

110TH CONGRESS
1ST SESSION

H. R. 1783

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 HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. EMANUEL (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 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. Definitions.
- Sec. 102. Elder Justice.

“PART A—BLOCK GRANTS TO STATES FOR SOCIAL SERVICES

“PART B—ELDER JUSTICE

- “Sec. 2011. Definitions.
- “Sec. 2012. General provisions.

“Subpart 1—National Coordination of Elder Justice Activities and Research

“CHAPTER I—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY
 BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION

- “Sec. 2021. Elder Justice Coordinating Council.
- “Sec. 2022. Advisory Board on Elder Abuse, Neglect, and Exploitation.
- “Sec. 2023. Research protections.
- “Sec. 2024. Authorization of appropriations.

“CHAPTER II—ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC
 CENTERS

- “Sec. 2031. Establishment and support of elder abuse, neglect, and Ex-
 ploitation forensic Centers.

“Subpart 2—Programs to Promote Elder Justice

- “Sec. 2041. Enhancement of long-term care.
- “Sec. 2042. Adult protective services functions and grant programs.
- “Sec. 2043. Long-term care ombudsman program grants and training.
- “Sec. 2044. Provision of information regarding, and evaluations of, elder
 justice programs.
- “Sec. 2045. Report.
- “Sec. 1150A. Reporting to law enforcement of crimes occurring in feder-
 ally funded long-Term care facilities.
- “Sec. 1150B. Ensuring safety of residents when federally funded Long-
 Term care facilities close.

TITLE II—DEPARTMENT OF JUSTICE

- Sec. 201. Model State laws and practices.
- Sec. 202. Elder justice plan and strategy.
- 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.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The proportion of the United States popu-
4 lation age 60 years or older will drastically increase
5 in the next 30 years as more than 76,000,000 baby
6 boomers approach retirement and old age.

7 (2) Each year, anywhere between 500,000 and
8 5,000,000 elders in the United States are abused,
9 neglected, or exploited.

10 (3) Elder abuse, neglect, and exploitation have
11 no boundaries, and cross all racial, social class, gen-
12 der, and geographic lines.

13 (4) Victims of elder abuse, neglect, and exploi-
14 tation are not only subject to injury from mistreat-
15 ment and neglect, they are also 3.1 times more likely
16 than elders who were not victims of elder abuse, ne-
17 glect, and exploitation to die at an earlier age than
18 expected.

19 (5) There is a general dearth of data as to the
20 nature and scope of elder abuse, neglect, and exploi-
21 tation. In recognition of the need to improve data
22 collection efforts with respect to elder abuse, neglect,
23 and exploitation, Congress required the Secretary of

1 Health and Human Services to conduct a study by
2 the end of 2008 on establishing a uniform national
3 database on elder abuse under section 405 of title
4 IV of Division C of the Tax Relief and Health Care
5 Act of 2006 (Public Law 109–432).

6 (6) Despite the dearth of data in the field, ex-
7 perts agree that most cases of elder abuse, neglect,
8 and exploitation are never reported and that abuse,
9 neglect, and exploitation shorten a victim’s life, often
10 triggering a downward spiral of an otherwise pro-
11 ductive, self-sufficient elder’s life. Programs address-
12 ing other difficult issues such as domestic violence
13 and child abuse and neglect have demonstrated the
14 need for a multifaceted law, combining public health,
15 social service, and law enforcement approaches.

16 (7) For over 20 years, Congress has been pre-
17 sented with facts and testimony calling for a coordi-
18 nated Federal effort to combat elder abuse, neglect,
19 and exploitation.

20 (8) The Federal Government has been slow to
21 respond to the needs of victims of elder abuse, ne-
22 glect, and exploitation or to undertake prevention ef-
23 forts.

24 (9) No Federal law has been enacted that ade-
25 quately and comprehensively addresses the issues of

1 elder abuse, neglect, and exploitation and there are
2 very limited resources available to those in the field
3 that directly deal with the issues.

4 (10) Differences in State laws and practices in
5 the areas of elder abuse, neglect, and exploitation
6 lead to significant disparities in prevention, protec-
7 tive and social services, treatment systems, and law
8 enforcement, and lead to other inequities.

9 (11) The Federal Government has played an
10 important role in promoting research, training, pub-
11 lic safety, and data collection, and the identification,
12 development, and dissemination of promising health
13 care, social, and protective services, and law enforce-
14 ment practices, relating to child abuse and neglect,
15 domestic violence, and violence against women. The
16 Federal Government should promote similar efforts
17 and protections relating to elder abuse, neglect, and
18 exploitation.

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

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

1 (B) generating and sharing knowledge rel-
2 evant to protecting elders;

3 (C) providing leadership to combat the
4 abuse, neglect, and exploitation of the Nation's
5 elders; and

6 (D) providing resources to States and com-
7 munities to promote elder justice.

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

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

13 (B) emphasizes the need for prevention, re-
14 porting, investigation, assessment, treatment,
15 and prosecution of elder abuse, neglect, and ex-
16 ploitation at all levels of government;

17 (C) ensures that sufficient numbers of
18 properly trained personnel with specialized
19 knowledge are in place to—

20 (i) treat, assess, and provide services
21 relating to elder abuse, neglect, and exploi-
22 tation; and

23 (ii) carry out elder protection duties;

24 (D) is sensitive to ethnic and cultural di-
25 versity;

1 (E) recognizes the role of mental health,
2 disability, dementia, substance abuse, medica-
3 tion mismanagement, and family dysfunction
4 problems in increasing and exacerbating elder
5 abuse, neglect, and exploitation; and

6 (F) balances elders' right to self-deter-
7 mination with society's responsibility to protect
8 elders.

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

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

18 (16) All elements of society in the United
19 States have a shared responsibility in responding to
20 a national problem of elder abuse, neglect, and ex-
21 ploitation.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are as follows:

24 (1) To enhance the social security of the Nation
25 by ensuring adequate public-private infrastructure

1 and resolving to prevent, detect, treat, understand,
2 and intervene in, and where appropriate, aid in the
3 prosecution of, elder abuse, neglect, and exploitation.

4 (2) To bring a comprehensive approach to pre-
5 venting and combating elder abuse, neglect, and ex-
6 ploitation, a long invisible problem that afflicts the
7 most vulnerable among the aging population of the
8 United States.

9 (3) To raise the issue of elder abuse, neglect,
10 and exploitation to national attention, and to create
11 the infrastructure at the Federal, State, and local
12 levels, to ensure that individuals and organizations
13 on the front lines, who are fighting elder abuse, ne-
14 glect, and exploitation with scarce resources and
15 fragmented systems, have the resources and infor-
16 mation needed to carry out their fight.

17 (4) To bring a comprehensive multidisciplinary
18 approach to elder justice.

19 (5) To set in motion research and data collec-
20 tion to fill gaps in knowledge about elder abuse, ne-
21 glect, and exploitation.

22 (6) To supplement the activities of service pro-
23 viders and programs, to enhance training, and to le-
24 verage scarce resources efficiently, in order to ensure

1 that elder justice receives the attention it deserves as
2 the Nation's population ages.

3 (7) To recognize and address the role of mental
4 health, disability, dementia, substance abuse, medi-
5 cation mismanagement, and family dysfunction prob-
6 lems in increasing and exacerbating elder abuse, ne-
7 glect, and exploitation.

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

12 (9) To promote collaborative efforts and dimin-
13 ish overlap and gaps in efforts in developing the im-
14 portant field of elder justice.

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

18 (11) To respect the wishes of individuals with
19 diminished capacity and their family members in
20 providing supportive services and care plans in-
21 tended to protect elders from abuse, neglect (includ-
22 ing self-neglect), and exploitation.

1 **TITLE I—DEPARTMENT OF**
2 **HEALTH AND HUMAN SERVICES**

3 **SEC. 101. DEFINITIONS.**

4 Except as otherwise specifically provided, any term
5 that is defined in section 2011 of the Social Security Act
6 (as added by section 102(a)) and is used in this title has
7 the meaning given such term by such section.

8 **SEC. 102. ELDER JUSTICE.**

9 (a) ELDER JUSTICE.—

10 (1) IN GENERAL.—Title XX of the Social Secu-
11 rity Act (42 U.S.C. 1397 et seq.) is amended—

12 (A) in the title heading, by inserting
13 **“AND ELDER JUSTICE”** after **“SO-**
14 **CIAL SERVICES”**;

15 (B) by inserting before section 2001 the
16 following:

17 **“PART A—BLOCK GRANTS TO STATES FOR SOCIAL**
18 **SERVICES”**;

19 and

20 (C) by adding at the end the following:

21 **“PART B—ELDER JUSTICE**

22 **“SEC. 2011. DEFINITIONS.**

23 **“In this part:**

24 **“(1) ABUSE.—**The term ‘abuse’ means the
25 knowing infliction of physical or psychological harm

1 or the knowing deprivation of goods or services that
2 are necessary to meet essential needs or to avoid
3 physical or psychological harm.

4 “(2) ADULT PROTECTIVE SERVICES.—The term
5 ‘adult protective services’ means such services pro-
6 vided to adults as the Secretary may specify and in-
7 cludes services such as—

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

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

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

14 “(D) providing, arranging for, or facili-
15 tating the provision of medical, social service,
16 economic, legal, housing, law enforcement, or
17 other protective, emergency, or support services.

18 “(3) CAREGIVER.—The term ‘caregiver’ means
19 an individual who has the responsibility for the care
20 of an elder, either voluntarily, by contract, by receipt
21 of payment for care, or as a result of the operation
22 of law, and means a family member or other indi-
23 vidual who provides (on behalf of such individual or
24 of a public or private agency, organization, or insti-

1 tution) compensated or uncompensated care to an
2 elder who needs supportive services in any setting.

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

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

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

11 “(A) from a societal perspective, efforts
12 to—

13 “(i) prevent, detect, treat, intervene
14 in, and prosecute elder abuse, neglect, and
15 exploitation; and

16 “(ii) protect elders with diminished
17 capacity while maximizing their autonomy;
18 and

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

23 “(7) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means a State or local government agency, In-
25 dian tribe or tribal organization, or any other public

1 or private entity that is engaged in and has expertise
2 in issues relating to elder justice or in a field nec-
3 essary to promote elder justice efforts.

4 “(8) EXPLOITATION.—The term ‘exploitation’
5 means the fraudulent or otherwise illegal, unauthor-
6 ized, or improper act or process of an individual, in-
7 cluding a caregiver or fiduciary, that uses the re-
8 sources of an elder for monetary or personal benefit,
9 profit, or gain, or that results in depriving an elder
10 of rightful access to, or use of, benefits, resources,
11 belongings, or assets.

12 “(9) FIDUCIARY.—The term ‘fiduciary’—

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

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

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

19 “(B) includes a trustee, a guardian, a con-
20 servator, an executor, an agent under a finan-
21 cial power of attorney or health care power of
22 attorney, or a representative payee.

23 “(10) GRANT.—The term ‘grant’ includes a
24 contract, cooperative agreement, or other mechanism
25 for providing financial assistance.

1 “(11) GUARDIANSHIP.—The term ‘guardian-
2 ship’ means—

3 “(A) the process by which a State court
4 determines that an adult individual lacks capac-
5 ity to make decisions about self-care and prop-
6 erty, and appoints another individual or entity
7 known as a guardian, as a conservator, or by a
8 similar term, as a surrogate decisionmaker;

9 “(B) the manner in which the court-ap-
10 pointed surrogate decisionmaker carries out du-
11 ties to the individual and the court; or

12 “(C) the manner in which the court exer-
13 cises oversight of the surrogate decisionmaker.

14 “(12) INDIAN TRIBE.—

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

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

22 “(13) LAW ENFORCEMENT.—The term ‘law en-
23 forcement’ means the full range of potential re-
24 sponders to elder abuse, neglect, and exploitation in-
25 cluding—

1 “(A) police, sheriffs, detectives, public safe-
2 ty officers, and corrections personnel;

3 “(B) prosecutors;

4 “(C) medical examiners;

5 “(D) investigators; and

6 “(E) coroners.

7 “(14) LONG-TERM CARE.—

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

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

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

24 “(16) NEGLECT.—The term ‘neglect’ means—

1 “(A) the failure of a caregiver or fiduciary
2 to provide the goods or services that are nec-
3 essary to maintain the health or safety of an
4 elder; or

5 “(B) self-neglect.

6 “(17) NURSING FACILITY.—

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

10 “(B) INCLUSION OF SKILLED NURSING FA-
11 CILITY.—The term ‘nursing facility’ includes a
12 skilled nursing facility (as defined in section
13 1819(a))

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

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

20 “(B) obtaining goods and services nec-
21 essary to maintain physical health, mental
22 health, or general safety; or

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

24 “(19) SERIOUS BODILY INJURY.—

1 “(A) IN GENERAL.—The term ‘serious
2 bodily injury’ means an injury—

3 “(i) involving extreme physical pain;

4 “(ii) involving substantial risk of
5 death;

6 “(iii) involving protracted loss or im-
7 pairment of the function of a bodily mem-
8 ber, organ, or mental faculty; or

9 “(iv) requiring medical intervention
10 such as surgery, hospitalization, or phys-
11 ical rehabilitation.

12 “(B) CRIMINAL SEXUAL ABUSE.—Serious
13 bodily injury shall be considered to have oc-
14 curred if the conduct causing the injury is con-
15 duct described in section 2241 (relating to ag-
16 gravated sexual abuse) or 2242 (relating to sex-
17 ual abuse) of title 18, United States Code, or
18 any similar offense under State law.

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

22 “(21) STATE LEGAL ASSISTANCE DEVEL-
23 OPER.—The term ‘State legal assistance developer’
24 means an individual described in section 731 of the
25 Older Americans Act of 1965.

1 “(22) STATE LONG-TERM CARE OMBUDSMAN.—
2 The term ‘State Long-Term Care Ombudsman’
3 means the State Long-Term Care Ombudsman de-
4 scribed in section 712(a)(2) of the Older Americans
5 Act of 1965.

6 **“SEC. 2012. GENERAL PROVISIONS.**

7 “(a) PROTECTION OF PRIVACY.—In pursuing activi-
8 ties under this part, the Secretary shall ensure the protec-
9 tion of individual health privacy consistent with the regu-
10 lations promulgated under section 264(c) of the Health
11 Insurance Portability and Accountability Act of 1996 and
12 applicable State and local privacy regulations.

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

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

22 “(2) is previously set forth in a living will,
23 health care proxy, or other advance directive docu-
24 ment that is validly executed and applied under
25 State law; or

1 “(3) may be unambiguously deduced from the
2 elder’s life history.

3 “SUBPART 1—NATIONAL COORDINATION OF ELDER

4 JUSTICE ACTIVITIES AND RESEARCH

5 **“CHAPTER I—ELDER JUSTICE COORDINATING**

6 **COUNCIL AND ADVISORY BOARD ON ELDER**

7 **ABUSE, NEGLECT, AND EXPLOITATION**

8 **“SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.**

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

12 “(b) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Council shall be com-
14 posed of the following members:

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

17 “(B) The Attorney General (or the Attor-
18 ney General’s designee).

19 “(C) The head of each Federal department
20 or agency or other governmental entity identi-
21 fied by the Chair referred to in subsection (d)
22 as having responsibilities, or administering pro-
23 grams, relating to elder abuse, neglect, and ex-
24 ploitation.

1 “(2) REQUIREMENT.—Each member of the
2 Council shall be an officer or employee of the Fed-
3 eral Government.

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

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

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

11 “(f) DUTIES.—

12 “(1) IN GENERAL.—The Council shall make
13 recommendations to the Secretary for the coordina-
14 tion of activities of the Department of Health and
15 Human Services, the Department of Justice, and
16 other relevant Federal, State, local, and private
17 agencies and entities, relating to elder abuse, ne-
18 glect, and exploitation and other crimes against el-
19 ders.

20 “(2) REPORT.—Not later than the date that is
21 2 years after the date of enactment of the Elder
22 Justice Act and every 2 years thereafter, the Council
23 shall submit to the Committee on Finance of the
24 Senate and the Committee on Ways and Means and

1 the Committee on Energy and Commerce of the
2 House of Representatives a report that—

3 “(A) describes the activities and accom-
4 pishments of, and challenges faced by—

5 “(i) the Council; and

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

8 “(B) makes such recommendations for leg-
9 islation, model laws, or other action as the
10 Council determines to be appropriate.

11 “(g) POWERS OF THE COUNCIL.—

12 “(1) INFORMATION FROM FEDERAL AGEN-
13 CIES.—Subject to the requirements of section
14 2012(a), the Council may secure directly from any
15 Federal department or agency such information as
16 the Council considers necessary to carry out this sec-
17 tion. Upon request of the Chair of the Council, the
18 head of such department or agency shall furnish
19 such information to the Council.

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

24 “(h) TRAVEL EXPENSES.—The members of the
25 Council shall not receive compensation for the perform-

1 ance of services for the Council. The members shall be
2 allowed travel expenses, including per diem in lieu of sub-
3 sistence, at rates authorized for employees of agencies
4 under subchapter I of chapter 57 of title 5, United States
5 Code, while away from their homes or regular places of
6 business in the performance of services for the Council.
7 Notwithstanding section 1342 of title 31, United States
8 Code, the Secretary may accept the voluntary and uncom-
9 pensated services of the members of the Council.

10 “(i) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any
11 Federal Government employee may be detailed to the
12 Council without reimbursement, and such detail shall be
13 without interruption or loss of civil service status or privi-
14 lege.

15 “(j) **STATUS AS PERMANENT COUNCIL.**—Section 14
16 of the Federal Advisory Committee Act (5 U.S.C. App.)
17 shall not apply to the Council.

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

20 “(a) **ESTABLISHMENT.**—There is established a board
21 to be known as the ‘Advisory Board on Elder Abuse, Ne-
22 glect, and Exploitation’ (in this section referred to as the
23 ‘Advisory Board’) to create short- and long-term multi-
24 disciplinary strategic plans for the development of the field
25 of elder justice and to make recommendations to the Elder

1 Justice Coordinating Council established under section
2 2021.

3 “(b) COMPOSITION.—The Advisory Board shall be
4 composed of 27 members appointed by the Secretary from
5 among members of the general public who are individuals
6 with experience and expertise in elder abuse, neglect, and
7 exploitation prevention, detection, treatment, intervention,
8 or prosecution.

9 “(c) SOLICITATION OF NOMINATIONS.—The Sec-
10 retary shall publish a notice in the Federal Register solici-
11 iting nominations for the appointment of members of the
12 Advisory Board under subsection (b).

13 “(d) TERMS.—

14 “(1) IN GENERAL.—Each member of the Advi-
15 sory Board shall be appointed for a term of 3 years,
16 except that, of the members first appointed—

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

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

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

23 “(2) VACANCIES.—

24 “(A) IN GENERAL.—Any vacancy on the
25 Advisory Board shall not affect its powers, but

1 shall be filled in the same manner as the origi-
2 nal appointment was made.

3 “(B) FILLING UNEXPIRED TERM.—An in-
4 dividual chosen to fill a vacancy shall be ap-
5 pointed for the unexpired term of the member
6 replaced.

7 “(3) EXPIRATION OF TERMS.—The term of any
8 member shall not expire before the date on which
9 the member’s successor takes office.

10 “(e) ELECTION OF OFFICERS.—The Advisory Board
11 shall elect a Chair and Vice Chair from among its mem-
12 bers. The Advisory Board shall elect its initial Chair and
13 Vice Chair at its initial meeting.

14 “(f) DUTIES.—

15 “(1) ENHANCE COMMUNICATION ON PRO-
16 MOTING QUALITY OF, AND PREVENTING ABUSE AND
17 NEGLECT IN, LONG-TERM CARE.—The Advisory
18 Board shall develop collaborative and innovative ap-
19 proaches to improve the quality of, including pre-
20 venting abuse and neglect in, long-term care.

21 “(2) COLLABORATIVE EFFORTS TO DEVELOP
22 CONSENSUS AROUND THE MANAGEMENT OF CER-
23 TAIN QUALITY-RELATED FACTORS.—

24 “(A) IN GENERAL.—The Advisory Board
25 shall establish multidisciplinary panels to ad-

1 dress, and develop consensus on, subjects relat-
2 ing to improving the quality of long-term care.
3 At least 1 such panel shall address, and develop
4 consensus on, methods for managing resident-
5 to-resident abuse in long-term care.

6 “(B) ACTIVITIES CONDUCTED.—The multi-
7 disciplinary panels established under subpara-
8 graph (A) shall examine relevant research and
9 data, identify best practices with respect to the
10 subject of the panel, determine the best way to
11 carry out those best practices in a practical and
12 feasible manner, and determine an effective
13 manner of distributing information on such
14 subject.

15 “(3) REPORT.—Not later than the date that is
16 18 months after the date of enactment of the Elder
17 Justice Act, and annually thereafter, the Advisory
18 Board shall prepare and submit to the Elder Justice
19 Coordinating Council, the Committee on Finance of
20 the Senate, and the Committee on Ways and Means
21 and the Committee on Energy and Commerce of the
22 House of Representatives a report containing—

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

1 “(B) recommendations (including rec-
2 ommended priorities) regarding—

3 “(i) elder justice programs, research,
4 training, services, practice, enforcement,
5 and coordination;

6 “(ii) coordination between entities
7 pursuing elder justice efforts and those in-
8 volved in related areas that may inform or
9 overlap with elder justice efforts, such as
10 activities to combat violence against women
11 and child abuse and neglect; and

12 “(iii) activities relating to adult fidu-
13 ciary systems, including guardianship and
14 other fiduciary arrangements;

15 “(C) recommendations for specific modi-
16 fications needed in Federal and State laws (in-
17 cluding regulations) or for programs, research,
18 and training to enhance prevention, detection,
19 and treatment (including diagnosis) of, inter-
20 vention in (including investigation of), and
21 prosecution of elder abuse, neglect, and exploi-
22 tation;

23 “(D) recommendations on methods for the
24 most effective coordinated national data collec-

1 tion with respect to elder justice, and elder
2 abuse, neglect, and exploitation; and

3 “(E) recommendations for a multidisci-
4 plinary strategic plan to guide the effective and
5 efficient development of the field of elder jus-
6 tice.

7 “(g) POWERS OF THE ADVISORY BOARD.—

8 “(1) INFORMATION FROM FEDERAL AGEN-
9 CIES.—Subject to the requirements of section
10 2012(a), the Advisory Board may secure directly
11 from any Federal department or agency such infor-
12 mation as the Advisory Board considers necessary to
13 carry out this section. Upon request of the Chair of
14 the Advisory Board, the head of such department or
15 agency shall furnish such information to the Advi-
16 sory Board.

17 “(2) SHARING OF DATA AND REPORTS.—The
18 Advisory Board may request from any entity pur-
19 suing elder justice activities under the Elder Justice
20 Act or an amendment made by that Act, any data,
21 reports, or recommendations generated in connection
22 with such activities.

23 “(3) POSTAL SERVICES.—The Advisory Board
24 may use the United States mails in the same man-

1 ner and under the same conditions as other depart-
2 ments and agencies of the Federal Government.

3 “(h) TRAVEL EXPENSES.—The members of the Advi-
4 sory Board shall not receive compensation for the perform-
5 ance of services for the Advisory Board. The members
6 shall be allowed travel expenses for up to 4 meetings per
7 year, including per diem in lieu of subsistence, at rates
8 authorized for employees of agencies under subchapter I
9 of chapter 57 of title 5, United States Code, while away
10 from their homes or regular places of business in the per-
11 formance of services for the Advisory Board. Notwith-
12 standing section 1342 of title 31, United States Code, the
13 Secretary may accept the voluntary and uncompensated
14 services of the members of the Advisory Board.

15 “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any
16 Federal Government employee may be detailed to the Ad-
17 visory Board without reimbursement, and such detail shall
18 be without interruption or loss of civil service status or
19 privilege.

20 “(j) STATUS AS PERMANENT ADVISORY COM-
21 MITTEE.—Section 14 of the Federal Advisory Committee
22 Act (5 U.S.C. App.) shall not apply to the advisory board.

23 **“SEC. 2023. RESEARCH PROTECTIONS.**

24 “(a) GUIDELINES.—The Secretary shall promulgate
25 guidelines to assist researchers working in the area of

1 elder abuse, neglect, and exploitation, with issues relating
 2 to human subject protections.

3 “(b) DEFINITION OF LEGALLY AUTHORIZED REP-
 4 REPRESENTATIVE FOR APPLICATION OF REGULATIONS.—For
 5 purposes of the application of subpart A of part 46 of title
 6 45, Code of Federal Regulations, to research conducted
 7 under this chapter the term ‘legally authorized representa-
 8 tive’ means, unless otherwise provided by law, the indi-
 9 vidual or judicial or other body authorized under the appli-
 10 cable law to consent to medical treatment on behalf of an-
 11 other person.

12 **“SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
 14 this chapter—

15 “(1) for fiscal year 2008, \$6,500,000; and

16 “(2) for each of fiscal years 2009 through
 17 2011, \$7,000,000.

18 **“CHAPTER II—ELDER ABUSE, NEGLECT, AND**

19 **EXPLOITATION FORENSIC CENTERS**

20 **“SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER**

21 **ABUSE, NEGLECT, AND EXPLOITATION FO-**

22 **RENSIC CENTERS.**

23 “(a) IN GENERAL.—The Secretary, in consultation
 24 with the Attorney General, shall make grants to eligible
 25 entities to establish and operate stationary and mobile fo-

1 rensic centers, to develop forensic expertise regarding, and
2 provide services relating to, elder abuse, neglect, and ex-
3 ploitation.

4 “(b) STATIONARY FORENSIC CENTERS.—The Sec-
5 retary shall make 4 of the grants described in subsection
6 (a) to institutions of higher education with demonstrated
7 expertise in forensics or commitment to preventing or
8 treating elder abuse, neglect, or exploitation, to establish
9 and operate stationary forensic centers.

10 “(c) MOBILE CENTERS.—The Secretary shall make
11 6 of the grants described in subsection (a) to appropriate
12 entities to establish and operate mobile forensic centers.

13 “(d) AUTHORIZED ACTIVITIES.—

14 “(1) DEVELOPMENT OF FORENSIC MARKERS
15 AND METHODOLOGIES.—An eligible entity that re-
16 ceives a grant under this section shall use funds
17 made available through the grant to assist in deter-
18 mining whether abuse, neglect, or exploitation oc-
19 curred and whether a crime was committed and to
20 conduct research to describe and disseminate infor-
21 mation on—

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

1 “(B) methodologies for determining, in
2 such a case, when and how health care, emer-
3 gency service, social and protective services, and
4 legal service providers should intervene and
5 when the providers should report the case to
6 law enforcement authorities.

7 “(2) DEVELOPMENT OF FORENSIC EXPER-
8 TISE.—An eligible entity that receives a grant under
9 this section shall use funds made available through
10 the grant to develop forensic expertise regarding
11 elder abuse, neglect, and exploitation in order to
12 provide medical and forensic evaluation, therapeutic
13 intervention, victim support and advocacy, case re-
14 view, and case tracking.

15 “(3) COLLECTION OF EVIDENCE.—The Sec-
16 retary, in coordination with the Attorney General,
17 shall use data made available by grant recipients
18 under this section to develop the capacity of geriatric
19 health care professionals and law enforcement to col-
20 lect forensic evidence, including collecting forensic
21 evidence relating to a potential determination of
22 elder abuse, neglect, or exploitation.

23 “(e) APPLICATION.—To be eligible to receive a grant
24 under this section, an entity shall submit an application

1 to the Secretary at such time, in such manner, and con-
2 taining such information as the Secretary may require.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 “(1) for fiscal year 2008, \$4,000,000;

7 “(2) for fiscal year 2009, \$6,000,000; and

8 “(3) for each of fiscal years 2010 and 2011,
9 \$8,000,000.

10 “SUBPART 2—PROGRAMS TO PROMOTE ELDER JUSTICE

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

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

14 “(1) IN GENERAL.—The Secretary shall carry
15 out activities, including activities described in para-
16 graphs (2) and (3), to provide incentives for individ-
17 uals to train for, seek, and maintain employment
18 providing direct care in a long-term care facility.

19 “(2) SPECIFIC PROGRAMS TO ENHANCE TRAIN-
20 ING, RECRUITMENT, AND RETENTION OF STAFF.—

21 “(A) COORDINATION WITH SECRETARY OF
22 LABOR TO RECRUIT AND TRAIN LONG-TERM
23 CARE STAFF.—The Secretary shall coordinate
24 activities under this subsection with the Sec-
25 retary of Labor in order to provide incentives

1 for individuals to train for and seek employ-
2 ment providing direct care in a long-term care
3 facility.

4 “(B) CAREER LADDERS AND WAGE OR
5 BENEFIT INCREASES TO INCREASE STAFFING IN
6 LONG-TERM CARE FACILITIES.—

7 “(i) IN GENERAL.—The Secretary
8 shall make grants to long-term care facili-
9 ties to carry out programs through which
10 the facilities—

11 “(I) offer, to employees who pro-
12 vide direct care to residents of a long-
13 term care facility, continuing training
14 and varying levels of certification,
15 based on observed clinical care prac-
16 tices and the amount of time the em-
17 ployees spend providing direct care;
18 and

19 “(II) provide, or make arrange-
20 ments to provide, bonuses or other in-
21 creased compensation or benefits to
22 employees who achieve certification
23 under such a program.

24 “(ii) APPLICATION.—To be eligible to
25 receive a grant under this subparagraph, a

1 long-term care facility shall submit an ap-
2 plication to the Secretary at such time, in
3 such manner, and containing such infor-
4 mation as the Secretary may require
5 (which may include evidence of consulta-
6 tion with the State in which the long-term
7 care facility is located with respect to car-
8 rying out activities funded under the
9 grant).

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

16 “(3) SPECIFIC PROGRAMS TO IMPROVE MAN-
17 AGEMENT PRACTICES.—

18 “(A) IN GENERAL.—The Secretary shall
19 make grants to long-term care facilities to en-
20 able the facilities to provide training and tech-
21 nical assistance to eligible employees.

22 “(B) AUTHORIZED ACTIVITIES.—A long-
23 term care facility that receives a grant under
24 subparagraph (A) shall use funds made avail-
25 able through the grant to provide training and

1 technical assistance to eligible employees re-
2 garding management practices using methods
3 that are demonstrated to promote retention of
4 individuals who provide direct care to residents
5 of the long-term care facility, such as—

6 “(i) the establishment of standard
7 human resource policies that reward high
8 performance, including policies that pro-
9 vide for improved wages and benefits on
10 the basis of job reviews;

11 “(ii) the establishment of motivational
12 and thoughtful work organization prac-
13 tices;

14 “(iii) the creation of a workplace cul-
15 ture that respects and values caregivers
16 and their needs;

17 “(iv) the promotion of a workplace
18 culture that respects the rights of residents
19 of a long-term care facility and results in
20 improved care for the residents; and

21 “(v) the establishment of other pro-
22 grams that promote the provision of high
23 quality care, such as a continuing edu-
24 cation program that provides additional
25 hours of training, including on-the-job

1 training, for employees who are certified
2 nurse aides.

3 “(C) APPLICATION.—To be eligible to re-
4 ceive a grant under this paragraph, a long-term
5 care facility shall submit an application to the
6 Secretary at such time, in such manner, and
7 containing such information as the Secretary
8 may require (which may include evidence of
9 consultation with the State in which the long-
10 term care facility is located with respect to car-
11 rying out activities funded under the grant).

12 “(D) AUTHORITY TO LIMIT NUMBER OF
13 APPLICANTS.—Nothing in this paragraph shall
14 be construed as prohibiting the Secretary from
15 limiting the number of applicants for a grant
16 under this paragraph.

17 “(E) ELIGIBLE EMPLOYEE DEFINED.—In
18 this paragraph, the term ‘eligible employee’
19 means an individual who establishes or imple-
20 ments management practices applicable with re-
21 spect to individuals who provide direct care to
22 residents of a long-term care facility and in-
23 cludes administrators, directors of nursing,
24 staff developers, and charge nurses.

1 “(4) ACCOUNTABILITY MEASURES.—The Sec-
2 retary shall develop accountability measures to en-
3 sure that the activities conducted using funds made
4 available under this subsection benefit eligible em-
5 ployees and increase the stability of the long-term
6 care workforce.

7 “(b) INFORMATICS SYSTEMS GRANT PROGRAM.—

8 “(1) GRANTS AUTHORIZED.—The Secretary is
9 authorized to make grants to long-term care facili-
10 ties for the purpose of assisting such entities in off-
11 setting the costs related to purchasing, leasing, de-
12 veloping, and implementing standardized clinical
13 health care informatics systems designed to improve
14 patient safety and reduce adverse events and health
15 care complications resulting from medication errors.

16 “(2) USE OF GRANT FUNDS.—Funds provided
17 under grants under this subsection may be used for
18 any of the following:

19 “(A) Purchasing, leasing, and installing
20 computer software and hardware, including
21 handheld computer technologies.

22 “(B) Making improvements to existing
23 computer software and hardware.

1 “(C) Making upgrades and other improve-
2 ments to existing computer software and hard-
3 ware to enable e-prescribing.

4 “(D) Providing education and training to
5 eligible long-term care facility staff on the use
6 of technology to implement the electronic trans-
7 mission of prescription and patient information.

8 “(3) APPLICATION.—To be eligible to receive a
9 grant under this subsection, a long-term care facility
10 shall submit an application to the Secretary at such
11 time, in such manner, and containing such informa-
12 tion as the Secretary may require (which may in-
13 clude evidence of consultation with the State in
14 which the long-term care facility is located with re-
15 spect to carrying out activities funded under the
16 grant).

17 “(4) AUTHORITY TO LIMIT NUMBER OF APPLI-
18 CANTS.—Nothing in this subsection shall be con-
19 strued as prohibiting the Secretary from limiting the
20 number of applicants for a grant under this sub-
21 section.

22 “(5) ACCOUNTABILITY MEASURES.—The Sec-
23 retary shall develop accountability measures to en-
24 sure that the activities conducted using funds made
25 available under this subsection help improve patient

1 safety and reduce adverse events and health care
2 complications resulting from medication errors.

3 “(c) INCLUSION OF ADJUDICATED CRIMES ON NURS-
4 ING HOME COMPARE WEBSITE.—Not later than 1 year
5 after the date of enactment of the Elder Justice Act, the
6 Secretary shall ensure that the Department of Health and
7 Human Services includes, as part of the information pro-
8 vided for comparison of nursing facilities on the official
9 Internet website of the Federal Government for Medicare
10 beneficiaries (commonly referred to as the ‘Nursing Home
11 Compare’ Medicare website), the number of adjudicated
12 instances of criminal violations by a nursing facility or
13 crimes committed by an employee of a nursing facility—

14 “(1) that were committed inside of the facility;
15 and

16 “(2) with respect to such instances of violations
17 or crimes committed outside of the facility, that
18 were the violations or crimes of elder abuse, neglect,
19 and exploitation, criminal sexual abuse of an elder,
20 or other violations or crimes that resulted in the se-
21 rious bodily injury of an elder.

22 “(d) DEVELOPMENT OF CONSUMER RIGHTS INFOR-
23 MATION PAGE ON NURSING HOME COMPARE WEBSITE.—
24 Not later than 1 year after the date of enactment of the
25 Elder Justice Act, the Secretary shall ensure that the De-

1 partment of Health and Human Services, as part of the
2 information provided for comparison of nursing facilities
3 on the Nursing Home Compare Medicare website develops
4 and includes a consumer rights information page that con-
5 tains links to descriptions of, and information with respect
6 to, the following:

7 “(1) The documentation on nursing facilities
8 that is available to the public.

9 “(2) General information and tips on choosing
10 a nursing facility that meets the needs of the indi-
11 vidual.

12 “(3) General information on consumer rights
13 with respect to nursing facilities.

14 “(4) The nursing facility survey process (on a
15 national and State-specific basis).

16 “(5) On a State-specific basis, the services
17 available through the State long-term care ombuds-
18 man for such State.

19 “(e) DEVELOPMENT AND ADOPTION OF STANDARDS
20 FOR TRANSACTIONS INVOLVING CLINICAL DATA BY
21 LONG-TERM CARE FACILITIES.—

22 “(1) STANDARDS.—The Secretary shall develop
23 and adopt uniform open electronic standards for
24 transactions involving clinical data by long-term care

1 facilities. Such standards shall include messaging
2 and nomenclature standards.

3 “(2) COMPATIBILITY WITH OTHER STAND-
4 ARDS.—The standards developed and adopted under
5 paragraph (1) shall be compatible with standards es-
6 tablished under part C of title XI, standards estab-
7 lished under subsections (b)(2)(B)(i) and (e)(4) of
8 section 1860D–4, and with general health informa-
9 tion technology standards.

10 “(3) ELECTRONIC SUBMISSION OF DATA TO
11 THE SECRETARY.—

12 “(A) IN GENERAL.—Not later than 10
13 years after the date of enactment of the Elder
14 Justice Act, the Secretary shall have procedures
15 in place to accept the optional electronic sub-
16 mission of clinical data by long-term care facili-
17 ties pursuant to the standards developed and
18 adopted under paragraph (1).

19 “(B) RULE OF CONSTRUCTION.—Nothing
20 in this subsection shall be construed to require
21 a long-term care facility to submit clinical data
22 electronically to the Secretary.

23 “(f) REGULATIONS.—The Secretary shall promulgate
24 regulations to carry out subsections (c), (d), and (e) of
25 this section. Such regulations shall require a State, as a

1 condition of the receipt of funds under this part, to con-
2 duct such data collection and reporting as the Secretary
3 determines are necessary to satisfy the requirements of
4 such subsections.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this sec-
7 tion—

8 “(1) for fiscal year 2008, \$20,000,000;

9 “(2) for fiscal year 2009, \$17,500,000; and

10 “(3) for each of fiscal years 2010 and 2011,
11 \$15,000,000.

12 **“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
13 **GRANT PROGRAMS.**

14 “(a) SECRETARIAL RESPONSIBILITIES.—

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

18 “(A) provides funding authorized by this
19 subpart to State and local adult protective serv-
20 ices offices that investigate reports of the abuse,
21 neglect, and exploitation of elders;

22 “(B) collects and disseminates data annu-
23 ally relating to the abuse, exploitation, and ne-
24 glect of elders in coordination with the Depart-
25 ment of Justice;

1 “(C) develops and disseminates informa-
2 tion on best practices regarding, and provides
3 training on, carrying out adult protective serv-
4 ices;

5 “(D) conducts research related to the pro-
6 vision of adult protective services; and

7 “(E) provides technical assistance to
8 States and other entities that provide or fund
9 the provision of adult protective services, in-
10 cluding through grants made under subsections
11 (b) and (c).

12 “(2) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to carry out
14 this subsection, \$3,000,000 for fiscal year 2008 and
15 \$4,000,000 for each of fiscal years 2009 through
16 2011.

17 “(b) GRANTS TO ENHANCE THE PROVISION OF
18 ADULT PROTECTIVE SERVICES.—

19 “(1) ESTABLISHMENT.—There is established an
20 adult protective services grant program under which
21 the Secretary shall annually award grants to States
22 in the amounts calculated under paragraph (2) for
23 the purposes of enhancing adult protective services
24 provided by States and local units of government.

25 “(2) AMOUNT OF PAYMENT.—

1 “(A) IN GENERAL.—Subject to the avail-
2 ability of appropriations and subparagraphs (B)
3 and (C), the amount paid to a State for a fiscal
4 year under the program under this subsection
5 shall equal the amount appropriated for that
6 year to carry out this subsection multiplied by
7 the percentage of the total number of elders
8 who reside in the United States who reside in
9 that State.

10 “(B) GUARANTEED MINIMUM PAYMENT
11 AMOUNT.—

12 “(i) 50 STATES.—Subject to clause
13 (ii), if the amount determined under sub-
14 paragraph (A) for a State for a fiscal year
15 is less than 0.75 percent of the amount ap-
16 propriated for such year, the Secretary
17 shall increase such determined amount so
18 that the total amount paid under this sub-
19 section to the State for the year is equal
20 to 0.75 percent of the amount so appro-
21 priated.

22 “(ii) TERRITORIES.—In the case of a
23 State other than 1 of the 50 States, clause
24 (i) shall be applied as if each reference to
25 ‘0.75’ were a reference to ‘0.1’.

1 “(C) PRO RATA REDUCTIONS.—The Sec-
2 retary shall make such pro rata reductions to
3 the amounts described in subparagraph (A) as
4 are necessary to comply with the requirements
5 of subparagraph (B).

6 “(3) AUTHORIZED ACTIVITIES.—

7 “(A) ADULT PROTECTIVE SERVICES.—
8 Funds made available pursuant to this sub-
9 section may only be used by States and local
10 units of government to provide adult protective
11 services and may not be used for any other pur-
12 pose.

13 “(B) USE BY AGENCY.—Each State receiv-
14 ing funds pursuant to this subsection shall pro-
15 vide such funds to the agency or unit of State
16 government having legal responsibility for pro-
17 viding adult protective services within the State.

18 “(C) SUPPLEMENT NOT SUPPLANT.—Each
19 State or local unit of government shall use
20 funds made available pursuant to this sub-
21 section to supplement and not supplant other
22 Federal, State, and local public funds expended
23 to provide adult protective services in the State.

24 “(4) STATE REPORTS.—Each State receiving
25 funds under this subsection shall submit to the Sec-

1 retary, at such time and in such manner as the Sec-
2 retary may require, a report on the number of elders
3 served by the grants awarded under this subsection.

4 “(5) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to carry out
6 this subsection, \$100,000,000 for each of fiscal
7 years 2008 through 2011.

8 “(c) STATE DEMONSTRATION PROGRAMS.—

9 “(1) ESTABLISHMENT.—The Secretary shall
10 award grants to States for the purposes of con-
11 ducting demonstration programs in accordance with
12 paragraph (2).

13 “(2) DEMONSTRATION PROGRAMS.—Funds
14 made available pursuant to this subsection may be
15 used by States and local units of government to con-
16 duct demonstration programs that test—

17 “(A) training modules developed for the
18 purpose of detecting or preventing elder abuse;

19 “(B) methods to detect or prevent financial
20 exploitation of elders;

21 “(C) methods to detect elder abuse;

22 “(D) whether training on elder abuse
23 forensics enhances the detection of elder abuse
24 by employees of the State or local unit of gov-
25 ernment; or

1 “(E) other matters relating to the detec-
2 tion or prevention of elder abuse.

3 “(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, a State shall submit an
5 application to the Secretary at such time, in such
6 manner, and containing such information as the Sec-
7 retary may require.

8 “(4) STATE REPORTS.—Each State that re-
9 ceives funds under this subsection shall submit a re-
10 port to the Secretary at such time, in such manner,
11 and containing such information as the Secretary
12 may require on the results of the demonstration pro-
13 gram conducted by the State using funds made
14 available under this subsection.

15 “(5) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 this subsection, \$25,000,000 for each of fiscal years
18 2008 through 2011.

19 **“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM**
20 **GRANTS AND TRAINING.**

21 “(a) GRANTS TO SUPPORT THE LONG-TERM CARE
22 OMBUDSMAN PROGRAM.—

23 “(1) IN GENERAL.—The Secretary shall make
24 grants to eligible entities with relevant expertise and
25 experience in abuse and neglect in long-term care fa-

1 cilities or long-term care ombudsman programs and
2 responsibilities, for the purpose of—

3 “(A) improving the capacity of State long-
4 term care ombudsman programs to respond to
5 and resolve complaints about abuse and neglect;

6 “(B) conducting pilot programs with State
7 long-term care ombudsman offices or local om-
8 budsman entities; and

9 “(C) providing support for such State
10 long-term care ombudsman programs and such
11 pilot programs (such as through the establish-
12 ment of a national long-term care ombudsman
13 resource center).

14 “(2) AUTHORIZATION OF APPROPRIATIONS.—

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

17 “(A) for fiscal year 2008, \$5,000,000;

18 “(B) for fiscal year 2009, \$7,500,000; and

19 “(C) for each of fiscal years 2010 and
20 2011, \$10,000,000.

21 “(b) OMBUDSMAN TRAINING PROGRAMS.—

22 “(1) IN GENERAL.—The Secretary shall estab-
23 lish programs to provide and improve ombudsman
24 training with respect to elder abuse, neglect, and ex-

1 exploitation for national organizations and State long-
2 term care ombudsman programs.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 this subsection, for each of fiscal years 2008
6 through 2011, \$10,000,000.

7 **“SEC. 2044. PROVISION OF INFORMATION REGARDING, AND**
8 **EVALUATIONS OF, ELDER JUSTICE PRO-**
9 **GRAMS.**

10 “(a) PROVISION OF INFORMATION.—To be eligible to
11 receive a grant under this part, an applicant shall agree—

12 “(1) except as provided in paragraph (2), to
13 provide the eligible entity conducting an evaluation
14 under subsection (b) of the activities funded through
15 the grant with such information as the eligible entity
16 may require in order to conduct such evaluation; or

17 “(2) in the case of an applicant for a grant
18 under section 2041(b), to provide the Secretary with
19 such information as the Secretary may require to
20 conduct an evaluation or audit under subsection (c).

21 “(b) USE OF ELIGIBLE ENTITIES TO CONDUCT
22 EVALUATIONS.—

23 “(1) EVALUATIONS REQUIRED.—Except as pro-
24 vided in paragraph (2), the Secretary shall—

1 “(A) reserve a portion (not less than 2 per-
2 cent) of the funds appropriated with respect to
3 each program carried out under this part; and

4 “(B) use the funds reserved under sub-
5 paragraph (A) to provide assistance to eligible
6 entities to conduct evaluations of the activities
7 funded under each program carried out under
8 this part.

9 “(2) INFORMATICS SYSTEMS GRANT PROGRAM
10 NOT INCLUDED.—The provisions of this subsection
11 shall not apply to the informatics systems grant pro-
12 gram under section 2041(b).

13 “(3) AUTHORIZED ACTIVITIES.—A recipient of
14 assistance described in paragraph (1)(B) shall use
15 the funds made available through the assistance to
16 conduct a validated evaluation of the effectiveness of
17 the activities funded under a program carried out
18 under this part.

19 “(4) APPLICATIONS.—To be eligible to receive
20 assistance under paragraph (1)(B), an entity shall
21 submit an application to the Secretary at such time,
22 in such manner, and containing such information as
23 the Secretary may require, including a proposal for
24 the evaluation.

1 “(5) REPORTS.—Not later than a date specified
2 by the Secretary, an eligible entity receiving assist-
3 ance under paragraph (1)(B) shall submit to the
4 Secretary, the Committee on Ways and Means and
5 the Committee on Energy and Commerce of the
6 House of Representatives, and the Committee on Fi-
7 nance of the Senate a report containing the results
8 of the evaluation conducted using such assistance to-
9 gether with such recommendations as the entity de-
10 termines to be appropriate.

11 “(c) EVALUATIONS AND AUDITS OF INFORMATICS
12 SYSTEMS GRANT PROGRAM BY THE SECRETARY.—

13 “(1) EVALUATIONS.—The Secretary shall con-
14 duct an evaluation of the activities funded under the
15 informatics systems grant program under section
16 2041(b). Such evaluation shall include an evaluation
17 of whether the funding provided under the grant is
18 expended only for the purposes for which it is made.

19 “(2) AUDITS.—The Secretary shall conduct ap-
20 propriate audits of grants made under section
21 2041(b).

22 **“SEC. 2045. REPORT.**

23 “Not later than October 1, 2011, the Secretary shall
24 submit to the Elder Justice Coordinating Council, the
25 Committee on Ways and Means and the Committee on En-

1 ergy and Commerce of the House of Representatives, and
 2 the Committee on Finance of the Senate a report—

3 “(1) compiling, summarizing, and analyzing the
 4 information contained in the State reports submitted
 5 under subsections (b)(4) and (c)(4) of section 2042;
 6 and

7 “(2) containing such recommendations for legis-
 8 lative or administrative action as the Secretary de-
 9 termines to be appropriate.”.

10 (2) OPTION FOR STATE PLAN UNDER PROGRAM
 11 FOR TEMPORARY ASSISTANCE FOR NEEDY FAMI-
 12 LIES.—

13 (A) IN GENERAL.—Section 402(a)(1)(B) of
 14 the Social Security Act (42 U.S.C.
 15 602(a)(1)(B)) is amended by adding at the end
 16 the following new clause:

17 “(v) The document shall indicate
 18 whether the State intends to assist individ-
 19 uals to train for, seek, and maintain em-
 20 ployment—

21 “(I) providing direct care in a
 22 long-term care facility (as such terms
 23 are defined under section 2011); or

24 “(II) in other occupations related
 25 to elder care determined appropriate

1 by the State for which the State iden-
2 tifies an unmet need for service per-
3 sonnel,
4 and, if so, shall include an overview of such
5 assistance.”.

6 (B) EFFECTIVE DATE.—The amendment
7 made by subparagraph (A) shall take effect on
8 October 1, 2008.

9 (b) PROTECTING RESIDENTS OF LONG-TERM CARE
10 FACILITIES.—

11 (1) NATIONAL TRAINING INSTITUTE FOR SUR-
12 VEYORS.—

13 (A) IN GENERAL.—The Secretary of
14 Health and Human Services shall enter into a
15 contract with an entity for the purpose of estab-
16 lishing and operating a National Training Insti-
17 tute for Federal and State surveyors. Such In-
18 stitute shall provide and improve the training of
19 surveyors with respect to investigating allega-
20 tions of abuse, neglect, and misappropriation of
21 property in programs and long-term care facili-
22 ties that receive payments under title XVIII or
23 XIX of the Social Security Act.

24 (B) ACTIVITIES CARRIED OUT BY THE IN-
25 STITUTE.—The contract entered into under

1 subparagraph (A) shall require the Institute es-
2 tablished and operated under such contract to
3 carry out the following activities:

4 (i) Assess the extent to which State
5 agencies use specialized surveyors for the
6 investigation of reported allegations of
7 abuse, neglect, and misappropriation of
8 property in such programs and long-term
9 care facilities.

10 (ii) Evaluate how the competencies of
11 surveyors may be improved to more effec-
12 tively investigate reported allegations of
13 such abuse, neglect, and misappropriation
14 of property, and provide feedback to Fed-
15 eral and State agencies on the evaluations
16 conducted.

17 (iii) Provide a national program of
18 training, tools, and technical assistance to
19 Federal and State surveyors on inves-
20 tigating reports of such abuse, neglect, and
21 misappropriation of property.

22 (iv) Develop and disseminate informa-
23 tion on best practices for the investigation
24 of such abuse, neglect, and misappropria-
25 tion of property.

1 (v) Assess the performance of State
2 complaint intake systems, in order to en-
3 sure that the intake of complaints occurs
4 24 hours per day, 7 days a week (including
5 holidays).

6 (vi) To the extent approved by the
7 Secretary of Health and Human Services,
8 provide a national 24 hours per day, 7
9 days a week (including holidays), back-up
10 system to State complaint intake systems
11 in order to ensure optimum national re-
12 sponsiveness to complaints of such abuse,
13 neglect, and misappropriation of property.

14 (vii) Analyze and report annually on
15 the following:

16 (I) The total number and sources
17 of complaints of such abuse, neglect,
18 and misappropriation of property.

19 (II) The extent to which such
20 complaints are referred to law en-
21 forcement agencies.

22 (III) General results of Federal
23 and State investigations of such com-
24 plaints.

1 (viii) Conduct a national study of the
2 cost to State agencies of conducting com-
3 plaint investigations of skilled nursing fa-
4 cilities and nursing facilities under sections
5 1819 and 1919, respectively, of the Social
6 Security Act (42 U.S.C. 1395i-3; 1396r),
7 and making recommendations to the Sec-
8 retary of Health and Human Services with
9 respect to options to increase the efficiency
10 and cost-effectiveness of such investiga-
11 tions.

12 (C) AUTHORIZATION.—There are author-
13 ized to be appropriated to carry out this para-
14 graph, for the period of fiscal years 2008
15 through 2011, \$12,000,000.

16 (2) GRANTS TO STATE SURVEY AGENCIES.—

17 (A) IN GENERAL.—The Secretary of
18 Health and Human Services shall make grants
19 to State agencies that perform surveys of
20 skilled nursing facilities or nursing facilities
21 under sections 1819 or 1919, respectively, of
22 the Social Security Act (42 U.S.C. 1395i-3;
23 1395r).

24 (B) USE OF FUNDS.—A grant awarded
25 under subparagraph (A) shall be used for the

1 purpose of designing and implementing com-
2 plaint investigations systems that—

3 (i) promptly prioritize complaints in
4 order to ensure a rapid response to the
5 most serious and urgent complaints;

6 (ii) respond to complaints with opti-
7 mum effectiveness and timeliness; and

8 (iii) optimize the collaboration be-
9 tween local authorities, consumers, and
10 providers, including—

11 (I) such State agency;

12 (II) the State Long-Term Care
13 Ombudsman;

14 (III) local law enforcement agen-
15 cies;

16 (IV) advocacy and consumer or-
17 ganizations;

18 (V) State aging units;

19 (VI) Area Agencies on Aging;

20 and

21 (VII) other appropriate entities.

22 (C) AUTHORIZATION.—There are author-
23 ized to be appropriated to carry out this para-
24 graph, for each of fiscal years 2008 through
25 2011, \$5,000,000.

1 (3) REPORTING OF CRIMES AND ENSURING
2 SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED
3 LONG-TERM CARE FACILITIES CLOSE.—Part A of
4 title XI of the Social Security Act (42 U.S.C. 1301
5 et seq.) is amended by adding at the end the fol-
6 lowing new sections:

7 “REPORTING TO LAW ENFORCEMENT OF CRIMES OCCUR-
8 RING IN FEDERALLY FUNDED LONG-TERM CARE FA-
9 CILITIES
10 “SEC. 1150A. (a) DETERMINATION AND NOTIFICA-
11 TION.—

12 “(1) DETERMINATION.—The owner or operator
13 of each long-term care facility that receives Federal
14 funds under this Act shall annually determine
15 whether the facility received at least \$10,000 in such
16 Federal funds during the preceding year.

17 “(2) NOTIFICATION.—If the owner or operator
18 determines under paragraph (1) that the facility re-
19 ceived at least \$10,000 in such Federal funds during
20 the preceding year, such owner or operator shall an-
21 nually notify each covered individual (as defined in
22 paragraph (3)) of that individual’s obligation to
23 comply with the reporting requirements described in
24 subsection (b).

25 “(3) COVERED INDIVIDUAL DEFINED.—In this
26 section, the term ‘covered individual’ means each in-

1 individual who is an owner, operator, employee, man-
2 nager, agent, or contractor of a long-term care facility
3 that is the subject of a determination described in
4 paragraph (1).

5 “(b) REPORTING REQUIREMENTS.—

6 “(1) IN GENERAL.—Each covered individual
7 shall report to the Secretary and 1 or more law en-
8 forcement entities for the political subdivision in
9 which the facility is located any reasonable suspicion
10 of a crime (as defined by the law of the applicable
11 political subdivision) against any individual who is a
12 resident of, or is receiving care from, the facility.

13 “(2) TIMING.—If the events that cause the sus-
14 picion—

15 “(A) result in serious bodily injury, the in-
16 dividual shall report the suspicion immediately,
17 but not later than 2 hours after forming the
18 suspicion; and

19 “(B) do not result in serious bodily injury,
20 the individual shall report the suspicion not
21 later than 24 hours after forming the suspicion.

22 “(c) PENALTIES.—

23 “(1) IN GENERAL.—If a covered individual vio-
24 lates subsection (b)—

1 “(A) the covered individual shall be subject
2 to a civil money penalty of not more than
3 \$200,000; or

4 “(B) the Secretary shall classify the cov-
5 ered individual as an excluded individual, for a
6 period of not more than 3 years.

7 “(2) INCREASED HARM.—If a covered indi-
8 vidual violates subsection (b) and the violation exac-
9 erbates the harm to the victim of the crime or re-
10 sults in harm to another individual—

11 “(A) the covered individual shall be subject
12 to a civil money penalty of not more than
13 \$300,000; and

14 “(B) the Secretary shall classify the cov-
15 ered individual as an excluded individual, for a
16 period of not more than 3 years.

17 “(3) EXCLUDED INDIVIDUAL.—During any pe-
18 riod for which a covered individual is classified as an
19 excluded individual under paragraph (1)(B) or
20 (2)(B), a long-term care facility that employs such
21 individual shall be ineligible to receive Federal funds
22 under this Act.

23 “(4) EXTENUATING CIRCUMSTANCES.—

24 “(A) IN GENERAL.—The Secretary may
25 take into account the financial burden on pro-

1 viders with underserved populations in deter-
2 mining any penalty to be imposed under this
3 subsection.

4 “(B) UNDERSERVED POPULATION DE-
5 FINED.—In this paragraph, the term ‘under-
6 served population’ means the population of an
7 area designated by the Secretary as an area
8 with a shortage of elder justice programs or a
9 population group designated by the Secretary
10 as having a shortage of such programs. Such
11 areas or groups designated by the Secretary
12 may include—

13 “(i) areas or groups that are geo-
14 graphically isolated (such as isolated in a
15 rural area);

16 “(ii) racial and ethnic minority popu-
17 lations; and

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

21 “(d) ADDITIONAL PENALTIES FOR RETALIATION.—

22 “(1) IN GENERAL.—A long-term care facility
23 may not—

24 “(A) discharge, demote, suspend, threaten,
25 harass, or deny a promotion or other employ-

1 ment-related benefit to an employee, or in any
2 other manner discriminate against an employee
3 in the terms and conditions of employment be-
4 cause of lawful acts done by the employee; or

5 “(B) file a complaint or a report against a
6 nurse or other employee with the appropriate
7 State professional disciplinary agency because
8 of lawful acts done by the nurse or employee,
9 for making a report, causing a report to be made,
10 or for taking steps in furtherance of making a report
11 pursuant to subsection (b)(1).

12 “(2) PENALTIES FOR RETALIATION.—If a long-
13 term care facility violates subparagraph (A) or (B)
14 of paragraph (1) the facility shall be subject to a
15 civil money penalty of not more than \$200,000 or
16 the Secretary may classify the entity as an excluded
17 entity for a period of 2 years pursuant to section
18 1128(b), or both.

19 “(3) REQUIREMENT TO POST NOTICE.—Each
20 long-term care facility shall post conspicuously in an
21 appropriate location a sign (in a form specified by
22 the Secretary) specifying the rights of employees
23 under this section. Such sign shall include a state-
24 ment that an employee may file a complaint with the
25 Secretary against a long-term care facility that vio-

1 lates the provisions of this subsection and informa-
2 tion with respect to the manner of filing such a com-
3 plaint.

4 “(e) PROCEDURE.—The provisions of section 1128A
5 (other than subsections (a) and (b) and the second sen-
6 tence of subsection (f)) shall apply to a civil money penalty
7 under this section in the same manner as such provisions
8 apply to a penalty or proceeding under section 1128A(a).

9 “(f) DEFINITIONS.—In this section, the terms ‘elder
10 justice’, ‘long-term care facility’, and ‘law enforcement’
11 have the meanings given those terms in section 2011.

12 “ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY
13 FUNDED LONG-TERM CARE FACILITIES CLOSE

14 “SEC. 1150B. (a) IN GENERAL.—

15 “(1) NOTIFICATION OF FACILITY CLOSURE.—
16 Subject to paragraph (2), if the owner or operator
17 determines under section 1150A(a)(1) that a long-
18 term care facility received at least \$10,000 in Fed-
19 eral funds under this Act during the preceding year,
20 the owner or operator of the facility shall—

21 “(A) submit to the Secretary and the ap-
22 propriate State regulatory agency written notifi-
23 cation of an impending closure not later than
24 the date that is 60 days prior to the date of
25 such closure;

1 “(B) include in the notice a plan for the
2 transfer and adequate relocation of the resi-
3 dents of the facility prior to closure, including
4 assurances that the residents will be transferred
5 to the most appropriate facility in terms of
6 quality, services, and location; and

7 “(C) not later than 10 days after the facil-
8 ity closure, submit to the Secretary and the ap-
9 propriate State agency information identifying
10 where residents of the closed facility were trans-
11 ferred and on what date.

12 “(2) EXCEPTION WHERE THE SECRETARY HAS
13 ISSUED A TERMINATION NOTICE.—In the case of a
14 long-term care facility described in paragraph (1) for
15 which the Secretary has issued a termination notice
16 for the facility to close by not later than 15 days
17 after the issuance of such notice, the Secretary shall
18 establish requirements for the notification, transfer,
19 and adequate relocation of residents within an ap-
20 propriate timeframe.

21 “(b) SANCTIONS.—Any person owning or operating
22 a long-term care facility that fails to comply with the re-
23 quirements of subsection (a) shall be subject to—

24 “(1) a civil monetary penalty of up to
25 \$1,000,000;

1 “(2) exclusion from participation in the pro-
2 grams under this Act (in accordance with the proce-
3 dures of section 1128); and

4 “(3) any other applicable civil monetary pen-
5 alties and assessments.

6 “(c) PROCEDURE.—The provisions of section 1128A
7 (other than subsections (a) and (b) and the second sen-
8 tence of subsection (f)) shall apply to a civil money penalty
9 or assessment under this section in the same manner as
10 such provisions apply to a penalty or proceeding under
11 section 1128A(a).

12 “(d) DEFINITION.—In this section, the term ‘long-
13 term care facility’ has the meaning given that term in sec-
14 tion 2011.”.

15 (4) REPORT TO CONGRESS ON PILOT PROGRAM
16 FOR NATIONAL AND STATE BACKGROUND CHECKS
17 ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-
18 TERM CARE FACILITIES OR PROVIDERS.—Not later
19 than the date that is 6 months after the completion
20 of the pilot program for national and State back-
21 ground checks on direct patient access employees of
22 long-term care facilities or providers established
23 under section 307 of the Medicare Prescription
24 Drug, Improvement, and Modernization Act of 2003
25 (42 U.S.C. 1395aa note), the Secretary shall submit

1 to the Committee on Finance of the Senate and the
2 Committee on Ways and Means and the Committee
3 on Energy and Commerce of the House of Rep-
4 resentatives a report containing the results of the
5 evaluation required under subsection (e) of such sec-
6 tion of such Act, together with recommendations for
7 such legislation and administrative action as the
8 Secretary determines appropriate.

9 (c) NATIONAL NURSE AIDE REGISTRY.—

10 (1) DEFINITION OF NURSE AIDE.—In this sub-
11 section, the term “nurse aide” has the meaning
12 given that term in sections 1819(b)(5)(F) and
13 1919(b)(5)(F) of the Social Security Act (42 U.S.C.
14 1395i–3(b)(5)(F); 1396r(b)(5)(F)).

15 (2) STUDY AND REPORT.—

16 (A) IN GENERAL.—The Secretary, in con-
17 sultation with appropriate government agencies
18 and private sector organizations, shall conduct
19 a study on establishing a national nurse aide
20 registry.

21 (B) AREAS EVALUATED.—The study con-
22 ducted under this subsection shall include an
23 evaluation of—

24 (i) who should be included in the reg-
25 istry;

1 (ii) how such a registry would comply
2 with Federal and State privacy laws and
3 regulations;

4 (iii) how data would be collected for
5 the registry;

6 (iv) what entities and individuals
7 would have access to the data collected;

8 (v) how the registry would provide ap-
9 propriate information regarding violations
10 of Federal and State law by individuals in-
11 cluded in the registry;

12 (vi) how the functions of a national
13 nurse aide registry would be coordinated
14 with the pilot program for national and
15 State background checks on direct patient
16 access employees of long-term care facili-
17 ties or providers established under section
18 307 of the Medicare Prescription Drug,
19 Improvement, and Modernization Act of
20 2003 (Public Law 108–173); and

21 (vii) how the information included in
22 State nurse aide registries developed and
23 maintained under sections 1819(e)(2) and
24 1919(e)(2) of the Social Security Act (42
25 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2))

1 would be provided as part of a national
2 nurse aide registry.

3 (C) CONSIDERATIONS.—In conducting the
4 study and preparing the report required under
5 this subsection, the Secretary shall take into
6 consideration the findings and conclusions of
7 relevant reports and other relevant resources,
8 including the following:

9 (i) The Department of Health and
10 Human Services Office of Inspector Gen-
11 eral Report, Nurse Aide Registries: State
12 Compliance and Practices (February
13 2005).

14 (ii) The General Accounting Office
15 (now known as the Government Account-
16 ability Office) Report, Nursing Homes:
17 More Can Be Done to Protect Residents
18 from Abuse (March 2002).

19 (iii) The Department of Health and
20 Human Services Office of the Inspector
21 General Report, Nurse Aide Registries:
22 Long-Term Care Facility Compliance and
23 Practices (July 2005).

24 (iv) The Department of Health and
25 Human Services Health Resources and

1 Services Administration Report, Nursing
2 Aides, Home Health Aides, and Related
3 Health Care Occupations—National and
4 Local Workforce Shortages and Associated
5 Data Needs (2004)(in particular with re-
6 spect to chapter 7 and appendix F).

7 (v) The 2001 Report to CMS from
8 the School of Rural Public Health, Texas
9 A&M University, Preventing Abuse and
10 Neglect in Nursing Homes: The Role of
11 Nurse Aide Registries.

12 (vi) Information included in State
13 nurse aide registries developed and main-
14 tained under sections 1819(e)(2) and
15 1919(e)(2) of the Social Security Act (42
16 U.S.C. 1395i-3(e)(2); 1396r(e)(2)(2)).

17 (D) REPORT.—Not later than 18 months
18 after the date of enactment of this Act, the Sec-
19 retary shall submit a report to the Elder Jus-
20 tice Coordinating Council, the Committee on
21 Finance of the Senate, and the Committee on
22 Ways and Means and the Committee on Energy
23 and Commerce of the House of Representatives
24 containing the findings and recommendations of
25 the study conducted under this paragraph.

1 (E) FUNDING LIMITATION.—Funding for
2 the study conducted under this subsection shall
3 not exceed \$500,000.

4 (3) CONGRESSIONAL ACTION.—After receiving
5 the report submitted by the Secretary under para-
6 graph (2)(D), the Committee on Finance of the Sen-
7 ate and the Committee on Ways and Means and the
8 Committee on Energy and Commerce of the House
9 of Representatives shall, as they deem appropriate,
10 take action based on the recommendations contained
11 in the report.

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

16 (d) CONFORMING AMENDMENTS.—

17 (1) TITLE XX.—Title XX of the Social Security
18 Act (42 U.S.C. 1397 et seq.), as amended by section
19 102(a), is amended—

20 (A) in the heading of section 2001, by
21 striking “TITLE” and inserting “PART”; and

22 (B) in part A, by striking “this title” each
23 place it appears and inserting “this part”.

24 (2) TITLE IV.—Title IV of the Social Security
25 Act (42 U.S.C. 601 et seq.) is amended—

1 (A) in section 404(d)—

2 (i) in paragraph (1)(A), by striking
3 “Title” and inserting “Part A of title”;

4 (ii) in paragraphs (2)(A) and (3)(B),
5 by inserting “part A of” before “title XX”
6 each place it appears;

7 (iii) in the heading of paragraph (2),
8 by inserting “PART A OF” before “TITLE
9 XX”; and

10 (iv) in the heading of paragraph
11 (3)(B), by inserting “PART A OF” before
12 “TITLE XX”; and

13 (B) in sections 422(b), 471(a)(4),
14 472(h)(1), and 473(b)(2), by inserting “part A
15 of” before “title XX” each place it appears.

16 (3) TITLE XI.—Title XI of the Social Security
17 Act (42 U.S.C. 1301 et seq.) is amended—

18 (A) in section 1128(h)(3)—

19 (i) by inserting “part A of” before
20 “title XX”; and

21 (ii) by striking “such title” and in-
22 serting “such part”; and

23 (B) in section 1128A(i)(1), by inserting
24 “part A of” before “title XX”.

1 **TITLE II—DEPARTMENT OF**
2 **JUSTICE**

3 **SEC. 201. MODEL STATE LAWS AND PRACTICES.**

4 (a) **IN GENERAL.**—The Attorney General, after con-
5 sultation with the Secretary of Health and Human Serv-
6 ices, shall carry out the following duties:

7 (1) **STUDY.**—Conduct a study of State laws and
8 practices relating to elder abuse, neglect, and exploi-
9 tation.

10 (2) **REPORT TO ELDER JUSTICE RESOURCE**
11 **CENTER.**—Prepare and submit a report or periodic
12 reports containing the findings of the study con-
13 ducted under paragraph (1) to the Elder Justice Co-
14 ordinating Council and the Advisory Board of Elder
15 Abuse, Neglect, and Exploitation (established under
16 Title XX of the Social Security Act (42 U.S.C. 1397
17 et seq.), as amended by this Act). Such report or re-
18 ports shall be made available to the public.

19 (3) **REPORT TO CONGRESS.**—Not later than 2
20 years after the date of enactment of this Act, submit
21 to the Chairman and Ranking Member of the Spe-
22 cial Committee on Aging of the Senate, and the
23 Speaker and Minority leader of the House of Rep-
24 resentatives, a report that contains—

1 (A) a comprehensive description of State
2 laws and practices relating to elder abuse, ne-
3 glect, and exploitation;

4 (B) a comprehensive analysis of the effec-
5 tiveness of such State laws and practices; and

6 (C) recommendations—

7 (i) for model State laws and practices
8 relating to elder abuse, neglect, and exploi-
9 tation; and

10 (ii) with respect to the definitions re-
11 ferred to in subsection (b)(1).

12 (b) STATE LAWS AND PRACTICES.—In conducting
13 the study under subsection (a), the Attorney General shall
14 examine State laws and practices on issues including—

15 (1) the definition of—

16 (A) “elder”;

17 (B) “abuse”;

18 (C) “neglect”;

19 (D) “exploitation”; and

20 (E) such related terms the Attorney Gen-
21 eral determines to be appropriate;

22 (2) mandatory reporting laws, with respect to—

23 (A) who is a mandated reporter;

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

1 (C) any consequences for not reporting;

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

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

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

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

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

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

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

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this sec-
22 tion—

23 (1) \$1,000,000 for fiscal year 2008; and

24 (2) \$2,000,000 for each of the fiscal years 2009
25 through 2014.

1 **SEC. 202. ELDER JUSTICE PLAN AND STRATEGY.**

2 (a) DUTIES OF THE ATTORNEY GENERAL.—The At-
3 torney General shall—

4 (1) develop objectives, priorities, policies, and a
5 long-term plan for elder justice programs and activi-
6 ties relating to prevention, detection, training, treat-
7 ment, evaluation, intervention, research, and im-
8 provement of the elder justice system in the United
9 States;

10 (2) implement the overall policies and a strat-
11 egy to carry out the plan described in paragraph (1);

12 (3) hire personnel to assist in carrying out the
13 policies, programs, and administrative activities re-
14 lated to the duties under paragraphs (1) and (2);
15 and

16 (4) coordinate activities with the Elder Justice
17 Coordinating Council and the Advisory Board of
18 Elder Abuse, Neglect, and Exploitation (established
19 under Title XX of the Social Security Act (42
20 U.S.C. 1397 et seq.), as amended by this Act).

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$3,000,000 for each of the fiscal years 2008 through
24 2014.

1 **SEC. 203. VICTIM ADVOCACY GRANTS.**

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

7 (b) AUTHORIZED ACTIVITIES.—Funds awarded pur-
8 suant to subsection (a) shall be used for pilot programs
9 that—

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

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

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this sec-
20 tion—

21 (1) \$2,500,000 for fiscal year 2008; and

22 (2) \$3,000,000 for each of the fiscal years 2009
23 through 2014.

1 **SEC. 204. SUPPORTING LOCAL PROSECUTORS IN ELDER**
2 **JUSTICE MATTERS.**

3 (a) GRANTS AUTHORIZED.—The Attorney General,
4 after consultation with the Secretary of Health and
5 Human Services, shall award grants to provide training,
6 technical assistance, policy development, multidisciplinary
7 coordination, and other types of support to local prosecu-
8 tors handling elder justice-related cases, including—

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

11 (2) funding the creation of a Center for the
12 Prosecution of Elder Abuse, Neglect, and Exploi-
13 tation by the American Prosecutor Research Insti-
14 tute of the National District Attorneys Association,
15 or any other similarly situated entity, to advise and
16 support local prosecutors nationwide in their pursuit
17 of cases involving elder abuse, neglect, and exploi-
18 tation.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this sec-
21 tion—

22 (1) \$3,000,000 for fiscal year 2008; and

23 (2) \$4,00,000 for each of the fiscal years 2009
24 through 2014.

1 **SEC. 205. SUPPORTING STATE PROSECUTORS IN ELDER**
2 **JUSTICE MATTERS.**

3 (a) **IN GENERAL.**—The Attorney General shall, after
4 consultation with the Secretary of Health and Human
5 Services, award grants to provide training, technical as-
6 sistance, multidisciplinary coordination, policy develop-
7 ment, and other types of support to State prosecutors, in-
8 cluding employees of State Attorneys General and Med-
9 icaid Fraud Control Units handling elder justice-related
10 matters.

11 (b) **CREATING SPECIALIZED POSITIONS.**—Grants
12 under this section may be made for—

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

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

20 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
21 are authorized to be appropriated to carry out this sec-
22 tion—

23 (1) \$3,000,000 for fiscal year 2008; and

24 (2) \$4,000,000 for each of the fiscal years 2009
25 through 2014.

1 **SEC. 206. INCREASED SUPPORT FOR FEDERAL CASES IN-**
2 **VOLVING ELDER JUSTICE.**

3 (a) **SUPPORT AND ASSISTANCE.—**

4 (1) **IN GENERAL.—**The Attorney General shall
5 establish procedures to ensure that the Department
6 of Justice dedicates resources to investigating and
7 prosecuting cases relating to elder justice.

8 (2) **ADDITIONAL STAFF.—**The Attorney General
9 shall hire additional Federal prosecutors and make
10 funding available to Federal prosecutors to hire
11 nurse-investigators or other experts needed to iden-
12 tify, assist with, or pursue cases relating to elder
13 justice.

14 (3) **RESOURCE GROUP.—**The Attorney General
15 may fund, through the Executive Office of United
16 States Attorneys, a Resource Group to assist pros-
17 ecutors throughout the Nation in investigating and
18 prosecuting failure of care and other cases relating
19 to elder justice matters.

20 (b) **OFFICE OF INSPECTOR GENERAL.—**The Office of
21 Inspector General of the Department of Health and
22 Human Services shall hire nurse-investigators and other
23 experts to investigate and pursue failure of care allega-
24 tions.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sec-
3 tion—

4 (1) \$3,000,000 for fiscal year 2008; and

5 (2) \$4,000,000 for each of the fiscal years 2009
6 through 2014.

7 **SEC. 207. SUPPORTING LAW ENFORCEMENT IN ELDER JUS-**
8 **TICE MATTERS.**

9 (a) IN GENERAL.—The Attorney General shall, after
10 consultation with the Secretary of Health and Human
11 Services, award grants to provide training, technical as-
12 sistance, multidisciplinary coordination, policy develop-
13 ment, and other types of support to police, sheriffs, detec-
14 tives, public safety officers, corrections personnel, and
15 other front line law enforcement responders who handle
16 elder justice-related matters, to fund specially designated
17 elder justice positions or units designed to support front
18 line law enforcement in elder justice matters.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this sec-
21 tion—

22 (1) \$6,000,000 for fiscal year 2008; and

23 (2) \$8,000,000 for each of the fiscal years 2009
24 through 2014.

1 **SEC. 208. EVALUATIONS.**

2 (a) GRANTS UNDER THIS TITLE.—

3 (1) IN GENERAL.—In carrying out the grant
4 programs under this title, the Attorney General
5 shall—

6 (A) require each recipient of a grant to use
7 a portion of the funds made available through
8 the grant to conduct a validated evaluation of
9 the effectiveness of the activities carried out
10 through the grant by such recipient; or

11 (B) as the Attorney General considers ap-
12 propriate, use a portion of the funds available
13 under this title for a grant program under this
14 title to provide assistance to an eligible entity to
15 conduct a validated evaluation of the effective-
16 ness of the activities carried out through such
17 grant program by each of the grant recipients.

18 (2) APPLICATIONS.—

19 (A) SUBMISSION.—To be eligible to receive
20 a grant under this title, an entity shall submit
21 an application to the Attorney General at such
22 time, in such manner, and containing such in-
23 formation as the Attorney General may require,
24 which shall include—

1 (i) a proposal for the evaluation re-
2 quired in accordance with paragraph
3 (1)(A); and

4 (ii) the amount of assistance under
5 paragraph (1)(B) the entity is requesting,
6 if any.

7 (B) REVIEW AND ASSISTANCE.—

8 (i) IN GENERAL.—An employee of the
9 Department of Justice, after consultation
10 with an employee of the Department of
11 Health and Human Services and a non-
12 governmental member of the Advisory
13 Board of Elder Abuse, Neglect, and Ex-
14 ploitation (established under Title XX of
15 the Social Security Act (42 U.S.C. 1397 et
16 seq.), as amended by this Act) with exper-
17 tise in evaluation methodology, shall review
18 each application described in subparagraph
19 (A) and determine whether the method-
20 ology described in the proposal under sub-
21 paragraph (A)(i) is adequate to gather
22 meaningful information.

23 (ii) DENIAL.—If the reviewing em-
24 ployee determines the methodology de-
25 scribed in such proposal is inadequate, the

1 reviewing employee shall recommend that
2 the Attorney General deny the application
3 for the grant, or make recommendations
4 for how the application should be amended.

5 (iii) NOTICE TO APPLICANT.—If the
6 Attorney General denies the application on
7 the basis of such proposal, the Attorney
8 General shall inform the applicant of the
9 reasons the application was denied, and
10 offer assistance to the applicant in modi-
11 fying the proposal.

12 (b) OTHER GRANTS.—The Attorney General shall
13 make grants to appropriate entities to conduct validated
14 evaluations of grant activities to reduce elder abuse, ne-
15 glect, and exploitation that are funded by Federal funds
16 not provided under this title.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$7,000,000 for each of the fiscal years 2008 through
20 2014.

21 **TITLE III—TAX PROVISIONS**

22 **SEC. 301. LONG-TERM CARE FACILITY WORKER EMPLOY-** 23 **MENT TAX CREDIT.**

24 (a) WORK OPPORTUNITY TAX CREDIT.—

1 (1) IN GENERAL.—Section 51(d)(1) of the In-
2 ternal Revenue Code of 1986 (relating to members
3 of targeted groups) is amended by striking “or” at
4 the end of subparagraph (H), by striking the period
5 at the end of subparagraph (I) and inserting “or”,
6 and by adding at the end the following:

7 “(J) a qualified long-term care facility
8 worker.”.

9 (2) QUALIFIED LONG-TERM CARE FACILITY
10 WORKER.—Section 51(d) of such Code is amended
11 by redesignating paragraphs (11) through (13) as
12 paragraphs (12) through (15), respectively, and by
13 inserting after paragraph (10) the following:

14 “(11) QUALIFIED LONG-TERM CARE FACILITY
15 WORKER.—The term ‘qualified long-term care facil-
16 ity worker’ means any individual who—

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

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

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall apply to individuals who begin work

1 for an employer after the date of the enactment of this
2 Act.

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