



# AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING  
HOME RESIDENTS

**June  
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."



**June 10<sup>th</sup> Meeting Topic:**  
**Decreasing Use of Anti-psychotropic  
Meds in Nursing Homes**  
Speaker: Kathie Gately

Have you ever felt that a family member residing in a nursing home was over-medicated? Developing and implementing practices to decrease the utilization of anti-psychotropic medications has always been one of Kathie Gately's passions. Over 17 years ago, she developed the Home Thermostat Tool and applied it at a facility for testing. The result reflected a significant decrease and in some cases these medications were discontinued reflecting a positive outcome for the residents. CMS began a campaign in the fall of 2012 focusing on decreasing anti-psychotic medications for those individuals with Dementia. Her presentation will capture the concerns involving these medications and helpful non-pharmaceutical techniques.

Kathie received her Bachelor's degree in Social Work from Arkansas State University, beginning her career by holding positions within the long-term care facility environment. She then transitioned to Adult Protective Services within the Department of Human Services.

Since 2003, she has served Arkansas long-term care residents as the State Long-Term Care Ombudsman, where she has dedicated more than 30 years of experience in the long-term care field to advocating for the rights of all older Arkansans in long-term care.

She received the Cernoria Johnson Memorial Advocacy Award in 2009, including supportive recommendations from Attorney General Dustin McDaniel and Governor Mike Beebe.

Please join us on Monday, June 10th, as Kathie shares valuable info that can be passed along to help our advocates for family members in nursing homes in the ongoing struggle to improve their quality of life in their later years. 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

**Next Meeting  
June 10  
11:00 AM  
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.)**

**Career CNA Day  
Thursday  
June 13<sup>th</sup>, 2013**





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

### *Here is a checklist for families contemplating the placement of a loved one in a nursing home:*

- \*Obtain a Durable Power Of Attorney with provision that does not allow the DPOA to sign an arbitration clause.
- \*Determine how nursing home bill will be paid: Medicaid? private pay? Medicare usually pays only for a limited amount of time in a nursing home, usually for rehabilitation after a hospital stay.
- \*Go to [www.medicare.gov/nursinghomecompare](http://www.medicare.gov/nursinghomecompare) to view past history of nursing home
- \*Find out whether the prospective nursing home has liability insurance coverage.
- \*Visit after hours & weekends
- \*Are there smells of urine and other bad odors present?
- \*Speak with other families in nursing home
- \*Read latest survey required to be posted in the nursing home
- \*Observe whether call lights are going unanswered.
- \*Do residents look sedated or alert?
- \*Are residents clean?
- \*Are residents happy/content?
- \*Check staffing posted log sheet...required to be posted within twenty feet from the front entrance
- \*Visit during meal time to observe how food is presented and served.
- \*Check to see if residents that need assistance with eating are being fed.
- \*Check to see if rooms have fresh water in arm's reach in pitchers located in residents' rooms.
- \*Are employees taking care of the residents needs? Are the employees relating to the residents?
- \*Does the nursing home have an active Family Council?
- \*Make sure you are NOT required to sign a arbitration agreement. Simply state during admission document signing process that you do not desire to sign. Request a copy of all admitting documents.
- \*Remember, this nursing home will become your family member's next home, whether temporary or permanent. Stay involved. Visit often. Speak up when problems arise.
- \*Always attend Care Plan meetings and follow up on plans for action.



*36<sup>th</sup> Annual National Nursing Assistants' Week*  
*June 13-20, 2013*  
*Career Nursing Assistants' Day*  
*June 13, 2013*

*“Nursing Assistants  
 @ the Heart of Caring” ©*



*To honor and thank*

\* Nursing Assistants \* Direct Care Workers \* Care Assistants \* \* ED Techs \*  
 Home Care Assistants \* Personal Care Workers \* PTAs \* \* Geriatric  
 Aide/Assistants \* Resident Assistants \* Restorative Aides \* In nursing homes,  
 home care, hospice, hospitals, correctional institutions,  
 schools and other long term care settings

Founder and Sponsor since 1977  
**The National Network Career Nursing Assistants and Direct Care Workers**  
 3577 Easton Road  
 Norton, Ohio 44203  
 Resources: [www.cna-network.org](http://www.cna-network.org).  
 More info: [Cnajeni@aol.com](mailto:Cnajeni@aol.com)

*~Celebrating 36 years as a professional organization for nursing assistants~*

# Why You Can't Open a Nursing Home

## Free-Market Competition Ignored

By Jack Whitsett (Reprinted from *Mature Arkansas*)

Let's say you are dissatisfied with the nursing home in town. Maybe you have a relative there who is not receiving proper care. If you had the financial backing and business acumen, you could open a competing facility that would care for residents in a more professional, compassionate manner.

The American free-market way of doing business would reward the nursing home that provided the best service for the best price. Right? Maybe, but where nursing homes are concerned, it is highly unlikely that you would be allowed to turn the first spade of free enterprise dirt.

"These nursing homes are continually given approval to add onto their facilities and to build new facilities without any regard to the care they are giving," according to Martha Deaver, president of the Arkansas Advocates for Nursing Home Residents, a non-profit advocacy group for nursing home residents.

"These are for-profit businesses but they are reimbursed with tax dollars," Deaver continued. "For the past 25 years and longer many of these for-profit businesses have been cited by state and federal investigators for repeated horrible abuses and neglect. But they are repeatedly given approval through the POA process."

In Arkansas, you cannot get a license to run a nursing home unless there is a demonstrated need for more beds in the area. However, it's unlikely you could demonstrate a need for more beds in an area that already has a nursing home.

The Arkansas Health Services Permit Agency, the agency responsible for issuing Permits of Approval (POA—also called certificates of need) for nursing homes, is directed by a commission made up mainly of people who run nursing homes and other healthcare facilities. The same is true for hospitals, residential care facilities, assisted living facilities, home health and hospice agencies and intermediate care facilities for the mentally retarded.

A review of POA applications for additional or renovated nursing home beds shows the overwhelming majority were from existing owners. "Outsiders" rarely bother to apply. The only

applications from "outsiders" were for other types of long-term care facilities, such as assisted living facilities.

James C. Luker is the director of the Arkansas Health Services Permit Agency, which oversees the needs certification process. Gov. Mike Beebe appointed Luker, a former state senator, in January to replace former Director Deborah Frazier. Luker defends requiring applicants for a nursing home construction license to demonstrate a need for more beds before a license is granted.

"It's to prevent the overbuilding of facilities and the capital costs associated with new beds," Luker said. "You will end up increasing costs (without needs certification). It will have a major impact on Medicaid costs."

Luker said the state would have to contribute more Medicaid payments for added facilities if unused beds are created. "The utilization rate is not that high," he said. At present the rate of filled beds hovers around 80%.

In addition, Luker said needs certification helps ensure that services are available in small towns and rural areas throughout Arkansas. "The fear is, there would never be much interest in serving rural areas if everybody was permitted to rush to the big urban areas," he said.

Little Rock Attorney David Couch, an advocate for nursing home residents, disagrees with much of the reasoning behind the certification process. He says it makes for "a bad nursing home, but you don't go out of business."

Letting the free market determine the success or failure of nursing homes would give residents and their families leverage, Couch argued, allowing them to choose based on quality of care, costs and other competitive factors. In addition, Couch said the system strongly favors established owners.

"You can't get a new permit unless you can prove there's a need," Couch said. "You can't compete against an existing home. The problem then becomes, when you have a poorly performing home, there is no way the marketplace can deal with that."

Michael Morton of Fort Smith is both a nursing home owner and a member of the Health Services Permit Commission. He defended the system as good for the industry, the patients and the state. "I want what is best for the elderly," he said, adding, "when financially stressed, such as when the need for beds is far less than those available, many nursing home owners look at the bottom line first."

"The first thing people do (when running an unprofitable nursing home) is they cut costs," Morton said. "When they cut costs they hurt the residents. What is best in the long run is the certificate of need program."

Financing would be a problem without the current system, Morton said. "It's been my experience that unless I have a certificate of need ... the bank's not going to loan money."

Deaver said the system doesn't operate in the best interests of residents. "When new beds are needed, existing owners add them or get to build a new home," she said. "For-profit businesses have a monopoly. Where's the incentive to improve their care?"

Deaver sees part of the solution to better resident care as more free-market forces in the nursing home industry. "Until these for-profit businesses are a part of the free enterprise process, as most for-profit businesses are, then citizens will not have a choice in placing their loved ones in a facility with a repeated history of poor care. Public choice and competition can only equate to better care," she said.

Morton said that serving on the Commission that regulates his industry does not constitute a conflict of interest. Morton pointed to his actions last year

when his application for a new facility in Vilonia was considered by the Health Services Permit Commission. "You recuse yourself from voting and sit in the audience," he said, adding that he did not participate in the discussion or the vote on his application.

Luker declined to comment on the the conflict-of-interest question. "That really is a policy issue for the governor and the legislature to decide," he said. "The Commission is made up of a number of individuals representing various industries, not just nursing homes."

The Arkansas Health Services Permit Agency is directed by the Arkansas Health Services Permit Commission, a nine-member board whose members are appointed by the governor and confirmed by the Arkansas Senate. Members serve without pay for a maximum of two, four-year terms. The current Commissioners are:

- Nina Alter, Ark. Residential Assisted Living Association
- Janie Pugsley, Ark. Home Health Association
- Michael Morton, Ark. Health Care Association
- Kevin Hodges, Ark. Hospital Association
- Dr. Kimberly Curseen, Practicing Physician
- Dewery Watkins, AARP Volunteer
- Breck Hopkins, Ark. Dept. of Human Services
- David Laffoon, Business Health Insurance
- Jim Petrus, Ark. State Hospice Association.

The Commission meets quarterly; the next meeting will be in June. For more information call 501-682-2509 or write them at Freeway Medical Tower, 5800 W. 10th St., Suite 805.

**Steps to take if you find care lacking . . . . .**

1. Talk to the CNAs on duty for your hall. —————→ 
2. Talk to the nurse for your hall. —————→ 
3. Talk to the Director of Nursing or the Administrator. —————→ 
4. Call the Office of Long Term Care or the Regional Ombudsman. —————→ 

- ❖The Office of Long Term Care Phone in Arkansas is 1-800-582-4887.
- ❖Regional Ombudsman contact information complete with a photo of the 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.



## TAP: Topic of May Meeting

Lynn Franquemont is Program Director for the Telecommunications Access Program (TAP). As Director she is responsible for coordinating and marketing outreach to assure that all persons with disabilities know about these specialized services. The equipment provided by TAP enables the deaf, deaf-blind, hard of hearing, those with mobility or cognitive impairment, legally blind/low vision, speech or voice impairment to communicate with others using the telephone.

Ms. Franquemont showed attendees at the meeting examples of the many different appliances they are able to provide. Each applicant is evaluated and a TAP representative will work with them

to determine what will best serve their needs. A wide range of instruments include amplified phones which allow the user to adjust the tone of the incoming voice, captioned phones (CapTel) allowing a severely hard of hearing user to speak for themselves and read incoming text through a captioning service. There are amplified telephones with talking keypads and photo phones with photo auto-dial memory buttons that allow easier dialing for those with cognitive impairments. AANHR members were also shown types of signaling devices to alert the individual to the ringing phone. The TAP program is keeping up with new technology and is now able to provide these services on cell phones and on an internet line.

This service was legislated in 1995 and is funded through a one cent surcharge on land phone lines. To qualify for one of the free specialized phones, an individual must be an Arkansas resident, 75 years of age or over, have a phone line and an annual income of less than \$50,000. The application can be processed in two weeks or less. TAP does not pay for phone service, but provides the equipment needed. If you are interested in getting more information or seeing a demonstration, please call 1-800-981-4463 or go to [www.arkansasrelay.com](http://www.arkansasrelay.com).



### 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.

### 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.

**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.

**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.

### 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

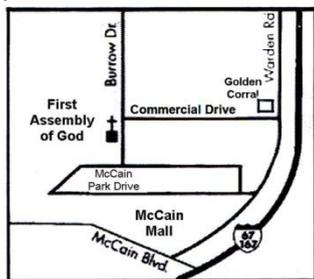
AANHR

P.O. Box 165641 Little Rock, AR 72216

[www.aanhr.org](http://www.aanhr.org)

NON-PROFIT ORGANIZATION  
U.S. POSTAGE PAID  
LITTLE ROCK, AR  
PERMIT NO. 1886

June 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.