

**Statement of Senator Herb Kohl**  
**Senate Special Committee on Aging hearing:**  
**"Crooks Caring for Seniors:**  
**The Case for Criminal Background Checks"**  
**September 14, 1998**

Thank you, Mr. Chairman. And I want to thank Senators Grassley and Breaux for holding this hearing. We will learn a great deal today about patient abuse, its causes, and, most importantly, what the federal government can do to stop it.

For too many people in nursing homes, the golden years have turned into a dark nightmare. We will hear today examples of patients terrorized by the people whose job is to care for them. And we will hear how easy it is for criminals to find work that allows them to prey upon vulnerable patients -- again and again.

In 1996, there were 13,469 complaints of abuse, neglect and theft in our nation's nursing homes and board & care facilities. In addition, 10 percent of nursing home staff admit committing at least one act of physical abuse, and 40 percent admit to psychological abuse. Thirty-six percent had seen at least one incident of physical abuse by other staff members.

These statistics may only scratch the surface; abuse is typically underreported. But in addition to the studies that have been done, there is no shortage of news articles on patient abuse. Last year, the *Milwaukee Journal-Sentinel* ran a series of articles describing how easy it is for people with abusive and criminal backgrounds to find work in health care, and similar stories have appeared nationwide.

Before continuing, it is important to acknowledge that the vast majority of health care workers are honest and professional. They work hard under stressful conditions, often for low pay and few benefits. Most care deeply about the well-being of their patients and treat them with the respect they deserve.

I also want to note that most facilities do the best they can to ensure they have qualified staff. They, too, want to make sure that people with abusive and criminal histories are prevented from working with vulnerable patients. Unfortunately, as we will learn today, providers do not have the tools necessary to weed these people out. And that's where the Federal government must step in.

Current Federal and State laws are not enough to protect patients. Federal law already requires all States to keep a registry of abusive nurse aides, and 33 States have enacted laws that establish criminal background checks for some health workers. But as we will learn today, State registries are often not comprehensive or well maintained. And more importantly, workers can evade registries or State laws by moving from state to state. A worker caught abusing patients in Illinois would have little trouble obtaining work in a nursing home in Wisconsin.

Last year, Senators Grassley, Reid and I introduced the Patient Abuse Prevention Act, which would establish a National Registry of abusive health care workers and require criminal background checks. And in response to our work on nursing home issues, the Administration recently announced a series of steps they will take to improve nursing home care.

As part of the Administration's initiative, they recommended establishing a national registry and background check system modeled after our original bill. I have been working closely with the Administration, as well as industry and consumer groups, to develop such legislation. This hearing will provide additional useful information as we write that bill.

The problem of patient abuse is one that can and must be solved. The strength of our nation ultimately will not be judged by how many missiles we have. It will be judged by how well we take care of the most vulnerable in our society. Today we have the chance to make real progress toward protecting those in nursing homes from pain and indignity. I want to thank all of you for being part of that effort. Thank you, Mr. Chairman.