

Abilene's oldest performing arts organizations, the Abilene Philharmonic Orchestra on December 2 of this year. This great symphony orchestra enriches the cultural life of a city in a unique way; it creates a place where fine musicians want to live and teach and perform. In the 1950-opening season, concerts were held in the old Abilene High School with audiences of less than 100 people. Currently the Abilene Philharmonic Orchestra performs in the Abilene Civic Center with crowds averaging 2,000. I would not only like to acknowledge this organization for their 50th anniversary, but also the impact they have had on the Abilene community.

HONORING A SPECIAL COLORADO
FAMILY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to honor a hard working family from Flagler, CO. Florence Fuller works with her daughter and son-in-law, Sally and Mike Santala on their farm in northeast Colorado. They survive Florence's husband, Eddie, who began the family tradition of finding new ways of conserving natural resources on their farm. It is that tradition that has earned the Fuller family the Farming Conservationist Award from the Colorado Association of Soil Conservation Districts at its 56th annual meeting in Grand Junction, Monday, November 13. Each year, the association awards the title of Conservationist of the Year to landowners who exemplify leadership in land stewardship.

The Fullers first came to Kit Carson County in 1948 and immediately took a leadership role in their local community. Eddie Fuller helped organize the Flagler Soil Conservation District in 1951 and acted as the organization's Secretary-Treasurer for 16 years. The Fuller farm now encompasses 860 acres of cropland, 97 acres of hay meadow, and 2,500 acres of rangeland at the base of the Colorado Rocky Mountains. It is because of the Fuller family's innovative work with rotational grazing techniques and other conservation methods that the Colorado Association of Conservation Districts has bestowed upon them such an honor, and it is because of their contributions to their community and the environment that I stand here to recognize them today.

MOTION TO INSTRUCT CONFEREES
ON H.R. 4577, DEPARTMENTS OF
LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND
RELATED AGENCIES APPROPRIATIONS
ACT 2001

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. BARTON of Texas. Mr. Speaker, I rise today to oppose this motion. It is fitting this motion was brought on October 31, because this is pure Halloween politics by the minority

party designed to scare Americans a week before the Presidential election. The timing of the motion, and the study upon which this motion is based, are questionable at best. One week before an election, the Minority Staff of the Government Reform Committee releases a report criticizing the condition of Texas nursing homes.

Some have tried to pass this study off as non-partisan. I have a hard time believing such a claim. This study was conducted unbeknownst to the majority staff at the Government Reform Committee. This was not an effort to accurately gauge the conditions of Texas nursing homes. This was purely political. The Gore-Lieberman website posted the study and commentary on it before it was released to Majority Members of the Government Reform Committee. It also breeds suspicion that days before this report was released, the Democratic National Committee began an advertising campaign on the state of nursing homes in Texas.

If this was a non-partisan study then are we supposed to believe that it was a mere coincidence the study was released on the heels of these ads being run. Even if we are to blindly accept such a coincidence, the release of the study to the Gore-Lieberman campaign before it was given to Majority Members of the Government Reform Committee clearly demonstrate that this study was nothing more than partisan political propaganda.

More disheartening than the timed release of this study was the facts ascertained and the conclusions reached by the study are a clear misrepresentation of the conditions of nursing homes in Texas. I agree that we must take steps to improve the care that patients receive in nursing homes. However, as a Texan I take great umbrage at this one-sided hatchet job designed to embarrass my state.

If we look at the objective facts we find a much different picture of Texas nursing homes than painted by the Minority Staff Report. In September 2000, the non-partisan General Accounting Agency (GAO) issued a comprehensive study that directly disputes the claims made in the partisan minority report. The GAO concluded that the percentage of homes in Texas cited for harm and immediate jeopardy deficiencies were half what the partisan Minority study claims.

The Minority Staff study claims that over 50 percent of the nursing homes in Texas had violations that caused actual harm to residents or placed them at risk of death or serious injury. According to the September GAO report, the percentage of homes with actual harm and immediate jeopardy deficiencies from January 1997 to July 2000 were only 25 percent—half what the Minority report stated. We must work to reduce this number, but it also clearly demonstrates how the Minority report attempted to overstate the problem in a partisan effort to embarrass Texas.

The University of California San Francisco Department of Social and Behavioral Sciences conducted a nationwide study of nursing facility deficiencies in which Texas nursing homes rated better than most other states. The study examined the percentage of nursing homes with deficiencies in ten different areas; Comprehensive Assessments, Accident Prevention, Housekeeping, Dignity, Physical Restraints, Food Sanitation, Accidents, Quality of Care, Pressure Sores, and Comprehensive Care Plans. In Calendar Year 1998, the last year of

the study, Texas nursing homes had lower indices of deficiencies than the normal average in eight of these categories.

In the percentage of Quality of Care deficiencies, Texas nursing homes are below the national average, while a state like Connecticut is a staggering 19 percent above the national average, and above the national average in four of ten categories. In the percentage of Food Sanitation deficiencies, Texas is half a percentage point above the national average. However, Tennessee is over eight percent above the national average in Food Sanitation deficiencies. Instead of attempting to misrepresent the Texas record for political gain, the Gore-Lieberman ticket should be focusing their efforts on improving nursing home conditions in their home states.

In Texas we understand there are problems within our nursing home system, and we have taken steps to correct them. In 1995 and 1997, Texas passed legislation that instituted: new requirements for background checks on nursing home operators, new enforcement measures on non-compliant nursing homes, and mandated standards for quality of life and quality of care. A facilities compliance with these standards must be made available to the public and explained to nursing home residents as well as their next of kin.

According to a March 1999 GAO report on nursing homes, Texas spends more than other states on compliant expenditures per home. It also shows that the only state with more compliant visits per 1,000 beds is Washington. Many experts believe that compliant investigators are more important than the standard surveys required not less frequently than every 15 months. This is believed to be this case because complaints can be a good indicator of a current problem in a facility, that a compliant visit comes as a surprise and thus gives surveyors a more accurate picture of what is going on in a facility.

We passed the Boren Amendment in the Balanced Budget Act of 1997 to remove states Medicaid spending from the crippling effects of court mandated reimbursements. The Boren Amendment was enacted to provide more fiscal discipline in the Medicaid program. However, the vague wording of the amendment subjected states to numerous court orders that led to Medicaid spending spiraling out of control. A major proponent of eliminating the Boren Amendment was President Clinton. The President, in an August 1999 speech to the National Governors Association, stated, "We've waived or eliminated scores of laws and regulations on Medicaid, including one we all wanted to get rid of, the so-called Boren Amendment." Eliminating this provision was a bipartisan effort which both parties agreed to.

If the Boren Amendment is not working, and the proof is not there that it isn't, then let's follow the procedures dictated by the Balanced Budget Act of 1997. In this statute a provision was included that asks the Secretary of the Department of Health and Human Services to conduct a study on access to, and quality of, the services provided to beneficiaries subject to the rate setting method used by the states. That report is due 4 years after the enactment of B.B.A. 97 which puts us in August of next year. This report will give accurate information on the effects on repeal of the Boren Amendment, and if there is a need to have it reinstated.

This is Halloween, but don't be fooled. If we need to reexamine the repeal of the Boren