

**Opening Statement of Senator Herb Kohl
Special Committee on Aging Hearing - May 2, 2007
“The Nursing Home Reform Act Turns Twenty: What Has Been
Accomplished, And What Challenges Remain?”**

Good Morning. I call this hearing to order and welcome all of our witnesses. In January, I promised that this Committee would take a close look at nursing homes to see if our seniors are getting the safest, highest-quality care. Today we are going to do exactly that. We know that the vast majority of nursing home providers care deeply about their residents and are doing their best to provide the best possible care. But as we will hear today, too many problems still exist in some of our nation’s nursing homes.

The Nursing Home Reform Act became law twenty years ago. Better known as OBRA '87, this law set federal standards for the quality of services, for staffing, and for inspection and oversight of long-term care facilities. Without question, it has improved nursing home care. For example, OBRA '87 led to a sharp drop in unnecessary physical and chemical restraints of residents. Other accomplishments and events are on the posters on this podium.

We will hear today from the GAO that in 2006, nearly one in five nursing homes nationwide was cited for poor care that causes actual harm to residents. Among a group of facilities studied in 1998 and 1999 that provided poor care, the agency found that nearly half have made no progress between that time and now. This is unacceptable, and raises questions about how and why our enforcement system is failing.

From CMS, we will hear about the challenges facing state inspection agencies in overseeing nursing homes. Surveyors do the tough work of visiting facilities, documenting the conditions and deficiencies they find, and recommending sanctions.

But it is troubling that fines and sanctions are often not levied -- even when inspectors find violations that leave residents suffering. For facilities that continually slip in and out of compliance, regulators must take swifter action. Bad apples give the nursing home industry a black eye, and they have no business being in this business.

This committee has a long history of closely scrutinizing the quality of nursing home care, and we intend to reaffirm that commitment. We need to regularly monitor the nursing home industry, and the performance of federal and state regulators, to make sure quality standards are met. As a first step, we will follow this hearing with a written request to CMS to brief us every two months on progress made to implement the recommendations in GAO’s testimony that are coming out of this hearing. We will continue to press the Administration to tighten up the enforcement system and make sanctions stick. We will work with

advocates, the industry, and regulators on proposals to tighten the enforcement process so the bad actors no longer escape sanctions.

We will also be requesting ideas for improving the public information about the quality of nursing homes. When consumers look at CMS's "Nursing Home Compare" website, they should be able to tell immediately which facilities are providing good care, and which are providing substandard care.

We also want to make sure that the nursing home workforce is the best it can be, by establishing a nationwide system of background checks for workers in long-term care facilities. Today we will hear about groundbreaking work being done in the State of Michigan. They have successfully organized a streamlined, cost-effective system of background checks for people who apply for jobs in long-term care facilities. Michigan's program is being conducted as part of a pilot program that was enacted in 2003. This program is producing impressive results in other states as well, including my own State of Wisconsin, and it is time to expand it nationwide.

The vast majority of long-term care workers do an excellent job at taking care of our family members. But individuals who have a record of criminal abuse should not care for the most vulnerable in our society. To that end, I plan to introduce legislation that is modeled on Michigan's background check program.

I look forward to joining with all my colleagues on this Committee and in the Congress to ensure that all nursing home residents are safe, and receive the highest quality of care. Our nation's families deserve nothing less.