

Opening Statement of Senator Kohl
Nursing Home Transparency and Improvement
November 15, 2007

Good Afternoon. I call this hearing to order, and welcome our witnesses. In May, this Committee held a hearing to examine the legacy of the 1987 Nursing Home Reform Act. We heard from various experts on just how far nursing homes have come in the past twenty years. While our previous hearing was about looking back, today's hearing is about moving forward and taking the next big step in improving our nation's nursing homes. To do so, I have been working with my colleague Senator Grassley on a proposal to improve nursing home quality by increasing transparency and strengthening enforcement. We are pleased to have Senator Grassley here to address the committee today.

We believe that Americans should have access to as much information about a nursing home as possible, including the results of government inspections, the number of staff employed at a home, and information about the home's ownership. The government should ensure that consumers can obtain this information in a clear, timely, and accurate manner so that they can make the right decision about where to place a loved one.

Our bill will also strengthen the government's system of enforcement. Under the current system, nursing homes that are not providing good care, or—even worse—are putting their residents in harms way, can escape penalty from the government while they slip in and out of compliance with federal regulations. This is unacceptable. We need the threat of sanctions to mean something—and under my bill with Senator Grassley, they will. We also need to make sure that regulators are able to intervene quickly in order to protect the safety of residents.

Today we will also hear from CMS Acting Administrator Kerry Weems. While working on our bill with CMS, we have discovered that many of our goals are aligned. Administrator Weems will testify shortly about the Special Focus Facility Program created by CMS to deal with those nursing homes exhibiting a consistent history of providing poor care to residents. We will be asking him about a significant move toward transparency that CMS is planning to undertake. In just over two weeks, CMS will be disclosing the names of the facilities taking part in the Special Focus Facility Program.

I am pleased to say CMS is beating us to the punch: disclosing this list is a provision in our forthcoming bill. CMS understands what we understand—that it is in everybody’s best interest to let consumers know which nursing homes repeatedly demonstrate deficiencies and violate government standards. Those homes are obviously not doing their jobs. Often the only way to ensure the improvement of any entity is to bring its failings to light. Senator Grassley feels that way, CMS feels that way, and I feel that way. I honestly believe that more nursing homes will come back into compliance for good if they have the court of public opinion and the power of market forces as encouragement.

At the same time, we acknowledge that our goal is not to close a home, but to fix the home, because that is often what is best for the residents. As you will hear, the Special Focus Facility Program is helping these facilities make the changes needed to improve care.

Our hearing today also features a third panel of distinguished witnesses. And in a rare stroke of good fortune, three of them come to us from Wisconsin! We will hear recommendations from national experts, organized labor, and representatives of the nursing home industry on the topics of transparency and enforcement.

As always, I find it very important to state that while we are shining a light on poor-performing homes, we believe that a vast majority of nursing homes are doing a good job. Most homes provide exemplary care—the type of care you would be happy to have a member of your own family receive. We will hear from one such home today, Marquardt Memorial Manor in Watertown, Wisconsin. I can vouch for this home personally, as I have the opportunity to visit many times.

Thank you all for being here. I look forward to working with you during the coming weeks as Senator Grassley and I complete our policy, and I welcome my colleagues on the Aging Committee to contribute their legislative ideas as well. We will now turn to Senator Grassley for his remarks.