

Safeguarding Our Seniors, Part I:

Protecting Seniors from Physical and Sexual Abuse in Nursing Homes

OPENING STATEMENT

CHAIRMAN BREAUX

Good morning. I would like to thank all of you, especially my fellow members, for attending today's investigative hearing. I would also like to thank the Committee's Ranking Member, Senator Larry Craig, for his support throughout this investigation. Finally, and most importantly, I would like to thank the witnesses for being here today. Your testimony will assist the Committee greatly in determining how best to address the vital issues raised today.

Today, we will examine a subject that is difficult for any of us to fathom - physical and sexual abuse in nursing homes. It's a subject that should not exist, and I genuinely wish that there was no issue of physical and sexual abuse in nursing homes to investigate at all today. Sadly, this investigation is but another chapter in a long history - far too long - of abuses and problems in nursing homes. We as a country must not tolerate abuse of our senior citizens in any form.

The Special Committee on Aging spent 14 years from 1963 to 1977 investigating nursing home care. Other Chairmen of the Special Committee on Aging and other committees focused attention on the problems after 1977. Senator Grassley and I continued that work beginning in 1998. Now, in 2002, 40 years have passed without a determination that nursing homes are safe for seniors.

Let me say upfront that this hearing is not an indictment of the entire nursing home industry. I recognize there are many fine nursing homes in this country that provide quality care that is safe from abuse. However, the prevalence of abuse highlighted by this investigation has forced me to come to grips with the fact that our nation's public policy has been unable to insure the safety of our seniors in nursing homes. This prompts me once again to look toward promoting and supporting other long-term care alternatives to nursing home care. This becomes all the more critical as the Baby Boomers draw closer to senior citizen status.

Today, the focus is on the response of law enforcement and other agencies to physical and sexual abuse in nursing homes. The Committee asked the Government Accounting Office to investigate and determine how law enforcement responds to these crimes after we received complaints of confusion about where to make complaints of abuse and complaints about which agency was responsible for investigating abuse. GAO will share its findings in the report I am releasing today.

GAO's report not only addresses law enforcement's response to reports of physical and sexual abuse in nursing homes but also finds the problem is even greater - there is a pervasive lack of coordination among all the agencies charged with responsibilities of protecting our seniors - by this I mean, law enforcement, social services and government. To illustrate this point, I had a chart prepared that reflects the myriad of agencies involved in responding to claims of physical and sexual abuse in nursing homes. Immediately, it becomes clear that while many agencies have jurisdiction, all too often, no agency has ultimate responsibility to investigate allegations of physical and sexual abuse in nursing homes.

We need to know that seniors in nursing homes are treated like anyone else when a crime does occur. We need to know that trained criminal investigators are notified immediately and can provide the evidence required for any necessary prosecutions. We cannot continue to provide a system that discriminates against seniors with a bureaucratic reporting system that leaves abuse scenes stale and incapable of forensic investigation.

One last point that I'd like to make relates to the International Association of Chiefs of Police. This Committee made repeated attempts to invite this association to represent the interests of police officers and detectives throughout the nation with regard to how nursing home crimes are addressed. I recognize that there are strong elder abuse units in police departments throughout the nation that are doing exemplary work in this area. However, I would like to read into the record a portion of the letter I received from the national association, declining the Committee's invitation to participate in the hearing today. It states the following:

...the IACP membership has not yet taken a formal policy position on the issue. Let me assure you that this is not an indication of the level of importance the IACP believes this issue merits....

I believe this letter concisely makes the point of this hearing. Too many police departments do not have abuse of seniors in nursing homes anywhere on their radar screen. I think it is clear that we have much work to do to ensure that they are better trained and sensitized to the crimes against seniors in institutions. Moreover, it is essential that they not be treated differently from anyone else outside institutions or treated differently because of their age.

Before introducing the witnesses, I would like to recognize other Senators for any opening remarks.

CLOSING STATEMENT

CHAIRMAN BREAUX

I would first like to thank the witnesses for taking time out of their busy schedules to testify before the Committee on this very important topic. I would also once again like to thank our Ranking Member, Senator Craig for his support throughout this investigation.

Today's hearing has touched on some very disturbing issues. Physical and sexual abuse of our nation's nursing home residents simply can not be tolerated. When such horrific acts do occur, they must be thoroughly and properly investigated and prosecuted. We have learned today, that for a variety of reasons, this is not occurring. We must do better. The lack of coordination among the myriad of agencies involved in overseeing nursing home care must be addressed. Law enforcement must be properly educated and trained in addressing crimes perpetrated against the elderly so that they can respond immediately and appropriately. To this end, I plan to pursue funding for law enforcement education and training. Furthermore, I am sending a letter to all 50 governors today asking them to consider enacting legislation similar to Arkansas' law requiring all nursing home deaths to be examined by a coroner in their own states. Finally, I am asking Centers for Medicare and Medicaid Services (CMS) to implement the recommendations found in today's General Accounting Office report. Foremost amongst these recommendations is the need for CMS to ensure that nursing homes report allegations of resident physical or sexual abuse to local law enforcement agencies for investigation without delay and at the same time report these incidents to state survey agencies.

There are no quick fixes to the problems we have heard today. However, they can no longer be ignored. I look forward to working with all those involved as we strive to safeguard our nation's seniors.

Once again, thank you all for being here today. I will leave the record open for two weeks to receive any additional testimony or information.