

113TH CONGRESS
1ST SESSION

S. 1562

To reauthorize the Older Americans Act of 1965, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2013

Mr. SANDERS (for himself, Mr. ALEXANDER, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reauthorize the Older Americans Act of 1965, 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.**

4 This Act may be cited as the “Older Americans Act
5 Reauthorization Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 Section 102 of the Older Americans Act of 1965 (42
8 U.S.C. 3002) is amended—

9 (1) by striking paragraph (1) and inserting the
10 following:

1 “(1) The term ‘abuse’ means the knowing in-
2 fliction of physical or psychological harm or the
3 knowing deprivation of goods or services that are
4 necessary to meet essential needs or to avoid phys-
5 ical or psychological harm.”;

6 (2) by striking paragraph (4) and inserting the
7 following:

8 “(4) The term ‘Aging and Disability Resource
9 Center’ means an entity, network, or consortium es-
10 tablished by a State as part of the State system of
11 long-term care, to provide a coordinated and inte-
12 grated system for older individuals and individuals
13 with disabilities (as defined in section 3 of the Amer-
14 icans with Disabilities Act of 1990 (42 U.S.C.
15 12102)), and the caregivers of older individuals and
16 individuals with disabilities, that provides—

17 “(A) comprehensive information on the full
18 range of available public and private long-term
19 care programs, options, service providers, and
20 resources within a community, including infor-
21 mation on the availability of integrated long-
22 term care services, and Federal or State pro-
23 grams that provide long-term care services and
24 supports through home and community-based
25 service programs;

1 “(B) person-centered counseling to assist
2 individuals in assessing their existing or antici-
3 pated long-term care needs and goals, and de-
4 veloping and implementing a person-centered
5 plan for long-term care that is consistent with
6 the desires of such an individual and designed
7 to meet the individual’s specific needs, goals,
8 and circumstances;

9 “(C) access for individuals to the full
10 range of publicly supported long-term care serv-
11 ices and supports for which the individuals may
12 be eligible, including home and community-
13 based service options, by serving as a conven-
14 ient point of entry for such programs and sup-
15 ports; and

16 “(D) in cooperation with area agencies on
17 aging, centers for independent living described
18 in part C of title VII of the Rehabilitation Act
19 of 1973 (29 U.S.C. 796f et seq.), and other
20 community-based entities, information and re-
21 ferrals regarding available home and commu-
22 nity-based services for individuals who are at
23 risk for residing in, or who reside in, institu-
24 tional settings, so that the individuals have the

1 choice to remain in or to return to the commu-
2 nity.”;

3 (3) in paragraph (14)(B), by inserting “oral
4 health,” after “bone density,”;

5 (4) by striking paragraph (17) and inserting
6 the following:

7 “(17) The term ‘elder justice’ means—

8 “(A) from a societal perspective, efforts
9 to—

10 “(i) prevent, detect, treat, intervene
11 in, and prosecute elder abuse, neglect, and
12 exploitation; and

13 “(ii) protect older individuals with di-
14 minished capacity while maximizing their
15 autonomy; and

16 “(B) from an individual perspective, the
17 recognition of an older individual’s rights, in-
18 cluding the right to be free of abuse, neglect,
19 and exploitation.”;

20 (5) in paragraph (18)(A), by striking “term ‘ex-
21 ploitation’ means” and inserting “terms ‘exploit-
22 ation’ and ‘financial exploitation’ mean”; and

23 (6) by adding at the end the following:

1 “(55) The term ‘adult protective services’
2 means such services provided to adults as the Sec-
3 retary may specify and includes services such as—

4 “(A) receiving reports of adult abuse, ne-
5 glect, or exploitation;

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

8 “(C) case planning, monitoring, evaluation,
9 and other casework and services; and

10 “(D) providing, arranging for, or facili-
11 tating the provision of medical, social service,
12 economic, legal, housing, law enforcement, or
13 other protective, emergency, or support serv-
14 ices.”.

15 **SEC. 3. ADMINISTRATION ON AGING.**

16 (a) **BEST PRACTICES.**—Section 201 of the Older
17 Americans Act of 1965 (42 U.S.C. 3011) is amended—

18 (1) in subsection (d)(3)—

19 (A) in subparagraph (K), by striking
20 “and” at the end;

21 (B) in subparagraph (L)—

22 (i) by striking “Older Americans Act
23 Amendments of 1992” and inserting
24 “Older Americans Act Reauthorization Act
25 of 2013”; and

1 (ii) by striking “712(h)(4).” and in-
2 serting “712(h)(5); and”;

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

4 “(M) collect and analyze best practices related
5 to responding to elder abuse, neglect, and exploi-
6 tation in long-term care facilities, and publish a re-
7 port of such best practices.”; and

8 (2) in subsection (e)(2), in the matter preceding
9 subparagraph (A), by inserting “, and in coordina-
10 tion with the heads of State adult protective services
11 programs and the Director of the Office of Long-
12 Term Care Ombudsman Programs” after “and serv-
13 ices”.

14 (b) TRAINING.—Section 202 of the Older Americans
15 Act of 1965 (42 U.S.C. 3012) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (5), by inserting “health
18 and economic” before “needs of older individ-
19 uals”;

20 (B) in paragraph (7), by inserting “health
21 and economic” before “welfare”;

22 (C) in paragraph (14), by inserting “(in-
23 cluding the Health Resources and Services Ad-
24 ministration)” after “other agencies”;

1 (D) in paragraph (27), by striking “and”
2 at the end;

3 (E) in paragraph (28), by striking the pe-
4 riod and inserting a semicolon; and

5 (F) by adding at the end the following:

6 “(29) provide information and technical assist-
7 ance to States, area agencies on aging, and service
8 providers, in collaboration with relevant Federal
9 agencies, on providing efficient, person-centered
10 transportation services, including across geographic
11 boundaries;

12 “(30) identify model programs and provide in-
13 formation and technical assistance to States, area
14 agencies on aging, and service providers (including
15 providers operating multipurpose senior centers), to
16 support the modernization of multipurpose senior
17 centers; and

18 “(31) provide technical assistance to and share
19 best practices with States, area agencies on aging,
20 and Aging and Disability Resource Centers, on how
21 to collaborate and coordinate services with health
22 care entities, such as Federally-qualified health cen-
23 ters, as defined in section 1905(l)(2)(B) of the So-
24 cial Security Act (42 U.S.C. 1396d(l)(2)(B)), in

1 order to improve care coordination for individuals
2 with multiple chronic illnesses.”;

3 (2) in subsection (b)—

4 (A) in paragraph (5)—

5 (i) in subparagraph (B), by striking
6 “and” after the semicolon;

7 (ii) in subparagraph (C), by inserting
8 “and” after the semicolon; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(D) when feasible, developing, in con-
12 sultation with States and national organiza-
13 tions, a consumer-friendly tool to assist older
14 individuals and their families in choosing home
15 and community-based services, with a particular
16 focus on ways for consumers to assess how pro-
17 viders protect the health, safety, welfare, and
18 rights, including the rights provided under sec-
19 tion 314, of older individuals;”; and

20 (B) in paragraph (8)—

21 (i) in subparagraph (B), by inserting
22 “to identify and articulate goals of care
23 and” after “individuals”;

24 (ii) in subparagraph (D)—

1 (I) by inserting “respond to or”
2 before “plan”; and

3 (II) by striking “future long-term
4 care needs; and” and inserting “long-
5 term care needs;”;

6 (iii) in subparagraph (E), by adding
7 “and” at the end; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(F) to provide information and referrals
11 regarding available home and community-based
12 services for individuals who are at risk for re-
13 siding in, or who reside in, institutional set-
14 tings, so that the individuals have the choice to
15 remain in or to return to the community.”; and

16 (3) by adding at the end the following:

17 “(g) The Assistant Secretary shall, as appropriate,
18 ensure that programs authorized under this Act include
19 appropriate training in the prevention of abuse, neglect,
20 and exploitation and provision of services that address
21 elder justice and the exploitation of older individuals.”.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
23 216 of the Older Americans Act of 1965 (42 U.S.C.
24 3020f) is amended—

1 (1) in subsection (a), by striking “2007, 2008,
2 2009, 2010, and 2011” and inserting “2014, 2015,
3 2016, 2017, and 2018”;

4 (2) in subsection (b)—

5 (A) by striking “202(a)(24)” and inserting
6 “202(a)(21)”; and

7 (B) by striking “2007, 2008, 2009, 2010,
8 and 2011” and inserting “2014, 2015, 2016,
9 2017, and 2018”; and

10 (3) in subsection (c), by striking “2007, 2008,
11 2009, 2010, and 2011” and inserting “2014, 2015,
12 2016, 2017, and 2018”.

13 **SEC. 4. STATE AND COMMUNITY PROGRAMS ON AGING.**

14 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
15 303 of the Older Americans Act of 1965 (42 U.S.C. 3023)
16 is amended—

17 (1) in subsection (a)(1), by striking “fiscal
18 years 2007” and all that follows and inserting “each
19 of fiscal years 2014 through 2018.”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “fiscal
22 years 2007” and all that follows and inserting
23 “each of fiscal years 2014 through 2018.”; and

1 (B) in paragraph (2), by striking “fiscal
2 years 2007” and all that follows and inserting
3 “each of fiscal years 2014 through 2018.”;

4 (3) in subsection (d), by striking “fiscal years
5 2007” and all that follows and inserting “each of
6 fiscal years 2014 through 2018.”; and

7 (4) in subsection (e)(2), by striking “2011” and
8 inserting “2011 and each of fiscal years 2014
9 through 2018”.

10 (b) CONFORMING AMENDMENT.—Section 304(b) of
11 the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is
12 amended by striking “subpart 1 of”.

13 (c) PLANNING AND SERVICE AREAS.—Section
14 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965
15 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking
16 “planning and services areas” and inserting “planning
17 and service areas”.

18 (d) AREA PLANS.—Section 306 of the Older Ameri-
19 cans Act of 1965 (42 U.S.C. 3026) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by striking “estab-
22 lishment, maintenance, or construction of multi-
23 purpose senior centers,” and inserting “estab-
24 lishment, maintenance, modernization, or con-
25 struction of multipurpose senior centers (includ-

1 ing a plan to use the skills and services of older
2 individuals in paid and unpaid work, including
3 multigenerational and older individual to older
4 individual work),”; and

5 (B) in paragraph (6)—

6 (i) in subparagraph (G), by adding
7 “and” at the end; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(H) in coordination with the State agency
11 and with the State agency responsible for elder
12 abuse prevention services, increase public
13 awareness of elder abuse, neglect, and exploi-
14 tation, and remove barriers to education, pre-
15 vention, investigation, and treatment of elder
16 abuse neglect, and exploitation education, as
17 appropriate;”; and

18 (2) in subsection (b)(3)—

19 (A) in subparagraph (J), by striking “and”
20 at the end;

21 (B) by redesignating subparagraph (K) as
22 subparagraph (L); and

23 (C) by inserting after subparagraph (J)
24 the following:

1 “(K) protection from elder abuse, neglect,
2 and exploitation; and”.

3 (e) NUTRITION SERVICES INCENTIVE PROGRAM.—

4 Section 311(e) of the Older Americans Act of 1965 (42
5 U.S.C. 3030a(e)) is amended by striking “fiscal year
6 2007” and all that follows and inserting “each of fiscal
7 years 2014 through 2018.”.

8 (f) SUPPORTIVE SERVICES.—Section 321 of the
9 Older Americans Act of 1965 (42 U.S.C. 3030d) is
10 amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “or refer-
13 ral services” and inserting “referral, chronic
14 condition self-care management, or falls preven-
15 tion services”;

16 (B) in paragraph (8), by striking “(includ-
17 ing)” and all that follows and inserting the fol-
18 lowing: “(including mental and behavioral
19 health screening and falls prevention services
20 screening) to detect or prevent (or both) ill-
21 nesses and injuries that occur most frequently
22 in older individuals;” and

23 (C) in paragraph (15), by inserting before
24 the semicolon the following: “, and screening
25 for elder abuse, neglect, and exploitation”;

1 (2) in subsection (b)(1), by inserting “or mod-
2 ernization” after “construction”; and

3 (3) in subsection (c), by inserting before the pe-
4 riod the following: “, and pursue opportunities for
5 the development of intergenerational shared site
6 models for programs or projects, consistent with the
7 purposes of this Act”.

8 (g) HOME DELIVERED NUTRITION SERVICES PRO-
9 GRAM.—Section 336(a)(1) of the Older Americans Act of
10 1965 (42 U.S.C. 3030f(a)(1)) is amended by striking
11 “canned” and all that follows through “meals” and insert-
12 ing “canned, or fresh foods and, as appropriate, supple-
13 mental foods, and any additional meals”.

14 (h) NUTRITION SERVICES.—Section 339 of the Older
15 Americans Act of 1965 (42 U.S.C. 3030g–21) is amend-
16 ed—

17 (1) in paragraph (1), by striking “solicit” and
18 inserting “utilize”; and

19 (2) in paragraph (2)—

20 (A) in subparagraph (J), by striking “and”
21 at the end;

22 (B) in subparagraph (K), by striking the
23 period and inserting “; and”; and

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

1 “(L) where feasible, encourages the use of
2 locally grown foods in meal programs and iden-
3 tifies potential partnerships and contracts with
4 local producers and providers of locally grown
5 foods.”.

6 (i) EVIDENCE-BASED DISEASE PREVENTION AND
7 HEALTH PROMOTION SERVICES PROGRAM.—Part D of
8 title III of the Older Americans Act of 1965 (42 U.S.C.
9 3030m et seq.) is amended—

10 (1) in the part heading, by inserting “EVI-
11 DENCE-BASED” before “DISEASE”; and

12 (2) in section 361(a), by inserting “evidence-
13 based” after “to provide”.

14 (j) OLDER RELATIVE CAREGIVERS.—

15 (1) TECHNICAL AMENDMENT.—Part E of title
16 III of the Older Americans Act of 1965 (42 U.S.C.
17 3030s et seq.) is amended by striking the subpart
18 heading for subpart 1.

19 (2) DEFINITIONS.—Section 372 of such Act (42
20 U.S.C. 3030s) is amended—

21 (A) in subsection (a)—

22 (i) in paragraph (1), by striking “or
23 who is an individual with a disability”; and

24 (ii) by striking paragraph (2) and in-
25 serting the following:

1 “(2) INDIVIDUAL WITH A DISABILITY.—The
2 term ‘individual with a disability’ means an indi-
3 vidual with a disability, as defined in section 3 of the
4 Americans with Disabilities Act of 1990 (42 U.S.C.
5 12102), who is not less than 18 and not more than
6 59 years of age.

7 “(3) OLDER RELATIVE CAREGIVER.—The term
8 ‘older relative caregiver’ means a caregiver who—

9 “(A)(i) is 55 years of age or older; and

10 “(ii) lives with, is the informal provider of
11 in-home and community care to, and is the pri-
12 mary caregiver for, a child or an individual with
13 a disability;

14 “(B) in the case of a caregiver for a
15 child—

16 “(i) is the grandparent, stepgrandpar-
17 ent, or other relative (other than the par-
18 ent) by blood, marriage, or adoption, of the
19 child;

20 “(ii) is the primary caregiver of the
21 child because the biological or adoptive
22 parents are unable or unwilling to serve as
23 the primary caregivers of the child; and

24 “(iii) has a legal relationship to the
25 child, such as legal custody, adoption, or

1 guardianship, or is raising the child infor-
2 mally; and

3 “(C) in the case of a caregiver for an indi-
4 vidual with a disability, is the parent, grand-
5 parent, or other relative by blood, marriage, or
6 adoption, of the individual with a disability.”;
7 and

8 (B) in subsection (b)—

9 (i) by striking “subpart” and all that
10 follows through “family caregivers” and in-
11 sserting “part, for family caregivers”;

12 (ii) by striking “; and” and inserting
13 a period; and

14 (iii) by striking paragraph (2).

15 (k) NATIONAL FAMILY CAREGIVER SUPPORT PRO-
16 GRAM.—Section 373 of the Older Americans Act of 1965
17 (42 U.S.C. 3030s–1) is amended—

18 (1) in subsection (a)(2), by striking “grand-
19 parents or older individuals who are relative care-
20 givers.” and inserting “older relative caregivers.”;

21 (2) in subsection (c)—

22 (A) in paragraph (1), in the matter pre-
23 ceding subparagraph (A), by striking “grand-
24 parents and older individuals who are relative

1 caregivers, and who” and inserting “older rel-
2 ative caregivers, who”; and

3 (B) in paragraph (2)(B), by striking “to
4 older individuals providing care to individuals
5 with severe disabilities, including children with
6 severe disabilities” and inserting “to older rel-
7 ative caregivers of children with severe disabil-
8 ities, or individuals with disabilities who have
9 severe disabilities”;

10 (3) in subsection (e)(3), by striking “grand-
11 parents or older individuals who are relative care-
12 givers” and inserting “older relative caregivers”;

13 (4) in subsection (f)(1)(A), by striking “for fis-
14 cal years 2007, 2008, 2009, 2010, and 2011” and
15 inserting “for a fiscal year”; and

16 (5) in subsection (g)(2)(C), by striking “grand-
17 parents and older individuals who are relative care-
18 givers of a child who is not more than 18 years of
19 age” and inserting “older relative caregivers”.

20 (l) CONFORMING AMENDMENT.—Part E of title III
21 is amended by striking “this subpart” each place it ap-
22 pears and inserting “this part”.

1 **SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**
2 **LONGEVITY.**

3 (a) GRANT PROGRAMS.—Section 411 of the Older
4 Americans Act of 1965 (42 U.S.C. 3032) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (12), by striking “and”
7 at the end;

8 (B) by redesignating paragraph (13) as
9 paragraph (14); and

10 (C) by inserting after paragraph (12) the
11 following:

12 “(13) continuing support for program integrity
13 initiatives concerning the Medicare program under
14 title XVIII of the Social Security Act (42 U.S.C.
15 1395 et seq.) that train senior volunteers to prevent
16 and identify health care fraud and abuse; and”;

17 (2) in subsection (b), by striking “for fiscal
18 years 2007” and all that follows through “2011”
19 and inserting “for each of fiscal years 2014 through
20 2018”.

21 (b) NATIVE AMERICAN PROGRAMS.—Section 418(b)
22 of the Older Americans Act of 1965 (42 U.S.C. 3032g(b))
23 is amended by striking “a national meeting to train” and
24 inserting “national trainings for”.

1 (c) LEGAL ASSISTANCE FOR OLDER AMERICANS.—
2 Section 420(c) of the Older Americans Act of 1965 (42
3 U.S.C. 3032i(c)) is amended by striking “national”.

4 (d) REPEALS.—Sections 415, 419, and 421 of the
5 Older Americans Act of 1965 (42 U.S.C. 3032d, 3032h,
6 3032j) is repealed.

7 (e) CONFORMING AMENDMENT.—Section 417(a)(1)
8 of the Older Americans Act of 1965 (42 U.S.C.
9 3032f(a)(1)) is amended by striking “grandparents and
10 other older individuals who are relative caregivers” and
11 inserting “older relative caregivers (as defined in section
12 372)”.

13 **SEC. 6. COMMUNITY SERVICE SENIOR OPPORTUNITIES.**

14 Section 517(a) of the Older Americans Act of 1965
15 (42 U.S.C. 3056o(a)) is amended by striking “fiscal years
16 2007, 2008, 2009, 2010, and 2011” and inserting “each
17 of fiscal years 2014 through 2018”.

18 **SEC. 7. GRANTS FOR NATIVE AMERICANS.**

19 Section 643(2) of the Older Americans Act of 1965
20 (42 U.S.C. 3057n(2)) is amended by striking “fiscal year
21 2011” and inserting “each of fiscal years 2014 through
22 2018”.

1 **SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**
2 **TIES.**

3 (a) OMBUDSMAN DEFINITIONS.—Section 711(6) of
4 the Older Americans Act of 1965 (42 U.S.C. 3058f(6))
5 is amended by striking “older”.

6 (b) OMBUDSMAN PROGRAMS.—Section 712 of the
7 Older Americans Act of 1965 (42 U.S.C. 3058g) is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2), by adding at the end
11 the following: “The Ombudsman shall be re-
12 sponsible for the management, including the fis-
13 cal management, of the Office.”;

14 (B) in paragraph (3)—

15 (i) in subparagraph (A), by striking
16 clause (i) and inserting the following:

17 “(i) are made by, or on behalf of, resi-
18 dents, including residents with limited or
19 no decision-making capacity and who have
20 no known legal representative, and if such
21 a resident is unable to communicate con-
22 sent for an Ombudsman to work on a com-
23 plaint directly involving the resident, the
24 Ombudsman shall seek evidence to indicate
25 what outcome the resident would have
26 communicated (and, in the absence of evi-

1 dence to the contrary, shall assume that
2 the resident wishes to have the resident’s
3 health, safety, welfare, and rights pro-
4 tected) and shall work to accomplish that
5 outcome; and”;

6 (ii) in subparagraph (D), by striking
7 “regular and timely” and inserting “reg-
8 ular, timely, private, and unimpeded”;

9 (iii) in subparagraph (H)(iii)—

10 (I) by inserting “, actively en-
11 courage, and assist in” after “provide
12 technical support for”; and

13 (II) by striking “and” after the
14 semicolon;

15 (iv) by redesignating subparagraph (I)
16 as subparagraph (J); and

17 (v) by inserting after subparagraph
18 (H) the following:

19 “(I) when feasible, continue to carry out
20 the functions described in this section on behalf
21 of residents transitioning from a long-term care
22 facility to a home care setting; and”;

23 (C) in paragraph (5)(B)—

24 (i) in clause (vi)—

1 (I) by inserting “, actively en-
2 courage, and assist in” after “sup-
3 port”; and

4 (II) by striking “and” after the
5 semicolon;

6 (ii) by redesignating clause (vii) as
7 clause (viii); and

8 (iii) by inserting after clause (vi) the
9 following:

10 “(vii) identify, investigate, and resolve
11 complaints described in clause (iii) that are
12 made by or on behalf of residents with lim-
13 ited or no decision-making capacity and
14 who have no known legal representative,
15 and if such a resident is unable to commu-
16 nicate consent for an Ombudsman to work
17 on a complaint directly involving the resi-
18 dent, the Ombudsman shall seek evidence
19 to indicate what outcome the resident
20 would have communicated (and, in the ab-
21 sence of evidence to the contrary, shall as-
22 sume that the resident wishes to have the
23 resident’s health, safety, welfare, and
24 rights protected) and shall work to accom-
25 plish that outcome; and”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A), by striking
4 “access” and inserting “private and
5 unimpeded access”; and

6 (ii) in subparagraph (B)—

7 (I) in clause (i)—

8 (aa) in the matter preceding
9 subclause (I), by striking “the
10 medical and social records of a”
11 and inserting “all files, records,
12 and other information concerning
13 a”; and

14 (bb) in subclause (II), by
15 striking “to consent” and insert-
16 ing “to communicate consent”;
17 and

18 (II) in clause (ii), in the matter
19 before subclause (I), by striking “the
20 records” and inserting “the files,
21 records, and information”; and

22 (B) by adding at the end the following:

23 “(3) HEALTH OVERSIGHT AGENCY.—For pur-
24 poses of section 264(c) of the Health Insurance
25 Portability and Accountability Act of 1996 (includ-

1 ing regulations issued under that section) (42 U.S.C.
2 1320d–2 note), the Ombudsman and a representa-
3 tive of the Office shall be considered a ‘health over-
4 sight agency,’ so that release of residents’ individ-
5 ually identifiable health information to the Ombuds-
6 man or representative is not precluded in cases in
7 which the requirements of clause (i) or (ii) of para-
8 graph (1)(B), or the requirements of paragraph
9 (1)(D), are otherwise met.”;

10 (3) in subsection (d)—

11 (A) in paragraph (1), by striking “files”
12 and inserting “files, records, and other informa-
13 tion”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) by striking “files and
17 records” each place such term appears
18 and inserting “files, records, and
19 other information”; and

20 (II) by striking “and” after the
21 semicolon;

22 (ii) in subparagraph (B)—

23 (I) by striking “files or records”
24 and inserting “files, records, or other
25 information”; and

1 (II) in clause (iii), by striking the
2 period at the end and inserting “;
3 and”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(C) notwithstanding subparagraph (B),
7 ensure that the Ombudsman may disclose infor-
8 mation as needed in order to best serve resi-
9 dents with limited or no decision-making capac-
10 ity who have no known legal representative and
11 are unable to communicate consent, in order for
12 the Ombudsman to carry out the functions and
13 duties described in paragraphs (3)(A)(i) and
14 (5)(B)(vi) of subsection (a).”;

15 (4) by striking subsection (f) and inserting the
16 following:

17 “(f) CONFLICT OF INTEREST.—

18 “(1) INDIVIDUAL CONFLICT OF INTEREST.—

19 The State agency shall—

20 “(A) ensure that no individual, or member
21 of the immediate family of an individual, in-
22 volved in the designation of the Ombudsman
23 (whether by appointment or otherwise) or the
24 designation of an entity designated under sub-

1 section (a)(5), is subject to a conflict of inter-
2 est;

3 “(B) ensure that no officer or employee of
4 the Office, representative of a local Ombudsman
5 entity, or member of the immediate family of
6 the officer, employee, or representative, is sub-
7 ject to a conflict of interest; and

8 “(C) ensure that the Ombudsman—

9 “(i) does not have a direct involve-
10 ment in the licensing or certification of a
11 long-term care facility or of a provider of
12 a long-term care service;

13 “(ii) does not have an ownership or
14 investment interest (represented by equity,
15 debt, or other financial relationship) in a
16 long-term care facility or a long-term care
17 service;

18 “(iii) is not employed by, or partici-
19 pating in the management of, a long-term
20 care facility or a related organization, and
21 has not been employed by such a facility or
22 organization within 1 year before the date
23 of the determination involved;

24 “(iv) does not receive, or have the
25 right to receive, directly or indirectly, re-

1 muneration (in cash or in kind) under a
2 compensation arrangement with an owner
3 or operator of a long-term care facility;

4 “(v) does not have management re-
5 sponsibility for, or operate under the su-
6 pervision of an individual with manage-
7 ment responsibility for, adult protective
8 services; and

9 “(vi) does not serve as a guardian or
10 in another fiduciary capacity for residents
11 of long-term care facilities in an official ca-
12 pacity (as opposed to serving as a guardian
13 or fiduciary for a family member, in a per-
14 sonal capacity).

15 “(2) ORGANIZATIONAL CONFLICT OF INTER-
16 EST.—

17 “(A) IN GENERAL.—The State agency
18 shall comply with subparagraph (B)(i) in a case
19 in which the Office poses an organizational con-
20 flict of interest, including a situation in which
21 the Office is placed in an organization that—

22 “(i) is responsible for licensing, certi-
23 fying or surveying long-term care services
24 in the State;

1 “(ii) is an association (or an affiliate
2 of such an association) of long-term care
3 facilities, or of any other residential facili-
4 ties for older individuals;

5 “(iii) provides long-term care services,
6 including programs carried out under a
7 Medicaid waiver approved under section
8 1115 of the Social Security Act (42 U.S.C.
9 1315) or under subsection (c) or (b) of
10 section 1915 of the Social Security Act (42
11 U.S.C. 1396n), or under a Medicaid State
12 plan amendment under subsection (i), (j),
13 or (k) of section 1915 of the Social Secu-
14 rity Act (42 U.S.C. 1396n);

15 “(iv) provides long-term care case
16 management;

17 “(v) sets rates for long-term care
18 services;

19 “(vi) provides adult protective serv-
20 ices;

21 “(vii) is responsible for eligibility de-
22 terminations for the Medicaid program
23 carried out under title XIX, of the Social
24 Security Act (42 U.S.C. 1395 et seq., 1396
25 et seq.);

1 “(viii) conducts preadmission screen-
2 ing for placements in facilities described in
3 clause (ii); or

4 “(ix) makes decisions regarding ad-
5 mission or discharge of individuals to or
6 from such facilities.

7 “(B) IDENTIFYING, REMOVING, AND REM-
8 EDYING ORGANIZATIONAL CONFLICT.—

9 “(i) IN GENERAL.—The State agency
10 may not operate the Office or carry out the
11 program, directly, or by contract or other
12 arrangement with any public agency or
13 nonprofit private organization, in a case in
14 which there is an organizational conflict of
15 interest (within the meaning of subpara-
16 graph (A)) unless such conflict of interest
17 has been—

18 “(I) identified by the State agen-
19 cy;

20 “(II) disclosed by the State agen-
21 cy to the Assistant Secretary in writ-
22 ing; and

23 “(III) remedied in accordance
24 with this subparagraph.

1 “(ii) ACTION BY ASSISTANT SEC-
 2 RETARY.—In a case in which a potential or
 3 actual organizational conflict of interest
 4 (within the meaning of subparagraph (A))
 5 involving the Office is disclosed or reported
 6 to the Assistant Secretary by any person
 7 or entity, the Assistant Secretary shall re-
 8 quire that the State agency, in accordance
 9 with the policies and procedures estab-
 10 lished by the State agency under section
 11 705(a)(5)(D)(iii)—

12 “(I) remove the conflict; or
 13 “(II) submit, and obtain the ap-
 14 proval of the Assistant Secretary for,
 15 an adequate remedial plan that indi-
 16 cates how the Ombudsman will be
 17 unencumbered in fulfilling all of the
 18 functions specified in subsection
 19 (a)(3).”; and

20 (5) in subsection (h)—

21 (A) in paragraph (3)(A)(i), by striking
 22 “older”;

23 (B) in paragraph (4), by striking all that
 24 precedes “procedures” and inserting the fol-
 25 lowing:

1 “(4) strengthen and update”;

2 (C) by redesignating paragraphs (4)
3 through (9) as paragraphs (5) through (10), re-
4 spectively;

5 (D) by inserting after paragraph (3) the
6 following:

7 “(4) ensure that the Ombudsman or a designee
8 participates in training provided by the National
9 Ombudsman Resource Center established in section
10 202(a)(18);”;

11 (E) in paragraph (6)(A), as redesignated
12 by subparagraph (B) of this paragraph, by
13 striking “paragraph (4)” and inserting “para-
14 graph (5)”;

15 (F) in paragraph (7)(A), as redesignated
16 by subparagraph (B) of this paragraph, by
17 striking “subtitle C of the” and inserting “sub-
18 title C of title I of the”; and

19 (G) in paragraph (10), as redesignated by
20 subparagraph (B) of this paragraph, by striking
21 “(6), or (7)” and inserting “(7), or (8)”.

22 (c) OMBUDSMAN REGULATIONS.—Section 713 of the
23 Older Americans Act of 1965 (42 U.S.C. 3058h) is
24 amended—

1 (1) in paragraph (1), by striking “paragraphs
2 (1) and (2) of section 712(f)” and inserting “sub-
3 paragraphs (A) and (B) of section 712(f)(1)”; and
4 (2) in paragraph (2), by striking “subpara-
5 graphs (A) through (D) of section 712(f)(3)” and
6 inserting “clauses (i) through (vi) of section
7 712(f)(1)(C)”.

8 (d) PREVENTION OF ELDER ABUSE, NEGLECT, AND
9 EXPLOITATION.—Section 721 of the Older Americans Act
10 of 1965 (42 U.S.C. 3058i) is amended—

11 (1) in subsection (b)—

12 (A) by redesignating paragraphs (5)
13 through (12) as paragraphs (6) through (13),
14 respectively;

15 (B) by inserting after paragraph (4) the
16 following:

17 “(5) promoting the submission of data on elder
18 abuse, neglect, and exploitation for the appropriate
19 database of the Administration or another database
20 specified by the Assistant Secretary;”;

21 (C) in paragraph (10)(C), as redesignated
22 by paragraph (1) of this subsection—

23 (i) in clause (ii), by inserting “, such
24 as forensic specialists,” after “such per-
25 sonnel”; and

1 (ii) in clause (v), by inserting before
2 the comma the following: “, including pro-
3 grams and arrangements that protect
4 against financial exploitation”; and

5 (D) in paragraph (12), as redesignated by
6 paragraph (1) of this subsection—

7 (i) in subparagraph (D), by striking
8 “and” at the end; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(F) supporting and studying innovative
12 practices in communities to develop partner-
13 ships across disciplines for the prevention, in-
14 vestigation, and prosecution of abuse, neglect,
15 and exploitation; and”; and

16 (2) in subsection (e)(2), in the matter preceding
17 subparagraph (A)—

18 (A) by striking “subsection (b)(9)(B)(i)”
19 and inserting “subsection (b)(10)(B)(i)”; and

20 (B) by striking “subsection (b)(9)(B)(ii)”
21 and inserting “subsection (b)(10)(B)(ii)”.

22 **SEC. 9. BEHAVIORAL HEALTH.**

23 The Older Americans Act of 1965 is amended—

24 (1) in section 102 (42 U.S.C. 3002)—

1 (A) in paragraph (14)(G), by inserting
2 “and behavioral” after “mental”;

3 (B) in paragraph (36), by inserting “and
4 behavioral” after “mental”; and

5 (C) in paragraph (47)(B), by inserting
6 “and behavioral” after “mental”;

7 (2) in section 201(f)(1) (42 U.S.C. 3011(f)(1)),
8 by inserting “and behavioral” after “mental”;

9 (3) in section 202(a)(5) (42 U.S.C.
10 3012(a)(5)), by inserting “and behavioral” after
11 “mental”;

12 (4) in section 306(a) (42 U.S.C. 3026(a))—

13 (A) in paragraph (2)(A), by inserting “and
14 behavioral” after “mental”; and

15 (B) in paragraph (6)(F), by striking “men-
16 tal health services” each place such term ap-
17 pears and inserting “mental and behavioral
18 health services”; and

19 (5) in section 321(a) (42 U.S.C. 3030d)—

20 (A) in paragraph (1), as amended by sec-
21 tion 4(f), by inserting “and behavioral” after
22 “mental”;

23 (B) in paragraph (8), as amended by sec-
24 tion 4(f), by inserting “and behavioral” after
25 “mental”;

1 (C) in paragraph (14)(B), by inserting
2 “and behavioral” after “mental”; and

3 (D) in paragraph (23), by inserting “and
4 behavioral” after “mental”.

5 **SEC. 10. STUDY ON TRANSPORTATION SERVICES.**

6 (a) STUDY.—

7 (1) IN GENERAL.—Because access to transpor-
8 tation services is critical for millions of older individ-
9 uals in the United States, to allow them to maintain
10 independence, health, and quality of life, the Comp-
11 troller General of the United States shall conduct a
12 study of transportation services for older individuals.

13 (2) CONTENTS.—In conducting the study, the
14 Comptroller General—

15 (A) shall identify challenges and barriers
16 affecting the aging network in providing, ac-
17 cessing, or coordinating efficient and effective
18 transportation services, including challenges
19 and barriers in coordinating services with Fed-
20 eral agencies and programs such as the Depart-
21 ment of Transportation and Medicaid program
22 under title XIX of the Social Security Act (42
23 U.S.C. 1396 et seq.); and

24 (B) shall examine any Federal program re-
25 quirements that may result in challenges or

1 barriers to the coordination of transportation
2 services within the aging network at the local
3 level.

4 (b) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Comptroller General
6 shall issue a report. The report shall contain a detailed
7 description of the findings and conclusions of the study,
8 including any recommendations for administrative and
9 other changes to enhance transportation services provided
10 by the aging network. The Comptroller General shall sub-
11 mit the report to the Committee on Education and the
12 Workforce of the House of Representatives and the Com-
13 mittee on Health, Education, Labor, and Pensions of the
14 Senate.

15 **SEC. 11. GUIDANCE ON SERVING HOLOCAUST SURVIVORS.**

16 (a) IN GENERAL.—Because the services under the
17 Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)
18 are critical to meeting the urgent needs of Holocaust sur-
19 vivors to age in place with dignity, comfort, security, and
20 quality of life, the Assistant Secretary for Aging shall
21 issue guidance to States, that shall be applicable to States,
22 area agencies on aging, and providers of services for older
23 individuals, with respect to serving Holocaust survivors,
24 including guidance on promising practices for conducting
25 outreach to that population. In developing the guidance,

1 the Assistant Secretary for Aging shall consult with ex-
2 perts and organizations serving Holocaust survivors, and
3 shall take into account the possibility that the needs of
4 Holocaust survivors may differ based on geography.

5 (b) CONTENTS.—The guidance shall include the fol-
6 lowing:

7 (1) How nutrition service providers may meet
8 the special health-related or other dietary needs of
9 participants in programs under the Older Americans
10 Act of 1965, including needs based on religious, cul-
11 tural, or ethnic requirements.

12 (2) How transportation service providers may
13 address the urgent transportation needs of Holo-
14 caust survivors.

15 (3) How State long-term care ombudsmen may
16 address the unique needs of residents of long-term
17 care facilities for whom institutional settings may
18 produce sights, sounds, smells, emotions, and rou-
19 tines, that can induce panic, anxiety, and retrauma-
20 tization as a result of experiences from the Holo-
21 caust.

22 (4) How supportive services providers may con-
23 sider the unique needs of Holocaust survivors.

1 (5) How other services provided under that Act,
2 as determined by the Assistant Secretary for Aging,
3 may serve Holocaust survivors.

4 (c) DATE OF ISSUANCE.—The guidance described in
5 subsection (a) shall be issued not later than 180 days after
6 the date of enactment of this Act.

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