



# AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING  
HOME RESIDENTS

May  
2013

Conway (501) 450-9619

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

**Next Meeting**  
**May 13**  
**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.)**



**May 13th, 11:00 A.M.**  
**Meeting topic: TAP**  
**Speaker: Lynn Franquemont**

Lynn Franquemont is the Program Director for the Telecommunications Access Program (TAP). TAP is a program under the Arkansas Department of Career Education/Rehabilitation Services Division that provides telecommunication equipment to eligible Arkansans who are deaf, hearing

impaired, deaf-blind, speech impaired, or who have a visual, mobility or cognitive impairment and need assistance accessing the telecommunication network. TAP currently serves over 10,000 customers throughout the state.

As Director, Lynn is responsible for planning, coordinating and administering this statewide program. She is also responsible for marketing and outreach to assure that the word gets out to all Arkansans in need of the program's services.

Lynn has a Bachelor's degree in Elementary Education from the University of Arkansas in Fayetteville. She was an elementary schoolteacher for 9 years in the state, teaching second and fourth graders as well as a reading lab, before taking a hiatus to raise her two children.

She has been the Director of TAP for almost 10 years and was recently re-appointed by Governor Beebe to serve on the Arkansas Deaf and Hearing Impaired Telecommunication Service (ADHITS) board. This board is responsible for the provision of Relay services in the state of Arkansas.

Please join us on Monday, May 13th, as we glean valuable info that can be passed along to help our community members who need specific tools to improve their ability to connect and thus their quality of life. We hope to see you there and invite you to stay after the meeting for our catered lunch, compliments of *The Wilkes McHugh Law Firm*.

*"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





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

*President's note: This month I'm devoting my column to pass along what I consider to be valuable input from Connie Smith, Mother of Jonathan Smith, a resident of Greenhurst Nursing Center in Charleston, AR.*

### **GREENHURST NURSING CENTER USES INNOVATIVE STRATEGY TO IMPROVE CARE**

By Connie Smith

A few months ago, I received an email from Jonas Schaffer, the administrator of Greenhurst Nursing Center. My son, Jordan Smith, lives there, and thankfully, I receive regular email updates regarding his condition. Usually I am hesitant to open the emails, because I do not want to read anything that suggests Jordan may not be doing well. But, I opened it to read the email stating, "Jordan was 'caught being good' this morning at our *stand up meeting*. We always get together at 11:15 and discuss Q/A things, happenings, future events, and try to get all the staff happy and in a good mood. We have a 'caught being good' part to recognize good things employees do. Jordan happened to be near the nurses' desk, listening to the meeting, and was smiling so big. When he was 'caught being good,' his smile could not get any bigger . . .he really enjoyed it." I was very thankful for this positive email about Jordan, particularly since Jordan does not move or talk and is tube fed. If you have ever had someone close to you with this degree of handicap, you know how it feels when they are recognized as being valuable and clear-headed enough to contribute, even if by just a smile. I was relieved and delighted about Jordan's contribution, and did not think much about how it came about. But all this was going to become much clearer to me.

Lately, I have had some concerns about Jordan's care, such as "cleaning behind his ears." I noticed that my issues really were being communicated, because I was seeing the results. Since most of good health care is about effective communication, I wondered how this was happening. Then, I remembered the comments about the *stand up meeting*, and asked Jonas Schaffer if he believed that these meetings were effective for communicating issues and concerns. I was glad I asked. Here is what he said, "The daily *stand up meetings* involve anyone and everyone, all departments, residents and visitors. It's designed to be a social and emotional pulse, reflecting the good times and the bad times. Sometimes the staff is stressed out or angry about something, and you can feel that during these meetings, which is important. It can also be a great mood enhancer where people just need to laugh a bit. We try very hard to make the atmosphere positive and happy because we want positive and happy people taking care of our residents. Happy people give better care. These meetings are really interesting, sometimes short and quiet, sometimes they are long and intense, and sometimes we laugh the entire time."

This *stand up meeting* concept is innovative and I can see that it leads to positive results. I hear that the staff likes them, and thousands of problems have been solved at these short meetings that would have otherwise taken a lot of time and effort. It is all about "doing what is right" for nursing home residents, and I believe this is an effective and caring example. Greenhurst, you have been officially "caught being good."

C hoice of long-term care setting and day-to-day decisions

A ccountability of facilities and regulators to residents

R ights respected and care directed by residents

E mpowered residents, families, advocates, and staff

*Reprinted from CARE Matters to Residents, A Collection of Essays and Poems (compiled by NCCNHR, 2006 in honor of Residents' Rights Week).*



## Rev. Edna Morgan shares valuable information at AANHR meeting April 8, 2013

The Healing Place Ministries, founded by Rev. Morgan and her husband in 2003, is a non-profit retreat center and outreach program providing services to victims of crime and their families, assisting them to exercise their legal rights. Rev. Morgan states that the retreat center provides programs aiding crime victims all over the state. Their Elder Care Information and Referral has assisted fifteen hundred seniors and other victim survivors. Victimization may include: financial exploitation, robbery, sexual assault, neglect and physical and emotional abuse. Rev. Morgan believes we need more eyes in nursing homes and encourages

family members to work with the ombudsman and report suspected abuses to appropriate agencies.

### The mission of Healing Place Ministries is

- \*To restore healing and justice to elderly victims of crime,
- \*To help elderly crime victims claim their legal rights and,
- \*To act as advocates on behalf of elderly victims of crime, when needed.

This ministry provides personal and private attention, peer support groups, and referrals to healthcare agencies. They assist with Crime Victim Compensation applications, Justice System Advocacy, referrals for counseling and other victim services. Also available are Chaplain/Pastor care services and ongoing support by phone and in person. The ministry can be reached by phone at 870-535-0101 or [healingplacem@sbcglobal.net](mailto:healingplacem@sbcglobal.net)

Rev. Morgan said that Healing Place Ministries is supported, in part, by grants and asked that any attending the meeting who had ever been a victim fill out a form. This is to substantiate the work she is doing and allow the grant to be renewed.



### Volunteer Ombudsmen Needed

Regardless of whether or not you end up becoming a volunteer ombudsman, your knowledge will increase greatly by attending an ombudsman training session. Volunteer Ombudsman training takes only one day and can make an incredible difference in the life of a nursing home resident. A volunteer ombudsman is authorized to help the residents with any concerns. Protecting the resident's rights is a priority. The volunteer ombudsman is authorized to take complaints and report things they see that are questionable to their regional ombudsman, who can take steps to remedy the situation. A volunteer ombudsman can make a big difference brightening the life of a nursing home resident. After the day of training and a short orientation period one can become a Certified Ombudsman and can choose to be assigned to a specific nursing home where just two hours service per week is expected. If interested, please contact Martha Deaver at 501-450-9619; she will put you in touch with your regional ombudsman.

## Nursing Homes in YoYo Compliance

### Violations rarely punished, often repeated

By Jack Whitsett (Reprinted from *Mature Arkansas*)

**H**er head was down, her chin resting on her chest. She appeared to be asleep. Though the resident was sitting in a wheelchair at the nurses' station, no one had noticed her choking on a sandwich she wasn't supposed to be eating. When several horrified nurses realized the patient wasn't breathing, nothing went right as they tried to resuscitate her.

The April 16, 2012 incident resulted in the resident's death; a complaint to the U.S. Centers for Medicare and Medicaid Services (CMS); and a severe deficiency report for Searcy Healthcare Center. The CMS report, dated April 27, noted numerous violations of federal law that occurred before and during the failed attempt to save the resident.

"Based on record review and interview, the facility failed to ensure a patient airway was established prior to or during cardiopulmonary resuscitation (CPR) for ... (Resident #3), who had a documented swallowing problem," the report read.

"The facility failed to ensure that an established emergency crash cart available for CPR was maintained in such a manner as to have adequate supplies for the initiation of CPR.

"Additionally, the facility failed to ensure professional nursing staff was familiar with policies and procedures for CPR, an emergency crash cart supplies check list and assignment of responsibility for crash cart inventory on a daily basis.

"This failed practice had the potential to affect 75 residents who had full code status, as documented on a Physician Orders List."

The resident, who had been assigned a "puree" diet on physician's orders dated April 13, had been eating a peanut butter and jelly sandwich.

### Yoyo compliance

Several CMS inspections in the two years prior to the April 27 report noted violations at the Searcy Healthcare Center in the same categories, a situation known as "yoyo compliance."

"That is typical for many facilities in the state," according to Martha Deaver, president of Arkansas Advocates for Nursing Home Residents (AANHR), a non-profit, residents' advocacy group.

"Yoyo compliance happens when another complaint is called in," Deaver said, "or when the same violation is found on a subsequent survey."

The facility works until it is judged to have fixed the particular deficiency.

"The [state government] surveyors recommend remedies ...to CMS," Deaver said. "The CMS writes them a letter back saying 'we agree.' The nursing home will very quickly come back into compliance." Deaver says the matter is then closed.

Often, though, Deaver says the same violation is found again on the next inspection survey and the process starts over. "I have seen the exact same plan of correction submitted in response to different inspections," she said. "They are allowed to continue until their next survey or until a complaint survey. In the central Arkansas area there are very few nursing homes that don't have a deplorable record of yoyo compliance."

### Some improve, some don't

The Arkansas Office of Long Term Care (OLTC), the state government entity responsible for regulating nursing home care, readily acknowledges the existence and difficulty of the yoyo compliance problem.

"It's an issue that greater minds than ours haven't been able to solve," said OLTC Director Carol Shockley. "There are hundreds and hundreds of deficiencies and many of them are related in type. For a facility to be out of compliance is not unusual at all."

continued on next page

Continued from page 4

“Some facilities get a handle on it, others have a problem,” she said. “There’s not a solution that seems to stick.” “If they repeat deficiencies there is an enforcement process and the enforcement keeps growing. It can lead to a loss of funding or the ability to admit Medicare residents,” Shockley said.

“Once a facility is out of compliance they’re put on an enforcement track,” she said, adding that the home has six months to come into compliance or the enforcement agreement is terminated. “Any time during that six-month track that we recognize compliance, then that track is closed,” Shockley said.

Critics charge that the system therefore allows facilities to come into compliance, close the investigation, and then repeat the deficiency numerous times without penalty, as long as compliance is achieved each time a deficiency is noted.

Jonas Schaffer, administrator of Greenhurst Nursing Center in Charleston, said, “The problem is greed. You can still make money on a bad nursing home. The bad homes are designed and operated to meet the minimum standards, while making the most money. That’s not the way to serve our nation’s elderly,” Schaffer said.

The state’s nursing homes are represented by the Arkansas Health Care Association (AHCA), a trade group and political action committee. AHCA spent more money on political advocacy than any other trade group in Arkansas during the just completed 2012 election cycle. Though the trade association frequently speaks on behalf of the industry, AHCA ignored multiple requests for comment on this article.

### Why not decertify?

Deaver proposes a direct solution. “They need to be decertified. That’s it in a nutshell,” she said. “Nursing home owners should become unable to be certified when they show a repeat history of deficiencies.”

CMS categorizes deficiencies from A through L, in ascending order of severity. Those coded G and higher have the potential to cause actual harm to a resident. Last year, Arkansas nursing homes tallied over 2,800 of these “actual harm” violations, according to a report from the state’s Office of Long Term Care. The report was released in response to a request under the state’s Freedom of Information Act made by Deaver. “The violations were cited for harm or the potential for death to the nursing home residents,” Deaver said. “This is an average of seven incidents per day in 2011.”

For the year ending Dec. 31, 2010, the most recent year for which complete statistics were available, Arkansas ranked among the top 10 states with deficient facilities in the categories of accidents and quality of care, according to statistics compiled by the University of California at San Francisco.

- In the accident category, the state’s facilities ranked second among states with 72% ranked deficient.
- In the quality of care category, Arkansas ranked eighth with 54% of facilities considered deficient.
- In addition, 52% of homes in the state were graded deficient in infection control, compared to a national average of 43%.
- Food sanitation was also a problem, with 46% of Arkansas facilities in violation, compared to a national average of 39%.

Conversely, the state compiled better records than average in the categories of comprehensive care plans and clinical records. Only 16% of the state’s facilities were judged to have administered unnecessary drugs, compared to a national average of 23%.

### Where to Get Help

❖--Ark. **Advocates for Nursing Home Residents** is a non-profit advocacy group. For questions or to report suspected abuse or neglect, contact President Martha Deaver at 501-450-9619; or email [MarthaDeaver@aanhr.org](mailto:MarthaDeaver@aanhr.org) Visit their website [aanhr.org](http://aanhr.org)

❖--Ark. **Office of Long Term Care (OLTC)**, Dept. of Human Services, is the state government entity that inspects nursing homes, assisted living facilities, adult day cares, and residential care facilities; call 501-682-8430; toll free for complaints: 800-582-4887.

❖--Ark. **Division of Aging and Adult Services**, Dept. of Human Services, can provide free, unbiased information and counseling about care options. Call their **Choices in Living** toll free at 866-801-3435; or visit [choicesinliving.ar.gov/](http://choicesinliving.ar.gov/) Also available: information and assistance, benefits counseling and access to publicly funded programs such as ElderChoices, Alternatives (to institutionalization), Independent Choices, and Living Choices.

## Family Council News from: Heartland Rehab and Care Center 9701 Hwy I-30, Benton AR

By Rita Ward, Heartland Family Council President



Family councils are a great support for nursing home residents, their families and friends. It is difficult to have a loved one move into a nursing facility because of feelings of guilt, isolation, and bewilderment. The council is not part of the facility but members partner with staff in ensuring safety and quality of care.

Heartland Family Council meets the second Sunday of each month from 2:30 p.m. to 3:30 p.m. in a small dining room at the nursing home. Usually, a notice is posted as a meeting reminder. Residents' family members are encouraged to participate to discuss cares, concerns, and issues that will enhance the lives of all residents.

Heartland Family Council has completed many projects over the past 15+ years under the leadership of two special

leaders: Mrs. Pat McGuire and Mrs. Ann Pinney. These ladies have filled many roles, fought many battles, and kept the council going. A distinct feature of any nursing home is that the average longevity of nursing home residency is temporary. Thus, the number of family members available and willing to serve as family council members/servants ebbs and flows. So, continuity of council progress is sometimes difficult to maintain. That's why it is significant to find sufficient volunteers willing to work for the good of the whole and in the process care for each individual resident also improves. There is strength in numbers --- and support also.

Heartland Family Council sponsors two bake sales each year in November and December. Since the council is not supported monetarily by the facility it must rely on donations at its meetings and fundraisers to support its projects. One recent project completed was a sitting area with a beautiful water fountain. A few residents can see the fountain from the window of their room. Council members hope that when reconstruction of the home takes place that an inside sitting area will be planned so that many more residents may be able to see the fountain and enjoy its beauty.

I (Rita Ward) am the current Family Council President. My husband, Randy, and I became involved four years ago when our loved one entered the facility. He passed away a year ago but we have remained involved because of our lifelong ties to Benton and thus also to facility residents. We've learned volunteering is all about having a selfless, giving nature and working for the good of the whole. As the Bible says, "whatever you do for the least of these you do for me". Volunteers light up the faces and lives of nursing residents just by visiting with a smile and a listening ear.

Finally, on behalf of Heartland Family Council, I would like to say a special THANK YOU to the families that help make up this council and as new residents come in, may more families get involved. Without volunteers from the residents' families and friends there would be no council. The family council would also like to thank Earnest Johnson, Heartland's Administrator, and all the employees at Heartland Rehab for the job they do. Nursing home work is not easy and the pay is low. So much abuse goes on because of the tough working conditions and low pay; when a nursing home is willing to work with a family council rather than against it, that is a blessing.



### AANHR Special Thanks

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

- 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 NCCCHR conference.
- M. Darren O'Quinn, Attorney, Little Rock**, for his continued assistance to and support of AANHR.
- Paschall Strategic Communications** for their continued assistance with public relations needs.
- Joshua Mayhan** for managing the AANHR website and sending AANHR email alerts.
- 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 his support and assistance, and his providing POA documents pro bono.
- Gary Miller of Prosmart Printing** for assistance in newsletter and brochure publication.

### AANHR Officers and Board Members

- President** - Martha Deaver, Conway (501-450-9619)
- Vice President** - Nancy Patterson, Searcy (501-305-4034)
- Secretary** - Betty Buckta, Batesville
- Treasurer** - Frances Walker, Benton (501-316-0260)
- Members of the Board:** Martha Blount, Searcy (501-278-9168); Linda Brimer, Searcy (501-268-4699); James Brooks, North Little Rock (501-454-6279); Kim Brown RN, Jonesboro (870-935-3737); Pat McGuire, Alexander (501-847-1016); Ann Pinney, Benton (501-249-1084) and Carolyn Pollett, Sherwood.
- Newsletter Editors:** Ernie and Martha Blount, Searcy.
- Honorary Board Members:** Faye Sandstrum, 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](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**

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/senior\\_justice](http://www.ualr.edu/senior_justice)



Arkansas Advocates for Nursing Home Residents

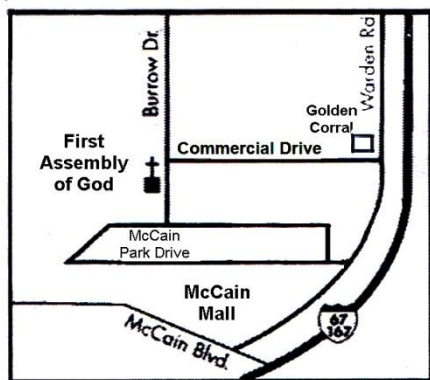
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PERMIT NO. 1886

May 2013



### 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 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, 2013**.

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.
- 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.