



# for your INFORMATION

Friends Of Residents In Long Term Care Newsletter

March 2006

Volume XX

Issue One

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and much more..!!!

## “MISSION SPECIALISTS” STEP FORWARD

FORLTC’s mission requires a willingness to address critical issues many people don’t even want to think about. Yet since our last report to you in December, more than a few good men and women have signed on to carry out and support our advocacy and educational efforts in 2006.

These “mission specialists” include five new board members, one of whom, Christopher Ivy, will succeed Bill Lamb as board chair in April. Along with four members of the “Class of 2005” and six seasoned leaders, they have stepped forward to chair committees, carry projects to fruition and set new goals for the year.

More than 70 dedicated organizations and individuals have made membership contributions during the last three months. Similarly, allies around the state, particularly the ombudsmen, are working closely with us on special projects such as our Recognition Dinner being planned for May 17 (see box). As spring arrives, we are pleased to feature a variety of reports about and from key leaders, allies and supporters of our efforts in this issue of our newsletter.

Bring a friend to  
Friends of Residents in Long Term Care’s

### “Quest for Quality” Recognition Dinner

**Wednesday, May 17, 2006 from 6-9 p.m.**

NCSU University Club, Hillsborough St., Raleigh, NC

Tickets: \$40.00, Call (919) 782-1530



*The mission of Friends of Residents in Long Term Care is to promote the highest quality of life for those who cannot live independently, and for those who care for them.*

# **SPECIAL REPORT: CHANGES TO THE PENALTY REVIEW PROCESS**

By Christopher Ivy

The Penalty Review Committee (PRC) has met on a regular basis for several years to review all financial penalties that were being imposed on nursing homes, adult care homes, and family care homes. The North Carolina Division of Facility Services (DFS) would set a dollar amount for the penalty. The proposal would then be sent to the PRC members for review, and they would meet on a monthly basis to discuss the proposed penalties.

The main advantage of these meetings was that all penalties were reviewed by the committee in a public forum. The PRC meetings were set for the second Thursday of each month. This regular schedule made it easier for advocates and other interested parties to plan to attend meetings. A representative from Friends of Residents attended the monthly meetings and made this information available to all FORLTC members in the quarterly newsletter.

During the last legislative session, a bill was introduced which eliminated the PRC. Fortunately, the bill was revised with the PRC reinstated. However, a major change was incorporated into the last version. Under the new legislation not all penalty proposals will be heard by the PRC.

The only penalties that will go before the PRC are those that a family member or legal guardian of a resident requests be heard by the PRC. Once DFS agrees to impose a penalty on a facility, they will send a letter to the family or legal guardian asking them if they would like the case to be reviewed by the PRC.

### **Moving? E-Mail Address Changed?**

If you have moved recently, or if your e-mail address has changed in the last year, please keep FORLTC updated. Just call us at 1-888-411-7571 with your new information. It's important to keep up with you! Thanks for your help.

### **For Your Information**

The newsletter of Friends of Residents in Long Term Care

#### **Officers**

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Hillsborough Street, Raleigh, NC

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I am certain not many family members are aware of the role of the PRC and would not have a clue as to whether or not it is in the best interests of the resident for the proposal to go to the PRC. The letter being sent out includes a statement that reads, “Please note that requesting the PRC review may delay imposing a penalty against the facility by 74 days,” which seems quite a deterrent for them to ask that the proposal be reviewed by the PRC.

The intent of the advocates was that all penalties continue to go to the PRC and that the families be notified that a proposal concerning their relative was be considered so that they could attend the meeting if they wished, not that the families should determine if a penalty proposal would go to the PRC.

The net result is that the entire penalty proposal process becomes less transparent. DFS will make a decision and notify families and local departments of Social Service, but the public forum will no longer exist where all proposals are reviewed before the final implementation by DFS.

In addition, the entire penalty proposal, including all documents submitted to DFS, was available for persons attending PRC meetings. This information will now be available only for those cases in which the family requests the case be reviewed by the PRC.

Even after DFS imposes a penalty, the facility has a right to an appeal. If they make an appeal it is referred to the Office of Administrative Appeals in the attorney general’s office. It is much more difficult to learn when these hearings are scheduled and for advocates to attend.

**TO RESEARCH PREVIOUS PRC FINDINGS AS  
REPORTED BY FRIENDS OF RESIDENTS IN LONG TERM CARE**

Please visit our website: [forltc.org](http://forltc.org)

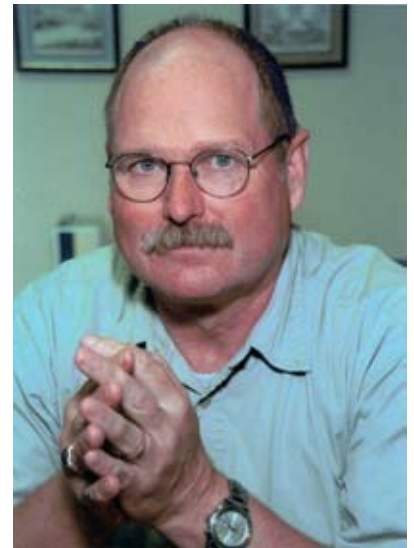
## Words from the Board Chair

By Bill Lamb

Well, folks, I thought my last column would be...my last column. Sometimes, life just doesn't work out that way.

I am writing this one now because our new Friends of Residents board chair, Chris Ivy, asked for a little time to be oriented to his duties. So until April (not that far away) I will remain as chair. Chris will be attending the Executive Committee meetings and the meetings of many other committees as he is able.

Chris is no stranger to Friends of Residents in Long Term Care. He is a long-time member of the Public Policy Committee and is known to us as a strong advocate. Chris works in the Durham County Department of Social Services as a social work supervisor overseeing adult home specialists. He has previously been the president of the Adult Foster Care Association, which is a key ally of Friends. I want to welcome and thank Chris for taking the lead with us.



**FORLTC Board Chair Bill Lamb**

Thinking about recognition, there is an announcement in this newsletter of our Friends of Residents in Long Term Care Recognition Dinner coming up here in Raleigh on May 17. This is an evening event in which we give recognition to those who have made an impact on Quality of Care in long term care settings. Awards are given to an advocate of the year (The Sharon Wilder Award) as well as to a direct care worker, a best practice in a nursing home, and a best practice in an adult home. This year those planning the event also want to give a Community Advisory Committee award. So if you know of anyone you would like to nominate for any of these awards, look to our website to get a copy of the nomination forms.

Better yet, make the nomination and attend the event. Alice Hedt, executive director of the National Citizens Coalition for Nursing Home Reform, is our featured speaker. She knows us well from her service as an ombudsman in Charlotte, and we are excited to welcome her back to North Carolina.

The General Assembly will soon be in session, and our Public Policy Committee has been active. Our overall policy agenda remains the same; however, there will always be emerging issues. Stay on the lookout for policy alerts by e-mail or on our website. If you have a chance to attend any of the Aging Study Commission's public hearings and represent Friends, please do so and let us know.

Once again, I want to thank all our friends who make our work possible. Those residents and family members who deal with long term care issues are the better for it.

## Membership Contributions from December 2005 through February 2006

*Thank you to these contributors for helping continue our mission!*

### **BENEFACTORS AND SUPER FRIENDS** (\$1,000 and up)

Anonymous  
David Moser  
John Young

### **PATRON** (\$500-999)

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The Margaret Q. Keller  
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North Carolina Adult Foster  
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Vickie Thompson  
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Sharon Wilder  
Jane Wilmot  
Nancy Ann Wright

### **IN HONOR OF**

**Twilla Chavis**  
By Brad Allen

**Winifred**  
By Dr. Roger C. Duvoisin

**Bill Lamb**  
By Lisa Gwyther

**Elders Everywhere**  
By Evelyn Reiman

### **IN MEMORY OF**

**Genevieve Hubbard**  
By DeForest and Beverley  
Hubbard

**Mary O'Keeffe**  
By Janet O'Keeffe

**Jean and Lester Teal**  
By Carol Teal

### **NEW & RENEWING MEMBERS**

Bryan Averette  
Vicki Barfield  
Wayne Black  
Kelly Blankenship  
Laurel Boyles  
Mac Brownlee  
Heather Burkhardt  
Twilla Chavis  
John Clifford  
Ellen Condelli  
Nancy Coston  
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Philip Sloane  
Alfreda Stout  
Virginia Tharrington  
Eunice Toussaint  
James Valsame  
John Wasson  
Barbara Whitt

# Words from the Public Policy Committee Chair

By John Young

It is quite often helpful to remember who we are and what we do as an organization. At this basic level, FORLTC is a citizen organization that advocates for residents in North Carolina's long term care facilities and their families. One important prong of this advocacy function is to represent these residents and their families before legislative bodies and executive agencies.

This public policy advocacy is executed on a day-to-day basis by our Public Policy Committee (PPC). The PPC works to foster legislation that will improve the quality of life for approximately 80,000 North Carolina citizens in long term care. We monitor bills affecting long term care and participate in the executive rule-making process. We work to insure that advocates and family members are represented on boards and commissions that make decisions affecting long term care.

Much of our legislative activity for the PPC is dictated by the two-year cycle for the General Assembly term. Each General Assembly takes office on the odd year and finishes the term in the even year. The most recent two-year term began in 2005 and ends with a "short session" beginning in May of 2006. Our goals for the 2005-2006 session relate to promoting more consumer choice for placement in long term care, enforcement/monitoring and staffing, and disaster planning.

The 2005 Session brought consumers some positive outcomes. Measures increasing state-level oversight of long term care facilities did receive funding. If those funds are used fully, and as proposed, the results should be improvements in the state's system of long term care. (A more complete discussion of the goals and outcomes may be seen on our web site.)

There remains unfinished business for the 2006 "short session" vital to consumers who are looking for information on which to base informed long term care decisions. Medicaid will be a big issue because of Congressional actions and the state's desire to find cuts (usually affecting those most vulnerable). FORLTC will be monitoring DHHS's progress in developing a STAR rating system so that residents and families may have some guidance when selecting an adult care home based on past history and record.

There was an effort in 2005 to abolish the Penalty Review Committee. (See related article in the newsletter.) FORLTC fought with others to retain this effort for consumers to participate in the penalty process. The war is not over, for new regulations may limit its effectiveness. FORLTC will work so that consumers may have a public record of the penalty process and its outcome and how it reflects on certain facilities.

Over the years, FORLTC has advocated for stringent county and state plans that specifically address disaster emergency planning for older adults, both institutionalized and community based. Katrina has given us the opportunity to reopen this debate in the short session.

The PPC is always looking for ideas about issues that may need legislative attention. If you know of such an issue, please let us know at our office. Our meetings are open and we welcome anyone to sit with us.



**FORLTC PPC Chair John Young**

## **FORLTC BOARD MEMBER PROFILE: PUBLIC POLICY COMMITTEE CHAIR JOHN YOUNG**

John Young and FORLTC Chair Bill Lamb have been friends for 20 years. They used to live about a block away from one another. Their wives competed at racquetball and their sons, about a month apart in age, played together.

But it was far more than those coincidences, and fortunate indeed for FORLTC, that brought John to us as a board member. During decades of service to the North Carolina General Assembly including staffing the Study Commission on Aging since its inception in 1978, John had seen us in action since our earliest beginnings. He had formed personal relationships with many of our leaders and developed a strong conviction that in contrast to various special interest groups, “They had no axes to grind; they were the only ones that were family and consumer oriented.”

Consequently, when he retired after years of adhering to the professional standard of not belonging to any organizations that did business with the legislature, he knew where he wanted to volunteer. As indicated in his column on the facing page, John currently chairs the FORLTC Public Policy Committee. He also represents us with the “Better Jobs, Better Care” effort now known as NC NOVA. (See page 8 for an update on that initiative.)

John’s professional experience with health issues goes back more than 40 years. After graduating from Emory University in 1964 with a major in history and a minor in chemistry, John went to work for the Georgia Department of Public Health. He began as a public health investigator, took a one-year detour to teach World History to 10<sup>th</sup> graders, returned as a health educator, then enrolled in the UNC School of Public Health, obtaining a Master of Public Health degree in 1969.

John’s major assignments at the peak of his career as the N.C. General Assembly’s senior human resources counsel included staffing four committees with jurisdiction in health and human services; reviewing and analyzing major legislation; and providing liaison for individuals and groups with an interest before the committees. He was the first recipient of an award for staff excellence given by the Southern Legislative Conference in 1980 and received a major statewide award from the N.C. Division of Aging in 2000.

John pursues his volunteer mission with FORLTC with a conviction that “we are even more critical now because aging issues are not as prominent in the legislative arena even though we are on the threshold of an aging population. As important as children are in our society, how we respond to the disabled and the elderly is equally important. Society’s got to be cohesive and look after each other, and we need to do it in an orderly way because of the cost involved.”

When not giving the consumer’s point of view to the General Assembly and working with the NOVA program to “make the institution system better by helping the direct caregiver,” John pursues other passions such as reading and restoring historic properties, including his Georgian style house, built around 1800 in Youngsville, where he currently lives with his wife Cheryl.

## **Update on NC NOVA (New Organizational Vision Award)**

By Susan Harmuth

NC NOVA is a comprehensive, voluntary, raise-the-bar culture change program for home care agencies, adult care homes and nursing facilities. NC NOVA is intended to improve the recruitment, retention, job performance and job satisfaction of direct care staff as well as positively impact care provided to residents or clients.

Two kick-off events were held in the fall of 2005 for the approximately 60 NC NOVA pilot participant agencies. More than 170 persons attended these two events which served to congratulate the pilot projects for their willingness to assist the Partner Team with testing and refining the NC NOVA model, provide the pilots an overview of the application, review and determination process for NC NOVA special licensure designation, and answer any questions the pilot sites have as they begin implementing NC NOVA criteria.

John Young, who represents Friends of Residents on the NC NOVA Partner Team, spoke at the Raleigh kick-off event. He congratulated the pilots on their willingness to participate and emphasized what a positive development it is to be part of a program intended to improve direct care jobs and care settings through an incentive-based program which rewards providers for meeting higher standards.

The NC NOVA Partner Team will seek to have legislation passed during the upcoming session of the General Assembly to establish NC NOVA as a voluntary statewide program beginning in 2007.

Next steps for the Partner Team include determining how to measure program impact and developing educational materials for consumers, family caregivers, providers, policymakers and others about NC NOVA. In addition, the Partner Team will be making plans to support providers interested in seeking NC NOVA designation through a variety of training initiatives.



**Project Manager Susan Harmuth, left, discusses NC NOVA with Phyllis Daw of the North Carolina Division of Facilities Services.**

## NC OMBUDSMEN ALLY WITH FORLTC



Some of our best allies are ombudsmen such as Sabrena Lea, standing, shown training Community Advisory Committee volunteers, and Kim Daleus, above, shown meeting with a nursing home resident. Both Sabrena and Kim are partnering with us to plan our spring event. The author of this item, Ombudsman Kathryn Lanier, is a key member of the FORLTC Education/Outreach Committee.

### Almost Home

By Kathryn Lanier

North Carolina's Division of Aging and Adult Services' Long Term Care Ombudsman Program was a partner with UNC-TV in disseminating information on a new groundbreaking documentary on Long Term Care Culture Change, entitled *Almost Home*. The documentary records the intimate details of the lives of several long term care residents, their families, the staff and administration of St. John's on the Lake, a continuing care retirement community located in Milwaukee, WI. It takes the viewer through a year in the life of these individuals as they make adjustments from a hospital/institutional model of care to one of a more social/communal atmosphere and living environment.

The partnership between the Ombudsman Program and PBS stations led to a number of pre-release screenings and educational events before the documentary's national debut on *Tuesday, February 21<sup>st</sup> at 10 p.m.* The film will air again ***Tuesday, April 4<sup>th</sup> on local PBS affiliate stations.***

North Carolina was honored to have been chosen to participate in such a cutting edge endeavor. Our state is well on its way to being a trailblazer in this area with over **212 nursing homes** utilizing one or more of the philosophies of culture change such as the *Eden Alternative*, *Well Spring Model*, *Pioneer Network and Person-Centered Care*, just to name a few. All of these models focus on giving residents and staff the ability and flexibility to improve the quality of their lives. They are able to do so by including plants, animals, and children, and literally changing the physical arrangement of their living space to foster a greater sense of freedom and facilitate open communication by everyone in the long term care setting.

For more information about the documentary, you can go to the Almost Home web site at: <http://www.almosthomedoc.org>. To learn more about what is going on in North Carolina, contact FORLTC Board Member John Suddath at the FORLTC office or Denise Rogers, Ombudsman Elder Rights Specialist, at: [www.dhhs.state.nc.us/aging](http://www.dhhs.state.nc.us/aging). Both are members of the *NC Long Term Care Enhancement Coalition*.

## **Adult Protection Services: Help for Those at Risk**

By Polly Williams

Edna Jones was a frail elderly woman who lived at home, where she was cared for by her husband. At least supposedly she was. Her friend Faye, however, became worried when she learned that Edna's husband had moved another companion for himself into the house, a much younger woman. When Faye was able to speak to Edna on the phone, her friend sounded weak and scarcely rational.

Faye called Adult Protective Services at the county Social Services Department and asked for help for her friend. When a social worker arrived to evaluate her, she found Edna weak and ill. Arrangements were made to transport her to a hospital where Edna was treated for dehydration and nutritional deficiencies. Then she was transferred to an adult care home where she blossomed: she gained weight, felt fine, was alert, and participated in the home's activities. But in real life a story doesn't always have an end. What happened to Edna Jones? We don't know, because--of her own will--she returned home to her husband. Without a further report of abuse, Social Services had no authority to inquire into her case. Let's hope for the best.

A county department of social services is required to protect a disabled adult who has been abused, neglected, or exploited—but it must be careful not to misconstrue a situation. As an example: the son of an elderly woman, Florence Evans, reported to Social Services that she was incapable of looking after herself. Mrs. Evans protested vehemently. She lived in a nice house in a very desirable location, but, inside, the place was a mess. Actually it always had been, since housekeeping was something Florence had never ever troubled herself with. (Whatever was done was taken care of by a maid when she had one.)

At this point a friend came around, and together they cleared out huge amounts of stuff, beginning with the dried-up Christmas tree. (This happened in July.) When they cleaned up afterwards, the house looked very nice. Her friend helped Florence convince a county social worker that Florence was able to manage well on her own and would get assistance with housekeeping. Social Services found no reason to intervene. The son's plan to have his mother declared incompetent, move her out, and sell the house was thwarted.

Abuse of an elderly person can take various forms: physical, mental, and financial—and, as in Florence's case, ascertaining just what is happening can be difficult. Legislators attempting to write laws that strike a proper balance between protection and interference don't always get it right.

Because the number of vulnerable elderly persons in North Carolina is certain to grow, a task force was created to make recommendations for improving the Adult Protective Service system in the state. The most obvious need was for a more general definition of those eligible for services—i.e., changing “disabled adult” to “vulnerable adult” at “substantial risk” of abuse or neglect.

The Adult Protective Services task force is recommending that a broader range of outreach services should be offered statewide with the consent of a person deemed at risk of abuse or neglect. These services emphasize identifying and using family and community resources to help out. Also, the task force developed a new model for Adult Protective Services. This spring the Legislative Study Commission on Aging will receive a report on the work of the task force and its recommendations for legislative action.

*continued on page 11*

## **Update on Long Term Care 101**

By Charlene Riedel-Leo

Over the past few months, the FORLTC Education/Outreach Committee has been working diligently on *Long Term Care 101: The Basics of Long Term Care*.

*LTC 101* is a course designed to provide a general understanding of LTC services in North Carolina and is provided by FORLTC through a grant from the NC Department of Health and Human Services. The course includes an introduction to the many aspects of long term care as well as a Curriculum Guide that serves as a resource, providing the reader with general information and contact information to further explore each aspect. Upon completion of *LTC 101*, participants should have a general understanding of the continuum of LTC services, the difference between options, how to access the services, how to pay for them, what to do in a crisis, and how to plan ahead.

On February 9, 2006, the third and final pilot of *LTC 101* was presented to a group of 22 AARP health specialist volunteers and two FORLTC board members at the NC AARP offices in Raleigh. Overall feedback was positive, especially regarding two videos and real life case examples used to help participants understand the many options available.

We would like to say a special thank you to Suzanne LaFollette-Black of AARP for arranging this training. A "Train the Trainer" session is set for Wednesday, May 10, 2006, at the NC AARP offices in Raleigh. If you are interested in taking the course or becoming a trainer, please contact the FORLTC office.

### **FAMILY COUNCIL MANUALS STILL AVAILABLE**

For your free copy of the FORLTC publication  
*Creating a Family Council: A Group for Success*,  
please contact an ombudsman or the FORLTC office.

*continued from page 10*

Those of us who are concerned about protection of elderly citizens need to follow this report and any subsequent action by legislators.

Meanwhile, we all need to be alert to cases in which frail individuals may be subject to abuse or neglect and to use the resources of Adult Protective Services, reached through county Social Services. As our population of vulnerable elderly persons grows, so do risks of abuse.