

**OPENING STATEMENT OF REP. HENRY A. WAXMAN
SPECIAL INVESTIGATIONS BRIEFING
ON NURSING HOME ABUSE
JULY 30, 2001**

I would like to welcome everyone to this Special Investigations Briefing. These briefings are a forum that the minority has organized for members of the Government Reform Committee and other members of Congress to hear the results of important and timely investigations that might not receive a full hearing elsewhere. The title of today's briefing is "Abuse of Residents in U.S. Nursing Homes."

Over the past two years, my staff has conducted a series of investigations for members of Congress into nursing home conditions. These reports have consistently found numerous violations of federal health and safety standards in nursing homes throughout the country. Many of the violations harmed residents. Common problems included untreated bedsores; inadequate medical care; malnutrition; dehydration; preventable accidents; and inadequate sanitation and hygiene.

Moreover, during the course of these investigations, we began to notice an unexpected and extremely disturbing trend. Many of the nursing homes we examined were being cited for physical, sexual, or verbal abuse of residents.

I asked my staff to investigate whether these abuse cases were isolated occurrences -- or whether they signaled a broader, nationwide problem. The report I am releasing today presents the results of this investigation.

What we have found is shocking. Within the last two years, nearly one-third of the nursing homes in the United States have been cited by state inspectors for an abuse violation. In over 1,600 nursing homes -- approximately one out of every ten -- these abuse violations were serious enough to cause actual harm to residents or to place them in immediate jeopardy of death or serious injury.

As documented in the report, we found examples of residents being punched, choked, or kicked by staff members or other residents. These attacks frequently caused serious injuries such as fractured bones and lacerations.

And we found other examples of residents being groped or sexually molested.

We also found that the percentage of nursing homes cited for abuse violations has doubled since 1996. I hope that this is the result of better detection and enforcement. To its credit, the Clinton Administration launched an initiative in 1998 to reduce abuse in nursing homes, and this initiative may be responsible for some of the increase in reported cases of abuse.

But I am concerned that some of the increase in abuse cases may reflect an actual increase in abuse of residents. In 1997, Congress unwisely decided to repeal the Boren Amendment,

which guaranteed that nursing homes receive adequate funding. Since then, federal funding has not kept pace with the costs of providing nursing care. As a result, it is harder and harder for nursing home operators to provide seniors the kind of care they need and deserve.

I know many operators of nursing homes who are dedicated to providing the best care possible. They would never knowingly tolerate abuse or other dangerous practices in their facilities. But unless we are willing to pay nursing homes enough to do their job, intolerable incidents of abuse and other types of mistreatment will continue to persist in too many nursing homes.

In releasing this report and holding this briefing, I do not want to suggest that most residents of nursing homes are being abused. The vast majority of nursing staff are dedicated and professional people who provide good care. In many instances, the only reason that abuse is even reported is because of the actions of conscientious staff members.

On a personal note, my mother-in-law is in a nursing home in Maryland. I've met with many of the people that care for her. They are good people, but they have difficult jobs. They work long hours in understaffed conditions, and they don't make a lot of money. Under such trying circumstances, it's not surprising that staff turnover is high and that facilities are forced to hire people who shouldn't be working in nursing homes.

But the bottom line is clear: Something clearly needs to be done to improve nursing home conditions. The senior citizens who live in nursing homes are frail and vulnerable. Frequently, they are defenseless and cannot even report problems to others. They deserve to be treated with respect and dignity -- not to live in fear of abuse and mistreatment.

It would have been intolerable if we had found a hundred cases of abuse; it is unconscionable that we have found thousands upon thousands.

That's why I and many other members will be introducing the Nursing Home Quality Protection Act later today. Our bill is a comprehensive approach to improving conditions in our nation's nursing homes. The bill would:

- Increase resources to nursing homes so they can hire more staff;
- Institute minimum nurse staffing requirements;
- Impose tougher sanctions on poorly performing nursing homes;
- Require criminal background checks on employees; and
- Increase Internet disclosure of nursing home conditions.

This is a good piece of legislation that has been endorsed by organizations representing nursing home residents and workers. It will do much to improve the quality of care received by the one and a half million people who live in our country's nursing homes.

Today, we will hear testimony from three witnesses who will tell us more about abuse in nursing homes. Nancy Miller and her husband G.W. have traveled from Charlottesville, Virginia, to tell us about the abuse suffered by their aunt. Richard Bardos is the deputy director of the Medicaid Fraud Unit in the Maryland Attorney General's office. He will tell us about his experience in prosecuting cases involving nursing home abuse. And finally, Nancy Walker has been a certified nurse aide for 19 years and is working at a nursing home in Hartford, Connecticut

I want to assure all Americans who have a family member in a nursing home that we will do all we can to protect their aging loved ones. They helped our generation when we needed their help. And now it's our turn -- and our obligation -- to make sure they can live safely and without fear.