QUESTION:  
(1) Does your state have a requirement that neighbors of a registered sex offender be made aware of the offender's history prior to his/her entering a community? Does that include a nursing home or other long-term care facility? Is that requirement in law, regulation, or policy?  
(2) Does staff receive any special training when an inmate, parolee, or registered sex offender (who may not be a parolee) enters the facility?  
(3) Is the Ombudsman Program notified?  
(4) Does your state have a law, regulation, or policy prohibiting a registered sex offender or parolee from becoming a resident of a nursing home?  

RESPONSES:  
While several responding states had a state law requiring public notification of where registered sex offenders may be residing, there are a variety of methods as to how this happens and whether nursing facility must be informed. In no state was there a requirement that the ombudsman program be notified. Nor did any state have a requirement prohibiting a registered sex offender or parolee from becoming a resident.  

Every state has some public notification requirement. They come in 2 main forms: (1) laws allowing law enforcement to affirmatively notify the public at large when an offender is released; and (2) laws allowing the public – at their initiative rather than at the initiative of law enforcement – to have access to sex offender registries. A summary of state requirements can be found on the website of the National Center for Prosecution of Child Abuse at http://www.calib.com/nccanch/pubs/sag/offenders.pdf.  

In May 2004, the Minnesota Attorney General filed a lawsuit against a Minnesota nursing home, claiming that sex offenders living at the facility assaulted other residents. As of June 2004, there has been no resolution in the case.  

See below for state responses.
Kentucky:  (1) KRS 17.580 mandates the Kentucky State Police to have a web site containing a list of the registered sex offenders that is available to the public. There is not a requirement to notify neighbors or nursing facilities. Nursing facility administrators may access the web site prior to admitting a resident. If the individual is listed, they are not required to admit. However, once an individual is admitted, they cannot legally be discharged based solely on the fact that they are a registered sex offender. If the resident harms or attempts to harm other residents however, that can be grounds for discharging him/her.  
(2) No, staff do not receive any special training.  
(3) No, the ombudsman program is not notified.  
(4) There is no prohibition on registered sex offenders becoming residents of a nursing facility.  
For more information, contact John Sammons, State LTC Ombudsman, (502) 564-6930, johnm.sammons@ky.gov.

Puerto Rico:  Puerto Rico does not have any regulation on this issue. In board and care facilities that attend to residents with mental illness, there have been situations that were reported to the ombudsmen, who in turn referred the case to the appropriate agencies. For more information, contact Carmen Matos, State LTC Ombudsman, (787) 725-1515, cmatos@ogave.gobierno.pr.

Rhode Island:  (1) Rhode Island does not require a sex offender’s history to be made public to the community in which they will be living unless it is level three offense. A level three offender is a sexually violent predator who is expected to re-offend. (Rhode Island statutes 11-37.1-12). In this case the information will be given prior to their entering the community. In the case of nursing home admissions, the information is given to the facility, but it is not given to residents or their families. There is no law or regulation regarding this situation.  
(2) There is no special training for staff when a sex offender has been admitted to a facility. However, the ombudsman office believes there should be.  
(3) The ombudsman office is notified when a sex offender or parolee is about to be discharged to a nursing home from Eleanor Slater State Hospital. However, if another agency discharges to a nursing home, the ombudsman program is not notified until the facility calls with concerns about the admission. The facility is informed that the ombudsman program would not have supported their decision to admit an individual that could possibly have been a danger to their population.  
(4) There is no law, regulation, etc. prohibiting such an individual from becoming a resident of a nursing home.
Rhode Island doesn’t have a long-term care branch of its prison system, although the criminally insane are provided for within the system.  
*For more information, contact Paula Moreau, LTC Ombudsman Program, (401) 785-3340, paula@alliancebltc.org.*

**South Dakota:**  
No to all four questions. A couple facilities, prior to admitting a registered sex offender, have called the ombudsman program for respondent’s opinion of admitting such a person. He typically reiterates the facility responsibility in protecting all of its residents, points out the liability issues, etc. Respondent has known of two parolees going into nursing facilities, but the parole designation was kind of misleading – one was in a fight in the penitentiary and received extensive brain damage. He was totally bedridden, no risk to anybody. The other one was very similar. *For more information, contact Jeff Askew, State LTC Ombudsman, (605) 773-3656, jeff.askew@state.sd.us.*

**Tennessee:**  
(1) State law requires that the public be made aware of the presence of an offender, but does not specifically dictate the process by which this should take place, including the notification of neighbors. There are certain restrictions as to the area in which an offender can live. Nursing homes or other long-term care facilities are not specifically named. A central data base has been established for the collecting and retention of offenders’ names and other identifying information.  
(2) Tennessee has a specific facility with patients who would normally be in a nursing home. It is not known if the staff receives specialized training to cope with this population.  
(3) The ombudsman program has not received notification of incidents involving these residents.  
(4) There is no law to address this issue at present. Presently there is no indication that inmates reside in any long-term care facility.  
*For more information, contact Adrian Wheeler, State LTC Ombudsman, (615) 741-2056, Adrian.wheeler@state.tn.us.*

**Washington:**  
(1) Law enforcement in different jurisdictions define the notification requirement somewhat differently. The nursing home may know, but the residents may or may not be considered “neighbors.”  
(2) Staff do not receive any special training.  
(3) The ombudsman program is not notified, nor is the department of social and health services.  
(4) There is no law, regulation, or policy prohibiting a registered sex offender or parolee from becoming a resident of a nursing home.  
*For more information, contact Kary Hyre, State LTC Ombudsman, (800) 422-1384, karyh@skcmsc.com.*
West Virginia:  

(1) Yes, West Virginia has a requirement that neighbors of a registered sex offender be made aware of the offender's history prior to his/her entering the community. West Virginia’s Sex Registration Act (W.Va. Code sec.15-12-1, *et seq.*.) provides for community notification through two different means. First, when an offender has been determined to be a sexually violent predator, the prosecuting attorney must cooperate with the state police in conducting a community-notification program. Community notification includes the offender’s: (1) name; (2) photograph; (3) place of residence; (4) employment and education or training; (5) information concerning the legal rights and obligations of both the offender and the community; and (6) information relating to the victim of an offense, except his or her name, to the extent that it is considered necessary to best educate the public as to the nature of sexual offenses. (W.Va. Code sec. 15-12-5(b)(1)). Second, and more particularly, the act provides for the distribution of a copy of the actual registration (much more detailed information, e.g., the type of car the registrant drives) to certain law enforcement, protective agencies, community organizations, and religious organizations. (W.Va. Code sec. 15-12-5(a)). Does that include a nursing home or other long-term care facility? Yes. The act provides for the distribution of a copy of the actual registration to “day care, residential or respite care, or other supportive services for mentally or physically incapacitated or infirm persons in the county where the registrant resides, is employed, or attends school.” (W.Va. Code sec. 15-12-5(a)(5)). However, distribution is not automatic. In order to receive notifications, a nursing facility must send a written letter of interest to the Sex Offender Registry Office. The letter must include the name of the facility, what services they provide, what counties they serve. They must also submit some proof that they actually do what they say they do, i.e., a copy of their license. Once this information is received the facility must then enter into a non-disclosure agreement with the WV State Police, the entity that maintains the sex offender registry and agree not to disseminate to the public.

(2) No, WV does not require any special training of staff.

(3) No, the ombudsman program is not notified.

(4) No, the state does not have a law, regulation, or policy that would prohibit a registered sex offender or parolee from becoming a resident in a nursing home.

*For more information, contact Suzanne Messenger, Esq., Legal Aid of West Virginia, (304) 296-0332, messenger@wvnet.edu.*
Summary sheets are compilations of responses received from an informal survey of State Ombudsmen originating from inquiries made by other state and sometimes local ombudsmen. Summary sheets are not formal documents and therefore are not for public distribution. The contents should be used as information for State Ombudsman Programs to include in decision making but are not to be regarded as a definitive study of a particular topic. These sheets are compiled quickly in order to get the information out; there is little to no additional verification work. However, care is taken to accurately reflect the responses given by State Ombudsmen.

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For more information contact the National Long Term Care Ombudsman Resource Center, at (202) 332-2275 or ombudcenter@nccnhr.org