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MADIGAN, BROSNAHAN, MALONEY: NEW LEGISLATION WOULD PROTECT NURSING HOME RESIDENTS FROM CONVICTED FELONS AND SEX OFFENDERS

Chicago – Attorney General Lisa Madigan, State Rep. James Brosnahan and State Sen. Edward Maloney today announced new legislation to further protect vulnerable elderly, disabled and mentally ill residents in state-licensed nursing homes by requiring background checks for all current and incoming nursing home residents and requiring all nursing home deaths to be reported to local authorities.

House Bill 4785 , known as An Act to Protect Vulnerable Adults, amends the Illinois Nursing Home Care Act and the Illinois Coroners Act. The bill is sponsored in the House by Brosnahan and Lee Daniels (R-Elmhurst). Maloney (D-Chicago) will sponsor the bill in the Illinois Senate.

“My vision for protecting nursing home residents has been clear and consistent: we must provide our strongest protections for our most vulnerable citizens,” Madigan said. “This bill is critical in protecting the approximately 100,000 adults who reside in Illinois’ long-term care facilities from possible abuse, neglect and criminal behavior.”

“Residents of nursing homes rely on the facilities and the state for their care and protection. We must ensure that as many protections as necessary are put into place to ensure that this care is provided in a safe environment,” Brosnahan said.

“The hard lesson for my district was the situation at Emerald Park nursing home, where a pattern of neglect went on for years. This Act is needed to safeguard some of the most vulnerable members of our society,” Maloney said.

“Without proper background information, nursing homes are unable to provide safe living conditions for this very vulnerable population of elderly people. With this law, nursing home residents will live in more safe and secure environments,” said Polly Poskin, Executive Director, Illinois Coalition Against Sexual Assault (ICASA).

“We are thrilled that Attorney General Madigan has placed the safety and well being of nursing home residents above special interests. The continued placement of criminal offenders, including registered sex offenders, into long-term care facilities with unsuspecting vulnerable adults is unconscionable,”

said Wes Bledsoe, president and founder of A Perfect Cause, a nursing home watchdog group that investigates and reports on offenders living as residents in nursing homes. A study conducted by A Perfect Cause in 2004 and 2005 found 101 registered sex offenders residing in Illinois nursing homes, including 84 offenders under the age of 70.

Madigan said that under the legislation, nursing homes would be required to conduct background checks within 60 days on all current residents. Based on the results of those background checks, any nursing home resident or prospective resident identified as a convicted felon or sex offender would be referred to the Illinois Department of Public Health (IDPH), which would then conduct a risk assessment and provide case-specific recommendations to the facility. In addition, all sex offenders found to be residing in a nursing home would be required to undergo separate, sex offender-specific evaluations conducted by approved providers.

HB 4785 also would require all nursing home deaths to be reported to the local county coroner or medical examiner to ensure suspicious deaths are investigated for the possibility of abuse or neglect. If the legislation is enacted, Illinois would become the third state in the country to protect its nursing home residents by requiring all deaths in its state-licensed facilities be reported to local authorities.

“Coroner investigations are the state’s last resort to identify, punish and rectify neglect and abuse of elderly and disabled Americans who depend on nursing homes for care. They are too late for the victim but vital to protect those who are still living in nursing homes where mistreatment occurs and is all too frequently hidden from public view,” said Alice H. Hedt, Executive Director, National Citizens’ Coalition for Nursing Home Reform (NCCNHR).

Arkansas is one of only two states that currently require such notification to coroners. “We in Pulaski County have witnessed firsthand the benefits of a law such as the one Attorney General Madigan is proposing,” said Mark Malcolm, Pulaski County, Arkansas, coroner. “I am proud to say that the bedsores which were once seen in each and every case and were, incidentally, claimed by the industry to be unavoidable, are almost non-existent on the bodies of the decedents we view today.”

According to the current Illinois Coroners Act, the reporting of deaths to the coroner is required for children in the care of the Department of Children and Family Services (DCFS), for all wards of the state and for anyone in a mental health or substance abuse program funded by the Department of Human Services (DHS). Nursing home residents in state licensed facilities, the majority of whose care is state-funded through Medicaid, deserve no less consideration, Madigan said.

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