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House of Representatives
STATE OF OKLAHOMA

Member:
Public Health Committee
Human Services Committee
Veterans Subcommittee

KRIS STEELE
STATE REPRESENTATIVE
District 26

July 23, 2008

U.S. House of Representatives
Committee on Small Business
Subcommittee on Investigations and Oversight

RE: The Impact of Predators in Long-Term Care on Small Business Operators

Dear Committee Members,

Reducing the risk of abuse and providing protection for senior adults living in long-term care facilities was a top priority of the 2008 Oklahoma Legislative Session. A growing number of registered sex offenders fueled a discussion of where to place individuals who have served their time of incarceration, yet are no longer capable of independent living.

An in-depth study on this issue resulted in the creation of House Bill 2704 which directs the Department of Health to request bids for the operation of a stand-alone, long-term care facility that will house elderly registered sex offenders. The request for proposal (RFP) will set forth certain specifications to designate the heightened security measures necessary to protect the public and residents of the facility.

According to the Oklahoma Department of Corrections (DOC), an estimated 2,450 inmates convicted of sex crimes or violent offenses will be released from prison in the next 10 years. Twenty-six percent of these convicts will be age 51 or older and potentially in need of nursing home care. Numerous studies confirm that certain sex offenders are highly resistant to rehabilitation. Registered sex offenders living in nursing homes can create a dangerous environment for other residents in the home. Officials say 30 individuals listed on the Oklahoma Sex Offender Registry currently reside in nursing homes.

In 2005, the Oklahoma Legislature passed a law requiring nursing homes to post public notification when a registered sex offender is admitted. This measure also directed DOC to notify local law enforcement entities about the location of sex offenders living in nursing homes. However, because of low staff levels and a short supply of security guards, some nursing homes have experienced difficulty in properly monitoring sex offenders residing in their facilities. Federal regulations also prevent nursing homes from restraining residents except in rare circumstances. Offenders living in nursing homes also present a challenge for small business operators. Knowing an offender is living in a particular facility creates a sense of uneasiness, unrest and uncertainty for family, loved ones and other residents. The perception is no one is safe in a home with an offender. Yet, federal law requires states to pay for long-term care services for individuals who are Medicaid eligible – whether or not they are convicted felons.

An interim study conducted in the fall of 2007 resulted in nursing home officials urging lawmakers to prevent those convicted of sex crimes from being placed with the general population. In addition, advocate groups, such as AARP, expressed support for the establishment of a separate facility for registered sex offenders in need of long-term care.

By encouraging the private sector to establish a home with additional security measures for registered offenders, it is the belief of the state that better protection would be afforded to our aging population while meeting the needs of those who have served their debt to society yet remain at risk for re-offending.

Protecting our senior adults is a primary responsibility of state government. Oklahoma's most citizens deserve to live the latter years of life free from the fear of harassment or assault. Implementing appropriate safeguards for the elderly is imperative in making this goal a reality.

Thank you for the opportunity to address this committee. If I can be of further assistance, please contact me at (405) 557-7345 or by e-mail at krissteele@okhouse.gov.

Sincerely,



Rep. Kris Steele
House District 26