



NEWSLETTER OF THE OKLAHOMA ALLIANCE ON AGING

Published to Provide Information on Issues Affecting Older Oklahomans

Ken Jones, President

July-September 2019

Volume 31, No. 3

President's Message: Where to Report Abuse in Nursing Homes by Ken Jones

In the wake of the terrible news out of Mannford, Oklahoma of the vicious, cruel and evil actions allegedly conducted by Senite Smith and his cronies against several of the residents of the Cimarron Pointe Nursing Home, I find myself dealing with anger if not pure rage against the heinous actions, lack of prevention, intervention and due diligence. Amid my fury, I pause to remind myself that most people have no idea how to respond to such allegations when they learn of abuse occurring in a long-term care facility. To prevent this from reoccurring, I offer you the following advice on how to report abuse in nursing homes.

The law requires you to suspected potential abuse, neglect or exploitation of nursing home residents once you become aware of it. The law requires you to either report to Adult Protective Services, a division of the Oklahoma Department of Human Services, or to local law enforcement if you have reason to believe abuse has occurred. One phone call and you are covered. Congrats. Your work is done. You have covered yourself in the view of the law.

But my personal ethics do not allow me to stop there. That is only the minimum. And doing the least amount of effort does not seem right according to the moral standards of most Oklahomans. So, here are some other actions you can take.

First, call Adult Protective Services AND local law enforcement. Just calling one or the other is not enough. Most local law enforcement agencies do not have the funding to fully address such an investigation. Neither does DHS' Adult Protective Services. In fact, as of six months ago, there were only four APS Nursing Home (Long-Term Care) investigators in the entire state of Oklahoma.

Unfortunately, APS is dramatically underfunded as are most local law enforcement agencies when it comes to investigating elder abuse. But legally, we are required to report to them and by reporting to both APS and local law enforcement, the chances of an effective response increases. APS' job is to protect vulnerable adults, investigate complaints and report their findings to district attorneys. Local law enforcement is there to protect and serve. That is their job.

Second, call the nursing home administrator. Believe it or not, most nursing home administrators care deeply about their residents. Believe it or not, nursing home administrators cannot be aware of everything that goes on in their nursing homes. Call them. Tell them you already called APS and local law enforcement as required by law but wanted them to know about it so they can take care of it right away. If you are not satisfied with their response, tell them you are going to tell a lot more people about it. Follow-up with the nursing home administrators. While APS and local law enforcement cannot tell you about an ongoing investigation, nursing home administrators are at liberty to share most of the actions they take to address your complaint. While they may not be able to release details of personnel actions, they should be motivated to address your concerns and protect their residents. They are responsible for the care and safety of residents in their facilities. That is their job.

Third, call the Oklahoma Department of Health Long-Term Care Service. The Long-Term Care Service "oversees the health and safety of residents living in licensed long-term care facilities." (https://www.ok.gov/health/Protective_Health/Long_Term_Care_Service/) They are responsible for

In this issue...

Message from President	1
Alliance Survey Results	2
Legislative Report	3
OSHL Alumni Report	4
Join the Alliance	5
Calendar	6

licensure of nursing homes and conduct annual surveys to ensure compliance with state law and Health Department policies. They conduct complaint investigations. They conduct follow-up visits to ensure corrections to compliance related deficiencies. They conduct provider trainings for nursing home staff. They are responsible of the regulatory oversight of long-term care facilities. That is their job.

Fourth, call the local Area Agency on Aging and ask to speak to an Ombudsman Supervisor to report the allegations. AAA Ombudsman report to the Office of the State Ombudsman through a separate division of DHS. They are responsible for advocating, stopping abuse of and empowering residents of long-term care facilities. They can be invaluable guides to you in directing you on whom to call and report your concerns. While they can investigate complaints, their main role is to represent and advocate for the resident. That is their job.

Fifth, call the Medicaid Fraud Control Unit at the Oklahoma Attorney General’s Office. Believe it or not, charging Medicaid to treat a resident while at the same time abusing the resident is considered Medicaid Fraud. This special unit “utilizes a team-based approach to identify, investigate and prosecute Medicaid Fraud, abuse, neglect and exploitation of patients committed by...health care facilities.” (<http://www.oag.ok.gov/medicaid-fraud-unit>) That is their job.

Last but not least, advocate. Advocate for new policies to streamline the process of filing complaints so that multiple agencies can immediately be informed and act. Advocate for the right amount of funding for Adult Protective Services to investigate all cases of abuse in long-term care facilities in a timely manner. Advocate for more funding for local law enforcement to address elder abuse, neglect and exploitation. Advocate for the right amount of funding for long-term care facilities to always adequately staff their facilities. That is our job.

Here are a few helpful numbers:

[Oklahoma Adult Protective Services](#) – Look up [local DHS office number here](#) or call 800.522.3511 or 405.521.3660. You can also complete a [public intake form here](#).

Local law enforcement – 911 for those at imminent risk of harm or look up non-emergency numbers in your local phone directory.

[Long-Term Care Service of the Oklahoma Department of Health](#) – 405.271.6868 or ltc@health.ok.gov.
[Long-Term Care Ombudsman](#) – search for [local ombudsman supervisors here](#) or call State Ombudsman at 405.521.6734.

[Oklahoma Attorney General Medicaid Fraud Control Unit](#) – 405.522.2963 or [complete online form here](#).

Alliance on Aging Survey Top 5 Results by Marietta Real

The top (5) that respondents noted to be the most important out of 10 are as follows:

<u>Rank</u>	<u>Survey number/most important</u>
#1	1. Restore funding Area Agencies on Aging(AAAs).
#2	2. Exempt hearing Aids from sales tax.
#3	3. Support initiatives to make prescription drugs more affordable.
#4	10. Dental access and assistance is a large need in the Elder Community.
#5	8. Support initiatives to improve medical care in rural area.

OTHER – General Comments: Support initiatives and legislation to keep – out of state – Advantage meal providers from taking our tax dollars – out of state – compromising local providers.

Legislative Report by James Crowder

- When the Legislature ended Oklahoma's Earned Income Tax Credit (EITC) refundability in 2016, they reduced an essential tax benefit for over 200,000 families.
- For just the third time this decade, more Oklahomans went without health coverage in the most recent year compared with the year before. The amount was not enough to increase Oklahoma's uninsured rate from last year's 14.2% or change the state's ranking as second highest in uninsured rates – next only to Texas, which posted a 17.7% uninsured rate in 2018.
- When it was signed into law in 1990 in Tulsa, House Bill 1017 was hailed as a great step forward for public education in Oklahoma. However, few of its reforms were ever met. State senators recently learned that much of the law is still in place, including its class size mandates. HB 1017 was an effective bill, and student test scores improved in the decade following its passage, but that progress was lost when the class size limits were suspended
- OK House Speaker Charles McCall has appointed House Education Committee Chair Rhonda Baker to serve on the Education Commission of the States, a national organization that develops education policy ideas and provides state-by-state research for policymakers.
- Revenue to Oklahoma's general fund hit its target for August despite a continued decline in gross production tax collection, according to a report from the Office of Management and Enterprises.
- Regarding the opioid fight, Mike Hunter says he is not done. He says they are looking at other defendants and that this isn't necessarily the end of what will be available for the state.
- A woman who at one point had a 12-year prison sentence for selling \$31 worth of cannabis is back in jail after police in Oklahoma City arrested her on a bench warrant seeking more than \$1,100 in unpaid costs in the nearly decade-old case. Jailing people who can't afford to pay court fines and fees is a common occurrence in Oklahoma and it's a big problem.

Oklahoma Silver Haired Legislature Alumni Association by Trish Emig

The OSHLAA held their Annual Meeting on September 17th at the State Capitol. The OSHL Appointees and OSHLAA Members, as well as AAA staff and other guests, endured the dust cascading from the Capitol's Rotunda. Red badges of courage are to be extended to ALL attendees!

The OSHLAA's officers for the 2019-2020 period are Trish Emig – President; Bo Fallon – 1st V. President; ; Roberta Dake – 2nd V. President; Bonnie Lucas – Secretary; and Bud Jeffrey – Treasurer.

The OSHLAA past 1st V. President, along with the OSHL Senate President Pro Tem, Walker Davis; Senate Floor Leader, Bill Hickson; OSHL Speaker of the House, Gloria Stearns; and House Speaker Pro Tem, Cathy Howard provided an overview of the OSHL successes in the 2019 State Legislative Session. House Bill 2671 which amends State statute by reinstating the OSHL check off on the State Income Tax form passed. Also, Senate Bill 280 passed the Legislature. This bill, besides instituting major nursing home reform, adds five additional State Ombudsman Supervisors which was an OSHL proposed bill. An OSHL bill that prohibits providers of Medicare Supplemental Insurance Plans from increasing premium rates except for during the Medicare Open Enrollment timeframe, also passed the Legislature. Additionally, the OSHL endorsed the Options Counseling on long-term care options bill, Senate Bill 888, which passed the Legislature, but lacked the funding mechanism required to implement the bill. And the OSHL supported Senate Bill 435 that was sponsored by the Alzheimer's Association that now requires Adult Protective Services specialists to receive training on working with persons suffering from dementia.

The OSHL will continue to champion Senate Bill 891 in the 2020 State Legislative Session. This bill modifies the sales tax exemption for prosthetics to include exempting hearing aids from sales tax. Current research indicates persons who suffer from hearing loss are at a higher risk for developing dementia. The State would financially benefit from ANY sales tax reduction for hearing aids, by delaying the onset of dementia for Older Oklahomans currently receiving Medicaid benefits. The OSHL will join the Alliance on Aging and the State Council on Aging in advocating for restoring to previous levels, the State Budget Appropriation amount for services for Older Oklahomans, plus the needed appropriation for funding Senate Bill 888, Options Counseling.



Join the Alliance...

Together we make a difference! The Oklahoma Alliance on Aging, a 501(c) (3), is a statewide non-partisan coalition. The Mission of the Alliance is to identify needs of aging Oklahomans, to educate on issues, and to advocate for solutions.

As a member, YOU stay informed on issues pertaining to aging Oklahomans. YOU receive a quarterly newsletter, participate in an annual survey on issues, and have an opportunity to attend Education and Strategy committee meetings. The Alliance gives YOU a voice in identifying and prioritizing concerns and issues while following legislation.

Membership Application: (check one or more)

(Contributions above basic dues are **tax deductible** to the extent allowed by law.)

- | | | |
|----------------|---|--|
| | <input type="checkbox"/> New | <input type="checkbox"/> Renewal |
| Individual | <input type="checkbox"/> Regular (\$25) | <input type="checkbox"/> Contributing (Over \$25) |
| Organizational | <input type="checkbox"/> Regular (\$100) | <input type="checkbox"/> Contributing (Over \$100) |
| Sponsors | <input type="checkbox"/> \$200 or more | |
| Donation | <input type="checkbox"/> \$_____ (any amount is appreciated!) | |
| Endowment Fund | <input type="checkbox"/> \$_____ (any amount is appreciated!) | |

Please designate representative to attend meetings and receive mailings.

Names: _____

Mailing Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

Please let us know if you would like to:

Volunteer

(Area of interest) _____

Work on a committee

(Area of interest)

Sponsorship Application: (check one)

- \$200 Newsletter \$50 full-page \$30 half page

Help the Alliance by sponsoring the newsletter yourself or finding someone, an organization or business, to be a sponsor. By becoming a sponsor, you:

- Ensure copies of the newsletter are distributed across the state
- Are recognized in the newsletter edition you sponsor (your name or your organization's name, whichever you prefer)

Contact the Alliance office for details! Call 405-943-1895.

MAIL TO: P.O. Box 12008, OKC, OK 73157



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 Oklahoma City, OK 73157
www.okallianceonaging.org

Email: Marietta.OAOA@gmail.com
 Call: (405) 943-1895
 Hours: M, W, and F from 9:00 a.m. to 1:00 p.m.

Officers:

- Ken Jones, President (2019-2020)
- Esther Houser, 1st Vice President (2019-2020)
- Janet Moore, 2nd Vice President (2018-2020)
- Annette Mays, Treasurer (2018-2020)
- Open, Secretary
- Bill Whited, Past President

Staff: Marietta Real, Executive Director (PT)
 Volunteer: Wanda DeBruler, Newsletter

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A project of the



OKLAHOMA CITY COMMUNITY FOUNDATION

CALENDAR
Mark the Dates

Location: The Daily Living Center
 Board Room
 3000 N. Rockwell
 Bethany, OK
 1:30 p.m. to 3:30 p.m.
If speaker scheduled, 1:00-1:30 p.m.

Quarterly Meetings:

December 17, 2019

2020 Meetings will be published in the next quarterly newsletter.