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## United States Senate

COMMITTEE ON SMALL BUSINESS  
WASHINGTON, DC 20510-6350

July 14, 2000

Mr. Joe Tilghman  
Regional Administrator  
Health Care Financing Administration  
601 East 12<sup>th</sup> Street  
Kansas City, MO 64106

Dear Mr. Tilghman:

The purpose of this letter is to share the comments and concerns of several residents and/or family members at Frene Valley Healthcare South (Frene Valley) in Owensville, Missouri. Enclosed are eleven letters which uniformly praise the quality of care at Frene Valley and raise concerns about inspections conducted by the Health Care Financing Administration (HCFA) at Frene Valley this spring.

Please provide me with copies of all federal inspection reports regarding Frene Valley for FY2000. In addition, advise me of the present status of Frene Valley and address, generally, the comments and concerns contained in the enclosed letters.

In addition, a separate letter from Ms. Griffith of Cape Girardeau, Missouri, expresses concern about regulations preventing the use of restraints and the letter from Mr. Creek, a family member of a Frene Valley resident, expresses concern about the "removal of lap restraints." Please advise me of the relevant state/federal regulation(s) pertaining to the use of restraints in nursing homes and comment upon the concerns identified in these two letters.

If you or your staff have any questions regarding this matter please contact Dan Donovan on the Committee staff at (202) 224-5175.

Sincerely,



Christopher S. Bond  
Chairman

cc: Don Johnson  
Deputy Director  
Office of Legislation  
(202) 690-8168

*C. Nell Griffith*

May 11, 2000

United States Senators Bond and Ashcroft  
339 Broadway  
Cape Girardeau, MO 63701

Dear Senators Bond and Ashcroft:

I wish to bring to your attention a matter that deeply troubles my family and me concerning my mother's care in a nursing home.

My mother's past medical history includes dementia, myelodysplastic syndrome, depression, congestive heart failure, Parkinsonism, and cataract disease with glaucoma. She has trouble chewing and swallowing and is fed pureed food. When my mother walks, she holds her hands out before her and slides her feet due to her poor eyesight. She is bathed and dressed by nursing home staff. Most of the time she does not recognize members of her own family. Because of her confusion and cognitive impairment, my mother is incapable of making any kind of rational decisions for herself.

For almost the past year, my mother has repeatedly fallen or the staff have "found her on the floor", with no serious injuries other than bumps and bruises. The falls have increased in frequency and in seriousness. In just the past two months, she has been transported three times by ambulance to St. Francis Medical Center ER because of injuries resulting from falls.

On March 30, 2000, she was X-rayed by ER personnel and found to have suffered a compression fracture of lumbar vertebrae.

On April 18, 2000, my mother fell on her face, her lower jaw was broken on both sides which forced her chin area into her mouth and necessitated an oral surgeon to reconstruct her face. Her left wrist was also broken at that time.

On May 4, 2000, I was called by nursing home staff at 2:20 a.m. and advised that they were preparing my mother to be transported by ambulance to St. Francis Medical Center ER. Staff had heard her crying out from her room, had found her lying on the floor and her hip seemed to be displaced. She had apparently either fallen out of bed or had tried to get out of bed and had fallen. An X-ray at ER revealed my mother had suffered a broken left hip. Surgery was performed at 2:00 that afternoon. The orthopaedic surgeon stressed the need for restraints to prevent further injury or a "very compromise result may occur".

United States Senators Bond and Ashcroft

May 11, 2000

Page 2

The nursing home is very clean and, as far as I know, the food is palatable. However, they are short-staffed. When I express my concern regarding my mother's falls, I am told there is nothing they can do, that they are required by law to not use any kind of restraints, that the patient "has the right to fall if he(she) wants to". I discussed this with two of my mother's physicians and one advised that he is currently fighting a lawsuit filed against him because he had ordered that bed side rails be up at night for one of his lady patients.

I realize the need to protect the elderly from abusive treatment but this is ludicrous. In my opinion, common sense should prevail. I would never dream of driving my young granddaughters anywhere without their seatbelts fastened and the law mandates that they use seatbelts. Those little girls are much more capable of taking care of themselves than is my mother yet I am prevented by law from giving my mother the protection and care she needs. My mother may experience pain or discomfort for the rest of her life because of injuries she has sustained from falls, many of which I feel were preventable.

I am enclosing a copy of my mother's latest medical reports for your review. I would be most grateful for any attention you can give to this matter.

Sincerely,

  
C. Nell Griffith

Enclosures

05/01/2000

Re: HCFA

00 MAY 31 PM 12:52

RECEIVED MAY 23 2000

Dear Sir:

We are writing in reference to Frene Valley Health Care Center in Owensville, MO, where our mother and grandmother is a resident.

Recently there have been changes made involving her and we have been told that this was the result of the care center not being in compliance with the Federal Regulations.

Our big concern is the removal of the lap restraints. She needs this device from time to time due to a physical problem which causes an imbalance when she attempts to maneuver herself in the wheelchair. There have been instances that while she was sitting quietly she has fallen forward, and due to the placement of the lap restraint she has remained in the wheelchair. We are grateful that every measure was taken to keep her safe.

We know of 5 other residents at the same facility which require the same care. We have discussed this issue with the other family members and we have all came the same conclusion : They need the lap restraints!

The facility has gone through every measure to get the proper authorities involved to hear our concerns. We have voiced our concerns with the Federal Inspectors, the Director of the Ombudsman Program and the Division of Aging, our next step is bring this matter to your office.

Frene Valley Health Care Center has given our loved one the best care that we could hope for, for the one who has care for us for so many years. They have the cleanest facility we have found, the food is prepared with every residents needs in mind, and the kindness to the residents in noticed by everyone.

We sincerely hope this letter from our family will help reconcile this matter, so that our loved one will be no longer be at risk and we will know she will be safe.

Thank you for any help you can give to this matter. It would be greatly appreciated.

Sincerely,  
The Family of  
Mrs. Anna Creek

*Paul L. Creek*

April 7, 2000

Congressman Kenny Hulshof  
1728 Longworth Office Bldg.  
Washington, D.C. 20515

Re: Federal Survey at Frene Valley Healthcare South

Dear Congressman Hulshof:

As President of Frene Valley Healthcare South's Resident Council, I am writing to you with our Council's concerns regarding the Facility's recent Health Care Financing Administration survey.

An emergency Resident Council meeting was called to order this morning to discuss the issues that were brought up at the exit with the Federal Surveyors. We have great concerns regarding the issues that were cited.

The surveyors spent much of their time in our Facility on frivolous matters such as how many cookies we were served, if our meatloaf slices were even, chicken legs too small, and that our toast had butter on it.

We feel there are serious problems with the Federal government survey process. Why isn't HCFA visiting the skilled nursing facilities in Washington, MO where they have extremely serious patient care issues? Does our buttered toast really make that big of difference?

The entire family of Frene Valley Healthcare South, including staff and residents, have been completely disrupted since HCFA's visit to our home. I don't understand how these people can come into a facility for 3 days and tell our staff how to operate and take care of us when they have been taking care of us 7 days a week, 24 hours a day, and for most of us several years.

I would like to hear from you regarding this matter and what can be done. Someone needs to be made accountable for the HCFA process.

Sincerely,



Virginia Curtman, B.S., M.S., M.S.Ed  
Resident Council President  
Frene Valley Healthcare South

cc: Senator John Ashcroft  
Senator Christopher Bond

April 12, 2000

Senator Christopher Bond  
274 Russell Office Bldg.  
Washington, D.C. 20510

The Honorable Christopher S. Bond:

I am writing to you regarding recent visits by the Health Care Financing Administration (HCFA) to Frene Healthcare South, a privately owned nursing care facility in Owensville, Mo.

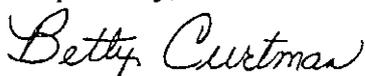
Our mother and mother-in-law is a resident in this facility. She resided in two other nursing facilities prior to making this her permanent home. The care and cleanliness exceed any other nursing home we have visited.

The State inspection found the facility to be deficiency free. Their inspection was followed with the HCFA who spent a total of 8 days surveying the facility. The HCFA found the facility out of compliance over such minute issues as the width of a slice of meatloaf and butter on bread. They were not cited for any care issues. How sick!! I understand that they will possibly be fined, for what? What is happening to our system? Here is an organization (HCFA) not accountable to anyone, being paid with our hard earned taxpayer dollars looking for meatloaf and butter portions. I realize nursing homes need to be inspected but don't you think if they pass one inspection, that is enough unless there is a real problem?

I am questioning the qualifications and competency of the personnel hired by the HCFA and the objectives of this federal organization. If they can't find anything wrong, do they need to find something to take back to justify their jobs and fines to pay their salaries? Picking on meatloaf and butter and invading and upsetting the lives of people caring for others and the ones being cared for is in my estimation unjustified.

Don't you think the process needs correcting?

Respectfully,



Betty Curtman

4/27/00

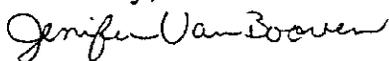
Senator Christopher Bond  
274 Russell Office Building  
Washington D.C. 20510

Dear Senator Bond:

Recently HCFA has conducted a survey at Frene Valley South in Owensville, Mo. I am very familiar with the operation of this facility and I am very confused why we would waste our tax payers dollars surveying a facility that provides excellent care. The issues in question during this process are ludicrous !! There has been no negative outcome, yet they are being fined and can not accept new admissions. What is wrong with our system? It seems to me that our government is punishing quality care. There must be a way to identify the facilities that have real care issues and go in and help these facilities. Fines and penalties are not the way to help assure that our elderly are being properly cared for.

I truly feel that the residents have been abused by this bureaucracy. They need our help. We need more funding which will help to increase the quality of care provided to the residents and less interference from HCFA in the good, caring facilities that provide for the elderly. We need your support.

Sincerely,



Jenifer VanBooven

Administrator

Frene Valley Health Center

April 26, 2000

Senator Christopher Bond  
274 Russell Office Bldg  
Washington, DC 20510

Honorable Senator Christopher Bond:

I am writing to express my deep concern over the fines being levied against the Frene Valley Healthcare South Nursing Home. I understand that a meeting was held Tuesday evening, April 25, 2000, with state and federal congressional members in attendance, including Kenny Hulshof and Merrill Townely. Because I live in St. Peters, Mo., I was unable to attend this meeting but I want you to know that I have a vested interest in the outcome of any actions against this nursing home facility.

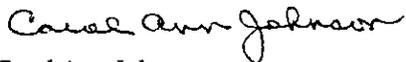
My mother, Mary Ann Hayes, has lived at Frene Valley for the past 18 months. In September 1998, she underwent open-heart surgery and suffered a stroke. After completing rehab in St. Louis, she returned to Frene Valley in Owensville, the town in which she had lived since 1984. We could have chosen a home for my mother in St. Louis but preferred Frene Valley because Mom wanted to be close to her church friends and her parish priest.

I have worked as a student nurse in several nursing homes in the St. Louis area and would rate Frene Valley far and above any that I have seen elsewhere. I cannot believe federal auditors found fault with any care given these residents. The staff at Frene Valley has consistently provided the highest level of professional care and concern for every patient in their facility.

I think it is critical to keep in mind that these elderly patients have rights that must be respected. If they chose to have a pat of butter instead of dry toast, a 4-ounce glass of 2 percent milk rather than skim milk, or just choose to not eat their meal that evening - those choices should be theirs. If a diabetic resident requests a non-diabetic dessert and his or her glucose levels are in normal range - that one dessert will not cause harm. These minor anomalies, among those cited by the auditors, are not life threatening and should not be treated as such. Auditors should be looking at the big picture in the health care continuum, not just isolated, essentially harmless incidents. In their zest to ensure the care of the residents, it appears that auditors may do more harm than good.

I am asking for your support in doing whatever it takes to ensure that Frene Valley remains open and family-operated. Because of their advanced age and various conditions, residents have already moved from their homes, lost their good health and said goodbye to many friends and family members. They deserve to remain in the place they have come to regard as a loving and safe home. They should not have to give up the exceptional care that staff members show them each day, all because auditors have unfairly found fault. If you need any additional information from me or other family members or residents, please contact me. We all strongly support and appreciate Frene Valley and would be happy to speak on its behalf.

Respectfully,



Carol Ann Johnson

April 27, 2000

Senator Christopher Bond  
274 Russell Office Building  
Washington, D.C. 20510

Dear Senator Bond:

This letter is to state how upset we are with the Health Care Financing Administration (HCFA). I have three aunts in the Frene Valley South Nursing Care. One of them I take care of all of her personal affairs, and have for years. This is the third nursing home that she has been in within the last twelve years. I find this care facility to be the cleanest, most caring, and overall well kept of the three, and of all the nursing care facilities that I have been in. The employees and administrators actually care for their patients. I go into the facility at different times of the day and have always found everything to be clean and my aunt well cared for. She is blind and is not mobile, but has told me how good everyone is to her.

I don't understand when we do have a great facility why our government is trying to put them out of business. It can really destroy our faith in our government.

I was told that this administration does not answer to anyone. If this is true, I think that the time has come that they start answering to someone, and explain why they have taken this outrageous vendetta on this nursing care facility when there are so many out there that are so inferior to this facility.

Please take time to investigate this complaint. It is very important to our community to have such a fine nursing care facility for the elderly.

Thanking you in advance for your time and consideration regarding this matter.

Sincerely,

  
Bonnie Hengstenberg

April 27, 2000

Senator Christopher Bond  
247 Russell Office Bldg.  
Washington, D.C. 20510

Dear Senator Bond:

It has been brought to my attention that Frene Valley Healthcare South in Owensville has been under scrutiny by HCFA. The Division of Aging of Missouri perform their survey of their facility and found no deficiencies. A couple weeks later HCFA performed their survey and they had 70 pages of deficiencies. They went to an Informal Dispute Resolution to dispute these deficiencies, and as of this date have not heard back from their Informal Dispute Resolution. HCFA reentered their facility to do their re-visit before getting the results of the Informal Dispute Resolution were disclose which seems backwards to me. In fact none of their deficiencies were substandard quality of care.

HCFA needs to concentrate on facilities that provide substandard level of care instead of worrying about the size of meatloaf and a pat of butter. They also need to focus on families/guardians that do not meet the residents needs: ex- clothing and/or paying their bills. There are families/guardians that misappropriate their residents social security checks and do not provide for their resident. The nursing home then provide care and clothing for these residents without payment for services for some time. A facility has to go through the court system to get another guardian appointed which sometimes takes a year or so to process.

I think our taxpayers money would be better spent, helping the nursing homes provide better care to the residents by more funding to hire adequate staff and offer staff better benefits to retain good employees. Please tried to redirect HCFA to address real problems of the system and not to badger good nursing homes.

Sincerely,



Carol Brandt

Taxpayer and Voter

Lt. Col. Michael J. Rooney, USAF (Ret.)

Honorable Christopher S. Bond  
U.S. Senate  
274 Russell Senate Office Bldg.  
Washington, DC 20510-0001

26 April 2000

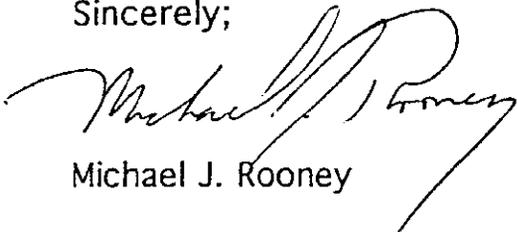
Dear Senator Bond;

I am asking you to stop the Federal Government's disgusting attack on our outstanding community nursing home. The vengeful bureaucratic assault by employees of the Health Care Financing Administration (HCFA) on the Frene Valley Healthcare South home threatens to close a five year deficiency-free facility that is dedicated to the care and protection of its resident patients.

As a retired United States Air Force Officer, and family member of a very well cared for Frene Valley resident, I am angered by the vindictive actions of an out-of-control Federal Agency that apparently answers to no one.

Please take a leadership role to establish Congressional oversight to this rogue federal bureaucracy.

Sincerely;

A handwritten signature in black ink, appearing to read "Michael J. Rooney". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Michael J. Rooney

Enclosed: Editorial and family member letter from the Gasconade County Republican, 19 April 2000 edition.

May 18, 2000

Senator John Ashcroft  
316 Hart Office Bldg  
Washington, DC 20510

GO MAY 31 PM 12:53

Honorable Senator John Ashcroft:

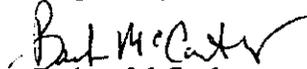
I am writing to express my deep concern over the fines being levied against the Frene Valley Healthcare South Nursing Home. I understand that a meeting was held Tuesday evening, April 25, 2000, with state and federal congressional members in attendance, including Kenny Hulshof and Merrill Townley. Because I live in St. John, Mo., I was unable to attend this meeting but I want you to know that I have a vested interest in the outcome of any actions against this nursing home facility.

My mother, Mary Ann Hayes, has lived at Frene Valley for the past 18 months. In September 1998, she underwent open-heart surgery and suffered a stroke. After completing rehab in St. Louis, she returned to Frene Valley in Owensville, the town in which she had lived since 1984. We could have chosen a home for my mother in St. Louis but preferred Frene Valley because Mom wanted to be close to her church friends and her parish priest.

I think it is critical to keep in mind that these elderly patients have rights that must be respected. If they chose to have a pat of butter instead of dry toast, a 4-ounce glass of 2 percent milk rather than skim milk, or just choose to not eat their meal that evening – those choices should be theirs. If a diabetic resident request a non-diabetic dessert and his or her glucose levels are in normal range – that one dessert will not cause harm. These minor anomalies, among those cited by the auditors, are not life threatening and should not be treated as such. Auditors should be looking at the big picture in the health care continuum, not just isolated, essentially harmless incidents. In their zest to ensure the care of the residents, it appears that auditors may do more harm than good.

I am asking for your support in doing whatever it takes to ensure that Frene Valley remains open and family-operated. Because of their advanced age and various conditions, residents have already moved from their homes, lost their good health and said goodbye to many friends and family members. They deserve to remain in the place they have come to regard as a loving and safe home. They should not have to give up the exceptional care that staff members show them each day, all because auditors have unfairly found fault. If you need any additional information from me or other family members or residents, please contact me. We all strongly support and appreciate Frene Valley and would be happy to speak on its behalf.

Respectfully,

  
Barbara McCarthy

Dear Senator Bond

I am writing you in regard to the nursing home I am in I had a stroke a few years ago and couldn't stay at home by myself.

I am Mrs. Harold Gleason. You probably remember Harold Gleason He was Crawford County treasurer for 18 years I was in three other nursing homes before I came here. This is by far the best one I have been in everyone treats me so well and they have some kind of activities every day. The administrator here is a ~~lawyer~~ <sup>lawyer</sup>.

Republican. This is  
the Freme Valley Health  
care Center South in  
Doverville, Mo.  
The Federal inspectors we  
here last week and they  
gave us a bad report  
for the most minor  
things I've been here for  
4 years and 2 months.  
It is only 5 years old.  
They have never mistreated  
anyone. I wish you could  
come and see it.

Harold passed away Dec. 24  
994

Yours Truly  
Mildred Fleenor