our meetings are from 6:30 PM to 7:30 PM and everyone walking in or out of the facility during this high visitation period is exposed to our meeting.

Much work by the leaders was initially required between meetings. For example, our secretary completed the paperwork to establish us as a non-profit organization under U.S. Tax Code 501 (C) (3). This designation allows council members to collect tax-deductible donations for our budget. One local bank agreed to donate a \$50.00 savings bond in its name and the Family Council name to the employee of the month for a year. Another member worked with a local artist to have a painting donated for a raffle.

By the third meeting, we were beginning to get comfortable with each other. One of the members always volunteers to furnish the next month's meeting refreshments. We all wear nametags and start our meetings by introducing ourselves and stating our relationship with the facility. Near the end of a meeting, facility staff members present are asked to step outside so we can discuss care issues without any hesitancy. Areas of common concern are agreed on and are submitted in writing to the administration.

The most favorable comments I have had concern starting on time and ending on time. Most people work during the day and are ready to go home but can give their full attention for one hour to a worthwhile endeavor.

If you want to start or already have a council, I recommend the aforementioned movie available from your Regional Ombudsman or the AANHR. In addition, I recommend the publication, "The Family Council Guide" located at www.medicaid.state.ar.us. This publication is a guide to organizing and maintaining an effective family council.



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.

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.

Gary Miller of ProSmart Printing for assistance in newsletter and brochure publication.

M. Darren O'Quinn, Attorney, Little Rock, for his offer of free assistance in preparing advance directives, to those present at the April AANHR meeting.

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.

Paschall Strategic Communications for their continued assistance with public relations needs.

AANHR Officers and Board Members

President - Martha Deaver, Conway

Vice President - Gary Melton, Searcy

Secretary - Betty Buckta, Judsonia

Treasurer - Frances Walker, Benton

Program Chairman - Gary Melton, Searcy

Members of the Board: Nancy Allison, Conway; Martha Blount, Searcy; Linda Brimer, Searcy; James Brooks, North Little Rock; Julie Edwards, Mabelvale; Pat McGuire, Alexander; Nancy Patterson, Searcy; and Ann Pinney, Benton.

Honorary Board Member: Faye Sandstrum, Searcy.

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:

<https://www.medicaid.state.ar.us/InternetSolution/General/units/oltc/index.aspx>

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.**



Arkansas Advocates for Nursing Home Residents

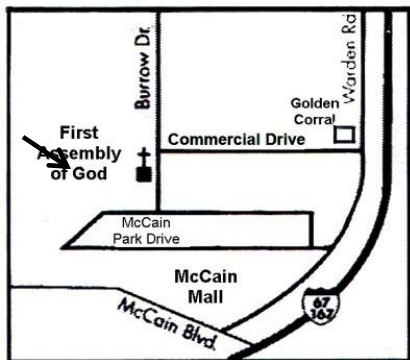
AANHR

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Jan 2011



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.

Please lend your support by joining AANHR. 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, 2011.**

Today's Date _____

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 2336 Riverview Circle, Benton AR 72019

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.