

"Crooks Caring For Seniors: the Case for Criminal Background Checks"

September 14, 1998

1:00 p.m.

628 Dirksen Senate Office Building

Statement of Senator John Breau, Ranking Member

Thank you Mr. Chairman and Senator Kohl for holding this hearing. Finding ways to protect America's most vulnerable population, the frail elderly, is undoubtedly the most important thing we do on this committee. At a hearing on nursing homes in July, we were asked to sit on our hands in an effort to empathize with nursing home residents. That simple exercise helped me to realize how helpless many of these people are. We need to ensure that those who cannot care for themselves receive the best possible care.

I want to emphasize that the vast majority of health care workers are qualified, caring individuals who are dedicated to the patients in their care. Taking care of the frail elderly is often a difficult and thankless job, but these workers take pride in what they do, and I commend their efforts. Unfortunately, even a few abusive workers can cause pain and suffering that cannot be undone.

Congress has taken some steps to ensure that nursing homes provide a safe environment for their residents. The Omnibus Budget Reconciliation Act of 1987 requires states to establish and maintain a registry of nurse aides who are unfit to provide care because of abusive or criminal histories. In addition to the registries, many states require nursing homes to conduct criminal background checks on potential employees.

However, as we will hear today, further steps are needed. Despite current mandates, criminals are continuing to find employment in the long-term care industry. States with criminal background check systems are only able to conduct checks within their states. And, there are many instances in which criminals cross state lines to find employment. In answer to these problems, today we will look at a national background check system as a solution.

At today's hearing, the Department of Health and Human Services Office of Inspector General is releasing a report entitled "Safeguarding Long-Term Care Residents." The report amplifies the call to take further steps to prevent criminals from working with long-term care patients. I look forward to hearing their findings and recommendations.

There are many questions which I hope will be answered at today's hearing:

- is a national background check system feasible?
- how can we build on state systems that are currently in place?
- who will be responsible for paying for this?
- should we broaden the categories of employees included on state registries?
- should we aim these efforts at the entire health care industry?

I look forward to the testimony that we will hear today. I thank the witnesses who have come to share their stories, particularly, Mr. Richard Meyer for his willingness to share his heart-wrenching story. Mr. Chairman, some of what we will hear this afternoon will be unpleasant, but it must be heard. We can no longer pretend that the system is working. It is time to look for solutions. Thank you again Mr. Chairman and Senator Kohl for calling this important hearing.