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114TH CONGRESS
1ST SESSION**S. 192**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2015

Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. BURR, Mr. SANDERS, Mr. HATCH, Mr. ISAKSON, Ms. MURKOWSKI, Ms. COLLINS, Mr. COONS, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

FEBRUARY 3, 2015

Reported by Mr. ALEXANDER, without amendment

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 2015”.

1 **SEC. 2. DEFINITIONS.**

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

4 (1) by striking paragraph (1) and inserting the
5 following:

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

11 (2) by striking paragraph (3) and inserting the
12 following:

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

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

18 “(B) investigating the reports described in
19 subparagraph (A);

20 “(C) case planning, monitoring, evaluation,
21 and other casework and services; and

22 “(D) providing, arranging for, or facili-
23 tating the provision of medical, social service,
24 economic, legal, housing, law enforcement, or
25 other protective, emergency, or support serv-
26 ices.”;

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

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

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

21 “(B) person-centered counseling to assist
22 individuals in assessing their existing or antici-
23 pated long-term care needs and goals, and de-
24 veloping and implementing a person-centered
25 plan for long-term care that is consistent with

1 the desires of such an individual and designed
2 to meet the individual's specific needs, goals,
3 and circumstances;

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

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

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

24 (5) by striking paragraph (17) and inserting
25 the following:

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

2 “(A) from a societal perspective, efforts
3 to—

4 “(i) prevent, detect, treat, intervene
5 in, and prosecute elder abuse, neglect, and
6 exploitation; and

7 “(ii) protect older individuals with di-
8 minished capacity while maximizing their
9 autonomy; and

10 “(B) from an individual perspective, the
11 recognition of an older individual’s rights, in-
12 cluding the right to be free of abuse, neglect,
13 and exploitation.”; and

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

17 **SEC. 3. ADMINISTRATION ON AGING.**

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

20 (1) in subsection (d)(3)—

21 (A) in subparagraph (H), by striking
22 “202(a)(21)” and inserting “202(a)(18)”;

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

25 (C) in subparagraph (L)—

1 (i) by striking “Older Americans Act
2 Amendments of 1992” and inserting
3 “Older Americans Act Reauthorization Act
4 of 2015”; and

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

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

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

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

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

20 (1) in subsection (a)—

21 (A) in paragraph (5), by inserting “health
22 and economic” before “needs of older individ-
23 uals”;

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

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

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

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

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

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

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

21 “(31) provide technical assistance to and share
22 best practices with States, area agencies on aging,
23 and Aging and Disability Resource Centers, on how
24 to collaborate and coordinate services with health
25 care entities, such as Federally-qualified health cen-

1 ters, as defined in section 1905(l)(2)(B) of the So-
 2 cial Security Act (42 U.S.C. 1396d(l)(2)(B)), in
 3 order to improve care coordination for individuals
 4 with multiple chronic illnesses.”;

5 (2) in subsection (b)—

6 (A) in paragraph (5)—

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

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

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

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

22 (B) in paragraph (8)—

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

1 (ii) in subparagraph (D)—

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

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

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

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

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

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

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

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

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

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

5 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
6 216 of the Older Americans Act of 1965 (42 U.S.C.
7 3020f) is amended—

8 (1) in subsection (a), by striking “2007, 2008,
9 2009, 2010, and 2011” and inserting “2016, 2017,
10 and 2018”;

11 (2) in subsection (b)—

12 (A) by striking “202(a)(24)” and inserting
13 “202(a)(21)”; and

14 (B) by striking “2007, 2008, 2009, 2010,
15 and 2011” and inserting “2016, 2017, and
16 2018”; and

17 (3) in subsection (c), by striking “2007, 2008,
18 2009, 2010, and 2011” and inserting “2016, 2017,
19 and 2018”.

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

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
22 303 of the Older Americans Act of 1965 (42 U.S.C. 3023)
23 is amended—

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

4 (2) in subsection (b)—

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

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

11 (3) in subsection (d), by striking “fiscal years
12 2007” and all that follows and inserting “each of
13 fiscal years 2016 through 2018.”; and

14 (4) in subsection (e)(2), by striking “2011” and
15 inserting “2011 and each of fiscal years 2016
16 through 2018”.

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

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

21 “(D)(i) For each of fiscal years 2016 through 2018,
22 no State shall be allotted an amount that is less than 99
23 percent of the amount allotted to such State for the pre-
24 vious fiscal year.

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

5 (2) in subsection (b), by striking “subpart 1
6 of”.

7 (c) PLANNING AND SERVICE AREAS.—Section
8 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965
9 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking
10 “planning and services areas” and inserting “planning
11 and service areas”.

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

14 (1) in subsection (a)—

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

24 (B) in paragraph (6)—

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

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

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

13 (2) in subsection (b)(3)—

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

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

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

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

22 (e) STATE PLANS.—Section 307(a)(2)(A) of the
23 Older Americans Act of 1965 (42 U.S.C. 3027(a)(2)(A))
24 is amended by striking “202(a)(29)” and inserting
25 “202(a)(26)”.

1 (f) NUTRITION SERVICES INCENTIVE PROGRAM.—
2 Section 311(e) of the Older Americans Act of 1965 (42
3 U.S.C. 3030a(e)) is amended by striking “fiscal year
4 2007” and all that follows and inserting “each of fiscal
5 years 2016 through 2018.”.

6 (g) SUPPORTIVE SERVICES.—Section 321 of the
7 Older Americans Act of 1965 (42 U.S.C. 3030d) is
8 amended—

9 (1) in subsection (a)—

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

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

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

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

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

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

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

9 “(1) is age 18 or older;

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

12 “(3) has a disability.”.

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

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

21 (1) in paragraph (1), by striking “solicit” and
 22 inserting “utilize”; and

23 (2) in paragraph (2)—

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

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

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

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

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

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

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

17 (k) OLDER RELATIVE CAREGIVERS.—

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

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

24 (A) in subsection (a)—

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

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

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

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

13 “(A)(i) is age 55 or older; and

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

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

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

24 “(ii) is the primary caregiver of the
25 child because the biological or adoptive

1 parents are unable or unwilling to serve as
 2 the primary caregivers of the child; and

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

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

12 (B) in subsection (b)—

13 (i) by striking “subpart” and all that
 14 follows through “family caregivers” and in-
 15 sserting “part, for family caregivers”;

16 (ii) by striking “; and” and inserting
 17 a period; and

18 (iii) by striking paragraph (2).

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

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

25 (2) in subsection (c)—

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

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

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

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

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

23 (m) CONFORMING AMENDMENT.—Part E of title III
24 is amended by striking “this subpart” each place it ap-
25 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 2016 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) are repealed.

7 (e) CONFORMING AMENDMENT.—Section
8 417(a)(1)(A) of the Older Americans Act of 1965 (42
9 U.S.C. 3032f(a)(1)(A)) is amended by striking “grand-
10 parents and other older individuals who are relative care-
11 givers” and inserting “older relative caregivers (as defined
12 in section 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 2016 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 2016 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 decisionmaking 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 decisionmaking 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 (c)(2)(D), by striking
11 “202(a)(21)” and inserting “202(a)(18)”;

12 (4) in subsection (d)—

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

16 (B) in paragraph (2)—

17 (i) in subparagraph (A)—

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

22 (II) by striking “and” after the
23 semicolon;

24 (ii) in subparagraph (B)—

1 (I) by striking “files or records”
 2 and inserting “files, records, or other
 3 information”; and

4 (II) in clause (iii), by striking the
 5 period at the end and inserting “;
 6 and”; and

7 (iii) by adding at the end the fol-
 8 lowing:

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

18 (5) by striking subsection (f) and inserting the
 19 following:

20 “(f) CONFLICT OF INTEREST.—

21 “(1) INDIVIDUAL CONFLICT OF INTEREST.—

22 The State agency shall—

23 “(A) ensure that no individual, or member
 24 of the immediate family of an individual, in-
 25 volved in the designation of the Ombudsman

1 (whether by appointment or otherwise) or the
2 designation of an entity designated under sub-
3 section (a)(5), is subject to a conflict of inter-
4 est;

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

10 “(C) ensure that the Ombudsman—

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

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

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

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

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

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

17 “(2) ORGANIZATIONAL CONFLICT OF INTER-
18 EST.—

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

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

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

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

18 “(iv) provides long-term care case
19 management;

20 “(v) sets rates for long-term care
21 services;

22 “(vi) provides adult protective serv-
23 ices;

24 “(vii) is responsible for eligibility de-
25 terminations for the Medicaid program

1 carried out under title XIX of the Social
2 Security Act (42 U.S.C. 1396 et seq.);

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

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

9 “(B) IDENTIFYING, REMOVING, AND REM-
10 EDYING ORGANIZATIONAL CONFLICT.—

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

20 “(I) identified by the State agen-
21 cy;

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

1 “(III) remedied in accordance
2 with this subparagraph.

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

14 “(I) remove the conflict; or

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

22 (6) in subsection (h)—

23 (A) in paragraph (3)(A)(i), by striking
24 “older”;

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

4 “(4) strengthen and update”;

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

8 (D) by inserting after paragraph (3) the
9 following:

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

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

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

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

1 (c) OMBUDSMAN REGULATIONS.—Section 713 of the
2 Older Americans Act of 1965 (42 U.S.C. 3058h) is
3 amended—

4 (1) in paragraph (1), by striking “paragraphs
5 (1) and (2) of section 712(f)” and inserting “sub-
6 paragraphs (A) and (B) of section 712(f)(1)”; and

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

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

14 (1) in subsection (b)—

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

17 (B) by redesignating paragraphs (5)
18 through (12) as paragraphs (6) through (13),
19 respectively;

20 (C) by inserting after paragraph (4) the
21 following:

22 “(5) promoting the submission of data on elder
23 abuse, neglect, and exploitation for the appropriate
24 database of the Administration or another database
25 specified by the Assistant Secretary;”;

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

3 (i) in clause (ii), by inserting “, such
4 as forensic specialists,” after “such per-
5 sonnel”; and

6 (ii) in clause (v), by inserting before
7 the comma the following: “, including pro-
8 grams and arrangements that protect
9 against financial exploitation”; and

10 (E) in paragraph (12), as redesignated by
11 subparagraph (B) of this paragraph—

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

14 (ii) by adding at the end the fol-
15 lowing:

16 “(F) supporting and studying innovative
17 practices in communities to develop partner-
18 ships across disciplines for the prevention, in-
19 vestigation, and prosecution of abuse, neglect,
20 and exploitation; and”; and

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

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

1 (B) by striking “subsection (b)(9)(B)(ii)”
2 and inserting “subsection (b)(10)(B)(ii)”.

3 **SEC. 9. BEHAVIORAL HEALTH.**

4 The Older Americans Act of 1965 is amended—

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

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

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

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

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

14 (3) in section 202(a)(5) (42 U.S.C.
15 3012(a)(5)), by inserting “and behavioral” after
16 “mental”;

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

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

20 (B) in paragraph (6)(F), by striking “men-
21 tal health services” each place such term ap-
22 pears and inserting “mental and behavioral
23 health services”; and

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

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

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

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

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

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

23 (b) CONTENTS.—The guidance shall include the fol-
24 lowing:

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

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

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

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

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

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

Calendar No. 12

114TH CONGRESS
1ST Session

S. 192

A BILL

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

FEBRUARY 3, 2015

Reported without amendment