

# Lawmakers look at sex offenders in nursing homes

By [Julie Appleby](#), USA TODAY

Ray McDaniel's 18-year-old daughter was raped 10 days after moving into a nursing home — by a registered sex offender who also lived there.

No one was required to tell McDaniel that the 43-year-old sex offender was a resident of the nursing home where his daughter was admitted in 2005 because she is mentally retarded and has schizophrenia. The resident who attacked her pleaded guilty and is serving three years in prison.

His daughter's case led to an Ohio legislative proposal to require nursing homes to post notices if sex offenders live there. The bill has been adopted by the Ohio House and awaits a Senate hearing.

Every state, McDaniel says, should require facilities to "tell people if there is a sex offender in this nursing home."

Ohio is one of several places reviewing notification procedures for sex offenders living in long-term care facilities. The issue is drawing attention as overall nursing home populations drop and some facilities see an influx of residents with mental illnesses, says Beverley Laubert, president of the National Association of State Long Term Care Ombudsman Programs, which help protect patient rights. While the majority of nursing home residents are older than 65, it's not unusual for younger people with medical problems to live in long-term care.

**This week, the House small business investigations subcommittee in Washington, D.C., held a hearing on sexual offenders in the long-term care facilities.**

"As the daughter of a mother in a nursing home, I'm very concerned about this issue," says Rep. Mary Fallin, R-Okla., the subcommittee's top Republican.

She is considering whether legislation is needed to require law enforcement and social service agencies to inform long-term care facilities about sex offenders.

## **Legislation passed**

Among recent actions to increase notification:

- In June, Oklahoma Gov. Brad Henry signed a law that directs the state health department to seek proposals from private firms to open a long-term care facility just for sex offenders.
- Last year, Hillsborough County, Fla., which includes Tampa, barred sex offenders from long-term care facilities unless their status is disclosed to the facility, which must also separate them from other residents.
- From 2005-06, several states, including California, Illinois, Minnesota and Oklahoma, passed laws requiring that long-term care homes receive notice about sex offenders who are admitted to their facilities.

Sex offenders become nursing home residents in several ways. Some are discharged there from prisons if they need long-term care. Others have lived in communities for years but become homeless, aged or need medical oversight, so families or social service agencies admit them to care facilities.

A U.S. Government Accountability Office report in 2006 found at least 700 registered sex offenders living in long-term care facilities, many of them far younger than most other residents. On any given day, about 1.5 million people live in long-term care facilities, reports the American Health Care Association, the industry's trade group.

Many nursing home operators were hesitant to tell residents and their families that some patients had criminal pasts, in part because they feared violating federal privacy rules, the GAO report says.

## **What the law leaves out**

Federal law requires every state to register sex offenders — and to release information on their whereabouts when deemed necessary to protect the public. The law does not specify how — or to whom — states must give notice.

Some states require notification of schools, churches or neighbors when a registered sex offender moves into an area. Fewer specify that nursing homes be informed when a sex offender is admitted. The GAO report looked at laws in eight states and found half did not require notification of nursing home operators or residents.

Rep. Courtney Combs, a Republican who introduced the Ohio bill, says nursing home residents should have the same notification rights as people living in their homes. "If Grandma lives in a nursing home, she would never know there was a sexual offender next to her," Combs says.

Wes Bledsoe, an advocate for better notification, says he documented more than 50 crimes allegedly committed by 44 sex offenders and other convicted criminals living in long-term care facilities from 2002 to 2006, including sexual assaults, rapes and four murders.

"There are still a lot of people who have no clue this is happening," Bledsoe says. His Oklahoma-based group, A Perfect Cause, advocates for background checks on residents and public notification when a sex offender is admitted to a facility.

Not all residents with criminal pasts are going to cause problems, Laubert says. "The degree of risk and the degree of the problem will be related to how well the facility is managed."