



AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING
HOME RESIDENTS

Sept
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
Sept 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.)**

**Please note:
Residents' Rights
Rally October 7th
(First Monday).**

**No regular
meeting in
October.**

AANHR Meeting Topic Sept. 9th 11:00 AM : Public Guardian of Adults

Speaker: David Howell

The Arkansas General Assembly found that many adults lacked the capacity to provide informed consent to needed health care, but 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, funding was secured in 2009, and the first appointee, Ivy Lincoln, started work in May 2010. David Howell has recently replaced Mr. Lincoln in the AR Pubic Guardian position.

David Howell is an attorney licensed to practice in the State of Arkansas since 1984. He attended the University of Arkansas at Fayetteville where he received both his law degree and an undergraduate degree in Finance.

As Public Guardian of Adults, Mr. Howell oversees an office of caseworkers, as well as financial and legal professionals. The Office of Public Guardian is located in Little Rock and is a part of DHS. The primary function of the office is to act on behalf of incapacitated adults who lack appropriate family for medical decision-making and estate management purposes.

Mr. Howell practiced law in Conway, served in administration at Texas A&M University, oversaw two 100 million dollar plus health plans, and served as a Trust Officer for Simmons First National Bank. He has been married for 32 years to Beverly, a longtime school teacher. The Howells make their home in Conway where they raised two children, Scott and Andrea.

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 for our organization.



From the President's Desk Martha Deaver

According to the latest Arkansas Office of Long Term Care (OLTC) investigation report, conducted on the Fayetteville Veteran Home in June, three more serious violations of the law were found. The June visit was to check if abuse identified on a previous inspection had been corrected.

One of the violations dealt with more medication errors—the rate is still higher than the federal requirement of below 5%. The previous medication error rate was 26.3%, declining to 6.25% at the June inspection. This violation had the potential to affect 19 residents.

The Fayetteville Veteran nursing home has been cited repeatedly for high medication error rates. I find it very alarming that medication errors are continuing.

The other two serious violations were dispensing unnecessary drugs and unsanitary conditions in food handling. The first violation has the potential to affect nine residents; the second to affect 71 residents.

Many people do not know that there are laws pertaining to the care of nursing home residents; violation of these laws can be deadly! It is so important that residents and families take the time to look at the details documented in inspection surveys. New CMS regulations require all deficiencies within the last full year to be posted. This means deficiencies cited in annual, complaint, and revisit surveys. Nursing homes are required to post these inspections in their facility in a public place in order to be accessible to interested parties.

Arkansas Advocates for Nursing Home Residents (AANHR) finds that many times nursing homes do not post these investigative reports, as the law requires. Unfortunately, many families are not aware of the law and many times they are not able to understand the seriousness of these investigative surveys. Our Veterans and their families must remember that their rights are being violated when the people caring for them show a disregard for following the laws.

AANHR has dedicated almost 20 years educating the public about resident rights and laws set forth by our government to protect these rights. Please contact AANHR at <http://www.aanhr.org/> with any questions. We are here to help you protect your rights.

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.

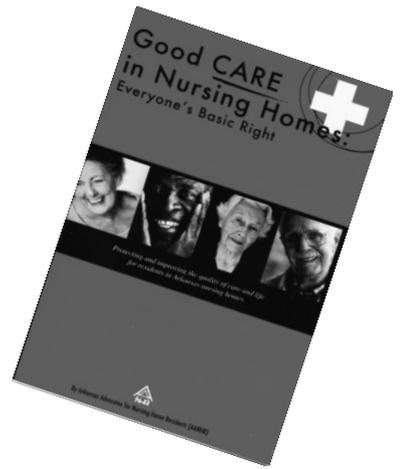
❖ Regional Ombudsman contact information complete with a photo of the ombudsman should be posted in a prominent place in your facility. You may also have a certified volunteer ombudsman (CVO) for your facility who might offer advice.



Tenth Annual Residents' Rights Rally Please Join Us!!!

Monday, October 7th, 2013

AR State Capitol steps 11:00 AM
Inclement Weather: Rotunda



October is National Long-Term Care **Residents' Rights** Month

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

For more info please call 501-450-9619 or 501-269-4626

Program of Events:

- Martha Deaver, AANHR PresidentWelcome
- Dr. Gerald Parker Sr., Pilgrim Progress Missionary Baptist..... Invocation
- Martha Deaver, Event ChairmanProclamation Presentation
- Kathie Gately..... Arkansas State Ombudsman
- Maria Reynolds-DiazAARP
- Dr. David Montague..... Director of UALR Senior Justice Center
- Edna Morgan.....Healing Hands Ministries
- Martha DeaverClosing Remarks

“Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.” Proverbs 31:8 NIV



ATTORNEY BOB EDWARDS: PAST 10 YEARS OF NURSING HOME CARE

Bob Edwards, Little Rock Attorney, served as Chief of Staff in the Arkansas Attorney General's Office prior to joining the law firm of Wilkes & McHugh in 2003. He has traveled to many states helping people with nursing home litigation. Bob remembers how his grandmother was treated in a nursing home and when he takes a case, the clients are his grandparents.

He has worked along with AANHR since their inception and shared with us things families should think about when placing a loved one in a nursing home.

- ✓The primary concern of a family is to have documents such as Powers of Attorney, Guardianships, Living Will and Estate Planning in place.
- ✓When you start the search for a long term care facility, check CMS website www.medicare.gov/nursinghomecompare and the AANHR website, talk to others who have had family members in a facility.
- ✓Visit the facility and ask if the halls have consistent staffing allowing CNA's to better know residents, check on meals, activities, the bathing schedule, meet the DON and activities director, AND after admission attend care plan meetings..
- ✓On admission try to get a room close to the nurse's station, ask questions, get a copy of everything you sign. And don't bring anything you don't want to lose.
- ✓Nursing homes are adding arbitration agreements to admission papers and can refuse to admit if it is not signed. If the arbitration statement is a separate document admission cannot be denied. One thing that was suggested was to have the following statement added to Power of Attorney document "*My attorney shall have no right to sign and/or commit to any Arbitration Agreement on my behalf.*"
- ✓You do not have to use the nursing home pharmacy or physician.
- ✓Get to know the staff caring for your loved one and visit at different times of the day and multiple days of the work. Work out a schedule with family members if possible and visit on weekends.
- ✓If you have concerns make them known to aide and nurses. Ask for a meeting with the DON/Administrator, put it in writing. Don't hesitate to complain fearing bad treatment - they are already getting bad treatment.

Bob shared with us the fact that nursing homes have budgets that allow them to promote themselves to hospitals for referrals. He pointed out that nursing homes don't all have insurance and attorneys sometimes have to refuse a good case because there is no chance for recovery. Bob also pointed out several instances in past legislative years when AANHR's concerns for the residents have lost to the nursing home industry lobbyists. This past legislative session Resident' Rights were weakened. We are now able to go on-line and see how much money nursing homes give to political donations.





Resident Trust Funds

Stormy Smith, Program Manager with the Office of Long Term Care (OLTC) recently explained resident trust funds to those attending an AANHR meeting. The standard monetary amount for personal needs is currently \$40.00 per month (\$60.00 for Veterans). If a resident's social security check is sent directly to the 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 three 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 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 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.



Need a special phone??

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 recent AANHR meeting attendees 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.



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.
- 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.
- 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.

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 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.**

www.ualr.edu/senior_justice



Arkansas Advocates for Nursing Home Residents

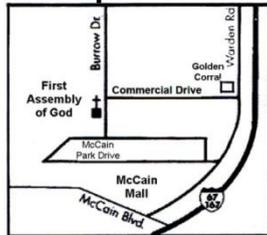
AANHR

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www.aanhr.org

NON-PROFIT ORGANIZATION
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Sept 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, 2014.**

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.