



AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING HOME RESIDENTS
February 2017

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
Feb 13th
Meeting Place:**

First Assembly of God Church
4501 Burrow Road
North Little Rock
Directions to church
On back of Newsletter.

10:00 - 11:00 A.M.
Open Forum

11:00 A.M.
Program Speaker:
(See article at right.)



February 13th 11:00 AM Meeting Topic:
Current Session Legislative Issues
Speaker: Attorney Bob Edwards

Bob Edwards is one of AANHR's longest running and staunchest supporters. He has attended our meetings frequently through the years, providing advocate support as well as monetary support for such things as our Good Care booklets. He also spends many hours working on legislative issues that affect long term care. Please join us as Bob brings us up to date on happenings related to nursing home residents during this current session.

Bob Edwards, Esquire grew up in south Lonoke County, in the small farming community of Tomberlin. After graduating from England Public High School, he attended Hendrix College in Conway where he received his B.A. in Biology in 1991. After spending some time in the political arena working for Senator Dale Bumpers, among others, Bob earned his JD from the Bowen School of Law in Little Rock in 1998. Upon graduation, Bob was an integral part of the successful team that helped elect Mark Pryor to the Attorney General's Office. After the election, he went to work for General Pryor, eventually serving as the Chief of Staff in the Attorney General's Office. Bob was with the law firm of Wilkes & McHugh, P.A. in Little Rock from 2003 to July 1, 2013 when he started his own firm. He is licensed to practice law in Arkansas, Kentucky, Georgia, Illinois, Missouri, Pennsylvania, and Tennessee with his practice being focused primarily on nursing home and tractor-trailer litigation. He currently serves as president of the Arkansas Trial Lawyers Association, and is also a member of the Arkansas Bar Association, the American Bar Association, and the American Association for Justice. He is also active in AAJ's Nursing Home Litigation Group and Interstate Trucking Litigation Group. In addition to practicing law, Bob has served as a member of the Board of Directors of the England Public School District in England, Arkansas. He currently is a member of the Board of Alumni at the Bowen School of Law having recently served as its President. Bob is married to Tiffany Fitch of Hindsville. They have one daughter, Katharine Grace, and live in Little Rock where they attend Trinity Episcopal Church.





From the President's Desk Martha Deaver

Do you know someone in a nursing facility who is probably capable of living independently still but lacks the resources to make that possible again? Money Follows the Person just might be the answer the way back to the community for him/her.

Money Follows the Person: FAQs

What populations are served by MFP?

Elderly, adults with physical disabilities, persons with developmental disabilities, and adults with mental illness.

How does someone become qualified for MFP?

You must be in a qualified institution for at least 90 days and Medicaid eligible for at least 1 day. (This begins after your Medicare paid rehab days end).

Where will I live?

A case manager will be assigned to work with you to decide where you will live and develop a plan to transition to the setting of your choice. If you do not have an existing home or family arrangements are unavailable, the case manager will have a listing of available housing options in your community from which you may choose.

What are some of the benefits of Money Follows the Person?

Participants will be enrolled into an existing Medicaid Waiver program that provides specific long term care services. Supports and services which best meet your needs will be determined, along with other Medicaid state plan services.

For the first year, you will also receive other(demonstration) services and supports to help you as you transition to your new residence and learn to live more independently.

Some of these services are:

Medication Dispensing Unit
Personal Attendant Care
Home Modification
Supported Living Services
Therapeutic Services
Community Transition Services
Goods and Services

Who decides what services I will receive? You might choose to direct your own care or to have an agency direct your services. You will work with a nurse or other care specialist, depending on the specific waiver chosen, to further complete a plan of care designed to meet your needs.

Contact info for MFP:

Phone: 866-501-3435

Fax: 5012-682-6658

www.mfp.ar.gov



FREEDOM OF INFORMATION (FOI) ACCESS

At January's AANHR meeting, Stormy Smith, OLTC, FOI Program Manager, addressed what information is public for our use as advocates. He also explained how to FOI records. Stormy is the FOI coordinator for the Office of Long Term Care, and all record requests for OLTC records have to go through him where they are sorted for section assignments.

There are two categories of records one might wish to access and it is helpful to know the difference. Reports of regular "surveys" of facilities which detail what surveyors found during their routine "inspections" of the facility, its staff, and their care practices are public documents and can be requested without a FOI request. One requesting the report needs to call, write, or email Smith's office to request the reports from a desired period of time, giving name of requestor with contact info, facility name, and the time period covered in the report. This survey/deficiency report form is commonly known as a "2567". Cost to requestor is ten-cents per page. Past survey reports should also be available somewhere near the main entrance lobby of the facility so those wishing to examine them can do so.

The other type of reports -- those involving complaints/incidents/accidents in a facility can only be released by the federal CMS headquarters in Baltimore and take much longer to procure. The Centers for Medicare and Medicaid Services (CMS) requires a letter from the requestor under the Freedom of Information Act (FOIA) when requesting survey records belonging to CMS. The letter must have a return address and must be signed. It should tell OLTC the name of the resident, the name of the nursing home, the approximate date of the event and that you are requesting a copy of the report. The requestor must have the authority to receive such info, being a Durable Power of Attorney with Healthcare authority, an executor of an estate or have a Letter of Administration, for instance. While this letter requirement is for CMS survey records only, it is advisable to follow this format for any records requested from OLTC

Records generated during the Medicare/Medicaid survey process are the property of CMS, who are Custodian of the Records even though OLTC maintains the records. OLTC has permission from CMS to release federal deficiencies with plans of correction and any letters associated with the deficiencies. Any documentation generated during the federal survey by OLTC that contains Protected Health Information can only be released by CMS after determining what information must be marked through.

The OLTC state survey section maintains monthly staffing reports and they may be requested under the Arkansas FOIA. The OLTC nursing facility licensure section, governed by federal regulations, maintains records regarding ownership information. These records may be released without an FOIA request.

Stormy Smith's contact information:
P.O. Box 8059, Slot S-409
Little Rock AR 72203-8059
Phone: (501) 320-6287
FAX: (501) 682-6171
Email: stormy.smith@dhs.arkansas.gov

Some of the

50 SECRETS

a Nursing Home Won't Tell You

What you need to know – but probably don't – to ensure that your loved one is happy, cared for, and safe. (Part 2)

By Michelle Crouch Reprinted from *Reader's Digest Magazine* | April 2013



- “Many nursing home employees are so poor they receive Medicaid for their own health care. The low salary forces a lot of them to work two jobs, so they may finish the day shift at one nursing home and report to another facility to work the night shift.”—*A California nursing home administrator*
- “Find out if the nursing home uses agency nurses and how often. Nursing homes usually use them when they're desperate for staffing. Sometimes, the nurses have never been oriented in that facility, and they come in and have to care for 30 or 40 residents they've never met before.”— *Registered nurse who worked in a Massachusetts nursing home for two years*
- “Some facilities have an unwritten rule that if a nurse or CNA calls in sick, that person is not replaced. That saves facilities money on their largest expense: staffing.”— *A California nursing home administrator*
- “We have to do something about wages. These are the people who are responsible for the lives of our parents and grandparents, and we're paying them as little as \$8.50 an hour.”— *Martin Bayne, a longtime advocate for the aging who entered an assisted living facility at 53 after he was diagnosed with Parkinson's disease*
- A nursing home should never tell you that you need to hire your own private aide. “The home is required to provide all necessary care. If you need extra help, administrators are obligated to provide it.”— *Eric Carlson, directing attorney with the National Senior Citizens Law Center*
- “Nursing homes certified for Medicare and Medicaid are not supposed to discriminate based on ability to pay. But they're allowed to take only people for whom they can provide adequate care. So if you say your mother can afford only one month of private pay, and someone else says he can do private pay for six months, who do you think they're going to take?” — *Pat McGinnis, executive director of California Advocates for Nursing Home Reform*
- “People don't realize that Medicare does not cover most nursing home stays, just acute-illness episodes [after hospitalization] up to 100 days. If your loved one needs anything more than that, she's paying out of pocket, almost \$90,000 a year—basically until she's poor and qualifies for Medicaid.”— *Richard L. Peck, former editor of Long-Term Living magazine and author of The Big Surprise: Caring for Mom and Dad*
- “Long-term-care insurance can make sense, but, unfortunately, it's best to buy it in your 40s, when you have kids to support, college tuition to save for, and the inevitable home and car payments. By the time you really start thinking about it and you're around 60, you're talking about \$3,000 a year in premiums or more. And then it really pays only \$150 a day, which often is not adequate.”— *Richard L. Peck*

- “In some states, a nursing home can say, ‘We have 100 beds, and we want only 20 of them to be in the Medicaid program.’ So if you run out of money, and those 20 beds are full, you may have to leave, even though you’re in a Medicaid- certified facility. So as you get closer to the time when you need to apply for Medicaid, talk to staff about whether there will be a bed available.”— *Robyn Grant*
- **If your mom goes into a nursing home, it can’t require you to pay out of your pocket for her.** “Still, nursing homes will send relatives a bill and say, ‘You have to pay us,’ and families don’t know—so all too often, they pay.”— *Robyn Grant*
- “**My No. 1 piece of advice? Visit often.** Research shows that residents whose families are involved get better care.”— *Jody Gastfriend*
- “**The nursing home has to develop a care plan for each resident.** Ask the staff to hold care plan meetings, and make sure you participate. Have them put into the plan any promises they make, even simple things like giving your loved one a baked potato once a week.”— *Brian Lee, executive director of Families for Better Care*
- “**Elect one family member to be the representative to the nursing home, even if that person doesn’t legally have power of attorney.** Otherwise, we’re not sure whom to communicate with.”— *Matthew Maupin*
- “**At some nursing homes, your loved one may see a different caregiver almost every day.** What you want is the same caregivers assigned to your loved one on an ongoing basis. When that happens, the aides get to know the resident’s needs, and it translates into better care.” • *Robyn Grant*
Medication errors are a big issue.
- “**Residents who are mentally competent should ask before they ingest anything ...‘What is this? How much are you giving me?’** Know what your relative is taking, how often they’re supposed to get it, and who’s giving it to them.”— *Pat McGinnis*
- “**Nursing home doctors can have hundreds of patients; they usually visit each nursing home once a month.** So the nurses line up the charts, and the doctors sign a bunch of orders and make quick visits. Most of the medicine practiced in nursing homes is over the phone.”— *A California nursing home administrator*
- “**Families and residents talk themselves out of complaining because they don’t want to create trouble.** Remember, the nursing home is getting paid thousands of dollars a month by you or someone on your behalf. You shouldn’t apologize for wanting some attention and a high level of care.”— *Eric Carlson*
- “**Once you go into a nursing home, you probably won’t be able to see your favorite doctor anymore.** Usually, the physician assigned to the facility takes over. Ask how often the physician sees residents, what happens if there’s an emergency, and if the physician is easily available.”— *Jody Gastfriend*
- “**Ask about the pain management policy.** Some nursing homes are wary about giving strong medications for pain, and unnecessary pain is a common problem. You want to hear that they do take active steps to decrease pain and that they’re not afraid to use narcotic medications in cases of acute need.”— *Richard L. Peck*



Protect !

Detect !

Report !

Fight Healthcare Fraud!

Kathleen Pursell recently spoke to AANHR members about Medicare fraud and what we can do about it. Ms Pursell is the Arkansas Senior Medicare Patrol (SMP) Program Director and is currently in her tenth year with the program. As Director Ms. Pursell manages the federal grant which is funded by the Administration for Community Living and is administered through the Department of Human Services, Division of Aging and Adult Services.

The Arkansas SMP program consists of six sub-grantees and over fifty SMP volunteers. Ms. Pursell is also editor of the quarterly Arkansas SMP Newsletter. The mission of SMP is to empower seniors to prevent healthcare fraud by educating seniors, their family members and caregivers to protect their personal information and report any discrepancies or errors they find when reviewing their Medicare Summary Notice. The SMP also alerts seniors of current scams targeting them. Kathleen thoroughly enjoys the one-on-one contact with seniors through speaking to senior adult groups statewide and through personally assisting them with Medicare fraud and billing issues.

Ms Pursell offered the tips printed below to help protect us and our frailest loved ones from those who would take advantage and/or defraud us. To receive the quarterly Arkansas SMP Newsletter electronically: please email: kathleen.pursell@dhs.arkansas.gov



You can **STOP** Medicare Fraud
by following these 3 simple steps:

Protect: Protect your Medicare and Social Security numbers; **DO NOT** carry your cards in your wallet or purse.

Detect: Read through and look for any errors on your Medicare Summary Notice (MSN).

Report: Report any incorrect charges on your MSN
or anyone trying to FRAUD your Medicare to:

Arkansas SMP -- 1-866-726-2916
<http://www.daas.ar.gov/asmp.html>

AANHR Special Thanks

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

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 his support and assistance, and his providing POA documents pro bono.

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

The Law Office of Bob Edwards and Mrs. Edwards for providing financial assistance as well as AANHR Good Care booklets

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

AANHR Officers and Board Members

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

Vice President - Pat McGuire, Alexander, (501-847-1016)

Secretary - Julie Shaw, Memphis (901-508-0558)

Treasurer - Nancy Patterson, Searcy (501-305-4034)

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Newsletter Editors: Martha Blount, Searcy (501-278-9168); Marcy Wilson, Sherwood

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

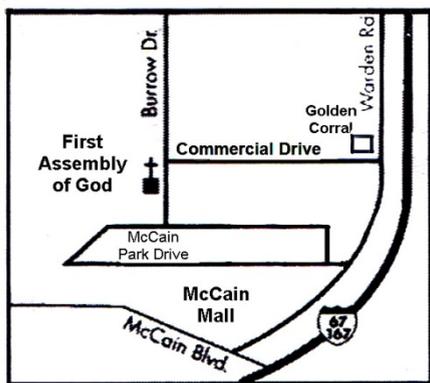
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www.aanhr.org

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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.

Won't you 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, 2017.

Today's Date _____

Name _____

Mailing address _____

City/State/Zip _____

Phone _____

Email _____

- I wish to receive the AANHR newsletter.
- \$20 per family or corporate membership.
- Waive dues because of financial hardship.

Please make checks payable to: AANHR and mail to 111 River Oaks Blvd, Searcy AR 72143.

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 (#102) is immediately inside the entrance door on the left.