KOHL, DOMENICI AMENDMENT TO PROTECT ELDERLY FROM ABUSE INCLUDED IN SENATE BUDGET

WASHINGTON, D.C. – Today U.S. Senator Herb Kohl (D-WI), Chairman of the Senate Special Committee on Aging, and Senator Pete Domenici (R-NM) hailed the passage of an amendment to the FY2009 Budget Resolution that will set aside $160 million over three years to protect America’s vulnerable seniors from predators through the creation of a comprehensive nationwide system of background checks for long-term care workers. As it stands now, thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our nation’s nursing homes and other long-term care facilities. Today such predators can easily evade detection throughout the hiring process, securing jobs that allow them to abuse one of our most vulnerable populations both physically and financially. The budget amendment was cosponsored by Senators Blanche Lincoln (D-AR), Sheldon Whitehouse (D-RI), Jeff Bingaman (D-NM), Hillary Clinton (D-NY), Norm Coleman (R-MN), Debbie Stabenow (D-MI), Carl Levin (D-MI), Bob Casey (D-PA) and Amy Klobuchar (D-MN).

“The current system of state-based background checks is haphazard, inconsistent, and full of gaping holes,” said Kohl. “Last night’s approval of the amendment marks a milestone in moving this issue forward and in reducing elder abuse.”

“Our is an effort to stop tragedies before they can happen by setting a national system to keep those who prey on the elderly, chronically ill and disabled from having access to these vulnerable people,” Domenici said.

“Background checks can help protect Americans from being placed in harm’s way, whether it is our elderly, children in child care, security workers, or others. I, like Senator Kohl, am committed to finding ways to
prevent elder abuse and look forward to continuously working with my colleagues in the future on this critical issue so that older adults and their families do not have to worry about the type of care that they or their loved ones are receiving,” Lincoln said.

“Seniors living in nursing homes have the right to expect quality care, and that means knowing those who are caring for them pass high standards,” Bingaman said. “This amendment takes us one step closer to giving seniors in nursing homes – and their families – that peace of mind.”

“Protecting the health and safety of our most vulnerable citizens should be a top priority,” said Stabenow. “I am proud that much of this legislation is modeled after a successful Michigan pilot program and working together we can expand on its progress.

“We have a critical responsibility to ensure the safety of our most vulnerable citizens,” Levin said. “By permitting employers to perform background checks on nursing home employees and applicants, we can help to cut down on abuse in facilities for disabled and elderly people. Michigan is fortunate to have been the site of a pilot program that has proven very successful, and we are hoping to be able to expand this program across the country.”

“As a former Pennsylvania Auditor General who has investigated nursing homes, I have seen too many abuses,” said Casey. “This amendment will go a long way to protect seniors.

The amendment has set aside funding that will be made available upon passage of the Patient Safety and Abuse Prevention Act of 2007 (S. 1577). This bill would establish a nationwide system of background checks to prevent those with criminal histories and records of substantiated abuse from being hired to work within long-term care settings. The legislation is modeled on a successful seven-state pilot program sponsored by Chairman Kohl as part of the Medicare Modernization Act of 2003. Each state was provided with funding to make much-needed investments in their databases, create workforce background check units, update applicable laws and regulations, and offer additional training to long-term care providers. The seven-state pilot program in Wisconsin, New Mexico, Alaska, Idaho, Illinois, Michigan and Nevada has already prevented more than 7,200 people with records of substantiated abuse or a violent criminal record from working with and preying upon frail elders and individuals with disabilities.

S. 1577 was introduced last June by Kohl and Domenici, along with cosponsors Senators Claire McCaskill (D-MO), Debbie Stabenow (D-MI), Blanche Lincoln (D-AR), Carl Levin (D-MI), Hillary Clinton (D-NY), Norm Coleman (R-MN), Jeff Bingaman (D-NM), Sheldon Whitehouse (D-RI), Barack Obama (D-IL), Amy Klobuchar (D-MN), Evan Bayh (D-IN), Susan Collins (R-ME), Thad Cochran (R-MS) and Bob Casey (D-PA). Congressman Tim Mahoney (D-FL) introduced a companion bill (HR.3078) last July in the U.S. House of Representatives, with Democratic Caucus Chairman Rahm Emanuel (D-IL) and Congresswoman Nancy Boyda (D-FL) as original cosponsors.

The budget amendment and S. 1577 are both strongly endorsed by State Attorneys General across the country, the Elder Justice Coalition, which speaks for over 500 member organizations; AARP; the American Health Care Association; NCCNHR; the American Association of Homes and Services for the Aging; and advocates in hundreds of communities who work every day to protect the well-being of elders and individuals with disabilities.