



# for your INFORMATION

Friends Of Residents In Long Term Care Newsletter

Summer 2005

Volume XIX

Issue Three

in this  
ISSUE

Words from the  
Board Chair  
Page 2

New Board  
Members  
Page 4

Contributions  
May - Aug. 2005  
Page 5

June - Aug. 2005  
Penalty Review  
Committee Actions  
Pages 4-7

## FORLTC RECORDS VICTORIES, POSTS COMPREHENSIVE REPORT ON 2005 LEGISLATIVE SESSION

North Carolina legislators listened to the voice of Friends of Residents in Long Term Care (FORLTC) again this year, and vulnerable citizens will be the better for it for many years to come. In order to report on the session that concluded on September 2 in a timely fashion, this newsletter highlights victories achieved, acknowledges key legislative supporters (see box on page 3) and pinpoints some issues to keep a watch on. (Please see [www.forltc.org](http://www.forltc.org) or call 782-1530 for a comprehensive report on measures affecting long term care.)

In looking back on a long session on a wide variety of issues, we can clearly see that the tireless efforts of FORLTC's Public Policy Committee as well as FORLTC Lobbyist Patricia A. Yancey yielded positive results on several of our key policy concerns. For example, **technical changes needed to fully implement the 2004 law on national criminal records backgrounds checks were adopted.** Finally, this law will be a functioning reality offering significant protection to residents in long term care in North Carolina.

Another important victory occurred when **the legislature directed the Department of Health and Human Services to develop a star-rating system for adult homes,** as FORLTC has long advocated for such a system in order to improve the quality of care and help consumers choose a facility. We anticipate this initiative will go hand in hand with the Better Jobs, Better Care/NOVA program we are also involved in to "raise the bar" in long term care through a special licensure designation for long term facilities and home health agencies.

On behalf of our commitment to consumer-directed care and to respecting the wishes of individuals who prefer to remain at home, **FORLTC helped achieve increases for Special Assistance In-Home** so that 200 more slots were approved. Monthly payments were raised from 50% to 75% of what recipients would receive if they were in long term care facilities.

*continued on pg. 3*



Bring a friend to the 2<sup>nd</sup> Annual

## FALL FUN FLING FOR FRIENDS

Friday, November 4<sup>th</sup> from 6:00-8:30 p.m.

NC Academy of Trial Lawyers Building, 1312 Annapolis Drive, Raleigh, NC

Tickets - \$25.00, call 919-782-1530

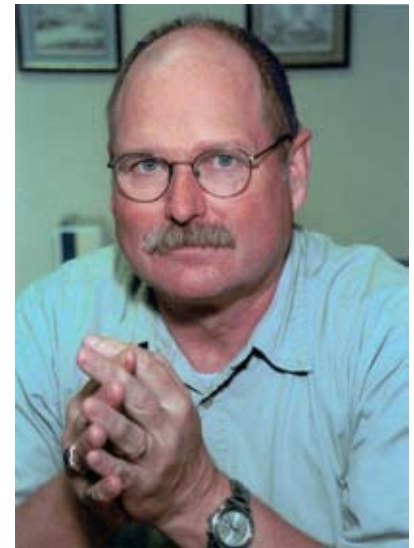
See Insert For More Information, Map & Directions or call 919-782-1530

*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.*

# Words from the Board Chair

By Bill Lamb

Fall is a time to harvest the fruits of labor; to bring processes to closure, and to begin the planning for a spring to come. It is also true of Friends of Residents. The General Assembly has finally adjourned and our Public Policy Committee is looking back over this session and making plans to develop our public policy goals for next year. The Education and Outreach Committee is publishing the Family Council Manual and is completing the pilots of the Long Term Care 101 Training looking forward to dissemination next year. Once again, my thanks goes out to all who contributed to these efforts.



**FORLTC Board Chair Bill Lamb**

I'd like to highlight something fun being planned and encourage your attendance. Friends of Residents is again planning a Fall Fun Fling. This year it will be held on the evening of November 4<sup>th</sup> in the Atrium of the Academy of Trial Attorneys here in Raleigh.

This is the second time we have held this event and we hope to make it a regular part of our calendar. Please plan on coming if you can. It is a chance to meet other supporters and to have a lot of fun. There will be refreshments, entertainment and prizes. Please consider donating to or soliciting prizes for the Silent Auction. Remember these contributions can be considered charitable contributions. Contact the office if you are interested. Hope to see you there.

On another note, there is an item in this newsletter introducing four new board members. Have you considered serving on our board? We want to bring a 2006 class of officers into the mix. If you have time, talent and interest, contact the office or get in touch with Roger Manus, chair of the committee that screens potential board candidates.

Fall is also the time for our membership and development campaign. Remember that Friends of Residents exists because of your financial support. If you haven't already done so, please renew your membership; better yet, renew your membership and get someone else to join! We have strength in numbers. Consider a meaningful gift for the holiday season. Give someone you care about a membership in Friends of Residents and remind them to renew in 2006. Renewal notices will be mailed out to members and donors who have yet to contribute this calendar year. Take some time to review this material and consider your continued support. You know there is a cost to quality of care; there is also a cost to quality of advocacy. Thanks for your support.

### **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**

Chair ..... Bill Lamb  
Vice Chair..... Beverley Wheeler  
Secretary ..... Ann Duvoisin  
Treasurer ..... David Moser

#### **Staff**

Office Manager..... June Bolton

#### **Editorial Staff**

Editor ..... Polly Williams  
Layout and Printing..... Sir Speedy Printing  
Hillsborough Street, Raleigh, NC

*For Your Information* is published four times yearly and is a benefit of annual membership in Friends of Residents in Long Term Care.

*continued from pg. 1*

Critical battles were won in what was not done as well as what was. In one such effort, **FORLTC was able to block the proposed elimination of the Penalty Review Committee**, which monitors adult homes. Consequently, this newsletter will continue to publish PRC findings. Some changes are being enacted, but FORLTC has been offered a position on the Stakeholders Committee considering those changes. Public Policy Committee member Christopher Ivy has agreed to fill this seat at the table where he can advocate on behalf of many citizens who would not otherwise have a voice in the matter.

Similarly, **a proposed Medicaid Aged, Blind and Disabled cut was not in the finalized budget**. Originally, large sums in FY 2005-06 and FY 2006-7 were cut from the budget. Had these cuts prevailed, approximately 65,000 elderly, blind and disabled adults who currently receive both Medicaid and Medicare would have lost Medicaid coverage.

FORLTC believes that setbacks experienced should generally be viewed as issues to keep a watch on for upcoming sessions. Many reforms are enacted only after years of diligent effort.

That being said, one major disappointment this year was that a provision granting immunity for reporting abuse and neglect was deleted from the budget. Had the special provision not been deleted, any individual who witnessed or had knowledge of abuse, neglect or exploitation of a client of a residential facility would have had immunity when reporting the incident to an authorized employee of the facility.

Funding for a Provider Tracking Database was also not included in the final budget. The \$800,000 in non-recurring money would have been used to monitor the performance and provide effective oversight of all provider facilities serving vulnerable populations. The database would have allowed clients and families to more readily obtain information about the track record for long term care facilities.

FORLTC will continue to track these issues as well as others, such as system oversight in long term care, Medicaid estate recovery, and the use of medication aides in skilled nursing facilities. According to FORLTC Board Chair Bill Lamb, "The outcome of the issues to watch will turn on how vigilant FORLTC members are at attending the studies and meetings where the directions of these programs will ultimately be determined. We must keep the lines of communication open with legislators and be clear as to what we want and expect from these programs. We must frame our relationship with DHHS as a partner whose views must be sought for these programs to have legitimacy, and we must make clear to them that we must be at the table during discussions of these issues."

### **SPECIAL THANKS TO LEGISLATORS AND ADVOCATES**

**The board of directors of Friends of Residents in Long Term Care (FORLTC) extends special thanks to the legislators who supported and/or worked to retain the funding and shape issues that affect some of North Carolina's most vulnerable citizens – residents in long-term care facilities throughout the state. Thanks are also extended to advocates who contacted legislators urging support for key long term care issues.**

**Individually and collectively, FORLTC thanks all legislators and the leadership in the Senate and House of Representatives. However, the organization salutes the following legislators for their work on shepherding through the Senate and House of Representatives the bill that made needed technical corrections to the law pertaining to criminal records background checks for long term care employees: Senators A. B. Swindell (D-Nash & Wilson) and Tony Rand (D-Cumberland), and Representatives Edd Nye (D-Bladen & Cumberland), Debbie Clary (R-Cleveland & Gaston), and Jennifer Weiss (D-Wake), with Rep. Weiss taking the lead in the House. On other issues and funding, FORLTC thanks Representatives Beverly Earle (D-Mecklenburg), Verla Insko (D-Orange), Jean Farmer-Butterfield (D-Wilson & Edgecombe), Alice Bordsen (D-Alamance), Jeff Barnhart (R-Cabarrus), Joe Hackney (D-Orange), Senators Bill Purcell (D-Scotland), Vernon Malone (D-Wake), and Charlie Dannelly (D-Mecklenburg), and Speaker Jim Black and President Pro Tempore, Senator Marc Basnight.**

## FORLTC CONDUCTS NEW BOARD ORIENTATION



**Friends of Residents in Long Term Care was pleased to welcome four highly-qualified new board members over the summer. Shown concentrating on the details of their new responsibilities with past FORTLTC Board President Roger Manus, center, are, clockwise from left, Charles Lee, Jill Passmore, Dr. J. LeRoy King and John Suddath. FORTLTC Treasurer David Moser and Board Member John Young also participated in the September 9 orientation session.**

### JUNE PENALTY REVIEW COMMITTEE ACTIONS

<u>Facility/County</u>	<u>DFS Proposed</u>	<u>PRC Approved</u>	<u>Explanation</u>
Cambridge Hills of Pittsboro Chatham County	Type A \$6,000	Type A \$6,000	The facility failed to assure that residents received care and services that were adequate and appropriate. The facility failed to maintain the required alarm system on exit doors and failed to assure supervision of residents that were disoriented or otherwise known to be wanderers. Resident #18 wandered from the facility to a nearby highway. The violations placed Resident #18 at substantial risk for death or serious physical harm. Because of a previous violation in the same rule areas, the penalty was trebled.
Elks Rest Home, Inc. Beaufort County	Type A \$10,000	Abated	The facility failed to assure that residents received adequate and appropriate care and services and failed to supervise residents who smoke and need supervision.
Rosewood Assisted Living Gaston County	Type A \$6,000	Type A \$6,000	There was a failure of the third shift staff to notify either one of the following: EMS, the resident's physician, or another licensed health care professional in order to provide the care, safety and services necessary to enable a resident to maintain the highest practicable level of physical well being. This placed the resident in substantial risk of death or serious physical harm.
Vance Manor Vance County	Type A \$2,000	Type A \$2,000	Based on the findings of a follow up survey conducted by DFS and Vance DSS, the facility failed to assure that residents received adequate and appropriate care and services and failed to provide residents with care, safety, and services necessary to enable the residents to attain and maintain the highest practicable level of physical, emotional, and social well-being. The facility failed to correct Type B violations according to the directed plan.

## Contributions from May 2005 through August 2005

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

**BENEFACTOR**  
(\$1,000)

Robert and Pearl F. Seymour

Carolyn R. Wallace

**SPONSOR**  
(\$250-499)

Patricia A. Yancey

**ADVOCATE**  
(\$100-249)

Chatham Adult Care Home CAC

Henderson County DSS

Orange Nursing Home CAC

Triangle J Area Agency on Aging  
Ombudsman Program

Wake Adult Care Home CAC

**IN HONOR OF**

**June Brotherton**

By Patricia A. Yancey

**Ruby Lamb**

By Scottie Bell

**IN MEMORY OF**

**Ruth Holcomb Brown**

By Dorothy B. Leamon

**Johanna and Paul Rickers**

By Ruth Rickers Klemmer

**NEW & RENEWING MEMBERS**

Jeannette Barbour

Tim and Vicki Barfield

Jill Ledford Cheek

Ward and Ellen Condelli

Vivian LaNelle Davis

Spike Gram

Linda Hancock

Barbara Hinshaw

Gail Holden

Christopher Ivy

Susan Kane

Jack J. and Joan Preiss

Carolyn C. Register

Nancy H. Shaw

James L. Somerville

Pamela Worth

Vance Manor (2)	Type A	Type A	The facility failed to assure that all residents' rights were maintained and exercised without hindrance. The facility also failed to assure residents were free of mental and physical abuse, neglect or exploitation. The facility failed to take any measures to safeguard a resident allegedly sexually assaulted by another resident or to take any measures to supervise the alleged perpetrator or prevent possible harm to other residents.
Vance County	\$2,000	\$2,000	
Vance Manor (3)	Type A	Type A	The facility failed to assure that residents received adequate and appropriate care and services and failed to supervise, on an individualized basis, residents who smoke and need supervision or to have a written policy on smoking. The failure to supervise these residents' smoking coupled with the age and condition of the building placed all 24 residents at risk of death or serious physical harm.
Vance County	\$2,000	\$2,000	

## JULY PENALTY REVIEW COMMITTEE ACTIONS

<u>Facility/County</u>	<u>DFS Proposed</u>	<u>PRC Approved</u>	<u>Explanation</u>
Brooks Family Care Home #1  Cleveland County	Type A  \$1,000	Type A  \$1,000	The facility admitted a resident with an FL-2 marked for Skilled Nursing Facility level of care and failed to obtain a local physician for a medical examination for 15 days. The facility failed to ensure that the resident received care and services which were adequate and appropriate to meet his needs and failed to make arrangement to enable the resident to be in the best possible health condition. This placed the resident at risk for serious physical harm.
Countryside Villa  Harnett County	Type B  \$950	Training	The facility failed to assure that training on the care of residents with diabetes was provided prior to the administration of insulin, in accordance with the rules and requirements. A motion was passed to use the \$950 recommended for the Type B penalty for training in care of diabetic residents and medication management.
Diversicare Assisted Living of Newport  Carteret County	Type A  \$2,000	Type A  \$1,000	The facility failed to assure that residents received adequate and appropriate care and services and to assure residents were free of mental and physical abuse, neglect and exploitation. The facility failed to assure that staff performed aide responsibilities to provide direct personal assistance and supervision; to assure supervision of residents who smoke and need supervision; to assure that housekeeping duties did not interfere with personal care to residents; and to assure sufficient personnel were employed to perform housekeeping duties. Substantial risks for serious physical harm or death occurred related to unsupervised smoking, failure to implement behavior interventions for combative aggressive behaviors or to supervise disoriented residents.
Heritage Care of Rocky Mount  Edgecombe County	Type A  \$3,000	Type A  \$3,000	The facility failed to assure that residents received adequate and appropriate care and services and to assure that residents were free of mental and physical abuse, neglect and exploitation. The facility failed to provide each resident the care, safety, and services necessary to enable the resident to attain and maintain the highest practicable level of physical, emotional, and social well-being. The facility failed to carefully evaluate the symptoms continually expressed by Resident #1 as well as those observed by staff and failed to coordinate in a timely manner for appropriate health care for the resident. The facility's failure to coordinate information regarding the resident's condition in a more timely manner created substantial risk for death or serious physical harm.
Highland Hall Assisted Living  Watauga County	Type B  \$1,000	Type B  \$1,000	The facility failed to correct a type "B" violation by the specified correction date. The violation involved the failure of the facility to serve therapeutic diets to residents as ordered by their physician. The violation continued for 20 days past the agreed upon correction date.
The Oasis of Four Oaks  Johnston County	Type A  \$3,000	Type A  \$3,000	The facility failed to assure adequate and appropriate care and services were provided to all residents. The facility failed to assure adequate supervision of residents in need and when there was a resident determined by a physician to be disoriented or a wanderer, failed to maintain exit doors equipped with the required sounding devices. Staff discovered Resident #1 to be missing and failed to follow the facility's elopement policy. Resident #1 was not found until approximately eight hours after the resident was noted to be missing. These violations created a risk for death or serious physical harm to Resident #1.

## AUGUST PENALTY REVIEW COMMITTEE ACTIONS

<u>Facility/County</u>	<u>DFS Proposed</u>	<u>PRC Approved</u>	<u>Explanation</u>
A Place to Call Home #1 Alamance County	Type B \$2,100	Type B \$2,100	The facility failed to assure residents received adequate and appropriate care and services. The facility failed to assure that each staff person had a criminal background check and also failed to assure that personal care aide training and competency validation were completed as required for all staff employed to perform personal care or those who directly supervise personal care aides. These violations were determined to present a direct relationship to the health, safety and welfare of all residents, and these violations were documented as continuing Type B violations.
A Place to Call Home #2 Alamance County	Type A \$1,000	Type A \$1,000	The facility failed to assure that residents received adequate and appropriate care and services. The facility failed to assure that responsible staff was in the facility at all times and to assure that at no time was a resident left alone in the home without a staff member. Three residents had been left unattended. These violations created significant risk that death or serious physical harm may have occurred.
A Place to Call Home #2 Alamance County	Type B \$2,100	Type B \$2,100	(Explanation is the same as that reported above for A Place to Call Home #1.)
Pinebrook Residential Center #1 Proposal #1 Yadkin County	Type A \$2,000	Type A \$2,000	The facility failed to provide residents the appropriate care, safety, and services necessary to enable them to attain and maintain their highest level of physical, emotional, and social well-being. Residents were placed at risk of an exacerbation of either existing physical or mental health and/or physical harm.
Pinebrook Residential Center #1 Proposal #2 Yadkin County	Type A \$2,000	Type A \$1,000	The facility failed to administer a medication to a resident as ordered by the prescribing physician. This failure placed the resident at risk of serious physical harm.
Pinebrook Residential Center #1 Proposal #3 Continued Yadkin County	Type A \$1,600	Type A \$1,000	The facility was cited with a Type A violation with a Directed Plan correction date. A follow-up survey showed that the violation previously cited had not been corrected. This represented a failure to correct the Type A violation for a period of 16 days. This failure placed the resident at substantial risk of physical harm.
Pinebrook Residential Center #2 Proposal #1 Yadkin County	Type A \$2,000	Type A \$2,000	The facility failed to administer medications to residents as ordered by the prescribing physician. This failure placed residents at risk of serious physical harm or death.
Pinebrook Residential Center #2 Proposal #2	Type A \$2,000	Type A \$2,000	The facility failed to provide residents the appropriate care, safety, and services necessary to enable them to attain and maintain their highest level of physical, emotional, and social well-being. Residents were placed at risk of an exacerbation of either existing physical or mental health and/or physical harm.
Lenoir Park Caldwell County	Type A \$1,000	\$1,000 for Training	A motion was passed in lieu of the penalty, to have the \$1,000 go towards education regarding medication monitoring and anticoagulation therapy.