



# AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING HOME RESIDENTS  
**April 2012**

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."

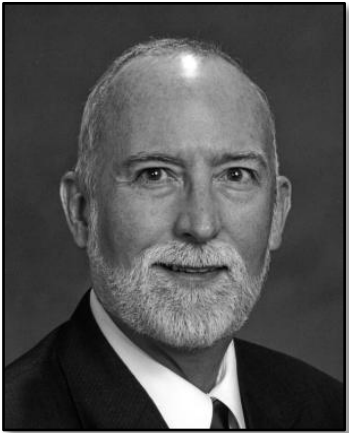
**Next Meeting  
April 9**

**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)**



**April 9<sup>th</sup> AANHR Meeting topic to be Elder Law  
Speaker: Raymon Harvey Attorney**

AANHR is offering readers an open invitation to attend our April 9<sup>th</sup> meeting and gather some initial facts about elder law issues compliments of Raymon Harvey. It isn't every day one has an opportunity to glean legal insights without a fee. Please join us April 9<sup>th</sup> at 11:00 a.m. Bring any general questions you would like to hear addressed.

Raymon Harvey, a Little Rock attorney, practices in the areas of elder law, estate planning and special needs trusts. He is a frequent lecturer and has been a presenter at the Arkansas Federal Tax Institute, the Mid-South Conference on Estate Planning, the National Citizens' Coalition for Nursing Home Reform in Washington, D.C., The Arkansas Trial Lawyers Association, the Arkansas Bar Association, and numerous local events. Mr. Harvey was a presenter at the Elder Law Symposium hosted by the Donald W. Reynolds Institute on Aging at UAMS. He was a featured guest on "Successful Aging with Dr. David" series on AETN. He is a member of the National Academy of Elder Law Attorneys, the Arkansas Bar Association, Arkansas Trial Lawyers Association, Fellow of the Arkansas Gerontological Society, and a Charter Member of the Special Needs Alliance.

We hope to see many of you at the April 9<sup>th</sup> meeting and invite you to stay afterward for a catered lunch compliments of the Wilkes McHugh Law Firm.



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**Complimentary Lunch**

The Wilkes McHugh Law Firm has graciously offered those who attend AANHR monthly meetings a complimentary catered lunch at noon following the meetings. Please feel free to stay for this time of fellowship after our meetings. AANHR thanks Wilkes McHugh for their many years of support to our organization.



## *From the President's Desk . . . . . Martha Deaver*

### **Making a difference .....**

Occasionally we stop and reflect on life; how far we've come, where we are going, what we hope to accomplish and be remembered for. It goes without saying that we are not promised tomorrow. So, what would we like to be remembered for if this is our last day on earth? When we heard that one of our Certified Volunteer Ombudsmen (CVO), Rick Bolton, had passed away after a courageous bout with cancer, we remembered him as a good man with a big heart who tirelessly visited our frail nursing home residents, many of whom have few, if any, visitors! The poem below aptly asks readers to think about how THEY wish to be remembered. Please consider ....

### ***What Will Be Your Legacy***

*Words and music by Wayburn Dean & Doug Bieden*

We are all on a journey, a destiny  
 That for sure will come to an end  
 Life will pass with certainty on this you can depend  
 Time is on our side  
 Still you can decide  
 What you'll leave behind  
 God is standing by  
 Tell me do you like what you see  
 Have you been what you've wanted to be

What will be your legacy  
 Are you known for the good that you've done  
 What will be your legacy  
 You only have one chance to write your story  
 So what's it gonna be, your legacy

So often we are living in the moment  
 Not thinking about this vapor of time  
 It's time to get your house in order  
 With the love of God in mind  
 Time is on your side  
 Still you can decide  
 Will you have fortune or fame to show  
 Is it your name you want them to know  
 Do you want it known that you loved the Lord  
 Will they say it was God that you adored

## *Resident Trust Funds*



**S**tormy Smith, Program Manager with the Office of Long Term Care (OLTC) explained resident trust funds to those attending the March 12<sup>th</sup> AANHR meeting. The standard monetary amount for personal needs is currently \$40.00 per month. If a resident's social security check is sent directly to the nursing home to help pay for his/her care then the \$40.00 designated for the resident's personal needs should be set aside for the resident's personal needs in a trust fund account. If the resident's responsible party or some other "trustee" has oversight of the resident's social security funds then he/she (the responsible party) is obligated to see that the \$40.00 for personal needs is used for the resident's personal benefit. Certain parameters exist to govern these funds.

### Resident Trust Fund Facts:

1. The management of resident trust funds, personal funds and reporting of violations are governed by federal and state regulations.
2. Upon written authorization of a resident, the facility must hold, safeguard, manage, & account for the personal funds of a resident deposited with the facility.
3. Individual account funds with a balance greater than \$50 (Medicaid) and \$100 (Medicare) must be placed in an interest bearing account.
4. The facility must provide that upon request of a resident/representative up to \$50 (Medicaid) and \$100 is available for the resident/representative the same day request is made. Amounts greater than those should be available within 3 banking days of the request. Residents should have access to petty cash on an ongoing basis.
5. Residents' funds are not to be co-mingled with facility funds or with another person's funds.
6. Quarterly statements should be provided to residents in writing within 30 days after the end of each quarter.
7. The facility must notify the resident/representative when an account balance reaches \$200 less than the SSI resource limit to maintain eligibility for Medicaid/SSI. (This notice must include info that if the amount in the trust fund plus the value of the resident's non-exempt resources reaches the SSI limit for one person, the resident may lose their eligibility for Medicaid/SSI).
8. Trust fund monies should not be used for any item/service for which Medicaid/Medicare pays.
9. Proper bookkeeping for trust funds requires an individual ledger card, ledger sheet or equivalent established for each resident on which only those transactions involving his/her personal funds are recorded and maintained. (The record should have info on when transactions occurred, what they were, as well as maintain the ongoing balance for every resident).
10. Any allegation, suspicion or proof of the misuse or theft of resident trust funds must be reported to the OLTC. Report must be made, using the proper form by 11:00 AM the next business day after incident occurs. Also, the local law enforcement authority must be called!
11. Theft/misuse of resident trust funds is a criminal act; it is theft of property. \$500.00 or more is a Class C Felony. \$2,500 or more is Class B Felony. If \$70.00 is misused from 10 residents, it equals \$700.00 which, under the cumulative provision is a Class C Felony.
12. The facility must convey the resident's funds and provide a final accounting to the individual/probate jurisdiction for the resident's estate within 30 days of the resident's death.

***“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 Cure for All Things*

*(Contributed by Gary Melton, AANHR Board Member & Certified Volunteer Ombudsman)*

You see the cure in young Mothers when they drop off and pick up their children at school.

You observe the cure often as a minister bids farewell and appreciation to his members as they leave Sunday services.

You see the cure at the airports when loved ones meet the returning soldier.

You observe the cure during visitation at a memorial service for a deceased.

You see the cure when children visit their grandparents.

You can be part of the cure by visiting my friends in nursing homes.



Most there have one disease. It is the most horrible of diseases. The disease is loneliness. A doctor cannot prescribe a cure in the form of a pill or inoculation. He will not order physical therapy or a whirlpool bath. However, you have the cure, and it is a visit with a hug.

The hug is the guaranteed “cure all”. Some research on the computer reveals the following, and I hope I am not plagiarizing:

The hug will warm the heart of both the one giving and the one receiving.

The hug communicates compassion, comfort and caring. This is why you give the hugs at funeral visitations. So, give people hugs while they are living and you won't have regrets.

The hug transfers energy. Do not take my word for it, give someone a hug and feel the surge of power. Maybe it is like any exercise in which the more you do it, the more you get from it.



I hear our elected officials talk of this and that as a way to cure the ills of society. Please don't wait on them. You can start making a big difference by visiting the elderly and passing out hugs. They will not cost you a dime, and you will feel richer and healthier for the experience.

Note 1: as you pass out the hugs and visitations, please do not forget the CNAs and nurses with a hug and a kind word.

Note 2: hugs are required 366 days a year, not just Christmas, Sunday, Thanksgiving, birthdays, etc.

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Boredom, loneliness, helplessness: The three main diseases in a nursing home.

## ***Taking Care of Yourself While Caring for Another***

*Reprinted from White County Medical Auxiliary Newsletter dated March 2012*

Care giving is seldom Easy - it involves providing financial, physical, emotional and spiritual support to someone who is unable to live independently. According to the Family Caregiver Alliance approximately 44 million unpaid individuals (mostly family members) provide care each year to ill or disabled loved ones who are age 18 or older.

If you're a caregiver, no one has to tell you about competing demands for your time. You may feel the emotional drain of caring for a loved one whose condition may not improve. Or, if you also happen to work outside the home, you may be dealing with the strains of building a career and raising a family simultaneously. Multi-tasking is your middle name - and that's why it is important that you hone your stress-management skills.

An ongoing, landmark study of caregivers conducted at the University of Arkansas revealed that those who provide help managing money and medications reported greater stress than those who provided primarily physical care. Dealing with a person's cognitive and emotional difficulties is harder than dealing with physical challengers.

But, there are ways to manage the physical, emotional and financial stress that comes with being a caregiver and keep it from overwhelming you. The Journal of the American Medical Association offers these to stress reduction suggestions:

1. Don't take on more responsibility than you can handle.
2. Use relaxation techniques for mediating, visualizing comforting scenes or listening to music.
3. Tackle one thing at a time - once you complete that task, move onto the next.
4. Make your lifestyle as healthy as possible - eat nutritious meals; limit caffeine and alcohol; get enough rest and exercise regularly; and balance work, recreation and your care giving.
5. Schedule time to take a break and do things you enjoy.
6. Have family and friends you can turn to for love, support and guidance.
7. Educate yourself about your loved one's condition - information is empowering.
8. Consider joining a support group.
9. See your doctor if the stress begins to feel unmanageable.
10. Consult your doctor or local social worker about resources in the community that can give you the support you need.

Most important, ask for help. Whether it's friends, associates, church members or others, teamwork will reduce the likelihood of burnout and enhance the care you provide. Working as a team can result in a well deserved break so you can watch a movie, read a book or enjoy a nap. Keep family members, even relatives who express little interest, informed on a regular basis about the care being provided. These meetings can take place in person, on the phone or by e-mail. List things that need to be done and ask family members to take responsibility - at least on an occasional basis - for certain tasks, such as picking up prescriptions or doing laundry.

Take advantage of the resources available nationwide for caregivers, such as your local Area Agency on Aging. This organization can provide valuable information on case management, in-home care, home-delivered meals and assistance devices, senior activity centers and caregiver training programs and more. To find your local organizations, along with other valuable resources, use the Eldercare Locator at [www.eldercare.gov](http://www.eldercare.gov), a public service of the U.S. Administration on Aging.

Rick Bolton, of Higginson, Arkansas died peacefully at his home on Sunday, March 11, 2012. He was devoted to his work with the seniors of the Arkansas Area serving as an Ombudsman with the White River Area Agency on Aging. He devoted numerous volunteer hours visiting and counseling assisted living citizens until his battle with cancer made that impossible.

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Rick Bolton made a difference .....

AANHR expresses condolences to Rick's family and friends. We also deeply appreciate the many hours Rick spent visiting at Beebe Retirement Center. We're reprinting an article that he contributed in September 2011 with the hope that it will inspire others to make a difference. There are few persons these days who will give of themselves to make life better for the "good of the whole". As one of our board members, Gary Melton, said, "he was a good man."



Rick Bolton, Ombudsman

**Making A Difference**      *By Rick Bolton, CVO*

Companionship, dignity, freedom from boredom, despair, and loneliness . . . these are some of the thoughts that flow through my mind as I walk the halls of a local nursing home as a certified Volunteer Ombudsman (CVO).

Ombudsman is an antiquated term for a go-between agent for the state of Arkansas and a nursing home resident. The term "ombudsman" came from Sweden when they transferred from a monarchy to a democracy and found they needed an arbitrator to communicate between the elites and the uneducated citizens. When the Older Americans Acts passed over thirty years ago problems arose with quality of care and thus the Ombudsman program was birthed in the United States. Put simply, I am a volunteer visitor, an advocate for nursing home residents. Note that I use the term "residents" instead of "patients" because a nursing home is their home.

It is difficult to explain the emotions I feel when I walk into a residence home and I spot a big smile and the resident sometimes remembers my name. I even get some hugs! They have some incredible stories to tell even though I have heard them before. Some residents have no visitors despite their families living in the same town. Most people think nursing homes are full of elderly folks - not necessarily so. Some residents are younger than me but have debilitating illnesses such as multiple sclerosis, cerebral palsy, stroke, heart ailments and broken bones. Some receive therapy while others are made as comfortable as possible.

Being an ombudsman is not for the faint of heart. Watching the aging process takes its toll. The sorrows sometimes outweigh the joys but the need is tremendous. We are asked to spend two to four hours per week visiting which is spread pretty thin when you consider there are 75 - 100 residents to visit.

Volunteer Ombudsman certification is simple and straightforward with rules defining what we can/cannot do. We don't discuss religion, politics, finances, or contact family members. (However, family members can contact us.) We also do not interfere with medications or treatments. In many cases, we do not know the reasons they live in a facility due to residents' privacy rights. However, there is a list of conditions we can monitor including cleanliness, odors, hygiene, conditions, and complaints. I usually bring books and magazines to read and two ears to listen to their concerns and, if possible, help solve any problems, always remembering there are two sides to every story.

If you would like to be part of this wonderful program contact your local Arkansas Agency on Aging and you too can make a difference to our senior, infirm citizens in facilities across our state.

Contact info for Arkansas: Kathie J. Gately, BSW, SLTCO Office of the State LTC Ombudsman, Division of Aging & Adult Services, P.O. Box 1437-Slot S 530, Little Rock, AR 72203, 501.682.8952, [www.ombudsman.com](http://www.ombudsman.com)

## AANHR Special Thanks

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

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

M. Darren O'Quinn , Attorney, Little Rock, for his continued assistance to and support of AANHR.

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.

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.

## AANHR Officers and Board Members

**President** - Martha Deaver, Conway (501-450-9619)

**Vice President** - Gary Melton, Searcy (501-230-2846)

**Secretary** - Betty Buckta, Judsonia (501-593-8860)

**Treasurer** - Frances Walker, Benton (501-316-0260)

**Program Chairman** - Gary Melton, Searcy

**Members of the Board:** Nancy Allison, Conway (501-327-3152) ; Martha Blount, Searcy (501-278-9168); Linda Brimer, Searcy (501-268-4699); James Brooks, North Little Rock (501-454-6279); Julie Edwards, Alexander ; Pat McGuire, Alexander (501-847-1016); Nancy Patterson, Searcy (501-305-4034); and Ann Pinney, Benton (501-249-1084).

**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:

<http://humanservices.arkansas.gov/dms/Pages/oltcHome.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](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.**

[www.ualr.edu/seniorjustice](http://www.ualr.edu/seniorjustice)



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**AANHR**

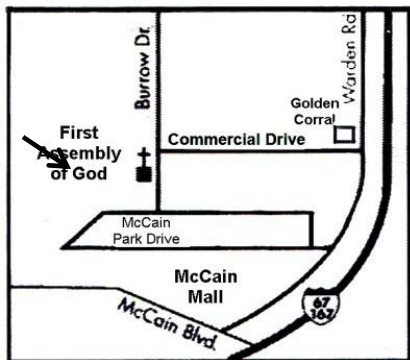
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April 2012



**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, 2012.

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 #1A 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.