



# AANHR

Arkansas Advocates for Nursing Home Residents

PROTECTING NURSING HOME RESIDENTS  
**June 2018**

Conway (501) 607-8976 \* note new phone number!!

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

**June 11th Meeting Topic: AR Ombudsman Program**  
**Speaker: Charlotte Bishop, AR State Ombudsman**

**Next Meeting**  
**June 11**  
**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.  
Public meeting  
(See article at right.)



Charlotte lives in the small community of Almond West of Batesville on the beautiful Brock Mountain with her husband Randy and their two daughter's Alyson age 20 and Emily age 6. Charlotte and Randy also have 3 grown sons and are grandparents to DJ, Braylen and Kaelyn.

Charlotte's was formerly employed with White River Area Agency on Aging with her tenure there starting August 21, 2006. Charlotte served as the Independence County office Coordinator for over 6 years and then

transferred to the PERS department as the Program Director. Charlotte then transitioned into the Role of Regional Ombudsman June 7, 2013 thru July 14, 2017.

Charlotte completed her Bachelor's degree in 2011 a little late in life. Wanting to teach her children that it was never too late in life to work hard to achieve something you've always wanted to accomplish.

Prior to WRAAA Charlotte held an office manager position for the White River Hydro Electric Project. Throughout her career Charlotte has served in numerous occupations ranging from restaurant manager, claims officer for an HMO Company and safety and compliance for a trucking company.

The position of Regional Ombudsman is the one that is most dear to her heart. From childhood Charlotte has always had a love for older people and never dreamed she would someday have a job that would put her in the role as their advocate. Serving now as the state ombudsman is very humbling. One thing Charlotte shares regarding working with the elderly: Serving our elderly is an honor but it takes heart, your whole heart. Our elders have laid the foundations of our great nation and it takes passion, compassion, empathy and the desire to assist and it's not a labor for everyone. This is honestly a position Charlotte takes very seriously and states this is truly the most rewarding job she has held in her career.



**Happy**  
**Father's Day!**



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

**See Something . . . . . Say Something!**

Tammera Harrelson, Senior Assistant Attorney General for Arkansas since June of 2016, spoke to AANHR meeting attendees on May 14 about her work on the Arkansas Medicaid Fraud Control Unit (MFCU). Arkansas began its MFCU in 1995.

This MFCU investigates health care providers (i.e. doctors, home health workers, nursing home staff members, equipment providers) who receive Medicaid funds for services provided or not provided to Arkansas citizens in and out of a nursing facility. The unit also checks out suspected abuse and neglect, and seeks elder justice. Sources that initiate MFCU investigations include Medicaid hotline complaints, facility surveys (also known as inspections), follow-ups on Facility Incident/Accident (I/A) reports that must be reported to the Office of Long Term Care (OLTC) on a pre-prescribed time schedule.

Two basic means of seeking justice for violations include criminal prosecutions and civil lawsuits. Maximum civil penalty in Arkansas currently is \$10,000 per violation and \$50,000 in a single even death case.

Medicaid fraud results in billions of lost health care dollars going down the drain each year. Recently, Arkansas had providers of meals for low income children who were convicted of fraudulently collecting funds for meals that were NOT provided to those they had pledged to serve.

Citizens can help curb waste due to Medicaid/Medicare fraud by keeping our eyes open, reading our medical provider reports that we receive monthly in order to spot billings for services we did not receive. If you see something . . . . . say something!

***Thank A Caregiver!***

Career Nursing Assistants Day (see facing page) June 14 specifically which kicks off the annual week of honoring those who care for our frailest, beloved family members. Many of our readers cared for their loved ones as long as possible before it became necessary for one reason or another to turn over their care to staff members in long term care facilities. CNAs ( Certified Nursing Assistants) provide the hands on care hour by hour, day in and day out in our stead. CNAs are not family but they become our family as we interact with them while visiting our family member in the facility. CNAs work tirelessly and deserve our respect and encouragement -- every day, not just on CNA Day. Thank a CNA today for the loving care they provide!

*41st Annual National  
Nursing Assistants' Week*

**June 14-21, 2018**

**Career Nursing Assistants' Day**

**June 14, 2018**

*“Nursing Assistants:  
Specialists in the  
Art 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 40 years as a professional organization for nursing assistants~*

*In Case You Missed It - In Nursing Home News:*

## Skyline Health to Exit Nursing Home Industry

*by Mark Friedman*

*Reprinted from Arkansas Business, May 28, 2018, page 17*

Skyline Health, which recently saw two of its 21 skilled nursing facilities in Arkansas put into receivership, is leaving the nursing home business.

"Skyline has made a business decision to transition away from the skilled nursing facility industry," Michael Kosowski, a spokesman for Skyline, said in an email to Arkansas Business last week.

Kosowski said Skyline, of Wood-Ridge, New Jersey, is going through a change of ownership process for the Arkansas facilities, but declined to say which company would take control of the properties.

In April, Skyline entered into a management agreement with Infinity Healthcare Management of Illinois to operate eight skilled nursing homes and one assisted living facility that Skyline managed in Arkansas.

On May 4, the Arkansas Department of Human Services filed lawsuits to put Skyline's Spring Place Health & Rehab in Hazen and Dierks Health & Rehab into receivership after concerns surfaced over the company's finances and its ability to provide food to residents. It was the first time since the 1980s that DHS had sued to take control of a nursing home.

An affiliate of Reliance Health Care Inc. of Conway was appointed on May 4 to manage those two nursing homes.

"Our primary focus now is to ensure the stability of the facilities, to ensure that the health and safety of the residents are taken care of," Craig Cloud, director of DHS' Division of Provider Services & Quality Assurance, told Arkansas Business last week. "As we move forward then we will look ... at transitioning those from a receivership to an owner that has the ability and capacity to operate those programs."

Skyline has had recent financial problems at its nursing homes in South Dakota, Nebraska, Pennsylvania and Kansas. Its facilities in those states were placed into receivership, according to court filings.

### Problems Buying Food

The DHS lawsuits filed in circuit court to appoint a receiver highlighted the alleged financial problems at the Spring Place and Dierks facilities.

The administrator at the 70-bed Spring Place told DHS's Office of Long-Term Care that the facility was "running short of food to feed its residents because the food service providers will no longer provide food to the facility on its account," according to DHS' lawsuit.

On May 3, when the employees tried to buy food for that weekend, the Skyline-issued credit card was declined, according to the filing.

Meanwhile, the 70-bed Dierks facility also was having financial problems. DHS said in the lawsuit on May 4 that Dierks “is unable to procure food on a regular basis and is having difficulty paying for food for the residents at the time of delivery.”

The administrator also told an OLTC investigator that “the facility would not receive food deliveries for the remainder of the week,” the lawsuit said.

DHS’ Cloud said that no residents at the facilities went without food. Skyline didn’t ask for a hearing on the appointment of a receiver.

For the six-month period that ended June 30, SpringBrook Health & Rehab Center of Hazen, which does business as Spring Place, reported a loss of \$300,000 on revenue of \$1.6 million. Dierks reported a loss of \$30,000 on revenue of \$2.1 million. Those were the only figures DHS had on file for the facilities. Skyline began operating in Arkansas in 2016.

For the fiscal year that ended June 30, the 21 nursing homes that Skyline operated in Arkansas had a total net income of \$2 million on revenue of \$159.8 million. Under the state Freedom of Information Act, DHS released financial data for Skyline’s nursing homes, all of which participate in the joint federal and state Medicaid program, which pays for most nursing home care.

Net incomes ranged from just over \$1 million at the 117-bed Fort Smith Health & Rehabilitation Center to a loss of \$1.9 million at Hillview Post Acute & Rehabilitation Center in Little Rock.

The facilities are owned by Joseph Schwartz, of Wood-Ridge, New Jersey, through various corporations, including Skyline Health. DHS’s Cloud said that the agency is monitoring Skyline’s other facilities in Arkansas several times a week.

“At this time, there’s not an immediate need for us to take action on those 19” facilities, he said.

### **Volunteer Ombudsmen Always Needed to Assist Regional Ombudsmen**

**Paid Regional Ombudsman contact info along with their pictures should be posted in a prominent location in your facility.**

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 your local Area Agency on Aging or Martha Deaver at 501-607-8976; she will put you in touch with your regional ombudsman.

## *Nursing Home Residents' Personal 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 who were qualified for "Aid and Attendance" before entering a nursing facility). 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.

## AANHR Special Thanks

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

The Law Office of Bob Edwards and Mrs. Edwards for providing AANHR Good Care booklets

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.

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 (501-607-8976)

**Vice President** - Pat McGuire, Conway (501-847-1016)

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

**Treasurer** - Nancy Patterson, Searcy (501-278-6577)

**Members of the Board:** Martha Blount, Searcy (501-278-9168); James Brooks, North Little Rock (501-454-6279); Harry Burns Jr. White Hall (870-267-5298) Julie Edwards, Alexander (501-425-9959); Cindy Murders, Sheridan; and Ann Pinney, Benton (501-249-1084).

**Newsletter Editors:** Martha Blount, Searcy; Marcy Wilson, Sherwood

## 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)



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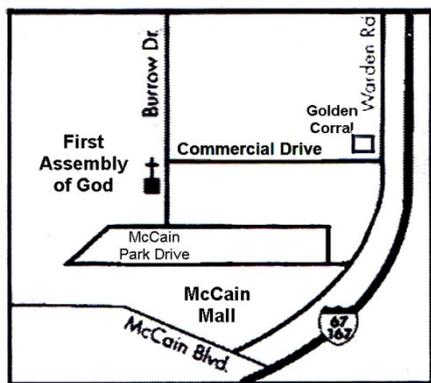
AANHR

P.O. Box 165641 Little Rock, AR 72216

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

NON-PROFIT ORGANIZATION  
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PERMIT NO. 1886

June 2018



### 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, 2018.

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 just inside the door off the alley-drive.