



Elder Rights Paralegal Makes a Difference

By Mary Helen Brainard, Long Term Care Ombudsman, Valley Program for Aging Services, Inc.

The “wheels of justice” turn slowly. In the summer of 2005, an elderly lady living in a local nursing home was worried about being admitted to the hospital. Nursing home staff warned if she needed hospitalization, she might not be readmitted to the nursing home because of an outstanding bill. Anne See, paralegal for Blue Ridge Legal Services in Harrisonburg, had helped her arrange Medicaid payment for the nursing home stay, but money was owed to the home.

Anne did some research. She found that Virginia Medicaid rules said nursing homes could refuse to readmit a resident after a hospital stay if money was owed to the home. But the federal 1987 Nursing Home Reform Act allows nursing

home residents to go back to their nursing home after a hospitalization. It shields nursing home residents from unwarranted or unfair evictions. Anne consulted state-level advocates, then sent a letter to Medicaid in Richmond, explaining that the rule in Virginia did not appear to follow federal law. Medicaid reviewed the matter and, in June 2006, the rule was changed, benefiting nursing home residents throughout Virginia.

Virginia’s State Long-term Care Ombudsman Joani Latimer says “Anne’s dedication deserves recognition. Her advocacy for seniors is known and trusted statewide. Residents of Virginia nursing homes are well-served by the rule change which validates the generally ac-

cepted understanding of readmission rights.”

Anne’s commitment to area seniors began right after graduation

from James Madison University’s School of Social Work. She worked for Valley Program for Aging Services in Harrisonburg and Rockingham County, and, in 1979, she began working with Blue Ridge Legal Services, the area’s legal aid society, on matters such as access to public benefits and consumer protection.

For Anne, the rule change was all in a day’s work. “I wouldn’t have been able to do it but for the client.” It took over a year to accomplish, but it seemed pretty fast in Anne’s experience in this arena. “Area families worked for ten years to help get a local advocate for long-term care residents – the local Ombudsman – and even testified before Congress in support of the Nursing Home Reform Act. Those are the efforts that should be recognized.”

Do you have questions or concerns about nursing homes, assisted living facilities, and/or public benefits? Call VPAS Local Long-Term Care Ombudsman: (800) 549-3104; (540) 458-0155. Blue Ridge Legal Services: (800) 237-0141; (540) 433-1830.

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