

Opening Statement of Senator Charles Grassley
Senate Special Committee on Aging Hearing
"Betrayal: Quality of Care in California Nursing Homes"
Day #1, July 27, 1998

Good afternoon. Welcome to this two-day hearing that will focus on the quality of care in California nursing homes. I would like to begin by thanking our witnesses. Many came from across the United States to be here today. They will share with us their personal, and all too often painful, experiences. I also want to thank our panel of nursing home insiders. They have stepped forward to share with us the realities of working in the nursing home setting. And of course, I would like to extend a special welcome to members of the public.

Twelve years ago, a special report was issued by the San Jose Mercury News. I have a copy of that report right here. As you can see, the title is "NO PLACE TO DIE." (*Hold the paper up for the public to see then leaf through that paper*). This report highlights neglect in California nursing homes. It is a horrifying testament to the lack of compassion and care that was provided to some of the most vulnerable and defenseless individuals -- nursing home residents.

Around the same time that this report was printed, an Institute of Medicine study was completed. That study became known as the IOM study. It found noncompliance with federal regulations to be widespread among nursing homes. It recommended strengthening federal regulations for nursing homes and called for the imposition of stronger sanctions.

One year later, in 1987, the General Accounting Office (GAO) reported that more than one-third of the nation's nursing homes were operating, and I quote, "at a substandard level, below minimum federal standards during three consecutive inspections." That same year, the Nursing Home Reform Act was passed and made law. This Act made the first major improvements to the federal regulation of nursing homes. It addressed quality of life and quality of care issues in nursing homes.

It is within that historical context that we are here today. A dozen years ago, Congress fought the GOOD FIGHT. Congress identified unacceptable care being given to nursing home residents. Congress systematically and objectively studied these quality of care problems. Congress identified viable solutions. Congress legislated. Regulations were issued. Policies and procedures were implemented. An infrastructure was created to ensure that "business as usual," when it came to the nursing home industry, was a thing of the past.

We thought we had the problem licked. Or, maybe we just didn't want to see beyond the laws, regulations, policies and procedures. Sometimes not knowing and not looking is just plain easier. We never dreamed that we could again see a headline that in any way resembled this one. (*Hold up the newspaper again*). But no such luck.

I want to begin by talking about how we got to this hearing. About one year ago, some serious allegations were brought to the Committee's attention regarding the quality of care in California nursing homes. The allegations were shocking. The photographs sickening. And the graphic examples of neglect were almost unbelievable. The shocking truth is that the Committee was told that thousands of California nursing home residents were suffering and meeting with untimely deaths due to malnutrition, dehydration, pressure sores, and infections that spread from the urinary tract to the bloodstream. These allegations were supported by hundreds, maybe even thousands, of death certificates.

I could not stand idly by as Chair of the Special Committee on Aging in light of these grave allegations. On October 1, 1997, after a series of discussions with high level officials at the General Accounting Office (GAO), I requested that a review be conducted into these allegations. On a separate but parallel track, I directed my staff to look into the issue of malnutrition in nursing homes. On October 22, 1997, we assembled a distinguished panel of experts to discuss this issue. These experts confirmed that malnutrition is a frequent and often preventable condition among nursing home residents.

At that time, we also explored the "best practices" used by a number of nursing homes to ensure that their residents receive the proper amount of nutrition daily. I have personally visited nursing homes in Iowa to study these "best practices." I have learned that if you have the WILL, a nursing home CAN ensure that nursing home residents are fed and given enough water -- the very basics of survival. Also last October, an article appeared in TIME Magazine entitled "Fatal Neglect." It highlighted neglect in California nursing homes. So that is how we came to be here today at this hearing.

I'd like to make a brief comment on the politics of these hearings. If there is one issue in America that should rise above politics, it is this one. On this Committee on this issue, there will be NO politics. No partisanship. This issue is much too serious, much too important to become a political football.

I sent President Clinton a letter on July 15, 1998 expressing the urgency of the situation in California. The President finally responded last week to my prodding. I embrace the President's response. His initiatives were a constructive step forward. It's our job to maintain a cooperative spirit on fixing the nursing home problems. But it's also our job to hold the Administration's feet to the fire to ensure these initiatives get implemented.

We have to remember that the initiatives themselves are only 50 percent of the solution. The other 50 percent is getting them implemented. That's where our focus should turn now.

I raise the issue of politics only for one reason. Last week in the President's remarks, I detected a degree of partisanship. Perhaps it was in anticipation that these hearings would be used in a political way against the President.

Let me assure the President and the public that that is not the case. We can't afford to serve this issue up in any political way. It's far too serious. There isn't one Republican that cares more about this matter than any Democrat and vice versa. This issue will not be a political football with this Committee. Period.

The next two days are going to be difficult ones. The personal, often painful experiences and sometimes graphic testimony of our witnesses and nursing home insiders are compelling and disturbing. To imagine that these things are going on today in one or more nursing homes in the State of California is simply intolerable. We will not stand for it.

Day Two of this hearing will present us with the findings and recommendations of the GAO study I had requested earlier. The GAO findings are troubling and sadly reminiscent of the past. The findings of this report are reinforced by HCFA's self-indictment that was released by the Administration last week.

Tomorrow we will also hear from the Health Care Financing Administration (HCFA). HCFA is charged by law with ensuring that the enforcement of federal care requirements for nursing homes is adequate to protect the health, safety, welfare and rights of nursing homes residents. We will also provide an opportunity to representatives of the nursing home industry to address the state of affairs in California nursing homes tomorrow. The State of California was invited to testify as well but declined the

Committee's invitation.

In conclusion, there are a few things that I want to emphasize before I turn to Senator Breaux. First, this hearing is about California nursing homes. It is not about all nursing homes. Second, I will continue exploring the issue of quality of care in nursing homes as a general matter over the upcoming year. I feel compelled to do so. Elderly nursing home residents -- those who don't have a voice -- deserve no less. We have a duty and responsibility to know the truth regarding the quality of care being provided to nursing home residents. I am hopeful that the news is good. I will be prepared if it is bad.

In the end, whatever we learn over the next two days will not be in vain. The quality of care in California nursing homes WILL improve because we as Americans, fathers, mothers, daughters and sons can accept nothing less than success.

Senator Breaux.