



FOR IMMEDIATE RELEASE

Contact: Taylor Harvey (202) 224-4515

March 6, 2019

**Wyden Statement at Finance Committee Hearing on Nursing Homes**  
*As Prepared for Delivery*

Generations ago, with Social Security, America closed the door to the era of impoverished seniors living out their last years in almshouses and poor farms. Decades later, with Medicare and Medicaid, it guaranteed that seniors would have access to health care. To continue that hard work, one of the challenges this country faces today is ensuring that seniors in nursing homes are safe and well cared-for. Our best nursing homes meet a high standard of care, but tragically, not all do.

Seniors in nursing homes are among the people most vulnerable to the life-threatening consequences of abuse and neglect. Across this country, that vulnerability is being exploited in unimaginably cruel ways in nursing homes that are unsafe, under-staffed and uninterested in providing even the most basic, humane level of care. This morning the committee will hear stories of seniors being sexually and physically abused, starved, dehydrated and left for dead. These stories, unfortunately, are too common around the U.S.

Last November, I released a report, *Sheltering in Danger*, examining the tragic deaths of 12 residents at a nursing home in Florida when nursing home managers and staff failed to evacuate them after Hurricane Irma.

Just this week, a news report from Ashland, Oregon told the story of an elderly nursing home resident who was found with mold, ulcers and infections after she went a week without bathing. A nurse was allegedly stealing her pain medication, and even after a trip to the hospital to treat her infections, the person who was charged with her care continued to steal her medicine until she died 17 days later. So as the committee examines these issues today, there are a few specific matters that need investigation.

First, the Trump budget is coming out next week, and it's a safe wager it'll include another draconian attack on Medicaid. That program helps cover costs for two out of three seniors in nursing homes. I'll fight this cut with everything I've got, because it would turn back the clock on the effort to improve care, and it would inevitably lead to more nursing homes closing their doors.

Second, at a time when the federal government ought to be raising standards and rooting out harmful, substandard care and those who provide it, the Trump administration and CMS is going in the wrong direction.

The basic regulations on nursing homes date back three decades. Since then, a 2003 study found 20,000 complaints of exploitation, abuse and neglect. Reports from the National Center on Elder Abuse and a state agency in New York found that only a slim fraction of cases get reported. A 2014 report from the HHS Inspector General found that a third of Medicare beneficiaries were harmed within a matter of a few weeks of entering a nursing home.

That's why there was an effort in 2016 to update the basic rules for nursing homes. The update required nursing homes to develop plans to prevent infections. It mandated concrete policies and procedures to prevent abuse, neglect, mistreatment and theft. It said that nursing homes shouldn't pump residents full of psychotropic drugs unless they are necessary to treat a specific, diagnosed condition.

It banned the practice of forcing seniors to sign away their legal rights with pre-arbitration contracts as a precondition of admission to a nursing home. It established tougher financial penalties for nursing homes that harm residents or fail to meet safety standards.

Come 2017, under the banner of deregulation, the Trump administration decided to roll back those changes and more. Other examples, related to recommendations in my *Sheltering in Danger* report: I'm worried Trump rollbacks will mean nursing homes are underprepared for natural disasters in the future. And there is still no federal rule mandating that nursing homes have emergency power generators. So whenever I hear the Trump administration throw around the phrase "patients over paperwork," I think of how they're letting criminals and substandard caregivers off the hook when they hurt vulnerable seniors.

Next, it's time for a hard look at the way the federal government rates nursing homes. At a hearing in the Aging Committee years ago, I pointed out that it was easier to get accurate reviews of washing machines than of nursing homes.

After that hearing, the Centers for Medicare and Medicaid Services created a new rating system that should have been a powerful tool for seniors and their families to sort out the good homes from the bad. It hasn't turned out that way.

Too much of the information that goes into the rating system is self-reported. It is not a reliable indicator of quality. For instance, one of the witnesses coming before the committee today will tell us about how her mother passed away after suffering extreme neglect at a facility in Iowa. That home got top marks for quality, a five-star rating. This hearing must accelerate fixes to this system.

I'll close with this final point. I know in Oregon there are homes and labor unions working together to set higher standards and raise the quality of care. As a young man I was the co-director of the Oregon Gray Panthers, an advocacy group for older Oregonians. I also served on the State Board of Examiners of Nursing Home Administrators, even though the industry got state legislators to vote to keep me off it.

I spent a lot of time visiting people who lived in sordid conditions, who needed a lot of help just to get through the day, who were victims of scams and abuse. For me, those memories still serve as a reminder that the job of working to ensure seniors have a dignified retirement is never complete.

So I'm pleased the Chairman has brought this hearing together. There's a lot to be done on this issue, and I look forward to working with both sides of the committee on it.

###