To amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 15, 2005

Mr. Hatch (for himself, Mrs. Lincoln, Mr. Smith, Mr. Kohl, Ms. Landrieu, Mr. Chambliss, Mr. Schumer, Mr. Santorum, Mrs. Clinton, Mr. Bunning, Mr. Pryor, Mr. Lautenberg, Mr. Lieberman, Mr. Enzi, Ms. Collins, Ms. Snowe, Ms. Stabenow, Mr. Bingaman, Mrs. Boxer, Mr. Bayh, Mr. Rockefeller, Ms. Murkowski, Mr. Salazar, Mr. Nelson of Florida, Mr. Johnson, Mr. Menendez, Mr. Reed, and Mr. Specter) introduced the following bill; which was read twice and referred to the Committee on Finance

September 19, 2006

Reported by Mr. Grassley, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Elder Justice Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 101. Amendment to the Social Security Act.
Sec. 102. Supporting the long-term care ombudsman program.
Sec. 103. Adult protective services functions and grant programs.
Sec. 104. Assuring safety of residents when nursing facilities close.
Sec. 105. National nurse aide registry.
Sec. 106. Background checks on direct access employees of long-term care facilities or providers.

TITLE II—DEPARTMENT OF JUSTICE

Sec. 201. Model State laws and practices.
Sec. 203. Victim advocacy grants.
Sec. 204. Supporting local prosecutors in elder justice matters.
Sec. 205. Supporting state prosecutors in elder justice matters.
Sec. 206. Increased support for federal cases involving elder justice.
Sec. 207. Supporting law enforcement in elder justice matters.
Sec. 208. Evaluations.

TITLE III—TAX PROVISIONS

Sec. 301. Long-term care facility worker employment tax credit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The proportion of the United States population age 60 years or older will drastically increase in the next 30 years as 77,000,000 baby boomers approach retirement and old age.
(2) Each year, anywhere between 500,000 and 5,000,000 elders in the United States are abused, neglected, or exploited.

(3) Elder abuse, neglect, and exploitation have no boundaries, and cross all racial, social class, gender, and geographic lines.

(4) Victims of elder abuse, neglect, and exploitation are not only subject to injury from mistreatment and neglect, they are also 3.1 times more likely to die at an earlier age than expected than elders who were not victims of elder abuse, neglect, and exploitation.

(5) There is a general dearth of data as to the nature and scope of elder abuse, neglect, and exploitation.

(6) Despite the dearth of data in the field, experts agree that most cases of elder abuse, neglect, and exploitation are never reported and that abuse and neglect shorten a victim’s life, often triggering a downward spiral of an otherwise productive, self-sufficient elder’s life. Programs addressing other difficult issues such as domestic violence and child abuse and neglect have demonstrated the need for a multi-faceted law combining public health, social service, and law enforcement approaches.
For over 20 years, Congress has been presented with facts and testimony calling for a coordinated Federal effort to combat elder abuse, neglect, and exploitation.

The Federal Government has been slow to respond to the needs of victims of elder abuse, neglect, and exploitation or to undertake prevention efforts.

No Federal law has been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation and there are very limited resources available to those in the field directly dealing with these issues.

Differences in State laws and practices in the areas of elder abuse, neglect, and exploitation lead to significant disparities in prevention, protective and social services, treatment systems, and law enforcement, and lead to other inequities.

The Federal Government has played an important role in promoting research, training, public safety, data collection, the identification, development, and dissemination of promising health care, social, and protective services, and law enforcement practices relating to child abuse and neglect, domestic violence, and violence against women. The Fed-
eral Government should promote similar efforts and protections relating to elder abuse, neglect, and exploitation.

(12) The Federal Government should provide leadership and assist States and communities in their efforts to protect elders in the United States by—

(A) promoting coordinated planning among all levels of government;

(B) generating and sharing knowledge relevant to protecting elders;

(C) providing leadership to combat the abuse, neglect, and exploitation of the Nation’s elders; and

(D) providing resources to States and communities to promote elder justice.

(13) The problem of elder abuse, neglect, and exploitation requires a comprehensive approach that—

(A) integrates the work of health, legal, and social service agencies and organizations;

(B) emphasizes the need for prevention, reporting, investigation, assessment, treatment, and prosecution of elder abuse, neglect, and exploitation at all levels of government;
ensures that sufficient numbers of properly trained personnel with specialized knowledge are in place to treat, assess, and provide services relating to elder abuse, neglect, and exploitation, and carry out elder and vulnerable adult protection duties;

(D) is sensitive to ethnic and cultural diversity;

(E) recognizes the role of mental health, disability, dementia, substance abuse, medication mismanagement, and family dysfunction problems in increasing and exacerbating elder abuse, neglect, and exploitation; and

(F) balances adults’ right to self-determination with society’s responsibility to protect elders and vulnerable adults.

(14) The human, social, and economic cost of elder abuse, neglect, and exploitation is high and includes unnecessary expenditures of medicare and medicaid funds.

(15) The failure to coordinate activities relating to, and comprehensively prevent and treat, elder abuse, neglect, and exploitation threatens the future and well-being of millions of elders in the United States.
(16) All elements of society in the United States have a shared responsibility in responding to the national problem of elder abuse, neglect, and exploitation.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To bring a comprehensive approach to preventing and combating elder abuse, neglect, and exploitation, a long invisible problem that afflicts the most vulnerable among the aging population of the United States:

(2) To raise the issue of elder abuse, neglect, and exploitation to national attention, and to create the infrastructure at the Federal, State, and local levels to ensure that individuals and organizations on the front lines who are fighting elder abuse, neglect, and exploitation with scarce resources and fragmented systems have the resources and information needed to carry out their fight.

(3) To bring a comprehensive multi-disciplinary approach to elder justice:

(4) To set in motion research and data collection to fill gaps in knowledge about elder abuse, neglect, and exploitation.
(5) To supplement the activities of service providers and programs, to enhance training, and to leverage scarce resources efficiently to ensure that elder justice receives the attention it deserves as the Nation’s population ages.

(6) To examine the many different laws and practices relating to elder justice in different States and jurisdictions to ascertain which among those laws and practices are the most effective.

(7) To promote the development of an effective adult fiduciary system, including an adult guardianship system, that protects individuals with diminished capacity, maximizes their autonomy, and develops effective resources and an elder rights system.

(8) To recognize and address the role of mental health, disability, dementia, substance abuse, medication mismanagement, and family dysfunction problems in increasing and exacerbating elder abuse, neglect, and exploitation.

(9) To create a short- and long-term strategic plan for the development and coordination of elder justice research, programs, studies, training, and other efforts nationwide.
(10) To promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 101. AMENDMENT TO THE SOCIAL SECURITY ACT.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—ELDER JUSTICE

SEC. 2201. DEFINITIONS.

"In this title:

"(1) Abuse.—The term ‘abuse’ means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

"(2) Adult protective services.—The term ‘adult protective services’ means such services provided to adults as the Secretary may specify and includes services such as—

"(A) disseminating reports of adult abuse, neglect, or exploitation;

"(B) investigating the reports described in subparagraph (A);
"(C) case planning, monitoring, evaluation, and other case work and services; and

"(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

"(3) CAREGIVER.—The term ‘caregiver’ means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and includes a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

"(4) DIRECT CARE.—The term ‘direct care’ means care by a caregiver who provides assistance or long-term care services to a recipient.

"(5) ELDER.—The term ‘elder’ means an individual age 60 or older.

"(6) ELDER JUSTICE.—The term ‘elder justice’ means—

"(A) from a societal perspective, efforts to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation and
to protect elders with diminished capacity while maximizing their autonomy; and

**(B)** from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

**(7)** ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government agency, Indian tribe, or any other public or private entity that is engaged in and has expertise in issues relating to elder justice or in a field necessary to promote elder justice efforts.

**(8)** EXPLOITATION.—The term ‘exploitation’ means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

**(9)** FIDUCIARY.—The term ‘fiduciary’—

**(A)** means a person or entity with the legal responsibility—

**(i)** to make decisions on behalf of and for the benefit of another person; and
“(ii) to act in good faith and with

fairness; and

“(B) includes a trustee, a guardian, a con-

servator, an executor, an agent under a finan-
cial power of attorney or health care power of

attorney, or a representative payee.

“(10) GRANT.—The term ‘grant’ includes a

contract, cooperative agreement, or other mechanism

for providing financial assistance.

“(11) GRANTING AUTHORITY.—The term

‘granting authority’ means the Secretary, the Attor-
ney General, or the Secretary and the Attorney Gen-
eral jointly, as appropriate.

“(12) GUARDIANSHIP.—The term ‘guardian-

ship’ means—

“(A) the process by which a State court
determines that an adult individual lacks capaci-
ty to make decisions about self-care and prop-
erty, and appoints another individual or entity
known as a guardian, as a conservator, or by a
similar term, as surrogate decision maker;

“(B) the manner in which the court-ap-

pointed surrogate carries out duties to the indi-

vidual and the court; or
(C) the manner in which the court exercises oversight of the surrogate.

(13) Indian.—The term 'Indian' means a person who is a member of an Indian tribe.

(14) Indian Tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(15) Knowingly.—The term 'knowingly' has the meaning given such term in section 3729(b) of title 31, United States Code.

(16) Law Enforcement.—The term 'law enforcement' means the full range of potential responders to elder abuse, neglect, and exploitation including—

(A) police; sheriffs; detectives; public safety officers; and corrections personnel;

(B) prosecutors;

(C) medical examiners;

(D) investigators; and
"(17) LONG-TERM CARE.—

"(A) In general.—The term "long-term care" means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

"(B) Loss of capacity for self-care.—For purposes of subparagraph (A), the term "loss of capacity for self-care" means an inability to engage in activities of daily living, including eating, dressing, bathing, and management of one’s financial affairs.

"(18) LONG-TERM CARE FACILITY.—The term "long-term care facility" means a residential care provider that arranges for, or directly provides, long-term care.

"(19) NEGLECT.—The term "neglect" means—

"(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or

"(B) self-neglect.
(20) Nursing facility.—The term ‘nursing facility’ has the meaning given such term under section 1919(a).

(21) Self-neglect.—The term ‘self-neglect’ means an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

(A) obtaining essential food, clothing, shelter, and medical care;

(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

(C) managing one’s own financial affairs.

(22) Serious bodily injury.—

(A) In general.—The term ‘serious bodily injury’ means an injury—

(i) involving extreme physical pain;

(ii) involving substantial risk of death;

(iii) involving protracted loss of impairment of the function of a bodily member, organ, or mental faculty; or

(iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.
"(B) CRIMINAL SEXUAL ABUSE.—Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct constituting aggravated sexual abuse under section 2241, or sexual abuse under section 2242, of title 18, United States Code, or any similar offense under State law.

"(23) SOCIAL.—The term ‘social’, when used with respect to a service, includes adult protective services.

"(24) STATE.—The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Mariana Islands.

"(25) STATE LONG-TERM CARE OMBUDSMAN.— The term ‘State Long-Term Care Ombudsman’ means the State Long-Term Care Ombudsman described in section 712(a)(2) of the Older Americans Act of 1965.

"(26) UNDERSERVED POPULATION.—The term ‘underserved population’ means the population of an area designated by the Secretary as an area with a shortage of elder justice programs or a population group designated by the Secretary as having a short-
age of such programs. Such areas or groups designated by the Secretary may include—

“(A) areas or groups that are geographically isolated (such as isolated in a rural area);

“(B) racial and ethnic minority populations; and

“(C) populations underserved because of special needs (such as language barriers, disabilities, alien status, or age).

“Subtitle A—Federal Elder Justice System


“(a) Establishment.—There is established within the Department of Health and Human Services under the Assistant Secretary for Aging an Office of Elder Justice.

“(b) Director.—

“(1) Appointment.—The President, with the advice and consent of the Senate, shall appoint a Director of the Office of Elder Justice, from among individuals with experience and expertise in elder justice issues, to manage the Office of Elder Justice established under this section.

“(2) Duties.—The Director of the Office of Elder Justice shall—
(A)(i) develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to prevention, detection, training, treatment, evaluation, intervention, research; and improvement of the elder justice system in the United States;

(ii) implement the overall policies and a strategy to carry out the plan described in clause (i); and

(iii) hire personnel to assist the director in carrying out the policies, programs, and administrative activities related to the duties under clauses (i) and (ii); and

(B) provide advice to the Secretary on elder justice issues.

(3) REPORTING RELATIONSHIP.—The Director of the Office of Elder Justice shall report to the Assistant Secretary for Aging.

(4) COMPENSATION.—The Director shall be compensated at a rate that shall not exceed the rate established for level I of the Executive Schedule under section 5312 of title 5, United States Code.
SEC. 2212. ELDER JUSTICE COORDINATING COUNCIL.

"(a) Establishment.—There is established within
the Office of the Secretary an Elder Justice Coordinating
Council (in this section referred to as the ‘Council’).

"(b) Membership.—

"(1) In General.—The Council shall be com-
posed of the following members:

"(A) The Secretary (or the Secretary’s
designee).

"(B) The Attorney General (or the Attor-
ey General’s designee).

"(C) The head of each Federal department
or agency or other governmental entity identi-
fied by the Co-Chairs referred to in subsection
(d) as having responsibilities or administering
programs relating to elder abuse, neglect, and
exploitation.

"(2) Requirement.—Each member of the
Council shall be an officer or employee of the Fed-
eral Government.

"(c) Vacancies.—Any vacancy in the Council shall
not affect its powers, but shall be filled in the same man-
ner as the original appointment was made.

"(d) Co-Chairs.—The members described in sub-
paragraphs (A) and (B) of subsection (b)(1) shall be Co-
Chairs of the Council.
``(e) MEETINGS.—The Council shall meet at least 2 times per year, as determined by the Co-Chairs.

``(f) DUTIES.—

``(1) IN GENERAL.—The Council shall make recommendations to the Secretary and the Attorney General for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

``(2) REPORT.—Not later than the date that is 2 years after the date of enactment of the Elder Justice Act and every 2 years thereafter, the Council shall submit to Congress a report that—

``(A) describes the activities of, accomplishments of, and challenges faced by—

``(i) the Council; and
``(ii) the entities represented on the Council; and

``(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

``(g) POWERS OF THE COUNCIL.—
(1) Information from Federal Agencies.—

(A) In general.—Subject to subparagraph (B), the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Co-Chairs of the Council, the head of such department or agency shall furnish such information to the Council.

(B) Protection of privacy.—The Secretary shall oversee the activities of the Council under this paragraph in order to ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(e) of the Health Insurance Portability and Accountability Act of 1996 and State and local privacy regulations (as applicable).

(2) Postal Services.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(h) Travel Expenses.—The members of the Council shall not receive compensation for the perform-
ance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

"(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"SEC. 2213. ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"(a) ESTABLISHMENT.—There is established a board to be known as the ‘Advisory Board on Elder Abuse, Neglect, and Exploitation’ (in this section referred to as the ‘advisory board’) to create a short- and long-term multi-disciplinary strategic plan for the development of the field of elder justice, and to make recommendations to the Secretary, the Attorney General, and the Elder Justice Coordinating Council established under section 2212.
"(b) Solicitation of Nominations.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (c).

"(c) Composition.—The advisory board shall be composed of 27 members appointed by the Secretary from the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, intervention, treatment, detection, or prosecution.

"(d) Vacancies.—

"(1) In General.—Any vacancy in the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

"(2) Filling Unexpired Term.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(e) Election of Officers.—The advisory board shall elect a chairperson and vice chairperson from among the members. The advisory board shall elect its initial chairperson and vice chairperson at its initial meeting.

"(f) Duties.—Not later than 18 months after the establishment of the advisory board under subsection (a), and annually thereafter, the advisory board shall prepare and submit to the Secretary, the Attorney General, and
the appropriate committees of Congress a report contain-
ing—

"(1) information on the status of Federal, State, and local public and private elder justice ac-
tivities;

"(2) recommendations (including recommended priorities) regarding—

"(A) elder justice programs, research, training, services, practice, enforcement, and coordination;

"(B) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

"(C) activities relating to adult fiduciary systems; including guardianship and other fidu-
ciary arrangements, including the development of State interdisciplinary guardianship commit-
tees;

"(3) recommendations for specific modifications to Federal and State laws (including regulations) or for programs, research, and training to enhance pre-
vention, detection, diagnosis, treatment, intervention
in, investigation, and prosecution of elder abuse, neglect, and exploitation;

“(4) recommendations for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and

“(5) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the elder justice area.

“(g) Powers of the Advisory Board.—

“(1) Information from Federal Agencies.—

“(A) In general.—Subject to subparagraph (B), the advisory board may secure directly from any Federal department or agency such information as the advisory board considers necessary to carry out this section. Upon request of the chair, the head of such department or agency shall furnish such information to the advisory board.

“(B) Protection of privacy.—The Secretary shall oversee the activities of the advisory board under this paragraph in order to ensure the protection of individual health privacy consistent with the regulations promulgated under
section 264(e) of the Health Insurance Portability and Accountability Act of 1996 and State and local privacy regulations (as applicable).

"(2) SHARING OF DATA AND REPORTS.—The advisory board may secure from any entity pursuing elder justice activities under the Elder Justice Act or an amendment made by that Act, any data, reports, or recommendations generated in connection with such activities.

"(3) POSTAL SERVICES.—The advisory board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The advisory board may accept, use, and dispose of gifts or donations of services or property.

"(h) TRAVEL EXPENSES.—The members of the advisory board shall not receive compensation for the performance of services for the advisory board, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the advisory
board. Notwithstanding section 1342 of title 31, United States Code, the Secretary and the Attorney General may accept the voluntary and uncompensated services of the members of the advisory board.

"(i) Detail of Government Employees.—Any Federal Government employee may be detailed to the advisory board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(j) Status as Permanent Advisory Committee.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

"(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection—

"(1) $6,000,000 for fiscal year 2007; and

"(2) $7,500,000 for each of fiscal years 2008 through 2013.

"Subtitle B—Activities to Promote Elder Justice

"Sec. 2221. Data Collection and Dissemination.

"(a) Elder Justice Resource Center.—

"(1) Establishment.—The Secretary, after consultation with the Attorney General, shall establish within the Office of Elder Justice, an Elder Jus-
Resource Center (in this section referred to as
the 'Center') to be the central repository for infor-
mation regarding elder abuse, neglect, and exploi-
tation.

'(2) DUTIES. — The Center shall—

'(A) develop the capacity and procedures
to collect, maintain, and disseminate informa-
tion relevant to consumers, families, providers,
clinicians, advocates, regulators, law enforce-
ment, policymakers, researchers, fiduciaries in-
cluding guardians, judges, and lawyers, relevant
to the prevention, detection, assessment, identi-
fication, and treatment of, intervention in, and
prosecution of, elder abuse, neglect, and exploi-
tation;

'(B) provide, in a user-friendly manner,
information on—

'(i) ways to promote autonomy in the
face of aging or diminishing capacity and
mobility;

'(ii) how to avoid becoming a victim
of elder abuse, neglect, or exploitation; and

'(iii) advance planning and how to
avoid the need for a fiduciary;
“(C) provide links and references to other sources of information;

“(D) compile, analyze, and publish a summary of research conducted on elder abuse, neglect, and exploitation and information on how to obtain the original research materials;

“(E) solicit public comment and comment from the advisory board established under section 2213 on the activities of the Center;

“(F) establish a toll-free number for information and referrals;

“(G) coordinate activities with resource centers and clearinghouses on elder justice topics; and

“(H) provide funding to public and private agencies and entities to develop or continue the efforts of specialized elder justice-related clearinghouses and information repositories, to be linked to the Center, that address topics such as those enumerated in subparagraphs (A) and (B) and that provide effective services.

“(3) COORDINATION OF AVAILABLE RESOURCES.—In establishing the Center under this subsection the Secretary, after consultation with the Attorney General, shall—
“(A) consult with other Federal agencies that operate similar resource centers;

“(B) consult with private entities that operate resource centers or clearinghouses on elder justice-related topics;

“(C) consult with the head of each agency participating in the Elder Justice Coordinating Council established under section 2212, as well as other agencies with clearinghouses comparable to the Center, such as clearinghouses relating to child abuse and neglect, to determine the most efficient and effective manner for collecting, maintaining, and disseminating information on elder abuse, neglect, and exploitation; and

“(D) solicit public comment on the components of such Center.

“(4) NATIONAL ELDER JUSTICE LIBRARY.—

“(A) ESTABLISHMENT.—The Secretary shall establish within the Center a National Elder Justice Library (in this paragraph referred to as the ‘Library’) to serve as a centralized repository for all types of appropriate materials concerning training, technical assistance,
and promising practices relating to elder justice including—

''(i) brochures and pamphlets;

''(ii) video and computer-based resources;

''(iii) books; and

''(iv) training materials.

''(B) INDEX.—The Library shall create and maintain an up-to-date index of the materials described in subparagraph (A) by title; author; date; subject; and type of material; and a brief description of such materials. Such index shall be available on the Internet as well as in printed form in order to be easily accessible to the general public.

''(C) AVAILABILITY.—The materials held by the Library shall be available for copying by individuals and entities nationwide and shall be disseminated at a nominal or no fee. The materials shall be copied and disseminated in accordance with the applicable provisions of title 17, United States Code.

''(D) DUTIES.—

''(i) ADDITIONAL MATERIALS.—The Library shall—
collect data on materials that would be appropriate for such library;

(H) make efforts to identify and obtain appropriate materials; and

(III) identify and obtain materials relating to effective methods of conducting training and providing technical assistance relating to elder justice, including conducting training and providing assistance for underserved populations.

(ii) INFORMATION PACKETS.—After evaluating the materials described in this paragraph, the Library shall compile and develop information packets for use by groups in various settings, including groups who are underserved or have other special needs. Such information packets shall include information and materials on training, technical assistance, and promising practices targeted at specific topics, groups, and settings.
"(5) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this subsection—

"(A) $4,000,000 for fiscal year 2007;

"(B) $5,000,000 for fiscal year 2008; and

"(C) $6,000,000 for each of fiscal years 2009 through 2013.

"(b) Collection of Uniform National Data on Elder Abuse, Neglect, and Exploitation.—

"(1) Purpose.—The purpose of this subsection is to improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to elder abuse, neglect, and exploitation.

"(2) Phase I.—

"(A) In General.—Not later than 1 year after the date of enactment of the Elder Justice Act, the Director of the Centers for Disease Control and Prevention (in this subsection referred to as the ‘Director’), after consultation with the Attorney General and working with experts in relevant disciplines, shall—

"(i) develop a method for collecting national data regarding elder abuse, neglect, and exploitation; and
“(i) develop uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law) reflecting—

“(I) the distinct manner in which each discipline receives and maintains information; and

“(II) the sequence and history of reports to or involvement of different disciplines, independently, or the sequence and history of reports from one discipline to another over time.

“(B) FORMS.—The national data reporting forms described in subparagraph (A)(ii) shall incorporate the definitions of this title for use in determining what is considered a reportable event.

“(3) PHASE II.—

“(A) IN GENERAL.—Not later than 1 year after the completion of the activities described in paragraph (2), the Director shall ensure that the national data reporting forms and data collection methods developed in accordance with
such paragraph are pilot tested in 6 States determined by the Director.

(B) Adjustments to the form and methods.—The Director, after considering the results of the pilot testing described in subparagraph (A), and after consultation with the Attorney General and relevant experts shall adjust the national data reporting forms and data collection methods as necessary.

(4) Phase III—

(A) Distribution of national data reporting forms.—After completion of the adjustment to the national data reporting forms under paragraph (3)(B), the Director shall submit the national data reporting forms along with instructions to—

(i) the heads of the relevant components of the Department of Health and Human Services, the Department of Justice, and the Department of the Treasury, and such other Federal entities as may be appropriate; and

(ii) the Governor’s office of each State for collection from all relevant State
entities of data, including health care, social services, and law enforcement data.

**(B) DATA COLLECTION GRANTS.**—

**(i) AUTHORIZATION.**—The Director is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation.

**(ii) APPLICATION.**—To be eligible to receive a grant under this subparagraph, a State shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

**(iii) REQUIREMENTS.**—Each State receiving a grant under this subparagraph for a fiscal year is required to report data for the calendar year that begins during that fiscal year, using the national data reporting forms described in subparagraph (A).

**(iv) FUNDING.**—

**(I) FIRST YEAR.**—For the first fiscal year in which a State receives grant funds under this subsection, the Secretary shall initially distribute 50
percent of such funds. The Secretary shall distribute the remaining funds at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the State has properly reported data required under this subsection for the calendar year.

``(II) Subsequent years.—Except as provided in subclause (I), the Secretary shall distribute grant funds to a State under this subsection for a fiscal year if the Secretary determines that the State properly reported data required under this subsection for the calendar year that ends during that fiscal year.

``(C) Required information.—Each report submitted under this paragraph shall—

``(i) indicate the State and year in which each event occurred; and

``(ii) identify—

``(I) the total number of events that occurred in each State during the year; and
''(II) the type of each event.

''(5) REPORT.—Not later than 1 year after the date of enactment of the Elder Justice Act and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, including to the Special Committee on Aging and the Finance Committee of the Senate, a report regarding activities conducted under this section:

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

''(A) $10,000,000 for fiscal year 2007;

''(B) $30,000,000 for fiscal year 2008; and

''(C) $100,000,000 for each of fiscal years 2009 through 2013.

''SEC. 2222. ENHANCING RESEARCH AND TRAINING AND STRENGTHENING SERVICES, SYSTEMS, AND PREVENTION.

''(a) GENERAL GRANTS AND CENTERS OF EXCELLENCE.—

''(1) GENERAL GRANTS.—The Secretary may award grants to eligible entities for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and prosecution of elder abuse, neglect, and exploitation including—
"(A) physical, psychological, and emotional abuse and neglect by family and other in-home caregivers;

"(B) physical, psychological, and emotional abuse and neglect of residents in institutional and other residential care facilities;

"(C) elder sexual abuse;

"(D) domestic violence in later life;

"(E) financial fraud and exploitation; and

"(F) self-neglect.

"(2) CENTERS OF EXCELLENCE.—

"(A) GRANTS AUTHORIZED.—The Secretary, through the Director of the National Institute on Aging, and after consultation with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Elder Justice in the Department of Health and Human Services, the Director of the Office of Elder Justice in the Department of Justice, and the members of the advisory board established under section 2213, may award grants to institutions of higher education and other appropriate entities to establish 5 Centers of Excellence nationwide that shall specialize in re-
search, clinical practice, and training relating to elder abuse, neglect, and exploitation.

(B) AUTHORIZED ACTIVITIES.—The Centers of Excellence established with funds provided under subparagraph (A) shall conduct the following activities:

(i) Examine potential issues relating to the protection of elders who are the subjects of research on elder abuse, neglect, and exploitation and provide guidance to other elder abuse, neglect, or exploitation researchers regarding human subjects, protections, and the institutional or peer review boards at research institutions.

(ii) After consultation with the Director of the National Institute on Aging, and the Director of the Office of Human Research Protections, develop and recommend to the Secretary guidelines to assist the institutional or peer review boards in the review of research conducted under this title.

(iii) Coordinate activities, to the extent feasible, among the Centers and with other researchers of elder abuse, neglect,
and exploitation and related areas, and
designate 1 such Center to lead such co-
ordination.

"(C) ADDITIONAL ACTIVITIES.—The Cen-
ters of Excellence established under subpara-
graph (A) may conduct activities including the
following:

"(i) Carrying out a study to deter-
mine the national incidence and prevalence
of elder abuse, neglect, and exploitation in
all settings.

"(ii) Developing uniform, validated
screening tools to assist individuals, fami-
lies, practitioners, institutions, and com-
munities in detecting ongoing or potential
ever abuse, neglect, and exploitation. The
tools that may be developed include—

"(I) a screening tool to determine
whether a particular elder is at risk
for becoming, or is, a victim of elder
abuse, neglect, or exploitation;

"(II) a screening tool to measure
whether caregivers are at risk of com-
mittting elder abuse, neglect, or exploi-
tation;"
(III) a screening tool to measure whether families are at risk for elder abuse, neglect, and exploitation; and

(IV) a screening tool to assess communities, evaluating how each individual agency or system relating to elder abuse, neglect, or exploitation operates in such a community and how all of such agencies or systems communicate and operate in relationship to each other within such community.

(iii) Carrying out various types of intervention research.

(iv) Identifying steps that can be taken (and replicated) to make homes, neighborhoods, communities, and facilities safer for elders, and to enhance elders’ sense of security in all kinds of environments.

(v) Researching successful fiduciary practices and systems to enhance the well-being of persons with diminished capacity.
"(D) Collaboration and access to records.—In awarding a grant under this paragraph the Secretary shall—

"(i) consider the potential for collaboration among researchers and other relevant entities, such as State agencies with statutory responsibility for adult protective services and State Long-Term Care Ombudsmen, that receive reports of elder abuse, neglect, and exploitation, but that may be restricted from participating in research as a result of State law, confidentiality requirements, or other provisions; and

"(ii) require that each institution of higher education desiring a grant under this subsection ensure that the researchers working at such institution will have access to records necessary to conduct research in accordance with this paragraph.

"(3) Authorization of appropriations.—
There are authorized to be appropriated for the purpose of carrying out paragraphs (1) and (2) of this subsection—

"(A) $12,000,000 for fiscal year 2007;
(B) $20,000,000 for fiscal year 2008; and

(C) $25,000,000 for each of fiscal years 2009 through 2013.

(b) SAFE HAVEN AND LEGAL ADVOCACY GRANTS.—

(I) SAFE HAVEN GRANTS.—

(A) GRANTS AUTHORIZED.—The Secretary may award grants to 6 diverse communities to examine various types of elder shelters (in this paragraph referred to as ‘safe havens’) and to test various models for establishing safe havens at home or elsewhere.

(B) AUTHORIZED ACTIVITIES.—Grant funds awarded pursuant to subparagraph (A) shall be used to establish safe havens that—

(i) provide a comprehensive, culturally sensitive, and multidisciplinary team response to allegations of elder abuse, neglect, or exploitation;

(ii) provide a dedicated, elder-friendly setting;

(iii) have the capacity to meet the needs of elders for care; and

(iv) provide various services including—
“(I) nursing and forensic evaluation;

“(II) therapeutic intervention;

“(III) victim support and advocacy; and

“(IV) case review and assistance to make the elder safer at home or to find appropriate placement in safer environments, including shelters, and, in some circumstances, long-term care facilities, other residential care facilities, and hospitals.

“(2) LEGAL ADVOCACY GRANTS.—

“(A) GRANTS AUTHORIZED.—The Secretary, after consultation with the Attorney General, may award grants—

“(i) to study the need for community resources in order to provide assistance for legal and related services for victims of elder abuse, neglect, or exploitation; and

“(ii) to provide assistance for such services by awarding grants for demonstration projects in diverse communities.
“(B) AUTHORIZED ACTIVITIES.—Grant funds awarded pursuant to subparagraph (A) shall be used to provide—

“(i) court-appointed advocates;

“(ii) authorized fiduciaries, including public guardians;

“(iii) monitoring and oversight of fiduciaries;

“(iv) legal services; and

“(v) such other services as the Secretary, after consultation with the Attorney General, determines appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this subsection—

“(A) $3,000,000 for fiscal year 2007;

“(B) $4,000,000 for fiscal year 2008; and

“(C) $5,000,000 for each of fiscal years 2009 through 2013.

“(c) GRANTS TO ENHANCE VOLUNTEER SERVICES.—

“(1) GRANTS.—The Secretary, after consultation with the Attorney General, may award grants to nonprofit organizations and faith-based organizations to encourage such organizations to establish or
continue volunteer programs that focus on the issues
of elder abuse, neglect, and exploitation, or that pro-
vide related services.

“(2) Authorization of appropriations.—
There are authorized to be appropriated to carry out
this subsection—

“(A) $1,500,000 for fiscal year 2007;
“(B) $2,000,000 for fiscal year 2008; and
“(C) $2,500,000 for each of fiscal years
2009 through 2013.

“(d) Multidisciplinary efforts.—

“(1) Grants.—

“(A) In general.—The Secretary may
award grants to fund various multidisciplinary
elder justice activities, including the following:

“(i) Supporting and studying team
approaches for bringing a coordinated mul-
tidisciplinary or interdisciplinary response
to elder abuse, neglect, and exploitation,
including a response from individuals in
social service, health care, public safety,
and legal disciplines.

“(ii) Establishing State coordinating
councils modeled after the national Elder
Justice Coordinating Council established
under section 2212. Such State coordinating councils shall identify the individual States’ needs and provide the national Elder Justice Coordinating Council with information and recommendations relating to State efforts to combat elder abuse, neglect, and exploitation.

“(iii) Providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts at the State level (referred to in some States as ‘State Working Groups’).

“(iv) Broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of other States and communities.

“(v) Carrying out such other interdisciplinary or multidisciplinary efforts as the Secretary determines to be appropriate.
(B) Authorization of Appropriations.—There are authorized to be appropriated to carry out this paragraph, $5,000,000 for each of fiscal years 2007 through 2013.

(2) Interdisciplinary Study.—

(A) In General.—The Director of the Centers for Disease Control and Prevention, after consultation with the Director of the Office of Elder Justice in the Department of Health and Human Services and the Director of the Office of Elder Justice in the Department of Justice, shall conduct an intensive interdisciplinary study of entities that conduct elder justice activities in several different communities, examining how the entities address elder abuse, neglect, and exploitation issues (such as an assessment of various types of health care and social service providers, public safety agencies, law enforcement agencies, prosecutor offices, and the judiciary).

(B) Goal.—The goals of the study described in subparagraph (A) include—

(i) making an assessment of the functioning and effectiveness of each entity in a community that conducts elder justice
activities, and the interdisciplinary communications and collaborations among such entities; and

(ii) developing a procedure for communities to conduct a self-assessment to assist them in identifying the manner in which the entities described in clause (i) in such communities respond to elder justice issues, the needs of such communities relating to elder justice issues, and ways to improve the response systems of such communities for elder abuse, neglect, and exploitation.

(C) Authorization of Appropriations.—There are authorized to be appropriated to carry out this paragraph—

(i) $2,500,000 for fiscal year 2007;

(ii) $3,000,000 for fiscal year 2008;

and

(iii) $3,500,000 for each of fiscal years 2009 through 2013.

(e) Training Grants.—

(1) Grants Authorized.—The Secretary may award grants to groups representing the targeted disciplines described in paragraph (2)(B) to
train individuals with respect to issues of elder abuse, neglect, and exploitation.

"(2) AUTHORIZED ACTIVITIES.—

"(A) IN GENERAL.—Grant funds awarded under paragraph (1) shall be used for training within a discipline as well as cross-training activities that permit individuals in multiple disciplines to train together, fostering communication, coordinating efforts, and ensuring collaboration.

"(B) TARGETED DISCIPLINES.—Groups representing disciplines that will be targeted for training through grants awarded under paragraph (1) include—

"(i) physicians, including geriatricians, medical residents, interns, and fellows;

"(ii) nurses and nurse's aides, including geriatric nurse practitioners, directors of nursing, and Sexual Abuse Nurse Examiners (SANEs) nurses;

"(iii) social workers;

"(iv) public health and safety professionals; including Emergency Medical Services professionals;
“(v) therapists, including creative
arts, occupational, speech, and physical
therapists;

“(vi) State surveyors of nursing facili-
ties and other long-term care facilities;

“(vii) staff of long-term care facilities
or hospitals;

“(viii) coroners and funeral home op-
erators;

“(ix) Federal, State, and local offices
with responsibility for elder justice or long-
term care matters;

“(x) employees or contractors of State
and local agencies with responsibility for
training persons who provide adult protec-
tive services;

“(xi) State Long-Term Care Ombuds-
men;

“(xii) victim advocates and advocates
for elders and individuals with disabilities;

“(xiii) individuals involved in volun-
teer organizations (including faith-based
organizations) who are involved in issues of
governing elder abuse, neglect, and exploitation;
(xiv) police officers, sheriffs, detectives, firefighters, Federal and State investigators, public safety officers, and corrections personnel;

(xv) Federal, State, and local prosecutors, attorneys in private practice involved in elder justice issues, judges, and court employees;

(xvi) federally recognized partnerships of elders, sheriff departments, and the American Association of Retired Persons (commonly referred to as TRIADs);

(xvii) elder service officers;

(xviii) individuals who work with the public, including bank personnel, postal workers, utility workers, providers of home-delivered meals, and others who may work with elders;

(xix) students in professional and paraprofessional schools, internships, fellowships, and other training programs in a relevant profession;

(xx) fiduciaries, including guardians, conservators, and agents under powers of attorney; and
“(xxi) staff and volunteers of domestic violence and child abuse and neglect programs.

“(3) Authorization of appropriations.—

There are authorized to be appropriated to carry out this subsection—

“(A) $10,000,000 for fiscal year 2007;

“(B) $15,000,000 for fiscal year 2008; and

“(C) $20,000,000 for each of fiscal years 2009 through 2013.

“(f) Increasing the Number of Health Care Professionals With Geriatric Training.—

“(1) Increasing the number of health care professionals with geriatric training.—

“(A) In general.—The Secretary shall establish programs to increase—

“(i) the number of health care professionals (including physicians, nurses, nursing personnel, social workers, and therapists) and students in the health care professions, who receive education and training related to geriatrics; and

“(ii) the number of such professionals who provide health care related to geriatrics.
II.(B) Inclusion of geriatric services
as part of obligated service under the
Public Health Service Act.—For purposes
of applying sections 338B and 338C of the
Public Health Service Act (42 U.S.C. 254l,
254m), the term 'obligated service' shall include
any period during which an individual who has
entered into a written contract with the Sec-
retary under such section 338B (42 U.S.C.
254l) is enrolled and participating in an accred-
ited (as determined by the Secretary) edu-
cational program that provides geriatric train-
ing. Upon the completion of such training, the
individual, after consultation with the Sec-
retary, shall provide geriatric services as appro-
priate during the remainder of the period of ob-
ligated service of such individual.

II.(2) Authorization of appropriations.—
There are authorized to be appropriated to carry out
this subsection—

II.(A) $2,500,000 for fiscal year 2007; and
II.(B) $3,500,000 for each of fiscal years
2008 through 2013.

I.(g) Dementia Training Grants.—
"(1) Grants Authorized.—The Secretary may award grants to eligible entities to provide training within the health and social science disciplines, as well as cross-training activities that permit individuals in multiple such disciplines to train together, to foster communication, coordinate efforts, and ensure collaboration on best practices in caring for individuals with dementia.

"(2) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2007 through 2013.

"(h) Special Needs Grants.—

"(1) Grants Authorized.—The Secretary may award grants to eligible entities to identify, address, and make recommendations on meeting the special needs of underserved populations of elders.

"(2) Populations Included.—The grant funds awarded pursuant to paragraph (1) shall be used to fund programs including the following:

"(A) Rural Settings.—Programs designed to meet the needs of elders living in rural locations, including the needs of their informal caregivers and fiduciaries. The programs shall include—
"(i) strategies to decrease isolation;

"(ii) training for informal caregivers and fiduciaries;

"(iii) activities involving collaboration between the entities and local secondary schools and institutions of higher education to offer classes for credit, focusing on training individuals to work with elders and caregivers;

"(iv) training for volunteers to serve in rural communities; and

"(v) strategies on the use of advance planning to avoid the need for a guardian or other fiduciary.

"(B) MINORITY POPULATIONS.—Programs designed to meet the needs of elders in minority populations, including culturally and linguistically appropriate programs:

"(C) INDIAN TRIBES.—Programs designed to provide necessary services to elders who are members of Indian tribes; including successful programs in elder abuse, neglect, and exploitation prevention and treatment that target Indian populations. The entities carrying out the programs shall deliver services and distribute
educational information on elder abuse, neglect, and exploitation to Indian tribes and other policymakers, health and social service providers, law enforcement, and researchers with a particular interest in elders who are members of Indian tribes.

"(3) Authorization of Appropriations.— There are authorized to be appropriated to carry out this subsection $7,500,000 for each of fiscal years 2007 through 2013.

"(i) Public Awareness Grants.—

"(1) Grants Authorized.—The Secretary and the Attorney General, after consultation with the advisory board established under section 2213 and the coordinating council established under section 2212, shall jointly award 1 grant to a national organization, or 1 or more grants to eligible entities, to conduct a national multimedia campaign designed to raise awareness about elder abuse, neglect, and exploitation.

"(2) Authorized Activities.—Grant funds awarded under paragraph (1) shall be used for activities including the following:

"(A) Raising public awareness regarding financial schemes that target elders.
"(B) Pilot testing the effectiveness of various types of multimedia campaigns in raising awareness about—

"(i) the types of elder abuse, neglect, and exploitation;

"(ii) steps to take if an individual suspects elder abuse, neglect, or exploitation has occurred; and

"(iii) ways to prevent elder abuse, neglect, or exploitation.

"(3) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2007 through 2013.

"(j) ELDER JUSTICE INNOVATION FUND.—

"(1) IN GENERAL.—The Secretary and the Attorney General are authorized to jointly award grants to individuals or entities working in the elder justice field or related fields for research, a demonstration project, development or implementation of a promising program or practice, or another innovative effort related to the identification or prevention of elder abuse, neglect, or exploitation that might not otherwise be funded or pursued in the absence of a grant under this subsection.
(2) Authorization of appropriations.—

There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2007 through 2013.

Sec. 2223. Studies.

(a) Roles of Entities Responding to Elder Abuse, Neglect, and Exploitation.—

(1) In general.—The Secretary and the Attorney General shall jointly sponsor or conduct a study of the roles and responsibilities of Government and Government-funded entities responsible for responding to, investigating, and taking other actions in response to reports of elder abuse, neglect, and exploitation including—

(A) State and local agencies with the responsibility for adult protective services;

(B) the State Long-Term Care Ombudsmen;

(C) law enforcement (including prosecutors);

(D) fiduciaries;

(E) judges and other court personnel; and

(F) such other social and protective service, advocacy, and protection organizations as
the Secretary and the Attorney General determine to be appropriate.

(2) Goals.—The goals of the study authorized in paragraph (1) (which may be conducted in distinct sections; if there is overall coordination) are—

(A) to identify gaps in the detection of, investigation of, and intervention in elder abuse, neglect, and exploitation;

(B) to improve the response to elder abuse, neglect, and exploitation; and

(C) to reduce elder victimization and its consequences by assessing and improving the systems created to address reports of elder abuse, neglect, and exploitation.

(3) Authorized Activities.—In conducting the study authorized in paragraph (1), the Director shall—

(A) conduct an evaluation of—

(i) how the social and protective service, advocacy, protection, judicial, and law enforcement entities and systems are operating;

(ii) the interplay and allocation of responsibilities among those entities;
“(iii) how that allocation differs from community to community and State to State; and

“(iv) how those differences impact the population intended to be protected by the entities and systems;

“(B) make recommendations on how to clarify the roles (at the Federal level) of entities such as State agencies with responsibility for adult protective services; the State Long-Term Care Ombudsmen; and other protection and advocacy entities to enhance efficiency, eliminate gaps in service; and identify conflicting mandates and duplication of efforts; and

“(C) evaluate how various communities delineate the roles and responsibilities of the types of entities described in subparagraph (A) in order to identify and recommend effective models and methods to duplicate the delineation efforts (such as duplication through memoranda of understanding);

“(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2007 through 2013.
(b) Family Elder Abuse, Neglect, and Exploitation Study.—

(1) In general.—The Director of the Centers for Disease Control and Prevention (in this subsection referred to as the ‘Director’); after consultation with the Director of the Office of Elder Justice in the Department of Health and Human Services and the Director of the Office of Elder Justice in the Department of Justice, shall conduct a study to determine the best method to address elder abuse, neglect, and exploitation from a public health perspective, including examining methods to reduce elder abuse, neglect, and exploitation committed by family members.

(2) Collaboration.—The Director, in carrying out activities under this subsection, shall collaborate with the Director of the National Institute on Aging; the Director of the Office of Elder Justice in the Department of Health and Human Services; the Director of the Office of Elder Justice in the Department of Justice; the heads of State agencies with responsibility for adult protective services; and the heads of such other entities as the Director determines appropriate.
"(3) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this subsection—

"(A) $1,500,000 for fiscal year 2007; and

"(B) $2,000,000 for each of fiscal years 2008 through 2013.

"SEC. 2224. FORENSIC MARKERS, METHODOLOGIES, AND TRAINING.

"(a) Forensic Centers.—

"(1) Grants.—The Secretary shall make grants to appropriate entities to establish and operate stationary and mobile forensic centers, to develop forensic expertise regarding, and provide services relating to, elder abuse, neglect, and exploitation.

"(2) Coordination among Forensic Centers and Centers of Excellence.—The entities establishing and operating the forensic centers shall coordinate activities on an ongoing basis with the Centers of Excellence described in section 2222(b)(1). Such coordination shall include ongoing communication among the entities and the Centers of Excellence. The entities shall adhere to procedures and mechanisms developed by the Secretary,
including procedures and mechanisms relating to the sharing of data.

58(3) STATIONARY FORENSIC CENTERS.—The Secretary shall make 4 of the grants described in paragraph (1) to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation, to establish and operate stationary forensic centers. The Secretary shall make at least 2 of the 4 grants to an entity operating a Center of Excellence described in section 2222(b)(1) at an institution of higher education.

58(4) MOBILE CENTERS.—The Secretary shall make 6 of the grants described in paragraph (1) to appropriate entities to establish and operate mobile forensic centers.

58(5) USE OF FUNDS.—

58(A) DEVELOPMENT OF FORENSIC MARKERS AND METHODOLOGIES.—An entity that receives a grant under this subsection shall use funds made available through the grant to assist in the determination of whether abuse or neglect occurred, or a crime was committed, and to conduct research to describe and disseminate information on—
(i) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and

(ii) methodologies for determining, in such a case, when and how health care, emergency service, social and protective service, and legal service providers should intervene and when the providers should report the case to law enforcement authorities.

(B) APPLICATIONS.—An entity that receives a grant under this subsection shall use funds made available through the grant to develop forensic expertise regarding elder abuse, neglect, and exploitation, in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

(C) COLLECTION OF EVIDENCE.—An entity operating a Center of Excellence described in section 2222(b)(1) that receives a grant under this subsection shall use funds made available through the grant to develop the capacity to collect forensic evidence, including collecting forensic evidence relating to a potential
determination of elder abuse, neglect, or exploitation.

"(6) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this subsection—

"(A) $4,000,000 for fiscal year 2007;
"(B) $6,000,000 for fiscal year 2008; and
"(C) $8,000,000 for each of fiscal years 2009 through 2013.

"(b) Training To Develop Expertise in Geriatric Forensics.—

"(1) Fellowship Programs.—

"(A) In General.—The Secretary shall award fellowships to eligible individuals, to enable the individuals to obtain training through a standard forensic science training program.

"(B) Eligible Individuals.—To be eligible to receive a fellowship under this paragraph, an individual shall be a physician who—

"(i) is board certified or board eligible in internal medicine or family practice;
"(ii) has completed a program in geriatrics that meets such criteria as the Secretary may prescribe; and
"(iii) has entered into an agreement with the Secretary to provide the team training described in subparagraph (C), after receiving the training described in subparagraph (A):

"(C) TEAM TRAINING.—An individual who receives a fellowship under this paragraph shall provide training in forensic geriatrics to interdisciplinary teams of health care professionals.

"(2) ADDITIONAL PROGRAMS.—In addition to the fellowships awarded under paragraph (1), the Secretary shall establish programs, and make grants to carry out such programs, that are designed to provide forensic training to experienced geriatricians.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2007 through 2013.
“Subtitle C—Increasing Security, Quality, and Consumer Information for Long-Term Care

“CHAPTER 1—INCREASING SECURITY FOR LONG-TERM CARE

“SEC. 2231. REPORTING TO LAW ENFORCEMENT OF CRIMES OCCURRING IN FEDERALLY FUNDED LONG-TERM CARE FACILITIES.

“(a) REPORTING REQUIREMENT.—

“(1) IN GENERAL.—Each individual who is an owner, operator, employee, manager, agent, or contractor of a long-term care facility that is described in subsection (b)(1) shall report to 1 or more law enforcement entities for the jurisdiction in which the facility is located any reasonable suspicion of a crime (as defined by the law of the applicable political subdivision) against any person who is a resident of or receiving care from the facility.

“(2) TIMING.—If the events that cause the suspicion—

“(A) result in serious bodily injury, the individual shall report the suspicion immediately; and
(B) do not result in serious bodily injury,
the individual shall report the suspicion not
later than 24 hours after forming the suspicion.

(b) Long-Term Care Facility Described.—

(1) Long-Term Care Facility.—A long-term
care facility is described in this paragraph if such
facility will receive at least $10,000 in Federal funds
during a year.

(2) Notification.—In the case of a long-
term facility described in paragraph (1), the owner
or operator shall annually notify each individual de-
scribed in subsection (a)(1) of the obligation to com-
ply with subsection(a).

(e) Penalty.—

(1) In General.—If an individual described
in subsection (a)(1) violates subsection (a)—

(A) the individual shall be fined not more
than $200,000 or subject to a civil money pen-
alty of not more than $200,000; or

(B) the Secretary shall classify the indi-
vidual as an excluded individual for a period of
not more than 3 years.

(2) Increased Harm.—If an individual de-
scribed in subsection (a)(1) violates subsection (a),
and the violation exacerbates the harm to the victim of the crime or results in harm to another person—

(A) the individual shall be fined not more than $300,000 or subject to a civil money penalty of not more than $300,000; and

(B) the Secretary shall classify the individual as an excluded individual for a period of not more than 3 years.

(3) EXCLUDED INDIVIDUAL.—During any period for which an individual is classified as an excluded individual under this paragraph, an entity that employs the individual shall be ineligible to receive Federal funds.

(4) EXTENUATING CIRCUMSTANCES.—The Secretary may take into account the financial burden on providers with underserved populations in determining the penalty.

(d) REGULATIONS.—The Secretary, after consulting with the Attorney General, shall issue regulations to carry out this section.
CHAPTER 2—IMPROVING THE QUALITY OF LONG-TERM CARE

SEC. 2241. GRANTS AND INCENTIVES TO ENHANCE LONG-TERM CARE STAFFING.

(a) General Authority.—The Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the ‘‘Administrator’’) shall carry out activities, including activities described in subsections (b) and (c), to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility.

(b) Specific Programs To Enhance Training, Recruitment, and Retention of Staff.—

(1) Coordination with other programs to recruit and train long-term care staff.—The Administrator shall coordinate activities with the Secretary of Labor and the Assistant Secretary for the Administration for Children and Families, in order to provide incentives to participants in programs carried out under section 403(a)(5) and part A of title IV to train for and seek employment providing direct care in a long-term care facility.

(2) Career ladders and wage or benefit increases to increase staffing in long-term care facilities.—

VerDate Aug 31 2005 01:16 Sep 20, 2006 Jkt 049200 PO 00000 Frm 00072 Fmt 6652 Sfmt 6401 E:\BILLS\S2010.RS S2010CCOLEMAN on PROD1PC71 with BILLS
(A) In general.—The Administrator shall make grants to eligible entities to carry out programs through which the entities—

(i) offer, to employees who provide direct care in a long-term care facility, continuing training and varying levels of certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

(ii) provide, or make arrangements with employers to provide, bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

(B) Application.—To be eligible to receive a grant under this paragraph, an entity shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(c) Specific Programs To Improve Management Practices.—

(1) In general.—The Administrator shall make grants to eligible organizations to enable the organizations to provide training and technical as-
sistance to eligible persons (including administra-
tors, directors of nursing, staff developers, and
charge nurses) who establish or implement manage-
ment practices for long-term care facilities.

"(2) USE OF FUNDS.—An organization that re-
eceives a grant under paragraph (1) shall use funds
made available through the grant—

"(A) to provide training and technical as-
sistance regarding management practices for
employees that provide direct care in a long-
term care facility and that are demonstrated to
promote retention of those employees, such as—

"(i) the establishment of basic human
resource policies that reward high perform-
ance, including policies that provide for im-
proved wages and benefits on the basis of
job reviews;

"(ii) the establishment of motivational
and thoughtful work organization prac-
tices;

"(iii) the creation of a workplace cul-
ture that respects and values caregivers
and their needs;
"(iv) the promotion of a workplace culture that respects the rights of residents of a long-term care facility and results in improved care for the residents; and

"(v) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides; or

"(B) to disseminate training materials for the training described in subparagraph (A), and to provide the materials to the National Elder Justice Library established in section 2221(a)(4), so that the materials are available to other providers of such training.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an organization shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(d) EVALUATING PROGRAMS.—After the first programs developed under this section have been completed,
the Administrator shall evaluate the outcomes of such pro-
grams in determining which future applications to fund.

"(c) Accountability Measures.—The Adminis-
trator shall develop accountability measures to ensure that
funds made available under this section benefit the staff
who are the intended beneficiaries of the programs pro-
vided under this section, to promote increases in the num-
ber of staff and stability in the long-term care workforce.

"(f) Compliance With Applicable Laws.—In
order to receive funds under this section, an eligible entity
shall comply with all applicable laws, regulations, and
guidelines.

"(g) Authorization of Appropriations.—There
are authorized to be appropriated to carry out this section
$10,000,000 for each of fiscal years 2007 through 2013.

"SEC. 2242. COLLABORATIVE EFFORTS TO ENHANCE COM-
MUNICATION ON PROMOTING QUALITY OF
AND PREVENTING ABUSE AND NEGLECT IN
LONG-TERM CARE.

"(a) In General.—The Director of the Agency for
Healthcare Research and Quality (in this section referred
to as the 'Director'), after consultation with the Attorney
General, may establish pilot projects to improve long-term
care. In carrying out the projects, the Director shall make
grants to eligible partnerships to develop collaborative and
innovative approaches to improve the quality of, including
preventing abuse and neglect in, long-term care.

"(b) ELIGIBLE PARTNERSHIPS.—To be eligible to re-
ceive a grant under this section, a partnership shall be
a multidisciplinary community partnership, such as a
partnership consisting of representatives in a community
of nursing facility providers, advocates for residents of
long-term care facilities, State Long-Term Care Ombuds-
men, surveyors, the State agency with responsibility for
adult protective services, the State agency with responsi-
bility for licensing long-term care facilities, law enforce-
ment agencies, courts, family councils, residents, certified
nurse aides, registered nurses, physicians, and other ap-
propriate entities and individuals.

"(c) APPLICATION.—To be eligible to receive a grant
under this section, a partnership shall submit an applica-
tion to the Director at such time, in such manner, and
containing such information as the Director may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to carry out this section
$2,500,000 for each of fiscal years 2007 through 2013.
SEC. 2243. COLLABORATIVE EFFORTS TO DEVELOP CONSENSUS AROUND THE MANAGEMENT OF CERTAIN QUALITY-RELATED FACTORS.

"(a) In General.—The Director of the Agency for Healthcare Research and Quality (in this section referred to as the ‘Director’), after consultation with the Attorney General and the Advisory Board established under section 2213, shall make grants to eligible entities to establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care. The Director shall make a limited number of such grants, including at least 1 grant for the establishment of such a panel to address, and develop consensus on, methods of managing resident-to-resident abuse in long-term care.

"(b) Use of Funds.—An entity that receives a grant under this section shall—

"(1) establish a multidisciplinary panel to address a specific subject; and

"(2) ensure that the panel uses the funds made available through the grant to establish a goal with respect to the subject, examine relevant research and data, identify best practices with respect to the subject, determine the best way to carry out those best practices in a practical and feasible manner, and de-
termine an effective manner of distributing information on the subject.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2007 through 2013.

"CHAPTER 3—INCREASING CONSUMER INFORMATION ABOUT LONG-TERM CARE

"SEC. 2251. LONG-TERM CARE CONSUMER CLEARINGHOUSE.

"(a) IN GENERAL.—The Director of the Office of Elder Justice in the Department of Health and Human Services, in coordination with the Director of the Agency for Healthcare Research and Quality and the Administrator of the Centers for Medicare & Medicaid Services, shall establish a long-term care consumer clearinghouse in the Department of Health and Human Services.

"(b) INFORMATION.—The clearinghouse shall be established as part of the Elder Justice Resource Center established under section 2221 and shall provide comprehensive detailed information, in a consumer-friendly form, to consumers about choices relating to long-term care pro-
providers, such as information (including links to Web sites
and other resources that provide information) about—

(1) obtaining the services of, and employing,
caregivers who provide long-term care at an individ-
ual’s home; and

(2) options for residential long-term care, such
as—

(A)(i) the type of care provided by nurs-
ing facilities; and

(ii) the type of care provided by group
homes and other residential long-term care fa-
cilities that are not nursing facilities;

(B) the benefits available through the
programs carried out under titles XVIII and
XIX of the Social Security Act (42 U.S.C. 1395
et seq.; 1396 et seq.); and

(C) the care available through specific
long-term care facilities, including data on the
satisfaction level of residents, and families of
residents, of the facilities.

(c) PROVIDERS.—In providing information on long-
term care providers under this section, the clearinghouse
shall provide information (from States and other sources)
on assisted living facilities, board and care facilities, con-
gregate care facilities, home health care providers, and other long-term care providers.

``(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

``(1) $2,000,000 for fiscal year 2007;
``(2) $3,000,000 for fiscal year 2008; and
``(3) $4,000,000 for each of fiscal years 2009 through 2013.

``SEC. 2252. CONSUMER INFORMATION ABOUT THE CONTINUUM OF RESIDENTIAL LONG-TERM CARE FACILITIES.

``(a) Study.—

``(1) In General.—The Director of the Agency for Healthcare Research and Quality, after consultation with the Director of the Office of Elder Justice in the Department of Health and Human Services and the Director of the Office of Elder Justice in the Department of Justice, shall, directly or through a grant, conduct a study on consumer concerns relating to residential long-term care facilities other than nursing facilities.

``(2) Specific Topics.—The entity conducting the study shall—
“(A) develop definitions for classes of the residential long-term care facilities described in paragraph (1); and

“(B) collect information on the prices of, level of services provided by, oversight and enforcement provisions of, and admission and discharge criteria of the facilities.

“(b) REPORT.—The Director of the Agency for Healthcare Research and Quality shall prepare a report containing the results of the study and, not later than the date that is 2 years after the date of enactment of the Elder Justice Act, submit the report to the Elder Justice Coordinating Council established under section 2212, the Committee on Ways and Means of the House of Representatives, and the Special Committee on Aging of the Senate.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2007 through 2013.

“Subtitle D—Miscellaneous Provisions

“SEC. 2261. EVALUATIONS.

“(a) GRANTS.—

“(1) IN GENERAL.—In making a grant under a provision of this title, the granting authority shall—
(A) require the recipient of the grant to—

(i) reserve a portion of the funds made available through the grant; and

(ii) use the reserved funds to conduct an evaluation of the other activities carried out through the grant; or

(B)(i) reserve a portion of the funds available for the grant; and

(ii) use the reserved funds to provide assistance to an eligible entity to conduct an evaluation of the activities carried out through the grant.

(2) Use of Funds.—A recipient of a grant described in paragraph (1)(A), or assistance described in paragraph (1)(B)(ii), shall use the funds made available through the grant, or the assistance, respectively, to conduct a validated evaluation of the effectiveness of the activities described in subparagraph (A) or (B), respectively, of paragraph (1).

(3) Applications.—

(A) Submission.—

(i) Grants for Projects Containing Evaluations.—To be eligible to receive a grant for which the granting au-
authority requires the reservation described in paragraph (1)(A)(i), an entity shall include a proposal for the evaluation in the application submitted for the grant.

(ii) Assistance for Evaluations.—To be eligible to receive assistance under paragraph (1)(B)(ii), an entity shall submit an application to the granting authority at such time, in such manner, and containing such information as the granting authority may require, including a proposal for the evaluation.

(B) Review and Assistance.—An employee of the National Institute on Aging and a private expert with expertise in evaluation methodology shall review each proposal described in clause (i) or (ii) of subparagraph (A), and determine whether the methodology described in the proposal is adequate to gather meaningful information. If the employee and expert determine that the methodology is inadequate, the employee and expert shall recommend that the granting authority deny the application for the grant described in subparagraph (A)(i), or the assistance described in sub-
paragraph (B)(ii), as appropriate, or make recommendations for how the application should be amended. If the granting authority denies the application on the basis of the proposal, the granting authority shall inform the applicant why the application was denied, and offer assistance to the applicant in modifying the proposal.

"(b) OTHER GRANTS.—The granting authority shall make grants to appropriate entities to conduct validated evaluations of activities to reduce elder abuse, neglect, and exploitation that are not funded under this title.

"(c) CONDITION OF PARTICIPATION.—As a condition of participation in any grant under this title, individuals, facilities, and other entities shall agree to be subject to sections 3729 through 3733 of title 31, United States Code, and other applicable laws.

"SEC. 2262. HUMAN SUBJECT RESEARCH.

"(a) IN GENERAL.—For purposes of the application of subpart A of part 46 of title 45, Code of Federal Regulations, to research conducted under this title, the term `legally authorized representative' means, unless otherwise provided by law, the individual, or judicial or other body authorized under the applicable law to consent to medical treatment on behalf of another person.
"(b) GUIDELINES.—The Secretary, through the Director of the National Institute on Aging, after consultation with the Director of the Office for Human Research Protections, shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.

"SEC. 2263. REGULATIONS.
"The Secretary may issue such regulations as may be necessary to carry out this title.

"SEC. 2264. RULE OF CONSTRUCTION.
"Nothing in this title shall be construed to interfere with or abridge an elder's right to practice his or her religion through reliance on prayer alone for healing when this choice—

"(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

"(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

"(3) may be unambiguously deduced from the elder's life history.
SEC. 2265. AUTHORIZATION OF APPROPRIATION.

"There are authorized to be appropriated to carry out this subtitle $7,000,000 for each of fiscal years 2007 through 2013."

SEC. 102. SUPPORTING THE LONG-TERM CARE OMBUDSMAN PROGRAM.

(a) Supporting the Long-Term Care Ombudsman Program—

(1) In general—Section 712(h) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)) is amended—

(A) in paragraph (8), by striking "; and" at the end and inserting a semicolon;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(10) make grants, in consultation with the Director of the Office of Elder Justice in the Department of Health and Human Services and the Director of the Office of Elder Justice in the Department of Justice, to eligible entities with relevant expertise and experience to conduct evaluations and pilot studies relating to various programs and methods carried out by the Office of the State Long-Term Care Ombudsman or a local Ombudsman entity.
under section 307(a)(9) of this chapter, or to provide support (such as an ombudsman resource center)."

(2) Authorization of Appropriations.—

There are authorized to be appropriated to carry out the amendments made by this subsection—

(A) $5,000,000 in fiscal year 2007;

(B) $7,500,000 in fiscal year 2008; and

(C) $10,000,000 in each of fiscal years 2009 through 2013.

(b) Ombudsman Training Programs.—

(1) In general.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and for State Long-Term Care Ombudsman programs.

(2) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2007 through 2013.
SEC. 103. ADULT PROTECTIVE SERVICES FUNCTIONS AND
GRANT PROGRAMS.

Part A of title XI of the Social Security Act (42
U.S.C. 1301 et seq.) is amended by adding at the end
the following new section:

"ADULT PROTECTIVE SERVICES FUNCTIONS
Sec. 1150A. (a) Functions.—

(1) IN GENERAL.—The Secretary shall ensure
that the Department of Health and Human Serv-
ices—

(A) provides funding authorized by this
title to State and local adult protective services
offices that investigate reports of the abuse, ne-
гlect, and exploitation of elders;

(B) collects and disseminates data annu-
ally relating to the abuse, exploitation, and ne-
glect of elders in coordination with the Bureau
of Justice Statistics of the Office of Justice
Programs of the Department of Justice efforts
to collect national data under section 2221;

(C) develops and disseminates informa-
tion on best practices regarding, and provides
training on, carrying out adult protective serv-
ices;
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"(D) in conjunction with the necessary ex-

erts, conducts research related to the provision

of adult protective services; and

"(E) provides technical assistance to

States and other entities that provide or fund

the provision of adult protective services, in-

cluding through grants made under subsections

(b) and (c):

"(2) Authorization of Appropriations.—

There are authorized to be appropriated to carry out

this subsection—

"(A) $2,000,000 for fiscal year 2007; and

"(B) $3,000,000 for each of fiscal years

2008 through 2013.

"(b) Grant Program.—

"(1) Establishment.—There is established an

adult protective services grant program under which

the Secretary shall annually award grants to States

in the amounts calculated under paragraph (2) for

the purposes of enhancing adult protective services

provided by States and local units of government.

"(2) Amount of Payment.—

"(A) In General.—Subject to subpara-

graphs (B) and (C), with respect to a fiscal
year, each State shall be paid an amount equal
to the product of—

\[ \text{"(i) the amount appropriated for the} \]
\[ \text{year under paragraph (5); and} \]
\[ \text{"(ii) the ratio (expressed as a percent-} \]
\[ \text{age) of—} \]
\[ \text{"(I) the total number of elders} \]
\[ \text{who reside in the State; to} \]
\[ \text{"(II) the total number of elders} \]
\[ \text{who reside in the United States;} \]
\[ \text{"(B) GUARANTEED MINIMUM PAYMENT} \]
\[ \text{AMOUNT.—} \]
\[ \text{"(i) 50 STATES.—Subject to clause} \]
\[ \text{(ii), if the amount determined under sub-} \]
\[ \text{paragraph (A) for a State for a year is less} \]
\[ \text{than 0.75 percent of the amount appro-} \]
\[ \text{priated under paragraph (5), the Secretary} \]
\[ \text{shall increase such determined amount so} \]
\[ \text{that the total amount paid under this sub-} \]
\[ \text{section to the State for the year is equal} \]
\[ \text{to 0.75 percent of the amount so appro-} \]
\[ \text{priated.} \]
\[ \text{"(ii) TERRITORIES.—In the case of a} \]
\[ \text{State other than 1 of the 50 States; clause} \]
shall be applied as if each reference to ‘0.75’ were a reference to ‘0.1’.

(C) Pro rata reductions.—The Secretary shall make such pro rata reductions to the amounts described in subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

(A) Authorized activities.—

(A) Adult protective services.—Funds made available pursuant to this subsection may only be used by States and local units of government to provide adult protective services and may not be used for any other purpose.

(B) Use by agency.—Each State receiving funds pursuant to this subsection shall provide such funds to the agency or unit of State government having legal responsibility for providing adult protective services within the State.

(C) Supplement not supplant.—Each State or local unit of government shall use funds made available pursuant to this subsection to supplement and not supplant other Federal, State, and local public funds expended to provide adult protective services in the State.
“(4) Reports.—

“(A) State reports.—Each State receiving funds under this subsection shall submit to the Secretary, at such time and in such manner as the Secretary may require, a report on the number of elders served by the award of grants under this subsection.

“(B) Report by the Secretary.—Not later than October 1, 2011, the Secretary shall submit to the appropriate committees of Congress a report compiling, summarizing, and analyzing the information contained in the reports submitted under subparagraph (A) together with such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

“(5) Authorization of Appropriations.—

There is authorized to be appropriated to carry out this subsection $300,000,000 for each of fiscal years 2007 through 2011.”.

SEC. 104. ASSURING SAFETY OF RESIDENTS WHEN NURSING FACILITIES CLOSE.

(a) Nursing Facility Closure Under Medicaid.—Section 1919(c)(2) of the Social Security Act (42
U.S.C. 1396r(e)(2)) is amended by adding at the end the following new subparagraph:

"(G) Notice of nursing facility closure and resident transfer plan.—

"(i) In general.—The owner or operator of a nursing facility shall—

"(I) submit to the Secretary and the State (including the State Long-Term Care Ombudsman) in which the facility is located written notification of an impending closure not later than the date that is 60 days prior to the date of such closure;

"(II) include in the notice a plan for the transfer and adequate relocation of the residents prior to closure, including assurances that residents will not be transferred to facilities providing substandard care for which administrative or law enforcement action is pending; and

"(III) not later than 10 days after the facility closure, submit to the Secretary and the State information identifying where residents of the
closed facility were transferred and on
what date.

"(ii) SANCTIONS.—Any person owning
a nursing facility that fails to comply with
the requirements of clause (i) shall be sub-
ject to—

"(I) a civil monetary penalty of
up to $1,000,000;

"(II) exclusion from participation
in the programs under this Act (in ac-
cordance with the procedures of sec-
tion 1128); and

"(III) any other applicable civil
monetary penalties and assessments.

"(iii) PROCEDURE.—A civil monetary
penalty or assessment authorized under
clause (ii) shall be imposed against a per-
son in the same manner as a civil mone-
tary penalty, assessment, or exclusion is
imposed under section 1128A."

(b) SKILLED NURSING FACILITY CLOSURE UNDER
MEDICARE.—Section 1819(e)(2) of the Social Security
Act (42 U.S.C. 1395i–3(e)(2)) is amended by adding at
the end the following new subparagraph:
“(D) Notice of Skilled Nursing Facility Closure and Resident Transfer Plan.—

“(i) In General.—The owner or operator of a skilled nursing facility shall—

“(I) submit to the Secretary and the State in which the facility is located written notification of an impending closure not later than the date that is 60 days prior to the date of such closure;

“(II) include in the notice a plan for the transfer and adequate relocation of the residents prior to closure, including assurances that residents will not be transferred to facilities providing substandard care for which administrative or law enforcement action is pending; and

“(III) not later than 10 days after the facility closure, submit to the Secretary and the State information identifying where residents of the closed facility were transferred and on what date.
“(ii) SANCTIONS.—Any person owning
a nursing facility that fails to comply with
the requirements of clause (i) shall be sub-
ject to—

“(I) a civil monetary penalty of
up to $1,000,000;

“(II) exclusion from participation
in the programs under this Act (in ac-
cordance with the procedures of sec-
tion 1128); and

“(III) any other applicable civil
monetary penalties and assessments.

“(iii) PROCEDURE.—A civil monetary
penalty or assessment authorized under
clause (ii) shall be imposed against a per-
son in the same manner as a civil mone-
tary penalty, assessment, or exclusion is
imposed under section 1128A.”;

SEC. 105. NATIONAL NURSE AIDE REGISTRY.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary, in consulta-
tion with appropriate government agencies and pri-
ivate sector organizations, shall conduct a study on
establishing a national nurse aide registry.
(2) AREAS EVALUATED.—The study conducted under this subsection shall include an evaluation of—

(A) who should be included in the registry;

(B) how such a registry would comply with Federal and State privacy laws and regulations;

(C) how data would be collected for the registry;

(D) what entities and individuals would have access to the data collected;

(E) how the registry would provide appropriate information regarding violations of Federal and State law by individuals included in the registry; and

(F) how the functions of a national nurse aide registry would be coordinated with the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers established under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) and the national criminal background check program established under section 106(c).
(3) CONSIDERATIONS.—In conducting the study and preparing the report required under this sub-
section, the Secretary shall take into consideration the findings and conclusions of relevant reports, in-
cluding the following:


(B) The General Accounting Office (now known as the Government Accountability Of-
face) Report, Nursing Homes: More Can Be Done to Protect Residents from Abuse (March 2002).


(D) The Department of Health and Human Services Health Resources and Services Administration Report, Nursing Aides, Home Health Aides, and Related Health Care Occupa-
tions—National and Local Workforce Shortages and Associated Data Needs (2004)(in par-
ticular with respect to chapter 7 & appendix F).
(E) The 2001 Report to CMS from the School of Rural Public Health, Texas A&M University, Preventing Abuse and Neglect in Nursing Homes: The Role of Nurse Aide Registries.

(4) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the appropriate Committees of Congress containing the findings and recommendations of the study conducted under this subsection.

(5) FUNDING LIMITATION.—Funding for the study conducted under this subsection shall not exceed $500,000.

(b) ESTABLISHMENT OF NATIONAL NURSE AIDE REGISTRY.—

(1) IN GENERAL.—Upon completion of the report described in subsection (a)(4), the Secretary shall take appropriate measures to establish a national nurse aide registry, taking into account the findings and recommendations contained in the report.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums
as are necessary for the purpose of carrying out this subsection.

SEC. 106. BACKGROUND CHECKS ON DIRECT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

(a) Screening of Skilled Nursing Facility and Nursing Facility Employee Applicants.—

(1) Medicare program.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following:

''(9) Screening of skilled nursing facility workers.—

''(A) Background checks on applicants.—Before hiring a skilled nursing facility worker, a skilled nursing facility shall conduct a background check on the employee in accordance with such procedures as the Secretary shall establish.

''(B) Prohibition on hiring of abusive workers.—

''(i) In general.—Subject to clause (ii), a skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any disqualifying infor-
(as defined in subparagraph (F)(ii)).

(ii) Provisional Employment.—A skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the background check required under subparagraph (A). Such facility shall maintain direct supervision of the covered individual during the worker’s provisional period of employment.

(c) Procedures.—The procedures established by the Secretary under subparagraph (A) shall—

(i) provide a process by which a skilled nursing facility worker may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph;

(ii) take into account the needs of skilled nursing facilities located in rural areas and skilled nursing facilities that serve a low volume of patients (as determined by the Secretary) with respect to providing supervision for provisional em-
ployees who are awaiting the results of a background check conducted under this paragraph; and

“(iii) provide for the reimbursement of nursing facilities for 100 percent of the costs incurred by such facilities in complying with the requirements of this section.

“(D) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant, reasonably relies upon information about such applicant provided by the criminal background check shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

“(E) CIVIL PENALTY.—

“(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

“(I) for the first such violation, $2,000; and
''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B) shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term ‘conviction for a relevant crime’ means any Federal or State criminal conviction for—

''(I) any offense described in section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations.

''(ii) DISQUALIFYING INFORMATION.—The term ‘disqualifying information’ means
information about a conviction for a relevant crime or a finding of patient or resident abuse.

“(iii) SKILLED NURSING FACILITY WORKER.—The term ‘skilled nursing facility worker’ means any individual (other than a volunteer) that has direct access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide long-term care services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.”

(2) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following new paragraph:

“(9) SCREENING OF NURSING FACILITY WORKERS.—

“(A) BACKGROUND CHECKS ON APPLICANTS.—Before hiring a nursing facility work-
er, a nursing facility shall conduct a background check on the employee in accordance with such procedures as the Secretary shall establish.

"(B) Prohibition on hiring of abusive workers.—

"(i) In general.—Subject to clause (ii), a nursing facility may not knowingly employ any nursing facility worker who has any disqualifying information (as defined in subparagraph (F)(ii)).

"(ii) Provisional employment.—A nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the background check required under subparagraph (A). Such facility shall maintain direct supervision of the covered individual during the worker’s provisional period of employment.

"(C) Procedures.—The procedures established by the Secretary under subparagraph (A) shall—

"(i) provide a process by which a nursing facility worker may appeal or dis-
pute the accuracy of the information obtained in a background check conducted
under this paragraph;

"(ii) take into account the needs of nursing facilities located in rural areas and
nursing facilities that serve a low volume of patients (as determined by the Sec-
retary) with respect to providing supervi-
sion for provisional employees who are
awaiting the results of a background check
conducted under this paragraph; and

"(iii) provide for the reimbursement of nursing facilities for 100 percent of the
costs incurred by such facilities in com-
plying with the requirements of this sec-
tion.

"(D) IMMUNITY FROM LIABILITY.—A
nursing facility that, in denying employment for
an applicant, reasonably relies upon information
about such applicant provided by the criminal
background check shall not be liable in any ac-
tion brought by such applicant based on the
employment determination resulting from the
information.

"(E) CIVIL PENALTY.—
“(i) In general.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

“(I) for the first such violation, $2,000; and

“(II) for the second and each subsequent violation within any 5-year period, $5,000.

“(ii) Knowing retention of worker.—In addition to any civil penalty under clause (i), a nursing facility that knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B) shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

“(F) Definitions.—In this paragraph:

“(i) Conviction for a relevant crime.—The term ‘conviction for a relevant crime’ means any Federal or State criminal conviction for—
"(I) any offense described in section 1128(a); and

"(II) such other types of offenses as the Secretary may specify in regulations.

"(ii) DISQUALIFYING INFORMATION.—
The term ‘disqualifying information’ means information about a conviction for a relevant crime or a finding of patient or resident abuse.

"(iii) NURSING FACILITY WORKER.—
The term ‘nursing facility worker’ means any individual (other than a volunteer) that has direct access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide long-term care services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.”.
(3) **Effective date.**—The amendments made by this subsection shall take effect on the date that is 1 year after the date on which the evaluation is completed under subsection (c)(1).

(b) **Application to Other Long-Term Care Facilities or Providers.**—

(1) Medicare.—Part E of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

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''APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO LONG-TERM CARE FACILITIES AND PROVIDERS

''Sec. 1898. (a) The provisions of section 1819(b)(9) shall apply to a long-term care facility or provider (as defined in subsection (b)) in the same manner as such provisions apply to a skilled nursing facility.

''(b) Long-Term Care Facility or Provider.—In this section, the term `long-term care facility or provider' means the following facilities or providers which receive payment for services under this title or title XIX:

(1) A home health agency.
(2) A provider of hospice care.
(3) A long-term care hospital.
(4) A provider of personal care services.
(5) A residential care provider that arranges for, or directs provides, long-term care services.
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"(6) An intermediate care facility for the mentally retarded (as defined in section 1905(d))."

(2) Medicaid.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (66), by striking "and"

at the end;

(B) in paragraph (67), by striking the pe-

period and inserting "; and"; and

(C) by inserting after paragraph (67) the

following:

"(68) provide that the provisions of section

1919(b)(9) apply to a long-term care facility or pro-

vider (as defined in section 1898(b)) in the same

manner as such provisions apply to a nursing facil-

ity."

(3) Effective date.—The amendments made

by this subsection shall take effect on the date that

is 1 year after the date on which the evaluation is

completed under subsection (c)(1).

(c) National Criminal Background Check Pro-

gram.—

(1) Completion of pilot program evalua-

tion.—Not later than the date that is 6 months

after the completion of the pilot program for na-

tional and State background checks on direct patient
access employees of long-term care facilities or providers established under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), the Secretary shall complete the evaluation required under subsection (e) of such section of such Act.

(2) Establishment.—

   (A) In General.—Not later than the date that is 1 year after the completion of the evaluation of the program described in paragraph (1), the Secretary, in consultation with the Attorney General, shall establish a national criminal background check program in order to prevent abuse of nursing facility and skilled nursing facility residents and individuals receiving home health care services and other long-term care services under the medicare or medicaid programs, taking into account the findings and recommendations contained in the evaluation.

   (B) Use in Conducting Required Background Checks.—The national criminal background check program shall be made available to a long-term care facility or provider for the purpose of conducting criminal background checks, including the criminal background
checks required under sections 1819(b)(9) and
1919(b)(9) of the Social Security Act (42
U.S.C. 1395i–3(b); 1396r(b)) (as added by sub-
section (a)).

(C) CONDUCT OF BACKGROUND CHECKS
BY THE FEDERAL BUREAU OF INVESTIGA-
TION.—The Secretary, in consultation with the
Attorney General, shall establish procedures for
the background checks to be conducted by the
Federal Bureau of Investigation, in cooperation
with appropriate State and Federal agencies.

(D) CONSULTATION.—In establishing the
national criminal background check program,
the Secretary shall consult with appropriate in-
terested parties, including—

(i) representatives of long-term care
facilities or providers;

(ii) representatives of employees of
long-term care facilities or providers;

(iii) consumers of long-term care serv-
ices;

(iv) consumer advocates; and

(v) appropriate Federal and State of-
ficials.
(E) INTEGRATION.—The Secretary shall take appropriate measures to integrate the national criminal background check program and the national nurse aide registry established under section 105(b) into a single system. The integration of the program and the registry shall be done in such a manner as to efficiently and accurately provide timely responses to long-term care facilities and providers utilizing the integrated system.

(3) DEFINITIONS.—In this subsection:

(A) LONG-TERM CARE FACILITY OR PROVIDER.—The term “long-term care facility or provider” means the following facilities or providers which receive payment for services under title XVIII or XIX of the Social Security Act:

(i) A nursing facility (as defined in subparagraph (B));

(ii) A skilled nursing facility (as defined in subparagraph (C));

(iii) A home health agency;

(iv) A provider of hospice care (as defined in section 1861(dd)(1) of the Social Security Act) (42 U.S.C. 1395x(dd)(1)).
(v) A long-term care hospital (as described in section 1886(d)(1)(B)(iv) of such Act) (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(vi) A provider of personal care services.

(vii) A residential care provider that arranges for, or directly provides, long-term care services.

(viii) An intermediate care facility for the mentally retarded (as defined in section 1905(d) of such Act) (42 U.S.C. 1396d(d)).

(B) Nursing facility.—The term “nursing facility” has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(C) Skilled nursing facility.—The term “skilled nursing facility” has the meaning given such term in 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).
TITLE II—DEPARTMENT OF JUSTICE

SEC. 201. MODEL STATE LAWS AND PRACTICES.

(a) IN GENERAL.—The Attorney General, after consultation with the Secretary, shall carry out the following duties:

(1) STUDY.—Conduct a study of State laws and practices relating to elder abuse, neglect, and exploitation.

(2) REPORT TO ELDER JUSTICE RESOURCE CENTER.—Prepare and submit a report or periodic reports containing the findings of the study conducted under paragraph (1) to the Elder Justice Resource Center established under section 2221 of the Social Security Act, to be made available to the public.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, submit to the Chairman and Ranking Member of the Special Committee on Aging of the Senate, and the Speaker and Minority leader of the House of Representatives a report that contains—

(A) a comprehensive description of State laws and practices relating to elder abuse; neglect, and exploitation;
(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) recommendations—

(i) for model State laws and practices relating to elder abuse, neglect, and exploitation; and

(ii) with respect to the definitions referred to in subsection (b)(1).

(b) STATE LAWS AND PRACTICES.—The Attorney General shall examine State laws and practices under subsection (a) on issues including—

(1) the definition of—

(A) "elder";

(B) "abuse";

(C) "neglect";

(D) "exploitation"; and

(E) such related terms the Attorney General determines to be appropriate;

(2) mandatory reporting laws, with respect to—

(A) who is a mandated reporter;

(B) to whom must they report and within what time frame; and

(C) any consequences for not reporting;

(3) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to
pursuing cases relating to elder abuse, neglect, and exploitation;

(4) laws requiring immediate reporting of all nursing home deaths to the county coroner or to some other individual or entity;

(5) fiduciary laws, including guardianship and power of attorney laws;

(6) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(7) laws that may impede research on elder abuse, neglect, and exploitation;

(8) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(9) practices relating to other aspects of elder justice.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 in fiscal year 2007; and

(2) $2,000,000 for each of fiscal years 2008 through 2013.
SEC. 202. OFFICE OF ELDER JUSTICE OF THE DEPARTMENT OF JUSTICE.

(a) Establishment.—There is established within the Department of Justice, under the Assistant Attorney General and the Office of Justice Programs, an Office of Elder Justice.

(b) Director of the Office of Elder Justice.—

(1) Appointment.—The President, with the advice and consent of the Senate, shall appoint a Director of the Office of Elder Justice, from among individuals with experience and expertise in elder justice issues, to manage the Office of Elder Justice established under this section.

(2) Duties.—The Director of the Office of Elder Justice shall—

(A)(i) develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to prevention, detection, training, treatment, evaluation, intervention, research, and improvement of the elder justice system in the United States;

(ii) implement the overall policies and a strategy to carry out the plan described in clause (i); and
(iii) hire personnel to assist the director in carrying out the policies, programs, and administrative activities related to the duties under clauses (i) and (ii);

(B) provide advice to the Attorney General on elder justice issues; and

(C) coordinate activities with the Director of the Office of Elder Justice within the Department of Health and Human Services.

(3) REPORTING RELATIONSHIP.—The Director of the Office of Elder Justice shall have the same reporting relationship with the Attorney General, the Assistant Attorney General, and the Office of Justice Programs as the directors of the other offices headed by Presidential appointees within the Office of Justice Programs.

(4) COMPENSATION.—The Director of the Office of Elder Justice shall be compensated at a rate that shall not exceed the rate established for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2007 through 2013.
SEC. 203. VICTIM ADVOCACY GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) AUTHORIZED ACTIVITIES.—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs, provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,500,000 for fiscal year 2007; and

(2) $3,000,000 for each of fiscal years 2008 through 2013.

SEC. 204. SUPPORTING LOCAL PROSECUTORS IN ELDER JUSTICE MATTERS.

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Director of the Office of Elder
Justice in the Department of Health and Human Services, shall award grants to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units; or

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation by the American Prosecutor Research Institute of the National District Attorneys Association, or any other similarly situated entity, to advise and support local prosecutors nationwide in their pursuit of cases involving elder abuse, neglect, and exploitation.

(b) DUTIES.—The Center created under subsection (a) shall, among other things—

(1) collaborate with experts in elder abuse, neglect, and exploitation;

(2) collaborate with the Advisory Board created by section 2213 of the Social Security Act; and

(3) provide local prosecutors and personnel assisting such prosecutors with training, technical assistance, multidisciplinary teams, and input in the handling, prevention and prosecution of, and special
circumstances surrounding, elder abuse, neglect, and exploitation.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2007; and

(2) $4,000,000 for each of fiscal years 2008 through 2013.

SEC. 205. SUPPORTING STATE PROSECUTORS IN ELDER JUSTICE MATTERS.

(a) In General.—The Attorney General shall, after consultation with the Secretary, award grants to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors, including employees of State Attorneys General and Medicaid Fraud Control Units handling elder justice-related matters.

(b) Creating Specialized Positions.—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units; or

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors, by the
National Association of Attorneys General (NAAG) of any other similarly situated entity.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2007; and

(2) $4,000,000 for each of fiscal years 2008 through 2013.

SEC. 206. INCREASED SUPPORT FOR FEDERAL CASES INVOLVING ELDER JUSTICE.

(a) Support and Assistance.—

(1) In general.—The Attorney General shall establish procedures to ensure that the Department of Justice dedicates resources to supporting cases relating to elder justice.

(2) Additional staff.—The Attorney General shall have additional Federal prosecutors and make funding available to Federal prosecutors to hire nurse-investigators or other experts needed to identify, assist with, or pursue cases relating to elder justice.

(3) Resource group.—The Attorney General may fund through the Executive Office of United States Attorneys a Resource Group to assist prosecutors throughout the Nation in pursuing failure of
care and other cases relating to elder justice matters.

(b) Office of Inspector General.—The Office of Inspector General of the Department of Health and Human Services shall hire nurse investigators and other experts to investigate and pursue failure of care allegations.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2007; and

(2) $4,000,000 for each of fiscal years 2008 through 2013.

SEC. 207. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.

(a) In General.—The Attorney General shall, after consultation with the Secretary, award grants to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other frontline law enforcement responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support front line law enforcement in elder justice matters.
(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $6,000,000 for fiscal year 2007; and

(2) $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 208. EVALUATIONS.

(a) Grants.—

(1) In General.—In making a grant under a provision of this title, the granting authority shall—

(A) require the recipient of the grant to—

(i) reserve a portion of the funds made available through the grant; and

(ii) use the reserved funds to conduct an evaluation of the other activities carried out through the grant; or

(B)(i) reserve a portion of the funds available for the grant; and

(ii) use the reserved funds to provide assistance to an eligible entity to conduct an evaluation of the activities carried out through the grant.

(2) Use of Funds.—A recipient of a grant described in paragraph (1)(A), or assistance described in paragraph (1)(B)(ii), shall use the funds made
available through the grant, or the assistance, respectively, to conduct a validated evaluation of the effectiveness of the activities described in subparagraph (A) or (B), respectively, of paragraph (1).

(3) Applications.—

(A) Submission.—

(i) Grants for projects containing evaluations.—To be eligible to receive a grant for which the granting authority requires the reservation described in paragraph (1)(A)(i), an entity shall include a proposal for the evaluation in the application submitted for the grant.

(ii) Assistance for evaluations.—

To be eligible to receive assistance under paragraph (1)(B)(ii), an entity shall submit an application to the granting authority at such time, in such manner, and containing such information as the granting authority may require, including a proposal for the evaluation.

(B) Review and assistance.—

(i) In general.—An employee of the Department of Justice, after consultation with an employee of the Department of
Health and Human Services and a non-
governmental member of the advisory
board established under section 2213 of
the Social Security Act with expertise in
evaluation methodology, shall review each
proposal described in clause (i) or (ii) of
subparagraph (A), and determine whether
the methodology described in the proposal
is adequate to gather meaningful informa-
tion:

(ii) DENIAL.—If the reviewing em-
ployee determines the methodology de-
scribed in the proposal is inadequate under
clause (i), they shall recommend that the
granting authority deny the application for
the grant described in subparagraph
(A)(i), or the assistance described in sub-
paragraph (B)(ii), as appropriate, or make
recommendations for how the application
should be amended.

(iii) NOTICE TO APPLICANT.—If the
granting authority denies the application
on the basis of the proposal under this
subparagraph, the granting authority shall
inform the applicant why the application
was denied and offer assistance to the applicant in modifying the proposal.

(b) Other Grants.—The granting authority shall make grants to appropriate entities to conduct validated evaluations of activities to reduce elder abuse, neglect, and exploitation that are not funded under this title.

(c) Condition of Participation.—As a condition of participation in any grant under this title, individuals, facilities, and other entities shall agree to be subject to the provisions of section 571 of title 18, United States Code, as added by this Act.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2007 through 2013.

**TITLE III—TAX PROVISIONS**

**SEC. 301.** LONG-TERM CARE FACILITY WORKER EMPLOYMENT TAX CREDIT.

(a) Work Opportunity Tax Credit.—

(1) In general.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking “or” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “or”, and by adding at the end the following:
“(1) a qualified long-term care facility worker.”

(2) QUALIFIED LONG-TERM CARE FACILITY WORKER.—Section 51(d) of such Code is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following:

“(10) QUALIFIED LONG-TERM CARE FACILITY WORKER.—The term ‘qualified long-term care facility worker’ means any individual who—

“(A) is hired by a long-term care facility (as defined in paragraph (18) of section 2201 of the Social Security Act); and

“(B) is certified by the designated local agency as being qualified to provide long-term care (as defined in paragraph (17) of such section 2201).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to individuals who begin work for an employer after the date of enactment of this Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Elder Justice Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
SEC. 2. FINDINGS.

Congress finds the following:

(1) The proportion of the United States population age 60 years or older will drastically increase in the next 30 years as more than 76,000,000 baby boomers approach retirement and old age.
(2) Each year, anywhere between 500,000 and 5,000,000 elders in the United States are abused, neglected, or exploited.

(3) Elder abuse, neglect, and exploitation have no boundaries, and cross all racial, social class, gender, and geographic lines.

(4) Victims of elder abuse, neglect, and exploitation are not only subject to injury from mistreatment and neglect, they are also 3.1 times more likely than elders who were not victims of elder abuse, neglect, and exploitation to die at an earlier age than expected.

(5) There is a general dearth of data as to the nature and scope of elder abuse, neglect, and exploitation.

(6) Despite the dearth of data in the field, experts agree that most cases of elder abuse, neglect, and exploitation are never reported and that abuse, neglect, and exploitation shorten a victim’s life, often triggering a downward spiral of an otherwise productive, self-sufficient elder’s life. Programs addressing other difficult issues such as domestic violence and child abuse and neglect have demonstrated the need for a multifaceted law, combining public health, social service, and law enforcement approaches.
(7) For over 20 years, Congress has been presented with facts and testimony calling for a coordinated Federal effort to combat elder abuse, neglect, and exploitation.

(8) The Federal Government has been slow to respond to the needs of victims of elder abuse, neglect, and exploitation or to undertake prevention efforts.

(9) No Federal law has been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation and there are very limited resources available to those in the field that directly deal with the issues.

(10) Differences in State laws and practices in the areas of elder abuse, neglect, and exploitation lead to significant disparities in prevention, protective and social services, treatment systems, and law enforcement, and lead to other inequities.

(11) The Federal Government has played an important role in promoting research, training, public safety, and data collection, and the identification, development, and dissemination of promising health care, social, and protective services, and law enforcement practices, relating to child abuse and neglect, domestic violence, and violence against women. The Federal Government should promote similar efforts
and protections relating to elder abuse, neglect, and exploitation.

(12) The Federal Government should provide leadership and assist States and communities in their efforts to protect elders in the United States by—

(A) promoting coordinated planning among all levels of government;

(B) generating and sharing knowledge relevant to protecting elders;

(C) providing leadership to combat the abuse, neglect, and exploitation of the Nation’s elders; and

(D) providing resources to States and communities to promote elder justice.

(13) The problem of elder abuse, neglect, and exploitation requires a comprehensive approach that—

(A) integrates the work of health, legal, and social service agencies and organizations;

(B) emphasizes the need for prevention, reporting, investigation, assessment, treatment, and prosecution of elder abuse, neglect, and exploitation at all levels of government;

(C) ensures that sufficient numbers of properly trained personnel with specialized knowledge are in place to—
(i) treat, assess, and provide services
relating to elder abuse, neglect, and exploi-
tation; and
(ii) carry out elder protection duties;

(D) is sensitive to ethnic and cultural diver-
sity;

(E) recognizes the role of mental health, dis-
ability, dementia, substance abuse, medication
mismanagement, and family dysfunction prob-
lems in increasing and exacerbating elder abuse,
neglect, and exploitation; and

(F) balances elders’ right to self-determina-
tion with society’s responsibility to protect el-
ders.

(14) The human, social, and economic cost of
elder abuse, neglect, and exploitation is high and in-
cludes unnecessary expenditures of funds from many
public programs.

(15) The failure to coordinate activities relating
to, and comprehensively prevent and treat, elder
abuse, neglect, and exploitation threatens the future
and well-being of millions of elders in the United
States.

(16) All elements of society in the United States
have a shared responsibility in responding to a na-
tional problem of elder abuse, neglect, and exploitation.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To enhance the social security of the Nation by ensuring adequate public-private infrastructure and resolve to prevent, detect, treat, understand, and intervene in, and where appropriate, aid in the prosecution of, elder abuse, neglect, and exploitation.

(2) To bring a comprehensive approach to preventing and combating elder abuse, neglect, and exploitation, a long invisible problem that afflicts the most vulnerable among the aging population of the United States.

(3) To raise the issue of elder abuse, neglect, and exploitation to national attention, and to create the infrastructure at the Federal, State, and local levels, to ensure that individuals and organizations on the front lines, who are fighting elder abuse, neglect, and exploitation with scarce resources and fragmented systems, have the resources and information needed to carry out their fight.

(4) To bring a comprehensive multidisciplinary approach to elder justice.
(5) To set in motion research and data collection to fill gaps in knowledge about elder abuse, neglect, and exploitation.

(6) To supplement the activities of service providers and programs, to enhance training, and to leverage scarce resources efficiently, in order to ensure that elder justice receives the attention it deserves as the Nation’s population ages.

(7) To recognize and address the role of mental health, disability, dementia, substance abuse, medication mismanagement, and family dysfunction problems in increasing and exacerbating elder abuse, neglect, and exploitation.

(8) To create short- and long-term strategic plans for the development and coordination of elder justice research, programs, studies, training, and other efforts nationwide.

(9) To promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice.

(10) To honor and respect the right of all individuals with diminished capacity to decisionmaking autonomy, self-determination, and dignity of choice.

(11) To respect the wishes of individuals with diminished capacity and their family members in pro-
providing supportive services and care plans intended to protect elders from abuse, neglect (including self-neglect), and exploitation.

SEC. 4. DEFINITIONS.

Except as otherwise specifically provided, any term that is defined in section 2011 of the Social Security Act (as added by section 5(a)) and that is used in this Act has the meaning given such term by such title.

SEC. 5. ELDER JUSTICE.

(a) ELDER JUSTICE.—

(1) In general.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(A) in the heading, by inserting “AND ELDER JUSTICE” after “SOCIAL SERVICES”;

(B) by inserting before section 2001 the following:

“Subtitle 1—Block Grants to States for Social Services”; and

(C) by adding at the end the following:

“Subtitle 2—Elder Justice

“SEC. 2011. DEFINITIONS.

“In this subtitle:

“(1) ABUSE.—The term ‘abuse’ means the knowing infliction of physical or psychological harm or the
knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

“(2) ADULT PROTECTIVE SERVICES.—The term ‘adult protective services’ means such services provided to adults as the Secretary may specify and includes services such as—

“(A) disseminating reports of adult abuse, neglect, or exploitation;

“(B) investigating the reports described in subparagraph (A);

“(C) case planning, monitoring, evaluation, and other case work and services; and

“(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

“(3) CAREGIVER.—The term ‘caregiver’ means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or insti-
1 tuition) compensated or uncompensated care to an 
2 elder who needs supportive services in any setting. 

“(4) DIRECT CARE.—The term ‘direct care’ 
3 means care by an employee or contractor who pro-
4 vides assistance or long-term care services to a recipi-
5 ent. 

“(5) ELDER.—The term ‘elder’ means an indi-
6 vidual age 60 or older. 

“(6) ELDER JUSTICE.—The term ‘elder justice’ 
7 means— 

“(A) from a societal perspective, efforts to— 
8 “(i) prevent, detect, treat, intervene in, 
9 and prosecute elder abuse, neglect, and ex-
10 ploitation; and 

“(ii) protect elders with diminished ca-
11 pacity while maximizing their autonomy; 
12 and 

“(B) from an individual perspective, the 
13 recognition of an elder’s rights, including the 
14 right to be free of abuse, neglect, and exploi-
15 tation. 

“(7) ELIGIBLE ENTITY.—The term ‘eligible enti-
16 ty’ means a State or local government agency, Indian 
17 tribe or tribal organization, or any other public or 
18 private entity that is engaged in and has expertise in
issues relating to elder justice or in a field necessary

to promote elder justice efforts.

“(8) EXPLOITATION.—The term ‘exploitation’
means the fraudulent or otherwise illegal, unauthorized,
or improper act or process of an individual, in-
cluding a caregiver or fiduciary, that uses the re-
sources of an elder for monetary or personal benefit,
profit, or gain, or that results in depriving an elder
of rightful access to, or use of, benefits, resources, be-
longings, or assets.

“(9) FIDUCIARY.—The term ‘fiduciary’—

“(A) means a person or entity with the
legal responsibility—

“(i) to make decisions on behalf of and
for the benefit of another person; and

“(ii) to act in good faith and with
fairness; and

“(B) includes a trustee, a guardian, a con-
servator, an executor, an agent under a financial
power of attorney or health care power of attor-
ney, or a representative payee.

“(10) GRANT.—The term ‘grant’ includes a con-
tract, cooperative agreement, or other mechanism for
providing financial assistance.
“(11) GUARDIANSHIP.—The term ‘guardianship’ means—

“(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care and property, and appoints another individual or entity known as a guardian, as a conservator, or by a similar term, as a surrogate decisionmaker;

“(B) the manner in which the court-appointed surrogate decisionmaker carries out duties to the individual and the court; or

“(C) the manner in which the court exercises oversight of the surrogate decisionmaker.

“(12) INDIAN TRIBE.—

“(A) IN GENERAL.—The term ‘Indian tribe’ has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(B) INCLUSION OF PUEBLO AND RANCHERIA.—The term ‘Indian tribe’ includes any Pueblo or Rancheria.

“(13) LAW ENFORCEMENT.—The term ‘law enforcement’ means the full range of potential responders to elder abuse, neglect, and exploitation including—
“(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

“(B) prosecutors;

“(C) medical examiners;

“(D) investigators; and

“(E) coroners.

“(14) LONG-TERM CARE.—

“(A) IN GENERAL.—The term ‘long-term care’ means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

“(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term ‘loss of capacity for self-care’ means an inability to engage in 1 or more activities of daily living, including eating, dressing, bathing, and management of one’s financial affairs.

“(15) LONG-TERM CARE FACILITY.—The term ‘long-term care facility’ means a residential care provider that arranges for, or directly provides, long-term care.

“(16) NEGLECT.—The term ‘neglect’ means—
“(A) the failure of a caregiver or fiduciary
to provide the goods or services that are nec-
essary to maintain the health or safety of an
elder; or

“(B) self-neglect.

“(17) NURSING FACILITY.—

“(A) IN GENERAL.—The term ‘nursing fa-
cility’ has the meaning given such term under
section 1919(a).

“(B) INCLUSION OF SKILLED NURSING FA-
cILITY.—The term ‘nursing facility’ includes a
skilled nursing facility (as defined in section
1819(a))

“(18) SELF-NEGLECT.—The term ‘self-neglect’
means an adult’s inability, due to physical or mental
impairment or diminished capacity, to perform essen-
tial self-care tasks including—

“(A) obtaining essential food, clothing, shel-
ter, and medical care;

“(B) obtaining goods and services necessary
to maintain physical health, mental health, or
general safety; or

“(C) managing one’s own financial affairs.

“(19) SERIOUS BODILY INJURY.—
“(A) IN GENERAL.—The term ‘serious bodily injury’ means an injury—

“(i) involving extreme physical pain;

“(ii) involving substantial risk of death;

“(iii) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or

“(iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

“(B) CRIMINAL SEXUAL ABUSE.—Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18, United States Code, or any similar offense under State law.

“(20) SOCIAL.—The term ‘social’, when used with respect to a service, includes adult protective services.

“(21) STATE LEGAL ASSISTANCE DEVELOPER.—The term ‘State legal assistance developer’ means an individual described in section 731 of the Older Americans Act of 1965.
“(22) STATE LONG-TERM CARE OMBUDSMAN.—

The term ‘State Long-Term Care Ombudsman’ means
the State Long-Term Care Ombudsman described in
section 712(a)(2) of the Older Americans Act of 1965.

“SEC. 2012. GENERAL PROVISIONS.

“(a) PROTECTION OF PRIVACY.—In pursuing activi-
ties under this subtitle, the Secretary shall ensure the pro-
tection of individual health privacy consistent with the reg-
ulations promulgated under section 264(c) of the Health In-
surance Portability and Accountability Act of 1996 and ap-
plicable State and local privacy regulations.

“(b) RULE OF CONSTRUCTION.—Nothing in this sub-
title shall be construed to interfere with or abridge an elder’s
right to practice his or her religion through reliance on
prayer alone for healing when this choice—

“(1) is contemporaneously expressed, either oral-
ly or in writing, with respect to a specific illness or
injury which the elder has at the time of the decision
by an elder who is competent at the time of the deci-
sion;

“(2) is previously set forth in a living will,
health care proxy, or other advance directive docu-
ment that is validly executed and applied under State
law; or
“(3) may be unambiguously deduced from the elder’s life history.

“PART A—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH

“Subpart 1—Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation

“SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.

“(a) Establishment.—There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the ‘Council’).

“(b) Membership.—

“(1) In general.—The Council shall be composed of the following members:

“(A) The Secretary (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.
“(2) REQUIREMENT.—Each member of the Council shall be an officer or employee of the Federal Government.

“(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

“(d) CHAIR.—The member described in subsection (b)(1)(A) shall be Chair of the Council.

“(e) MEETINGS.—The Council shall meet at least 2 times per year, as determined by the Chair.

“(f) DUTIES.—

“(1) IN GENERAL.—The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

“(2) REPORT.—Not later than the date that is 2 years after the date of enactment of the Elder Justice Act and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—
“(A) describes the activities and accomplishments of, and challenges faced by—

“(i) the Council; and

“(ii) the entities represented on the Council; and

“(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

“(g) **POWERS OF THE COUNCIL.**—

“(1) **INFORMATION FROM FEDERAL AGENCIES.**—

Subject to the requirements of section 2012(a), the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

“(2) **POSTAL SERVICES.**—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(h) **TRAVEL EXPENSES.**—The members of the Council shall not receive compensation for the performance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates
authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

“(i) Detail of Government Employees.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(j) Status as Permanent Council.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

“(a) Establishment.—There is established a board to be known as the ‘Advisory Board on Elder Abuse, Neglect, and Exploitation’ (in this section referred to as the ‘Advisory Board’) to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council established under section 2021.
“(b) COMPOSITION.—The Advisory Board shall be composed of 27 members appointed by the Secretary from among members of the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, detection, treatment, intervention, or prosecution.

“(c) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the Advisory Board under subsection (b).

“(d) TERMS.—

“(1) IN GENERAL.—Each member of the Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed—

“(A) 9 shall be appointed for a term of 3 years;

“(B) 9 shall be appointed for a term of 2 years; and

“(C) 9 shall be appointed for a term of 1 year.

“(2) VACANCIES.—

“(A) IN GENERAL.—Any vacancy on the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.
“(B) Filling Unexpired Term.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(3) Expiration of Terms.—The term of any member shall not expire before the date on which the member’s successor takes office.

“(e) Election of Officers.—The Advisory Board shall elect a Chair and Vice Chair from among its members.

The Advisory Board shall elect its initial Chair and Vice Chair at its initial meeting.

“(f) Duties.—

“(1) Enhance Communication on Promoting Quality of, and Preventing Abuse and Neglect in, Long-Term Care.—The Advisory Board shall develop collaborative and innovative approaches to improve the quality of, including preventing abuse and neglect in, long-term care.

“(2) Collaborative Efforts to Develop Consensus Around the Management of Certain Quality-Related Factors.—

“(A) In General.—The Advisory Board shall establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care. At
least 1 such panel shall address, and develop consen-
sus on, methods for managing resident-to-resi-
dent abuse in long-term care.

“(B) Activities Conducted.—The multi-
disciplinary panels established under subpara-
dgraph (A) shall examine relevant research and
data, identify best practices with respect to the
subject of the panel, determine the best way to
carry out those best practices in a practical and
feasible manner, and determine an effective man-
ner of distributing information on such subject.

“(3) Report.—Not later than the date that is
18 months after the date of enactment of the Elder
Justice Act, and annually thereafter, the Advisory
Board shall prepare and submit to the Elder Justice
Coordinating Council, the Committee on Finance of
the Senate, and the Committee on Ways and Means
and the Committee on Energy and Commerce of the
House of Representatives a report containing—

“(A) information on the status of Federal,
State, and local public and private elder justice
activities;

“(B) recommendations (including rec-
ommended priorities) regarding—
“(i) elder justice programs, research, training, services, practice, enforcement, and coordination;

“(ii) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

“(iii) activities relating to adult fiduciary systems, including guardianship and other fiduciary arrangements;

“(C) recommendations for specific modifications needed in Federal and State laws (including regulations) or for programs, research, and training to enhance prevention, detection, and treatment (including diagnosis) of, intervention in (including investigation of), and prosecution of elder abuse, neglect, and exploitation;

“(D) recommendations on methods for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and
“(E) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the field of elder justice.

“(g) Powers of the Advisory Board.—

“(1) Information from Federal Agencies.—Subject to the requirements of section 2012(a), the Advisory Board may secure directly from any Federal department or agency such information as the Advisory Board considers necessary to carry out this section. Upon request of the Chair of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

“(2) Sharing of Data and Reports.—The Advisory Board may request from any entity pursuing elder justice activities under the Elder Justice Act or an amendment made by that Act, any data, reports, or recommendations generated in connection with such activities.

“(3) Postal Services.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(h) Travel Expenses.—The members of the Advisory Board shall not receive compensation for the performance of services for the Advisory Board. The members shall
be allowed travel expenses for up to 4 meetings per year, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Advisory Board.

“(i) **Detail of Government Employees.**—Any Federal Government employee may be detailed to the Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(j) **Status as Permanent Advisory Committee.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

**“Sec. 2023. Research Protections.**

“(a) **Guidelines.**—The Secretary shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.

“(b) **Definition of Legally Authorized Representative for Application of Regulations.**—For purposes of the application of subpart A of part 46 of title
1 45, Code of Federal Regulations, to research conducted
2 under this subpart, the term ‘legally authorized representa-
3 tive’ means, unless otherwise provided by law, the indi-
4 vidual or judicial or other body authorized under the appli-
5 cable law to consent to medical treatment on behalf of an-
6 other person.

7 “SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.
8 “There are authorized to be appropriated to carry out
9 this subpart—
10 “(1) for fiscal year 2007, $6,500,000; and
11 “(2) for each of fiscal years 2008 through 2010,
12 $7,000,000.

13 “Subpart 2—Elder Abuse, Neglect, and Exploitation
14 Forensic Centers

15 “SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER
16 ABUSE, NEGLECT, AND EXPLOITATION FO-
17 RENSIC CENTERS.
18 “(a) In General.—The Secretary, in consultation
19 with the Attorney General, shall make grants to eligible en-
20 tities to establish and operate stationary and mobile foren-
21 sic centers, to develop forensic expertise regarding, and pro-
22 vide services relating to, elder abuse, neglect, and explo-
23 itation.

24 “(b) Stationary Forensic Centers.—The Sec-
25 retary shall make 4 of the grants described in subsection
(a) to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation, to establish and operate stationary forensic centers.

“(c) MOBILE CENTERS.—The Secretary shall make of the grants described in subsection (a) to appropriate entities to establish and operate mobile forensic centers.

“(d) AUTHORIZED ACTIVITIES.—

“(1) DEVELOPMENT OF FORENSIC MARKERS AND METHODOLOGIES.—An eligible entity that receives a grant under this section shall use funds made available through the grant to assist in determining whether abuse, neglect, or exploitation occurred and whether a crime was committed and to conduct research to describe and disseminate information on—

“(A) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and

“(B) methodologies for determining, in such a case, when and how health care, emergency service, social and protective services, and legal service providers should intervene and when the providers should report the case to law enforcement authorities.
“(2) DEVELOPMENT OF FORENSIC EXPERTISE.—
An eligible entity that receives a grant under this section shall use funds made available through the grant to develop forensic expertise regarding elder abuse, neglect, and exploitation in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

“(3) COLLECTION OF EVIDENCE.—The Secretary, in coordination with the Attorney General, shall use data made available by grant recipients under this section to develop the capacity of geriatric health care professionals and law enforcement to collect forensic evidence, including collecting forensic evidence relating to a potential determination of elder abuse, neglect, or exploitation.

“(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, $4,000,000;
“(2) for fiscal year 2008, $6,000,000; and
“(3) for each of fiscal years 2009 and 2010, $8,000,000.

“PART B—PROGRAMS TO PROMOTE ELDER JUSTICE

“SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.

“(a) GRANTS AND INCENTIVES FOR LONG-TERM CARE STAFFING.—

“(1) IN GENERAL.—The Secretary shall carry out activities, including activities described in paragraphs (2) and (3), to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility.

“(2) SPECIFIC PROGRAMS TO ENHANCE TRAINING, RECRUITMENT, AND RETENTION OF STAFF.—

“(A) COORDINATION WITH OTHER PROGRAMS TO RECRUIT AND TRAIN LONG-TERM CARE STAFF.—The Secretary shall coordinate activities under this subsection with the Secretary of Labor and the Assistant Secretary for the Administration for Children and Families in order to provide incentives to participants in programs carried out under part A of title IV to train for and seek employment providing direct care in a long-term care facility.
“(B) Career Ladders and Wage or Benefit Increases to Increase Staffing in Long-Term Care Facilities.—

“(i) In General.—The Secretary shall make grants to long-term care facilities to carry out programs through which the facilities—

“(I) offer, to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

“(II) provide, or make arrangements to provide, bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

“(ii) Application.—To be eligible to receive a grant under this subparagraph, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such informa-
tion as the Secretary may require (which
may include evidence of consultation with
the State in which the long-term care facil-
ity is located with respect to carrying out
activities funded under the grant).

“(iii) AUTHORITY TO LIMIT NUMBER
OF APPLICANTS.—Nothing in this subpara-
graph shall be construed as prohibiting the
Secretary from limiting the number of ap-
plicants for a grant under this subpara-
graph.

“(3) SPECIFIC PROGRAMS TO IMPROVE MANAGE-
MENT PRACTICES.—

“(A) IN GENERAL.—The Secretary shall
make grants to long-term care facilities to enable
the facilities to provide training and technical
assistance to eligible employees.

“(B) AUTHORIZED ACTIVITIES.—A long-
term care facility that receives a grant under
subparagraph (A) shall use funds made available
through the grant to provide training and tech-
ical assistance to eligible employees regarding
management practices using methods that are
demonstrated to promote retention of individuals
who provide direct care to residents of the long-
term care facility, such as—

“(i) the establishment of standard
human resource policies that reward high
performance, including policies that provide
for improved wages and benefits on the
basis of job reviews;

“(ii) the establishment of motivational
and thoughtful work organization practices;

“(iii) the creation of a workplace cul-
ture that respects and values caregivers and
their needs;

“(iv) the promotion of a workplace cul-
ture that respects the rights of residents of
a long-term care facility and results in im-
proved care for the residents; and

“(v) the establishment of other pro-
grams that promote the provision of high
quality care, such as a continuing edu-
cation program that provides additional
hours of training, including on-the-job
training, for employees who are certified
nurse aides.

“(C) APPLICATION.—To be eligible to re-
ceive a grant under this paragraph, a long-term
care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

“(D) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this paragraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this paragraph.

“(E) ELIGIBLE EMPLOYEE DEFINED.—In this paragraph, the term ‘eligible employee’ means an individual who establishes or implements management practices applicable with respect to individuals who provide direct care to residents of a long-term care facility and includes administrators, directors of nursing, staff developers, and charge nurses.

“(4) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection benefit eligible employees
and increase the stability of the long-term care workforce.

“(b) INFORMATICS SYSTEMS GRANT PROGRAM.—

“(1) GRANTS AUTHORIZED.—The Secretary is authorized to make grants to long-term care facilities for the purpose of assisting such entities in offsetting the costs related to purchasing, leasing, developing, and implementing standardized clinical health care informatics systems designed to improve patient safety and reduce adverse events and health care complications resulting from medication errors.

“(2) USE OF GRANT FUNDS.—Funds provided under grants under this subsection may be used for any of the following:

“(A) Purchasing, leasing, and installing computer software and hardware, including handheld computer technologies.

“(B) Making improvements to existing computer software and hardware.

“(C) Making upgrades and other improvements to existing computer software and hardware to enable e-prescribing.

“(D) Providing education and training to eligible long-term care facility staff on the use of
technology to implement the electronic transmission of prescription and patient information.

“(3) APPLICATION.—To be eligible to receive a grant under this subsection, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

“(4) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this subsection shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subsection.

“(5) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection help improve patient safety and reduce adverse events and health care complications resulting from medication errors.

“(c) INCLUSION OF ADJUDICATED CRIMES ON NURSING HOME COMPARE WEBSITE.—Not later than 1 year after the date of enactment of the Elder Justice Act, the Secretary shall ensure that the Department of Health and Human Services includes, as part of the information pro-
vided for comparison of nursing facilities on the official Internet website of the Federal Government for Medicare beneficiaries (commonly referred to as the ‘Nursing Home Compare’ Medicare website), the number of adjudicated instances of criminal violations by a nursing facility or crimes committed by an employee of a nursing facility—

“(1) that were committed inside of the facility;

and

“(2) with respect to such instances of violations or crimes committed outside of the facility, that were the violations or crimes of elder abuse, neglect, and exploitation, criminal sexual abuse of an elder, or other violations or crimes that resulted in the serious bodily injury of an elder.

“(d) DEVELOPMENT OF CONSUMER RIGHTS INFORMATION PAGE ON NURSING HOME COMPARE WEBSITE.—Not later than 1 year after the date of enactment of the Elder Justice Act, the Secretary shall ensure that the Department of Health and Human Services, as part of the information provided for comparison of nursing facilities on the Nursing Home Compare Medicare website develops and includes a consumer rights information page that contains links to descriptions of, and information with respect to, the following:

“(1) The documentation on nursing facilities that is available to the public.
“(2) General information and tips on choosing a nursing facility that meets the needs of the individual.

“(3) General information on consumer rights with respect to nursing facilities.

“(4) The nursing facility survey process (on a national and State-specific basis).

“(5) On a State-specific basis, the services available through the State long-term care ombudsman for such State.

“(e) DEVELOPMENT AND ADOPTION OF STANDARDS FOR TRANSACTIONS INVOLVING CLINICAL DATA BY LONG-TERM CARE FACILITIES.—

“(1) STANDARDS.—The Secretary shall develop and adopt uniform open electronic standards for transactions involving clinical data by long-term care facilities. Such standards shall include messaging and nomenclature standards.

“(2) COMPATIBILITY WITH OTHER STANDARDS.—The standards developed and adopted under paragraph (1) shall be compatible with standards established under part C of title XI, standards established under subsections (b)(2)(B)(i) and (e)(4) of section 1860D—4, and with general health information technology standards.
“(3) **Electronic submission of data to the Secretary.**—

“(A) **In general.**—Not later than 10 years after the date of enactment of the Elder Justice Act, the Secretary shall have procedures in place to accept the optional electronic submission of clinical data by long-term care facilities pursuant to the standards developed and adopted under paragraph (1).

“(B) **Rule of construction.**—Nothing in this subsection shall be construed to require a long-term care facility to submit clinical data electronically to the Secretary.

“(f) **Regulations.**—The Secretary shall promulgate regulations to carry out subsections (c), (d), and (e) of this section. Such regulations shall require a State, as a condition of the receipt of funds under this part, to conduct such data collection and reporting as the Secretary determines are necessary to satisfy the requirements of such subsections.

“(g) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, $20,000,000;

“(2) for fiscal year 2008, $17,500,000; and
“(3) for each of fiscal years 2009 and 2010, $15,000,000.

“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.

“(a) SECRETARIAL RESPONSIBILITIES.—

“(1) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services—

“(A) provides funding authorized by this part to State and local adult protective services offices that investigate reports of the abuse, neglect, and exploitation of elders;

“(B) collects and disseminates data annually relating to the abuse, exploitation, and neglect of elders in coordination with the Department of Justice;

“(C) develops and disseminates information on best practices regarding, and provides training on, carrying out adult protective services;

“(D) conducts research related to the provision of adult protective services; and

“(E) provides technical assistance to States and other entities that provide or fund the provision of adult protective services, including
through grants made under subsections (b) and (c).

“(2) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out this subsection, $3,000,000 for fiscal year 2007 and $4,000,000 for each of fiscal years 2008 through 2010.

“(b) GRANTS TO ENHANCE THE PROVISION OF ADULT PROTECTIVE SERVICES.—

“(1) ESTABLISHMENT.—There is established an adult protective services grant program under which the Secretary shall annually award grants to States in the amounts calculated under paragraph (2) for the purposes of enhancing adult protective services provided by States and local units of government.

“(2) AMOUNT OF PAYMENT.—

“(A) IN GENERAL.—Subject to the availability of appropriations and subparagraphs (B) and (C), the amount paid to a State for a fiscal year under the program under this subsection shall equal the amount appropriated for that year to carry out this subsection multiplied by the percentage of the total number of elders who reside in the United States who reside in that State.
“(B) GUARANTEED MINIMUM PAYMENT AMOUNT.—

“(i) 50 STATES.—Subject to clause (ii), if the amount determined under subparagraph (A) for a State for a fiscal year is less than 0.75 percent of the amount appropriated for such year, the Secretary shall increase such determined amount so that the total amount paid under this subsection to the State for the year is equal to 0.75 percent of the amount so appropriated.

“(ii) TERRITORIES.—In the case of a State other than 1 of the 50 States, clause (i) shall be applied as if each reference to ‘0.75’ were a reference to ‘0.1’.

“(C) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the amounts described in subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

“(3) AUTHORIZED ACTIVITIES.—

“(A) ADULT PROTECTIVE SERVICES.— Funds made available pursuant to this subsection may only be used by States and local units of government to provide adult protective
services and may not be used for any other purpose.

“(B) Use by agency.—Each State receiving funds pursuant to this subsection shall provide such funds to the agency or unit of State government having legal responsibility for providing adult protective services within the State.

“(C) Supplement not supplant.—Each State or local unit of government shall use funds made available pursuant to this subsection to supplement and not supplant other Federal, State, and local public funds expended to provide adult protective services in the State.

“(4) State reports.—Each State receiving funds under this subsection shall submit to the Secretary, at such time and in such manner as the Secretary may require, a report on the number of elders served by the grants awarded under this subsection.

“(5) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection, $100,000,000 for each of fiscal years 2007 through 2010.

“(c) State Demonstration Programs.—

“(1) Establishment.—The Secretary shall award grants to States for the purposes of conducting
demonstration programs in accordance with paragrap

‘‘(2) DEMONSTRATION PROGRAMS.—Funds made available pursuant to this subsection may be used by States and local units of government to conduct demonstration programs that test—

‘‘(A) training modules developed for the purpose of detecting or preventing elder abuse;

‘‘(B) methods to detect or prevent financial exploitation of elders;

‘‘(C) methods to detect elder abuse;

‘‘(D) whether training on elder abuse forensics enhances the detection of elder abuse by employees of the State or local unit of government; or

‘‘(E) other matters relating to the detection or prevention of elder abuse.

‘‘(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

‘‘(4) STATE REPORTS.—Each State that receives funds under this subsection shall submit a report to the Secretary at such time, in such manner, and con-
taining such information as the Secretary may re-
quire on the results of the demonstration program
conducted by the State using funds made available
under this subsection.

“(5) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out
this subsection, $25,000,000 for each of fiscal years
2007 through 2010.

“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM
GRANTS AND TRAINING.

“(a) GRANTS TO SUPPORT THE LONG-TERM CARE OMB-
UDSMAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall make
grants to eligible entities with relevant expertise and
experience in abuse and neglect in long-term care fa-
cilities or long-term care ombudsman programs and
responsibilities, for the purpose of—

“(A) improving the capacity of State long-
term care ombudsman programs to respond to
and resolve complaints about abuse and neglect;

“(B) conducting pilot programs with State
long-term care ombudsman offices or local om-
budsman entities; and

“(C) providing support for such State long-
term care ombudsman programs and such pilot
programs (such as through the establishment of a national long-term care ombudsman resource center).

“(2) Authorization of Appropriations.—
There are authorized to be appropriated to carry out this subsection—

“(A) for fiscal year 2007, $5,000,000;
“(B) for fiscal year 2008, $7,500,000; and
“(C) for each of fiscal years 2009 and 2010, $10,000,000.

“(b) Ombudsman Training Programs.—

“(1) In General.—The Secretary shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and State long-term care ombudsman programs.

“(2) Authorization of Appropriations.—
There are authorized to be appropriated to carry out this subsection, for each of fiscal years 2007 through 2010, $10,000,000.
PART C—COLLECTION OF DATA, DISSEMINATION OF INFORMATION, AND STUDIES

SEC. 2051. COLLECTION OF UNIFORM NATIONAL DATA ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

“(a) PURPOSE.—The purpose of this section is to improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to the various types of elder abuse, neglect, and exploitation.

“(b) PHASE I—DEVELOPMENT.—

“(1) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of the Elder Justice Act, the Secretary, after consultation with the Attorney General, shall develop—

“(A) a method for collecting national data regarding elder abuse, neglect, and exploitation; and

“(B) uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law enforcement) reflecting—

“(i) the distinct manner in which each entity or discipline receives and maintains information; and

“(ii) the sequence and history of reports to, or involvement of, different entities
or disciplines, independently, or the sequence and history of reports from 1 entity or discipline to another over time.

“(2) FORMS.—Subject to the requirements of section 2012(a), the national data reporting forms described in paragraph (1)(B) shall incorporate the definitions of this subtitle for use in determining whether an event is reportable.

“(c) PHASE II—PILOT TESTS.—

“(1) IN GENERAL.—Not later than the date that is 1 year after the date on which the activities described in subsection (b)(1) are completed, the Secretary shall ensure that the national data reporting forms and data collection methods developed in accordance with such subsection are pilot tested in 6 States selected by the Secretary.

“(2) ADJUSTMENTS TO THE FORM AND METHODS.—The Secretary, after considering the results of the pilot testing described in paragraph (1) and consultation with the Attorney General, shall adjust the national data reporting forms and data collection methods as necessary.

“(d) PHASE III—NATIONAL DISTRIBUTION.—

“(1) DISTRIBUTION OF NATIONAL DATA REPORTING FORMS.—After completion of the adjustment to
the national data reporting forms under subsection (c)(2), the Secretary shall submit the national data reporting forms along with instructions to—

“(A) the heads of the relevant Federal entities as may be appropriate; and

“(B) the appropriate office of each State for collection from all relevant State entities of data, including health care, social services, and law enforcement data.

“(2) DATA COLLECTION GRANTS.—

“(A) AUTHORIZATION.—The Secretary is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation.

“(B) APPLICATION.—To be eligible to receive a grant under this paragraph, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(C) REQUIREMENTS.—Each State receiving a grant under this paragraph for a fiscal year shall report data for the calendar year that begins during that fiscal year, using the national data reporting forms described in paragraph (1).

“(D) FUNDING.—
“(i) **FIRST YEAR.**—For the first fiscal year for which a State receives grant funds under this paragraph, the Secretary shall initially distribute 50 percent of such funds to the State. The Secretary shall distribute the remaining funds to the State at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the State has properly reported data required under this paragraph for the calendar year.

“(ii) **SUBSEQUENT YEARS.**—Except as provided in clause (i), the Secretary shall distribute grant funds to a State under this paragraph for a fiscal year if the Secretary determines that the State properly reported data required under this paragraph for the calendar year that ends during that fiscal year.

“(E) **REQUIRED INFORMATION.**—Each report submitted under this paragraph shall—

“(i) indicate the State and year in which each event occurred; and
“(ii) identify the total number of events that occurred in each State during the year and the type of each event.

“(e) REPORT.—Not later than 1 year after the date of enactment of the Elder Justice Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report regarding activities conducted under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, $10,000,000;

“(2) for fiscal year 2008, $30,000,000; and

“(3) for each of fiscal years 2009 and 2010, $100,000,000.

“SEC. 2052. LONG-TERM CARE CONSUMER CLEARINGHOUSE.

“(a) ESTABLISHMENT.—The Secretary shall establish a long-term care consumer clearinghouse.

“(b) INFORMATION.—The clearinghouse shall provide comprehensive detailed information, in a consumer-friendly form, to consumers about choices relating to long-term care providers, such as information about—
“(1) obtaining the services of, and employing, caregivers who provide long-term care at an individual’s home; and

“(2) options for residential long-term care, such as—

“(A)(i) the type of care provided by nursing facilities; and

“(ii) the type of care provided by group homes and other residential long-term care facilities that are not nursing facilities;

“(B) the benefits related to long-term care that are available through the programs carried out under titles XVIII and XIX; and

“(C) links to Federal and State Internet websites that describe the care available through specific long-term care facilities, including data on the satisfaction level of residents of, and families of residents of, the facilities.

“(c) PROVIDERS.—In providing information on long-term care providers under this section, the clearinghouse shall provide information (from States and other sources) on assisted living facilities, board and care facilities, congregate care facilities, home health care providers, and other long-term care providers.
“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, $2,000,000;
“(2) for fiscal year 2008, $3,000,000; and
“(3) for each of fiscal years 2009 and 2010, $4,000,000.

“SEC. 2053. Consumer Information About the Continuum of Residential Long-Term Care Facilities.

“(a) Study.—

“(1) In General.—The Secretary, after consultation with the Attorney General, shall, directly or through a grant, conduct a study on consumer concerns relating to residential long-term care facilities, other than nursing facilities.

“(2) Specific Topics.—The entity conducting the study shall—

“(A) develop definitions for classes of the residential long-term care facilities described in paragraph (1); and

“(B) collect information on the prices of, level of services provided by, oversight and enforcement provisions of, and admission and discharge criteria of, the facilities.
“(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, for each of fiscal years 2007 through 2010, $3,000,000.

“SEC. 2054. PROVISION OF INFORMATION REGARDING, AND EVALUATIONS OF, ELDER JUSTICE PROGRAMS.

“(a) Provision of Information.—To be eligible to receive a grant under this part, an applicant shall agree—

“(1) except as provided in paragraph (2), to provide the eligible entity conducting an evaluation under subsection (b) of the activities funded through the grant with such information as the eligible entity may require in order to conduct such evaluation; or

“(2) in the case of an applicant for a grant under section 2041(b), to provide the Secretary with such information as the Secretary may require to conduct an evaluation or audit under subsection (c).

“(b) Use of Eligible Entities To Conduct Evaluations.—

“(1) Evaluations Required.—Except as provided in paragraph (2), the Secretary shall—

“(A) reserve a portion (not less than 2 percent) of the funds appropriated with respect to each program carried out under this part; and
“(B) use the funds reserved under subparagraph (A) to provide assistance to eligible entities to conduct evaluations of the activities funded under each program carried out under this part.

“(2) INFORMATICS SYSTEMS GRANT PROGRAM NOT INCLUDED.—The provisions of this subsection shall not apply to the informatics systems grant program under section 2041(b).

“(3) AUTHORIZED ACTIVITIES.—A recipient of assistance described in paragraph (1)(B) shall use the funds made available through the assistance to conduct a validated evaluation of the effectiveness of the activities funded under a program carried out under this part.

“(4) APPLICATIONS.—To be eligible to receive assistance under paragraph (1)(B), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a proposal for the evaluation.

“(5) REPORTS.—Not later than a date specified by the Secretary, an eligible entity receiving assistance under paragraph (1)(B) shall submit to the Secretary, the Committee on Ways and Means and the
Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report containing the results of the evaluation conducted using such assistance together with such recommendations as the entity determines to be appropriate.

“(c) EVALUATIONS AND AUDITS OF INFORMATICS SYSTEMS GRANT PROGRAM BY THE SECRETARY.—

“(1) EVALUATIONS.—The Secretary shall conduct an evaluation of the activities funded under the informatics systems grant program under section 2041(b). Such evaluation shall include an evaluation of whether the funding provided under the grant is expended only for the purposes for which it is made.

“(2) AUDITS.—The Secretary shall conduct appropriate audits of grants made under section 2041(b).

“SEC. 2055. REPORT.

“Not later than October 1, 2011, the Secretary shall submit to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report—

“(1) compiling, summarizing, and analyzing the information contained in the State reports submitted
under subsections (b)(4) and (c)(4) of section 2042;
and

“(2) containing—

“(A) the results of the study conducted under section 2053; and

“(B) such recommendations for legislative or administrative action as the Secretary determines to be appropriate.”.

(2) REQUIREMENT FOR STATE PLAN UNDER PROGRAM FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—

(A) IN GENERAL.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following new clause:

“(vii) Coordinate the program with activities carried out by the Secretary under section 2041(a) in order to facilitate such activities and provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility (as such terms are defined in section 2011).”.
(B) **Effective Date.**—The amendment made by subparagraph (A) shall take effect on October 1, 2007.

(b) **Long-Term Care Facilities.**—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new sections:

“**Reporting to Law Enforcement of Crimes Occurring in Federally Funded Long-Term Care Facilities**

“**SEC. 1150A. (a) Determination and Notification.**—

“(1) **Determination.**—The owner or operator of each long-term care facility that receives Federal funds under this Act shall annually determine whether the facility received at least $10,000 in such Federal funds during the preceding year.

“(2) **Notification.**—If the owner or operator determines under paragraph (1) that the facility received at least $10,000 in such Federal funds during the preceding year, such owner or operator shall annually notify each covered individual (as defined in paragraph (3)) of that individual’s obligation to comply with the reporting requirements described in subsection (b).

“(3) **Covered Individual Defined.**—In this section, the term ‘covered individual’ means each in-
individual who is an owner, operator, employee, manager, agent, or contractor of a long-term care facility that is the subject of a determination described in paragraph (1).

“(b) REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—Each covered individual shall report to the Secretary and 1 or more law enforcement entities for the political subdivision in which the facility is located any reasonable suspicion of a crime (as defined by the law of the applicable political subdivision) against any individual who is a resident of, or is receiving care from, the facility.

“(2) TIMING.—If the events that cause the suspicion—

“(A) result in serious bodily injury, the individual shall report the suspicion immediately, but not later than 2 hours after forming the suspicion; and

“(B) do not result in serious bodily injury, the individual shall report the suspicion not later than 24 hours after forming the suspicion.

“(c) PENALTIES.—

“(1) IN GENERAL.—If a covered individual violates subsection (b)—
“(A) the covered individual shall be subject to a civil money penalty of not more than $200,000; or

“(B) the Secretary shall classify the covered individual as an excluded individual, for a period of not more than 3 years.

“(2) INCREASED HARM.—If a covered individual violates subsection (b) and the violation exacerbates the harm to the victim of the crime or results in harm to another individual—

“(A) the covered individual shall be subject to a civil money penalty of not more than $300,000; and

“(B) the Secretary shall classify the covered individual as an excluded individual, for a period of not more than 3 years.

“(3) EXCLUDED INDIVIDUAL.—During any period for which a covered individual is classified as an excluded individual under paragraph (1)(B) or (2)(B), a long-term care facility that employs such individual shall be ineligible to receive Federal funds under this Act.

“(4) EXTENUATING CIRCUMSTANCES.—

“(A) IN GENERAL.—The Secretary may take into account the financial burden on providers
with underserved populations in determining any penalty to be imposed under this subsection.

“(B) Underserved population defined.—In this paragraph, the term ‘underserved population’ means the population of an area designated by the Secretary as an area with a shortage of elder justice programs or a population group designated by the Secretary as having a shortage of such programs. Such areas or groups designated by the Secretary may include—

“(i) areas or groups that are geographically isolated (such as isolated in a rural area);

“(ii) racial and ethnic minority populations; and

“(iii) populations underserved because of special needs (such as language barriers, disabilities, alien status, or age).

“(d) Additional Penalties for Retaliation.—

“(1) In general.—A long-term care facility may not—

“(A) discharge, demote, suspend, threaten, harass, or deny a promotion or other employment-related benefit to an employee, or in any
other manner discriminate against an employee
in the terms and conditions of employment be-
cause of lawful acts done by the employee; or

“(B) file a complaint or a report against a
nurse or other employee with the appropriate
State professional disciplinary agency because of
lawful acts done by the nurse or employee,
for making a report, causing a report to be made, or
for taking steps in furtherance of making a report
pursuant to subsection (b)(1).

“(2) Penalties for retaliation.—If a long-
term care facility violates subparagraph (A) or (B) of
paragraph (1) the facility shall be subject to a civil
money penalty of not more than $200,000 or the Sec-
retary may classify the entity as an excluded entity
for a period of 2 years pursuant to section 1128(b),
or both.

“(3) Requirement to post notice.—Each
long-term care facility shall post conspicuously in an
appropriate location a sign (in a form specified by
the Secretary) specifying the rights of employees
under this section. Such sign shall include a state-
ment that an employee may file a complaint with the
Secretary against a long-term care facility that vio-
lates the provisions of this subsection and information
with respect to the manner of filing such a complaint.

“(e) **PROCEDURE.**—The provisions of section 1128A
(other than subsections (a) and (b) and the second sentence
of subsection (f)) shall apply to a civil money penalty under
this section in the same manner as such provisions apply
to a penalty or proceeding under section 1128A(a).

“(f) **DEFINITIONS.**—In this section, the terms ‘elder
justice’, ‘long-term care facility’, and ‘law enforcement’ have
the meanings given those terms in section 2011.

“**ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY**
**FUNDED LONG-TERM CARE FACILITIES CLOSE**

“**Sec. 1150B. (a) NOTIFICATION OF FACILITY CLOSURE.**—If the owner or operator determines under section
1150A(a)(1) that a long-term care facility received at least
$10,000 in Federal funds under this Act during the pre-
ceding year, the owner or operator of the facility shall—

“(1) submit to the Secretary and the appropriate
State regulatory agency written notification of an
impending closure not later than the date that is 60
days prior to the date of such closure;

“(2) include in the notice a plan for the transfer
and adequate relocation of the residents of the facility
prior to closure, including assurances that the resi-
dents will be transferred to the most appropriate fa-
cility in terms of quality, services, and location; and
“(3) not later than 10 days after the facility closure, submit to the Secretary and the appropriate State agency information identifying where residents of the closed facility were transferred and on what date.

“(b) SANCTIONS.—Any person owning or operating a long-term care facility that fails to comply with the requirements of subsection (a) shall be subject to—

“(1) a civil monetary penalty of up to $1,000,000;

“(2) exclusion from participation in the programs under this Act (in accordance with the procedures of section 1128); and

“(3) any other applicable civil monetary penalties and assessments.

“(c) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty or assessment under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(d) DEFINITION.—In this section, the term ‘long-term care facility’ has the meaning given that term in section 2011.”.

(c) NATIONAL NURSE AIDE REGISTRY.—
(1) **Definition of Nurse Aide.**—In this section, the term “nurse aide” has the meaning given that term in sections 1819(b)(5)(F) and 1919(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F); 1396r(b)(5)(F)).

(2) **Study and Report.**—

(A) **In General.**—The Secretary, in consultation with appropriate government agencies and private sector organizations, shall conduct a study on establishing a national nurse aide registry.

(B) **Areas Evaluated.**—The study conducted under this subsection shall include an evaluation of—

(i) who should be included in the registry;

(ii) how such a registry would comply with Federal and State privacy laws and regulations;

(iii) how data would be collected for the registry;

(iv) what entities and individuals would have access to the data collected;

(v) how the registry would provide appropriate information regarding violations
of Federal and State law by individuals included in the registry;

(vi) how the functions of a national nurse aide registry would be coordinated with the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers established under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173); and

(vii) how the information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)) would be provided as part of a national nurse aide registry.

(C) CONSIDERATIONS.—In conducting the study and preparing the report required under this subsection, the Secretary shall take into consideration the findings and conclusions of relevant reports and other relevant resources, including the following:


(iv) The Department of Health and Human Services Health Resources and Services Administration Report, Nursing Aides, Home Health Aides, and Related Health Care Occupations—National and Local Workforce Shortages and Associated Data Needs (2004)(in particular with respect to chapter 7 and appendix F).

(v) The 2001 Report to CMS from the School of Rural Public Health, Texas A&M University, Preventing Abuse and Neglect
The Role of Nurse Aide Registries.

(vi) Information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).

(D) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives containing the findings and recommendations of the study conducted under this paragraph.

(E) FUNDING LIMITATION.—Funding for the study conducted under this subsection shall not exceed $500,000.

(3) CONGRESSIONAL ACTION.—After receiving the report submitted by the Secretary under paragraph (1)(D), the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives shall, as they deem appropriate, take ac-
tion based on the recommendations contained in the report.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary for the purpose of carrying out this subsection.

(d) CONFORMING AMENDMENTS.—

(1) TITLE XX.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by section 5(a), is amended—

(A) in the heading of section 2001, by striking “TITLE” and inserting “SUBTITLE”; and

(B) in subtitle 1, by striking “this title” each place it appears and inserting “this subtitle”.

(2) TITLE IV.—Title IV of such Act (42 U.S.C. 601 et seq.) is amended—

(A) in section 404(d)—

(i) in paragraphs (1)(A), (2)(A), and (3)(B), by inserting “subtitle 1 of” before “title XX” each place it appears;

(ii) in the heading of paragraph (2), by inserting “SUBTITLE 1 OF” before “TITLE XX”; and
(iii) in the heading of paragraph (3)(B), by inserting "SUBTITLE 1 OF" before "TITLE XX"; and
(B) in sections 422(b), 471(a)(4), 472(h)(1), and 473(b)(2), by inserting "subtitle 1 of" before "title XX" each place it appears.

(3) TITLE XI.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended—
(A) in section 1128(h)(3)—
(i) by inserting "subtitle 1 of" before "title XX"; and
(ii) by striking "such title" and inserting "such subtitle"; and
(B) in section 1128A(i)(1), by inserting "subtitle 1 of" before "title XX".
A BILL

To amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

SEPTEMBER 19, 2006

Reported with an amendment

Calendar No. 617

[Report No. 109–337]