

114TH CONGRESS
1ST SESSION

S. 192

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Older Americans Act
3 Reauthorization Act of 2015”.

4 **SEC. 2. DEFINITIONS.**

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

7 (1) by striking paragraph (1) and inserting the
8 following:

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

14 (2) by striking paragraph (3) and inserting the
15 following:

16 “(3) The term ‘adult protective services’ means
17 such services provided to adults as the Secretary
18 may specify and includes services such as—

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

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

23 “(C) case planning, monitoring, evaluation,
24 and other casework and services; and

25 “(D) providing, arranging for, or facili-
26 tating the provision of medical, social service,

1 economic, legal, housing, law enforcement, or
2 other protective, emergency, or support serv-
3 ices.”;

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

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

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

24 “(B) person-centered counseling to assist
25 individuals in assessing their existing or antici-

1 pated long-term care needs and goals, and de-
2 veloping and implementing a person-centered
3 plan for long-term care that is consistent with
4 the desires of such an individual and designed
5 to meet the individual’s specific needs, goals,
6 and circumstances;

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

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

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

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

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

6 “(A) from a societal perspective, efforts
7 to—

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

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

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

18 (6) in paragraph (18)(A), by striking “term ‘ex-
19 ploitation’ means” and inserting “terms ‘exploit-
20 ation’ and ‘financial exploitation’ mean”.

21 **SEC. 3. ADMINISTRATION ON AGING.**

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

24 (1) in subsection (d)(3)—

1 (A) in subparagraph (H), by striking
2 “202(a)(21)” and inserting “202(a)(18)”;

3 (B) in subparagraph (K), by striking
4 “and” at the end;

5 (C) in subparagraph (L)—

6 (i) by striking “Older Americans Act
7 Amendments of 1992” and inserting
8 “Older Americans Act Reauthorization Act
9 of 2015”; and

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

12 (D) by adding at the end the following:

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

17 (2) in subsection (e)(2), in the matter preceding
18 subparagraph (A), by inserting “, and in coordina-
19 tion with the heads of State adult protective services
20 programs and the Director of the Office of Long-
21 Term Care Ombudsman Programs” after “and serv-
22 ices”.

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

25 (1) in subsection (a)—

1 (A) in paragraph (5), by inserting “health
2 and economic” before “needs of older individ-
3 uals”;

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

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

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

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

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

14 “(29) provide information and technical assist-
15 ance to States, area agencies on aging, and service
16 providers, in collaboration with relevant Federal
17 agencies, on providing efficient, person-centered
18 transportation services, including across geographic
19 boundaries;

20 “(30) identify model programs and provide in-
21 formation and technical assistance to States, area
22 agencies on aging, and service providers (including
23 providers operating multipurpose senior centers), to
24 support the modernization of multipurpose senior
25 centers; and

1 “(31) provide technical assistance to and share
2 best practices with States, area agencies on aging,
3 and Aging and Disability Resource Centers, on how
4 to collaborate and coordinate services with health
5 care entities, such as Federally-qualified health cen-
6 ters, as defined in section 1905(l)(2)(B) of the So-
7 cial Security Act (42 U.S.C. 1396d(l)(2)(B)), in
8 order to improve care coordination for individuals
9 with multiple chronic illnesses.”;

10 (2) in subsection (b)—

11 (A) in paragraph (5)—

12 (i) in subparagraph (B), by striking

13 “and” after the semicolon;

14 (ii) in subparagraph (C), by inserting

15 “and” after the semicolon; and

16 (iii) by adding at the end the fol-

17 lowing:

18 “(D) when feasible, developing, in con-
19 sultation with States and national organiza-
20 tions, a consumer-friendly tool to assist older
21 individuals and their families in choosing home
22 and community-based services, with a particular
23 focus on ways for consumers to assess how pro-
24 viders protect the health, safety, welfare, and

1 rights, including the rights provided under sec-
2 tion 314, of older individuals;”;

3 (B) in paragraph (8)—

4 (i) in subparagraph (B), by inserting
5 “to identify and articulate goals of care
6 and” after “individuals”;

7 (ii) in subparagraph (D)—

8 (I) by inserting “respond to or”
9 before “plan”; and

10 (II) by striking “future long-term
11 care needs; and” and inserting “long-
12 term care needs;”;

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

15 (iv) by adding at the end the fol-
16 lowing:

17 “(F) to provide information and referrals
18 regarding available home and community-based
19 services for individuals who are at risk for re-
20 siding in, or who reside in, institutional set-
21 tings, so that the individuals have the choice to
22 remain in or to return to the community;”;

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

24 “(g) The Assistant Secretary shall, as appropriate,
25 ensure that programs authorized under this Act include

1 appropriate training in the prevention of abuse, neglect,
2 and exploitation and provision of services that address
3 elder justice and the exploitation of older individuals.”.

4 (c) REPORTS.—Section 207(a) of the Older Ameri-
5 cans Act of 1965 (42 U.S.C. 3018(a)) is amended—

6 (1) in paragraph (2), by striking “202(a)(19)”
7 and inserting “202(a)(16)”; and

8 (2) in paragraph (4), by striking “202(a)(17)”
9 and inserting “202(a)(14)”.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
11 216 of the Older Americans Act of 1965 (42 U.S.C.
12 3020f) is amended—

13 (1) in subsection (a), by striking “2007, 2008,
14 2009, 2010, and 2011” and inserting “2016, 2017,
15 and 2018”;

16 (2) in subsection (b)—

17 (A) by striking “202(a)(24)” and inserting
18 “202(a)(21)”; and

19 (B) by striking “2007, 2008, 2009, 2010,
20 and 2011” and inserting “2016, 2017, and
21 2018”; and

22 (3) in subsection (c), by striking “2007, 2008,
23 2009, 2010, and 2011” and inserting “2016, 2017,
24 and 2018”.

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

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 303 of the Older Americans Act of 1965 (42 U.S.C. 3023)
4 is amended—

5 (1) in subsection (a)(1), by striking “fiscal
6 years 2007” and all that follows and inserting “each
7 of fiscal years 2016 through 2018.”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “fiscal
10 years 2007” and all that follows and inserting
11 “each of fiscal years 2016 through 2018.”; and

12 (B) in paragraph (2), by striking “fiscal
13 years 2007” and all that follows and inserting
14 “each of fiscal years 2016 through 2018.”;

15 (3) in subsection (d), by striking “fiscal years
16 2007” and all that follows and inserting “each of
17 fiscal years 2016 through 2018.”; and

18 (4) in subsection (e)(2), by striking “2011” and
19 inserting “2011 and each of fiscal years 2016
20 through 2018”.

21 (b) ALLOTMENT.—Section 304 of the Older Ameri-
22 cans Act of 1965 (42 U.S.C. 3024) is amended—

23 (1) in subsection (a)(3), by striking subpara-
24 graph (D) and inserting the following:

25 “(D)(i) For each of fiscal years 2016 through 2018,
26 no State shall be allotted an amount that is less than 99

1 percent of the amount allotted to such State for the pre-
2 vious fiscal year.

3 “(ii) For fiscal year 2019 and each subsequent fiscal
4 year, no State shall be allotted an amount that is less than
5 100 percent of the amount allotted to such State for fiscal
6 year 2018.”; and

7 (2) in subsection (b), by striking “subpart 1
8 of”.

9 (c) PLANNING AND SERVICE AREAS.—Section
10 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965
11 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking
12 “planning and services areas” and inserting “planning
13 and service areas”.

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

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “estab-
18 lishment, maintenance, or construction of multi-
19 purpose senior centers,” and inserting “estab-
20 lishment, maintenance, modernization, or con-
21 struction of multipurpose senior centers (includ-
22 ing a plan to use the skills and services of older
23 individuals in paid and unpaid work, including
24 multigenerational and older individual to older
25 individual work),”; and

1 (B) in paragraph (6)—

2 (i) in subparagraph (G), by adding

3 “and” at the end; and

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

6 “(H) in coordination with the State agency
7 and with the State agency responsible for elder
8 abuse prevention services, increase public
9 awareness of elder abuse, neglect, and exploi-
10 tation, and remove barriers to education, pre-
11 vention, investigation, and treatment of elder
12 abuse, neglect, and exploitation, as appro-
13 priate;”; and

14 (2) in subsection (b)(3)—

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

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

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

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

23 (e) STATE PLANS.—Section 307(a)(2)(A) of the
24 Older Americans Act of 1965 (42 U.S.C. 3027(a)(2)(A))

1 is amended by striking “202(a)(29)” and inserting
2 “202(a)(26)”.

3 (f) 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 2016 through 2018.”.

8 (g) 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”;

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”; and

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

9 “(e) In this section, the term ‘adult child with a dis-
10 ability’ means a child who—

11 “(1) is age 18 or older;

12 “(2) is financially dependent on an older indi-
13 vidual who is a parent of the child; and

14 “(3) has a disability.”.

15 (h) HOME DELIVERED NUTRITION SERVICES PRO-
16 GRAM.—Section 336(1) of the Older Americans Act of
17 1965 (42 U.S.C. 3030f(1)) is amended by striking
18 “canned” and all that follows through “meals” and insert-
19 ing “canned, or fresh foods and, as appropriate, supple-
20 mental foods, and any additional meals”.

21 (i) NUTRITION SERVICES.—Section 339 of the Older
22 Americans Act of 1965 (42 U.S.C. 3030g–21) is amended

23 (1) in paragraph (1), by striking “solicit” and
24 inserting “utilize”; and

25 (2) in paragraph (2)—

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

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

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

6 “(L) where feasible, encourages the use of
7 locally grown foods in meal programs and iden-
8 tifies potential partnerships and contracts with
9 local producers and providers of locally grown
10 foods.”.

11 (j) EVIDENCE-BASED DISEASE PREVENTION AND
12 HEALTH PROMOTION SERVICES PROGRAM.—Part D of
13 title III of the Older Americans Act of 1965 (42 U.S.C.
14 3030m et seq.) is amended—

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

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

19 (k) OLDER RELATIVE CAREGIVERS.—

20 (1) TECHNICAL AMENDMENT.—Part E of title
21 III of the Older Americans Act of 1965 (42 U.S.C.
22 3030s et seq.) is amended by striking the subpart
23 heading for subpart 1.

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

1 (A) in subsection (a)—

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

4 (ii) by striking paragraph (2) and in-
5 serting the following:

6 “(2) INDIVIDUAL WITH A DISABILITY.—The
7 term ‘individual with a disability’ means an indi-
8 vidual with a disability, as defined in section 3 of the
9 Americans with Disabilities Act of 1990 (42 U.S.C.
10 12102), who is not less than age 18 and not more
11 than age 59.

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

14 “(A)(i) is age 55 or older; and

15 “(ii) lives with, is the informal provider of
16 in-home and community care to, and is the pri-
17 mary caregiver for, a child or an individual with
18 a disability;

19 “(B) in the case of a caregiver for a
20 child—

21 “(i) is the grandparent,
22 stepgrandparent, or other relative (other
23 than the parent) by blood, marriage, or
24 adoption, of the child;

1 “(ii) is the primary caregiver of the
 2 child because the biological or adoptive
 3 parents are unable or unwilling to serve as
 4 the primary caregivers of the child; and

5 “(iii) has a legal relationship to the
 6 child, such as legal custody, adoption, or
 7 guardianship, or is raising the child infor-
 8 mally; and

9 “(C) in the case of a caregiver for an indi-
 10 vidual with a disability, is the parent, grand-
 11 parent, or other relative by blood, marriage, or
 12 adoption, of the individual with a disability.”;
 13 and

14 (B) in subsection (b)—

15 (i) by striking “subpart” and all that
 16 follows through “family caregivers” and in-
 17 serting “part, for family caregivers”;

18 (ii) by striking “; and” and inserting
 19 a period; and

20 (iii) by striking paragraph (2).

21 (1) NATIONAL FAMILY CAREGIVER SUPPORT PRO-
 22 GRAM.—Section 373 of the Older Americans Act of 1965
 23 (42 U.S.C. 3030s–1) is amended—

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

4 (2) in subsection (c)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A), by striking “grand-
7 parents and older individuals who are relative
8 caregivers, and who” and inserting “older rel-
9 ative caregivers, who”; and

10 (B) in paragraph (2)(B), by striking “to
11 older individuals providing care to individuals
12 with severe disabilities, including children with
13 severe disabilities” and inserting “to older rel-
14 ative caregivers of children with severe disabil-
15 ities, or individuals with disabilities who have
16 severe disabilities”;

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

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

23 (5) in subsection (g)(2)(C), by striking “grand-
24 parents and older individuals who are relative care-

1 givers of a child who is not more than 18 years of
2 age” and inserting “older relative caregivers”.

3 (m) CONFORMING AMENDMENT.—Part E of title III
4 is amended by striking “this subpart” each place it ap-
5 pears and inserting “this part”.

6 **SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**
7 **LONGEVITY.**

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

10 (1) in subsection (a)—

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

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

15 (C) by inserting after paragraph (12) the
16 following:

17 “(13) continuing support for program integrity
18 initiatives concerning the Medicare program under
19 title XVIII of the Social Security Act (42 U.S.C.
20 1395 et seq.) that train senior volunteers to prevent
21 and identify health care fraud and abuse; and”;

22 (2) in subsection (b), by striking “for fiscal
23 years 2007” and all that follows through “2011”
24 and inserting “for each of fiscal years 2016 through
25 2018”.

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

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

8 (d) REPEALS.—Sections 415, 419, and 421 of the
9 Older Americans Act of 1965 (42 U.S.C. 3032d, 3032h,
10 3032j) are repealed.

11 (e) CONFORMING AMENDMENT.—Section
12 417(a)(1)(A) of the Older Americans Act of 1965 (42
13 U.S.C. 3032f(a)(1)(A)) is amended by striking “grand-
14 parents and other older individuals who are relative care-
15 givers” and inserting “older relative caregivers (as defined
16 in section 372)”.

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

18 Section 517(a) of the Older Americans Act of 1965
19 (42 U.S.C. 3056o(a)) is amended by striking “fiscal years
20 2007, 2008, 2009, 2010, and 2011” and inserting “each
21 of fiscal years 2016 through 2018”.

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

23 Section 643(2) of the Older Americans Act of 1965
24 (42 U.S.C. 3057n(2)) is amended by striking “fiscal year

1 2011” and inserting “each of fiscal years 2016 through
2 2018”.

3 **SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**
4 **TIES.**

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

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

11 (1) in subsection (a)—

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

16 (B) in paragraph (3)—

17 (i) in subparagraph (A), by striking
18 clause (i) and inserting the following:

19 “(i) are made by, or on behalf of, resi-
20 dents, including residents with limited or
21 no decisionmaking capacity and who have
22 no known legal representative, and if such
23 a resident is unable to communicate con-
24 sent for an Ombudsman to work on a com-
25 plaint directly involving the resident, the

1 Ombudsman shall seek evidence to indicate
2 what outcome the resident would have
3 communicated (and, in the absence of evi-
4 dence to the contrary, shall assume that
5 the resident wishes to have the resident’s
6 health, safety, welfare, and rights pro-
7 tected) and shall work to accomplish that
8 outcome; and”;

9 (ii) in subparagraph (D), by striking
10 “regular and timely” and inserting “reg-
11 ular, timely, private, and unimpeded”;

12 (iii) in subparagraph (H)(iii)—

13 (I) by inserting “, actively en-
14 courage, and assist in” after “provide
15 technical support for”; and

16 (II) by striking “and” after the
17 semicolon;

18 (iv) by redesignating subparagraph (I)
19 as subparagraph (J); and

20 (v) by inserting after subparagraph
21 (H) the following:

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

1 (C) in paragraph (5)(B)—

2 (i) in clause (vi)—

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

6 (II) by striking “and” after the
7 semicolon;

8 (ii) by redesignating clause (vii) as
9 clause (viii); and

10 (iii) by inserting after clause (vi) the
11 following:

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

1 rights protected) and shall work to accom-
2 plish that outcome; and”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

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

8 (ii) in subparagraph (B)—

9 (I) in clause (i)—

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

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

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

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

1 “(3) HEALTH OVERSIGHT AGENCY.—For pur-
2 poses of section 264(c) of the Health Insurance
3 Portability and Accountability Act of 1996 (includ-
4 ing regulations issued under that section) (42 U.S.C.
5 1320d–2 note), the Ombudsman and a representa-
6 tive of the Office shall be considered a ‘health over-
7 sight agency,’ so that release of residents’ individ-
8 ually identifiable health information to the Ombuds-
9 man or representative is not precluded in cases in
10 which the requirements of clause (i) or (ii) of para-
11 graph (1)(B), or the requirements of paragraph
12 (1)(D), are otherwise met.”;

13 (3) in subsection (c)(2)(D), by striking
14 “202(a)(21)” and inserting “202(a)(18)”;

15 (4) in subsection (d)—

16 (A) in paragraph (1), by striking “files”
17 and inserting “files, records, and other informa-
18 tion”; and

19 (B) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) by striking “files and
22 records” each place such term appears
23 and inserting “files, records, and
24 other information”; and

1 (II) by striking “and” after the
2 semicolon;

3 (ii) in subparagraph (B)—

4 (I) by striking “files or records”
5 and inserting “files, records, or other
6 information”; and

7 (II) in clause (iii), by striking the
8 period at the end and inserting “;
9 and”; and

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

12 “(C) notwithstanding subparagraph (B),
13 ensure that the Ombudsman may disclose infor-
14 mation as needed in order to best serve resi-
15 dents with limited or no decisionmaking capac-
16 ity who have no known legal representative and
17 are unable to communicate consent, in order for
18 the Ombudsman to carry out the functions and
19 duties described in paragraphs (3)(A) and
20 (5)(B) of subsection (a).”; and

21 (5) by striking subsection (f) and inserting the
22 following:

23 “(f) CONFLICT OF INTEREST.—

24 “(1) INDIVIDUAL CONFLICT OF INTEREST.—

25 The State agency shall—

1 “(A) ensure that no individual, or member
2 of the immediate family of an individual, in-
3 volved in the designation of the Ombudsman
4 (whether by appointment or otherwise) or the
5 designation of an entity designated under sub-
6 section (a)(5), is subject to a conflict of inter-
7 est;

8 “(B) ensure that no officer or employee of
9 the Office, representative of a local Ombudsman
10 entity, or member of the immediate family of
11 the officer, employee, or representative, is sub-
12 ject to a conflict of interest; and

13 “(C) ensure that the Ombudsman—

14 “(i) does not have a direct involve-
15 ment in the licensing or certification of a
16 long-term care facility or of a provider of
17 a long-term care service;

18 “(ii) does not have an ownership or
19 investment interest (represented by equity,
20 debt, or other financial relationship) in a
21 long-term care facility or a long-term care
22 service;

23 “(iii) is not employed by, or partici-
24 pating in the management of, a long-term
25 care facility or a related organization, and

1 has not been employed by such a facility or
2 organization within 1 year before the date
3 of the determination involved;

4 “(iv) does not receive, or have the
5 right to receive, directly or indirectly, re-
6 muneration (in cash or in kind) under a
7 compensation arrangement with an owner
8 or operator of a long-term care facility;

9 “(v) does not have management re-
10 sponsibility for, or operate under the su-
11 pervision of an individual with manage-
12 ment responsibility for, adult protective
13 services; and

14 “(vi) does not serve as a guardian or
15 in another fiduciary capacity for residents
16 of long-term care facilities in an official ca-
17 pacity (as opposed to serving as a guardian
18 or fiduciary for a family member, in a per-
19 sonal capacity).

20 “(2) ORGANIZATIONAL CONFLICT OF INTER-
21 EST.—

22 “(A) IN GENERAL.—The State agency
23 shall comply with subparagraph (B)(i) in a case
24 in which the Office poses an organizational con-

1 flict of interest, including a situation in which
2 the Office is placed in an organization that—

3 “(i) is responsible for licensing, certi-
4 fying, or surveying long-term care services
5 in the State;

6 “(ii) is an association (or an affiliate
7 of such an association) of long-term care
8 facilities, or of any other residential facili-
9 ties for older individuals;

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

20 “(iv) provides long-term care case
21 management;

22 “(v) sets rates for long-term care
23 services;

24 “(vi) provides adult protective serv-
25 ices;

1 “(vii) is responsible for eligibility de-
2 terminations for the Medicaid program
3 carried out under title XIX of the Social
4 Security Act (42 U.S.C. 1396 et seq.);

5 “(viii) conducts preadmission screen-
6 ing for placements in facilities described in
7 clause (ii); or

8 “(ix) makes decisions regarding ad-
9 mission or discharge of individuals to or
10 from such facilities.

11 “(B) IDENTIFYING, REMOVING, AND REM-
12 EDYING ORGANIZATIONAL CONFLICT.—

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

22 “(I) identified by the State agen-
23 cy;

1 “(II) disclosed by the State agen-
2 cy to the Assistant Secretary in writ-
3 ing; and

4 “(III) remedied in accordance
5 with this subparagraph.

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

17 “(I) remove the conflict; or

18 “(II) submit, and obtain the ap-
19 proval of the Assistant Secretary for,
20 an adequate remedial plan that indi-
21 cates how the Ombudsman will be
22 unencumbered in fulfilling all of the
23 functions specified in subsection
24 (a)(3).”; and

25 (6) in subsection (h)—

1 (A) in paragraph (3)(A)(i), by striking
2 “older”;

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

6 “(4) strengthen and update”;

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

10 (D) by inserting after paragraph (3) the
11 following:

12 “(4) ensure that the Ombudsman or a designee
13 participates in training provided by the National
14 Ombudsman Resource Center established in section
15 202(a)(18);”;

16 (E) in paragraph (6)(A), as redesignated
17 by subparagraph (C) of this paragraph, by
18 striking “paragraph (4)” and inserting “para-
19 graph (5)”;

20 (F) in paragraph (7)(A), as redesignated
21 by subparagraph (C) of this paragraph, by
22 striking “subtitle C of the” and inserting “sub-
23 title C of title I of the”; and

1 (G) in paragraph (10), as redesignated by
2 subparagraph (C) of this paragraph, by striking
3 “(6), or (7)” and inserting “(7), or (8)”.

4 (c) OMBUDSMAN REGULATIONS.—Section 713 of the
5 Older Americans Act of 1965 (42 U.S.C. 3058h) is
6 amended—

7 (1) in paragraph (1), by striking “paragraphs
8 (1) and (2) of section 712(f)” and inserting “sub-
9 paragraphs (A) and (B) of section 712(f)(1)”; and
10 (2) in paragraph (2), by striking “subpara-
11 graphs (A) through (D) of section 712(f)(3)” and
12 inserting “clauses (i) through (vi) of section
13 712(f)(1)(C)”.

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

17 (1) in subsection (b)—

18 (A) in the matter preceding paragraph (1),
19 by striking “(including financial exploitation)”;

20 (B) by redesignating paragraphs (5)
21 through (12) as paragraphs (6) through (13),
22 respectively;

23 (C) by inserting after paragraph (4) the
24 following:

1 “(5) promoting the submission of data on elder
2 abuse, neglect, and exploitation for the appropriate
3 database of the Administration or another database
4 specified by the Assistant Secretary;”;

5 (D) in paragraph (10)(C), as redesignated
6 by subparagraph (B) of this paragraph—

7 (i) in clause (ii), by inserting “, such
8 as forensic specialists,” after “such per-
9 sonnel”; and

10 (ii) in clause (v), by inserting before
11 the comma the following: “, including pro-
12 grams and arrangements that protect
13 against financial exploitation”; and

14 (E) in paragraph (12), as redesignated by
15 subparagraph (B) of this paragraph—

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

18 (ii) by adding at the end the fol-
19 lowing:

20 “(F) supporting and studying innovative
21 practices in communities to develop partner-
22 ships across disciplines for the prevention, in-
23 vestigation, and prosecution of abuse, neglect,
24 and exploitation; and”; and

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

3 (A) by striking “subsection (b)(9)(B)(i)”
4 and inserting “subsection (b)(10)(B)(i)”; and
5 (B) by striking “subsection (b)(9)(B)(ii)”
6 and inserting “subsection (b)(10)(B)(ii)”.

7 **SEC. 9. BEHAVIORAL HEALTH.**

8 The Older Americans Act of 1965 is amended—

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

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

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

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

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

18 (3) in section 202(a)(5) (42 U.S.C.
19 3012(a)(5)), by inserting “and behavioral” after
20 “mental”;

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

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

24 (B) in paragraph (6)(F), by striking “men-
25 tal health services” each place such term ap-

1 pears and inserting “mental and behavioral
2 health services”; and

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

4 (A) in paragraph (1), as amended by sec-
5 tion 4(g), by inserting “and behavioral” after
6 “mental”;

7 (B) in paragraph (14)(B), by inserting
8 “and behavioral” after “mental”; and

9 (C) in paragraph (23), by inserting “and
10 behavioral” after “mental”.

11 **SEC. 10. GUIDANCE ON SERVING HOLOCAUST SURVIVORS.**

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

1 (b) CONTENTS.—The guidance shall include the fol-
2 lowing:

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

8 (2) How transportation service providers may
9 address the urgent transportation needs of Holo-
10 caust survivors.

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

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

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

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

Passed the Senate July 16, 2015.

Attest:

Secretary.

114TH CONGRESS
1ST SESSION

S. 192

AN ACT

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