

114TH CONGRESS
2D SESSION

S. 2747

To amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2016

Mr. BLUMENTHAL (for himself, Mr. CASEY, Mr. WHITEHOUSE, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Elder Protection and Abuse Prevention Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) In 2009, the Department of Justice esti-
8 mated that 14.1 percent of noninstitutionalized older

1 adults in the United States had experienced some
2 form of elder abuse in the past year.

3 (2) Only 1 in 23.5 cases of elder abuse is ever
4 reported due to a lack of screening, awareness, and
5 prevention efforts.

6 (3) The mortality rate of older adults who are
7 victims of abuse is 3 times higher than older adults
8 that are not victims of abuse.

9 (4) The annual financial loss by victims of elder
10 financial abuse is estimated to be at least
11 \$2,900,000,000 and is steadily increasing.

12 **SEC. 2. ADULT PROTECTIVE SERVICES; DEFINITIONS.**

13 (a) IN GENERAL.—Section 102 of the Older Ameri-
14 cans Act of 1965 (42 U.S.C. 3002) is amended—

15 (1) by amending paragraph (1) to read as fol-
16 lows:

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

22 (2) by redesignating paragraphs (4) through
23 (54) as paragraphs (5) through (55);

24 (3) by inserting after paragraph (3), the fol-
25 lowing:

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

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

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

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

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

16 (4) by amending paragraph (18), as so redesign-
 17 nated, to read as follows:

18 “(18) ELDER JUSTICE.—The term ‘elder jus-
 19 tice’ means—

20 “(A) from a societal perspective, efforts
 21 to—

22 “(i) prevent, detect, treat, intervene
 23 in, and prosecute elder abuse, neglect, and
 24 exploitation; and

1 “(ii) protect older individuals with di-
 2 minished capacity while maximizing their
 3 autonomy; and

4 “(B) from an individual perspective, the
 5 recognition of an older individual’s rights, in-
 6 cluding the right to be free of abuse, neglect,
 7 and exploitation.”;

8 (5) in paragraph (19), as so redesignated, by
 9 striking “The term ‘exploitation’ means” and insert-
 10 ing “The terms ‘exploitation’ and ‘financial exploi-
 11 tation’ mean”;

12 (6) in paragraph (25), as so redesignated—

13 (A) in subparagraph (B), by striking
 14 “and”;

15 (B) in subparagraph (C), by striking the
 16 period at the end and inserting “; and”; and

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

18 “(D) abuse, neglect (including self-ne-
 19 glect), and financial exploitation, including fac-
 20 tors that are the basis of a referral to adult
 21 protective services.”;

22 (7) in paragraph (29)(C), as so redesignated,
 23 by inserting “, including opportunities for work and
 24 volunteer service in the community” after “avail-
 25 able”;

1 (8) in paragraph (30), as so redesignated, by
 2 striking “information and referral” and inserting
 3 “information and referral assistance”; and

4 (9) in paragraph (37), as so redesignated, by
 5 inserting “(including elder abuse and neglect screen-
 6 ing)” after “educational services”.

7 (b) CONFORMING AMENDMENT.—Section
 8 373(c)(1)(B) of the Older Americans Act of 1965 (42
 9 U.S.C. 3030s–1(c)(1)(B)) is amended by striking “section
 10 102(22)” and inserting “section 102(23)”.

11 **SEC. 3. COORDINATION OF ELDER JUSTICE ACTIVITIES.**

12 (a) USE OF FUNDS.—Section 201 of the Older Amer-
 13 icans Act of 1965 (42 U.S.C. 3011) is amended by adding
 14 at the end the following:

15 “(g) The Assistant Secretary is authorized to use
 16 funds appropriated to carry out this Act to implement ac-
 17 tivities authorized under part I of subtitle B of title XX
 18 of the Social Security Act (42 U.S.C. 1397k et seq.), in-
 19 cluding the establishment of the Advisory Board on Elder
 20 Abuse, Neglect, and Exploitation and the continuation of
 21 the work of the Elder Justice Coordinating Council.”.

22 (b) ASSURANCE OF APPROPRIATE TRAINING FOR
 23 STAFF.—Section 202 of the Older Americans Act of 1965
 24 (42 U.S.C. 3012) is amended by adding at the end the
 25 following:

1 “(g) The Assistant Secretary shall—

2 “(1) ensure, where appropriate, that all pro-
3 grams funded under this Act include appropriate
4 training in prevention and provision of services that
5 address elder justice and exploitation; and

6 “(2) periodically update the need for and ben-
7 efit of such training related to prevention of abuse,
8 neglect, and exploitation of older adults.”.

9 (c) INFORMATION AND ASSISTANCE SERVICES.—Sec-
10 tion 202(a)(21) of the Older Americans Act of 1965 (42
11 U.S.C. 3012(a)(21)) is amended to read as follows:

12 “(21)(A) establish information and assistance serv-
13 ices as priority services for older individuals, and ensure
14 that quality information and assistance services are con-
15 sistently provided to older individuals;

16 “(B) ensure that there is full collaboration between
17 all governmental information and assistance systems that
18 serve older individuals, whether specialized, crisis interven-
19 tion, disaster assistance, or others; and

20 “(C) develop and operate, either directly or through
21 contracts, grants, or cooperative agreements, a National
22 Eldercare Locator Service, providing information and as-
23 sistance services through a nationwide toll-free number to
24 identify community resources for older individuals;”.

1 (d) INTEGRATION OF TITLES.—Section 701 of the
 2 Older Americans Act of 1965 (42 U.S.C. 3058) is amend-
 3 ed by adding at the end the following: “The Assistant Sec-
 4 retary, to the maximum extent practicable, shall ensure
 5 there be full integration of education and public awareness
 6 activities under this title with all service programs under
 7 title III with special emphasis on the nutrition programs,
 8 legal services, information and referral assistance activi-
 9 ties, the work of aging and disability resource centers, and
 10 the long-term care ombudsman programs, including pro-
 11 grams carried out under title VI.”.

12 **SEC. 4. COORDINATION OF NATIONAL ADULT PROTECTIVE**
 13 **SERVICES RESOURCE CENTER WITH ELDER**
 14 **ABUSE AND EXPLOITATION PREVENTION.**

15 Subsection (e)(2) of section 201 of the Older Ameri-
 16 cans Act of 1965 (42 U.S.C. 3011) is amended in the mat-
 17 ter preceding subparagraph (A) by inserting “, and in co-
 18 ordination with State Directors of the Adult Protective
 19 Services Programs and State Directors of the Office of
 20 Long-Term Care Ombudsman Programs” after “and serv-
 21 ices”.

22 **SEC. 5. NATIONAL ADULT PROTECTIVE SERVICES RE-**
 23 **SOURCE CENTER.**

24 (a) IN GENERAL.—Section 201 of the Older Ameri-
 25 cans Act of 1965 (42 U.S.C. 3011), as amended by sec-

1 tions 3 and 4, is further amended by adding at the end
2 the following:

3 “(h)(1) The Assistant Secretary shall, by grant or
4 contract with a national nonprofit entity, establish a Na-
5 tional Adult Protective Services Resource Center (referred
6 to in this subsection as the ‘Center’). The purposes of the
7 Center are to improve the capacity of State and local adult
8 protective services programs to respond effectively to
9 abuse, neglect, and exploitation of vulnerable adults, in-
10 cluding home care consumers and residents of long-term
11 care facilities, and to coordinate with the Long-Term Care
12 Ombudsman Program to protect home care consumers
13 and residents most effectively.

14 “(2) The nonprofit entity awarded a grant or con-
15 tract under this subsection shall have expertise in, and
16 representation by, State and local adult protective services
17 programs.

18 “(3) The Center shall—

19 “(A) collect and disseminate information re-
20 garding, and increase public awareness of, the role
21 of adult protective services programs in investigating
22 the abuse, neglect (including self-neglect), and ex-
23 ploitation of vulnerable adults, including home care
24 consumers and residents of long-term care facilities,

1 and in intervening to protect the consumers and
2 residents from abuse;

3 “(B) develop, distribute, and provide training
4 and technical assistance for adult protective services
5 program investigators and supervisors investigating
6 the abuse, neglect (including self-neglect), and ex-
7 ploitation of vulnerable adults, including home care
8 consumers and residents of long-term care facilities,
9 and intervening to protect the consumers and resi-
10 dents from further abuse;

11 “(C) develop, distribute, and provide training to
12 home care and long-term care professionals and oth-
13 ers on recognizing, reporting (including regarding
14 mandatory reporting requirements), and responding
15 to the abuse, neglect (including self-neglect), and fi-
16 nancial exploitation of vulnerable adults, including
17 home care consumers and residents of long-term
18 care facilities;

19 “(D) compile and disseminate reports on re-
20 search and best practices for adult protective serv-
21 ices programs and other programs on effective re-
22 sponses to the abuse, neglect (including self-neglect),
23 and exploitation of vulnerable adults, including home
24 care consumers and residents of long-term care fa-
25 cilities;

1 “(E) work with the National Ombudsman Re-
2 source Center and long-term care ombudsman pro-
3 grams to develop and disseminate training, practice
4 standards, and policies regarding—

5 “(i) the roles and responsibilities of adult
6 protective services and ombudsman programs;

7 “(ii) confidentiality and abuse reporting
8 issues and protocols; and

9 “(iii) effective ways to maximize the re-
10 sources of adult protective services programs
11 for the benefit of home care consumers and
12 residents of long-term care facilities; and

13 “(F) establish a data system to collect informa-
14 tion on the abuse, neglect (including self-neglect),
15 and exploitation of home care consumers and resi-
16 dents of long-term care facilities and to measure the
17 effectiveness of the activities carried out by the Cen-
18 ter.

19 “(4) Not later than 18 months after the date of en-
20 actment of the Elder Protection and Abuse Prevention
21 Act, the Director shall—

22 “(A) collect and analyze, from leading national
23 and State experts, the best practices related to
24 screening for elder abuse;

1 “(B) publish a report that describes rec-
2 ommendations regarding such best practices and dis-
3 seminate such report to all grantees under programs
4 established under this Act and described under this
5 section; and

6 “(C) submit to Congress such report and a de-
7 scription of the dissemination activities under sub-
8 paragraph (B).

9 “(5) In this subsection, the term ‘home care con-
10 sumer’ means a person who receives services in the per-
11 son’s home or community to promote independence and
12 reduce the necessity for residence in a long-term care facil-
13 ity, which may include home care services provided
14 through this Act, the Medicare program under title XVIII
15 of the Social Security Act (42 U.S.C. 1395 et seq.), the
16 Medicaid program under title XIX of the Social Security
17 Act (42 U.S.C. 1396 et seq.), or another public or private
18 funding source.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
20 216 of the Older Americans Act of 1965 (42 U.S.C.
21 3020f) is amended by adding at the end the following:

22 “(d) NATIONAL ADULT PROTECTIVE SERVICES RE-
23 SOURCE CENTER.—There are authorized to be appro-
24 priated to carry out section 201(h) (relating to the Na-
25 tional Adult Protective Services Resource Center) such

1 sums as may be necessary for fiscal years 2015, 2016,
2 2017, 2018, and 2019.”.

3 **SEC. 6. INCLUSION OF ADULT PROTECTIVE SERVICES PRO-**
4 **GRAMS IN CONGRESSIONAL REPORTS.**

5 Section 207(b)(1)(C) of the Older Americans Act of
6 1965 (42 U.S.C. 3018(b)(1)(C)) is amended by inserting
7 “and the adult protective services programs of the States”
8 after “of the States”.

9 **SEC. 7. PREVENTION, ASSESSMENT, AND RESPONSE TO**
10 **ELDER ABUSE.**

11 (a) PREFERENCES.—Section 305(a)(2)(E) of the
12 Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(E))
13 is amended by inserting “older individuals who are, or are
14 alleged, victims of elder abuse, neglect, or exploitation,”
15 after “proficiency,”.

16 (b) AREA PLANS.—Section 306 of the Older Ameri-
17 cans Act of 1965 (42 U.S.C. 3026) is amended—

18 (1) in subsection (a)(6)—

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

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

22 “(H) in coordination with the State agency
23 and with the State agency responsible for elder
24 abuse prevention services—

1 “(i) increase public awareness of elder
 2 abuse and financial exploitation and re-
 3 move barriers to elder abuse education,
 4 prevention, investigation, and treatment;

5 “(ii) coordinate elder justice activities
 6 (including screenings) provided by the area
 7 agency on aging, community health cen-
 8 ters, other public agencies, and nonprofit
 9 private organizations;

10 “(iii) develop standardized, coordi-
 11 nated, and reporting protocols with respect
 12 to elder abuse; and

13 “(iv) report any instances of elder
 14 abuse in accordance with State law;”; and

15 (2) in subsection (b)(3)—

16 (A) in subparagraph (J), by striking
 17 “and”;

18 (B) by redesignating subparagraph (K) as
 19 subparagraph (L); and

20 (C) by inserting after subparagraph (J)
 21 the following:

22 “(K) protection from elder abuse, neglect,
 23 and financial exploitation; and”.

1 (c) STATE PLANS.—Section 307(a)(12) of the Older
 2 Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amend-
 3 ed—

4 (1) by redesignating subparagraphs (B) and
 5 (C) as subparagraphs (C) and (D); and

6 (2) by inserting after subparagraph (A) the fol-
 7 lowing:

8 “(B) that the State will develop and imple-
 9 ment standardized protocols for screening and
 10 reporting with respect to elder abuse;”.

11 (d) SUPPORTIVE SERVICES.—Section 321(a) of the
 12 Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is
 13 amended—

14 (1) in paragraph (1), by inserting “elder abuse
 15 and neglect screening,” after “mental health,”;

16 (2) in paragraph (8), by inserting “, elder
 17 abuse, and neglect” after “mental health”; and

18 (3) in paragraph (23), by inserting “, elder
 19 abuse, neglect, and financial exploitation” after
 20 “mental health”.

21 (e) NUTRITION.—Section 339(2) of the Older Ameri-
 22 cans Act of 1965 (42 U.S.C. 3030g–21(2)) is amended—

23 (1) in subparagraph (J), by striking “, and”
 24 and inserting a comma;

1 (2) in subparagraph (K), by striking the period
2 at the end and inserting “, and”; and

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

4 “(L) encourages individuals who distribute
5 nutrition services under subpart 2 to distribute
6 information on diabetes, elder abuse, neglect, fi-
7 nancial exploitation, and the annual Medicare
8 wellness exam.”.

9 **SEC. 8. ABUSE PREVENTION EDUCATION AND TRAINING.**

10 (a) ACTIVITIES FOR HEALTH, INDEPENDENCE, AND
11 LONGEVITY.—

12 (1) OLDER INDIVIDUALS’ PROTECTION FROM
13 VIOLENCE PROJECTS.—Section 413(b) of the Older
14 Americans Act of 1965 (42 U.S.C. 3032b(b)) is
15 amended—

16 (A) in paragraph (3), by striking “or”
17 after the semicolon at the end;

18 (B) in paragraph (4), by striking the pe-
19 riod at the end and inserting “; or”; and

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

21 “(5) research and replicate successful models of
22 elder abuse, neglect, and exploitation prevention and
23 training.”.

24 (2) DEMONSTRATION, SUPPORT, AND RE-
25 SEARCH PROJECTS.—Section 417(a)(1) of the Older

1 Americans Act of 1965 (42 U.S.C. 3032f(a)(1)) is
 2 amended—

3 (A) in subparagraph (A), by striking “or”
 4 after the semicolon;

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

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

9 “(C) engage volunteers who are older than
 10 50 years of age in providing support and infor-
 11 mation to older adults (and their families or
 12 caretakers) who have experienced or are at risk
 13 of elder abuse, including physical, emotional, or
 14 financial abuse, neglect, or exploitation; and”.

15 (b) COMMUNITY SERVICE SENIOR OPPORTUNI-
 16 TIES.—Section 502(b)(1)(E) of the Older Americans Act
 17 of 1965 (42 U.S.C. 3056(b)(1)(E)) is amended by insert-
 18 ing “, for the health and safety of older adults, and for
 19 the prevention and detection of elder abuse” after “fami-
 20 lies”.

21 (c) ALLOTMENTS FOR VULNERABLE ELDER RIGHTS
 22 PROTECTION ACTIVITIES.—

23 (1) STATE PLAN REQUIREMENTS.—Section
 24 705(a)(2) of the Older Americans Act of 1965 (42

1 U.S.C. 3058d(a)(2)) is amended by inserting “fam-
 2 ily caregivers,” after “title VI,”.

3 (2) STATE LONG-TERM CARE OMBUDSMAN PRO-
 4 GRAM.—

5 (A) SUPPORT OF OFFICE UNDER THE NA-
 6 TIONAL FAMILY CAREGIVER SUPPORT PRO-
 7 GRAM.—Section 373(g) of the Older Americans
 8 Act of 1965 (42 U.S.C. 3030s–1(g)) is amend-
 9 ed by adding at the end the following:

10 “(3) USE OF FUNDS FOR OMBUDSMAN PRO-
 11 GRAM.—Amounts made available to a State to carry
 12 out the State program under this subpart may be
 13 used to support the Office of the State Long-Term
 14 Care Ombudsman, including supporting the develop-
 15 ment of resident and family councils.”.

16 (B) ENSURING EFFECTIVE PROGRAMS AND
 17 RESIDENTS’ RIGHTS.—Section 712 of the Older
 18 Americans Act of 1965 (42 U.S.C. 3058g) is
 19 amended by adding at the end the following:

20 “(k) ENSURING EFFECTIVE PROGRAMS AND RESI-
 21 DENTS’ RIGHTS.—The State agency shall ensure the Of-
 22 fice—

23 “(1) provides facility residents with private and
 24 unimpeded access to the Office, including access to
 25 all records concerning the resident; and

1 “(2) allows all facility residents to receive serv-
2 ices from the Office.”.

3 (3) PREVENTION OF ELDER ABUSE, NEGLECT,
4 AND EXPLOITATION.—

5 (A) IN GENERAL.—Section 721(b) of the
6 Older Americans Act of 1965 (42 U.S.C.
7 3058i(b)) is amended—

8 (i) by redesignating paragraphs (7),
9 (8), (9), (10), (11), and (12), as para-
10 graphs (8), (10), (11), (12), (13), and
11 (14), respectively;

12 (ii) by striking paragraph (6) and in-
13 serting the following:

14 “(6) conducting specialized abuse sensitivity
15 training for caregivers described in part E of title
16 III;

17 “(7) conducting training for professionals and
18 paraprofessionals in relevant fields on the identifica-
19 tion, prevention, and treatment of elder abuse, ne-
20 glect, and exploitation, with particular focus on pre-
21 vention and enhancement of self-determination and
22 autonomy;”; and

23 (iii) by inserting after paragraph (8),
24 as redesignated by clause (i), the following:

1 “(9) conducting appropriate training to ensure
2 cultural sensitivity in the provision of elder rights
3 services, including training in cultural issues associ-
4 ated with abuse;”.

5 (B) CONFORMING AMENDMENTS.—Section
6 721(e)(2) of the Older Americans Act of 1965
7 (42 U.S.C. 3058i(e)(2)) is amended—

8 (i) by striking “subsection
9 (b)(9)(B)(i)” and inserting “subsection
10 (b)(11)(B)(i)”;

11 (ii) by striking subsection
12 “(b)(9)(B)(ii)” and inserting “subsection
13 (b)(11)(B)(ii)”.

○