

**Opening Statement of Senator Chuck Grassley
Monday, September 14, 1998**

I now call this hearing to order. Today's hearing continues the Special Committee on Aging's oversight of the quality of care in nursing homes. Our focus today is on convicted criminals who get jobs in nursing homes and then prey on the vulnerable seniors there. It's not an enjoyable subject, but it's our duty to get to the bottom of it.

In all my years of meeting with Iowans, I don't think I've ever heard anyone say that they wanted to live in a nursing home. But nursing homes are part of the continuum of care, one we must turn to when we need more care than we can receive in our homes. By definition, seniors who end up in nursing homes are more likely to be vulnerable, frail, and possibly isolated than other seniors. That's why these seniors need all of us -- here in Congress, but also in the public at large -- to look out for them.

In late July, this Committee held two revealing days of hearings on the problem of malnutrition in nursing homes. What we learned made all of the Members of the Committee uneasy, I am sure. In a number of nursing homes, residents were failing to receive the food and water necessary for life, and were suffering terribly as a result. Some of the stories we heard were simply tragic.

Who's to blame? Well, we found plenty of blame to go around. HCFA's oversight of nursing homes has been far from adequate, as the President acknowledged by announcing a series of new initiatives in July. And of course, facilities that fail to care for their residents -- while getting paid to do so -- must be held accountable. One of the root causes of the malnutrition problem, we learned, is inadequate staffing levels in these facilities.

Often, these low staffing levels result from problems finding nurse aides at wages the nursing homes pay. This is an era of extremely low unemployment, under 3% in much of Iowa, for example. When there is a labor shortage, employers may not be selective in their hiring practices. And that exacerbates the problem we're examining today.

Clearly, there are places where convicted criminals who have paid their debt to society should be able to work. After all, if these people can't find work, they won't be able to contribute as productive members of society. But if the crime was one of violence or deception, my view is that nursing homes are not one of the places these criminals should work. In these settings, seniors are just too vulnerable. If anyone doubts that statement, I believe our first witness today -- who has a horrific tale of abuse by an ex-con nursing home employee -- will persuade you.

Our first panel will highlight the problem and the potential risk for our seniors. The second panel will focus on one proposed approach to it: a national system of background checks. A number of states have instituted their own background check systems, with mixed results. One of my constituents, Kim Schmett of the Iowa Department of Inspections and Appeals, will fill us in on the Iowa experience. But one limitation of a state-based system is the ability of criminals to move from state to state, one step ahead of the law, so to speak. Another key question right now is the ability of HCFA to administer a new computer background check system. Because of the agency's failure to plan adequately for the Year 2000, they have been telling us that they have very limited ability to institute any new policies that depend on computers. It will be a difficult task for Congress to weigh the priority of the background check system against its other health policy priorities.

While today's hearing focuses on the bad apples, let me caution us not to forget the vital work that nurse aides and other nursing home employees do. Nurse aides provide the comfort, care and companionship for millions of older Americans. While we cannot tolerate abuses of this trust, we should remember to praise the majority of nurse aides for the light they bring to our parents and grandparents.

Let me turn now to Senator Kohl. Senator Kohl was the driving force behind this hearing, and I want to thank him for his interest and involvement in the Aging Committee's effort to protect our seniors in nursing homes. Senator Kohl.