



Legislation Text

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Res. No. 1347

Resolution calling upon the United States Senate to pass and the United States House of Representatives to introduce and pass the Patient Safety and Abuse Prevention Act of 2007 (S. 1577).

By Council Members Brewer, Comrie, Fidler, Gentile, Jackson, James, Liu, Mealy and Palma

Whereas, According to the National Center on Elder Abuse, there are 1.6 million nursing home residents in nearly 17,000 facilities nationwide; and

Whereas, The American Association of Retired Persons reports that in 2005, in New York State, 113,278 seniors 65 years of age and older were residents of 662 nursing facilities; and

Whereas, The elderly are especially vulnerable to abuse because most are dependent on others and many suffer from several chronic diseases that lead to lessened mental and physical capacity, according to the National Research Council; and

Whereas, Experts at the National Research Council state that in 2003, between one and two million Americans ages 65 or older were injured, exploited or otherwise mistreated by someone on whom they depended for care or protection; and

Whereas, Data reported in the Annals of Long-Term Care indicate that elder abuse is associated with increased mortality rates; and

Whereas, In 2006, the New York Long-Term Care Ombudsman received 14,873 long-term facility complaints, 34 of which were physical abuse complaints; and

Whereas, Abused residents of nursing homes and long-term care facilities become more fearful, aggressive, confused and withdrawn, according to the National Center on Elder Abuse; and

Whereas, The U.S. Department of Health and Human services states that workers in nursing homes who

have a previous criminal conviction had higher rates of substantiated abuse than those without a criminal history; and

Whereas, According to the U.S. General Accounting Office, there are many gaps in protecting nursing home residents, including the inadequacies of state registries in tracking employees; and

Whereas, Conducting criminal background checks on potential employees is critical in reducing the possibility of hiring long-term care workers who may harm elderly residents, maintains the U.S. Department of Health and Human Services; and

Whereas, There are many problems with current screening processes, including the fact that current background checks usually do not reveal convictions in other states, as reported in the Annals of Long-Term Care; and

Whereas, S. 1577, also known as the Patient Safety and Abuse Prevention Act of 2007, was introduced into the United States Senate on June 7, 2007; and

Whereas, The Patient Safety and Abuse Prevention Act of 2007 would expand to nationwide a pilot program that provides federal matching funds to states that require long-term care facilities to perform criminal background checks on prospective employees; and

Whereas, S. 1577 would also require the performance of criminal history background checks of employees who have or will have direct patient access by skilled nursing facilities and long-term care providers participating in the Medicare or Medicaid programs; and

Whereas, The Patient Safety and Abuse Prevention Act of 2007 would prohibit skilled nursing facilities or long-term care providers from employing any person who has been convicted of certain crimes or who has perpetrated patient or resident abuse; and

Whereas, Currently, no companion bill to S. 1577 exists in the United States House of Representatives; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to pass and the

United States House of Representatives to introduce and pass the Patient Safety and Abuse Prevention Act of 2007 (S. 1577).

AS
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