

113TH CONGRESS  
1ST SESSION

# S. 1562

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

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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

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## 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.

○