

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 795

To amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. HATCH (for himself, Mrs. LINCOLN, Mr. KOHL, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Elder Justice Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Elder Justice.

“Subtitle 2—Elder Justice

“Sec. 2011. Definitions.

“Sec. 2012. General provisions.

“PART A—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH

“SUBPART 1—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION

“Sec. 2021. Elder Justice Coordinating Council.

“Sec. 2022. Advisory Board on Elder Abuse, Neglect, and Exploitation.

“Sec. 2023. Research protections.

“Sec. 2024. Authorization of appropriations.

“SUBPART 2—ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC CENTERS

“Sec. 2031. Establishment and support of elder abuse, neglect, and Exploitation Forensic Centers.

“PART B—PROGRAMS TO PROMOTE ELDER JUSTICE

“Sec. 2041. Enhancement of long-term care.

“Sec. 2042. Adult protective services functions and grant programs.

“Sec. 2043. Long-term care ombudsman program grants and training.

“Sec. 2044. Provision of information regarding, and evaluations of, elder justice programs.

“Sec. 2045. Report.

**1 SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The proportion of the United States popu-

4 lation age 60 years or older will drastically increase

5 in the next 30 years as more than 76,000,000 baby

6 boomers approach retirement and old age.

7 (2) Each year, anywhere between 500,000 and

8 5,000,000 elders in the United States are abused,

9 neglected, or exploited.

1           (3) Elder abuse, neglect, and exploitation have  
2 no boundaries, and cross all racial, social class, gen-  
3 der, and geographic lines.

4           (4) Victims of elder abuse, neglect, and exploi-  
5 tation are not only subject to injury from mistreat-  
6 ment and neglect, they are also 3.1 times more likely  
7 than elders who were not victims of elder abuse, ne-  
8 glect, and exploitation to die at an earlier age than  
9 expected.

10           (5) There is a general dearth of data as to the  
11 nature and scope of elder abuse, neglect, and exploi-  
12 tation. In recognition of the need to improve data  
13 collection efforts with respect to elder abuse, neglect,  
14 and exploitation, Congress required the Secretary of  
15 Health and Human Services to conduct a study by  
16 the end of 2008 on establishing a uniform national  
17 database on elder abuse under section 405 of title  
18 IV of Division C of the Tax Relief and Health Care  
19 Act of 2006 (Public Law 109–432).

20           (6) Despite the dearth of data in the field, ex-  
21 perts agree that most cases of elder abuse, neglect,  
22 and exploitation are never reported and that abuse,  
23 neglect, and exploitation shorten a victim’s life, often  
24 triggering a downward spiral of an otherwise pro-  
25 ductive, self-sufficient elder’s life. Programs address-

1       ing other difficult issues such as domestic violence  
2       and child abuse and neglect have demonstrated the  
3       need for a multifaceted law, combining public health,  
4       social service, and law enforcement approaches.

5               (7) For over 20 years, Congress has been pre-  
6       sented with facts and testimony calling for a coordi-  
7       nated Federal effort to combat elder abuse, neglect,  
8       and exploitation.

9               (8) The Federal Government has been slow to  
10      respond to the needs of victims of elder abuse, ne-  
11      glect, and exploitation or to undertake prevention ef-  
12      forts.

13              (9) No Federal law has been enacted that ade-  
14      quately and comprehensively addresses the issues of  
15      elder abuse, neglect, and exploitation and there are  
16      very limited resources available to those in the field  
17      that directly deal with those issues.

18              (10) Differences in State laws and practices in  
19      the areas of elder abuse, neglect, and exploitation  
20      lead to significant disparities in prevention, protec-  
21      tive and social services, treatment systems, and law  
22      enforcement, and lead to other inequities.

23              (11) The Federal Government has played an  
24      important role in promoting research, training, pub-  
25      lic safety, and data collection, and the identification,

1 development, and dissemination of promising health  
2 care, social, and protective services, and law enforce-  
3 ment practices, relating to child abuse and neglect,  
4 domestic violence, and violence against women. The  
5 Federal Government should promote similar efforts  
6 and protections relating to elder abuse, neglect, and  
7 exploitation.

8 (12) The Federal Government should provide  
9 leadership and assist States and communities in  
10 their efforts to protect elders in the United States  
11 by—

12 (A) promoting coordinated planning among  
13 all levels of government;

14 (B) generating and sharing knowledge rel-  
15 evant to protecting elders;

16 (C) providing leadership to combat the  
17 abuse, neglect, and exploitation of the Nation's  
18 elders; and

19 (D) providing resources to States and com-  
20 munities to promote elder justice.

21 (13) The problem of elder abuse, neglect, and  
22 exploitation requires a comprehensive approach  
23 that—

24 (A) integrates the work of health, legal,  
25 and social service agencies and organizations;

1 (B) emphasizes the need for prevention, re-  
2 porting, investigation, assessment, treatment,  
3 and prosecution of elder abuse, neglect, and ex-  
4 ploitation at all levels of government;

5 (C) ensures that sufficient numbers of  
6 properly trained personnel with specialized  
7 knowledge are in place to—

8 (i) treat, assess, and provide services  
9 relating to elder abuse, neglect, and exploi-  
10 tation; and

11 (ii) carry out elder protection duties;

12 (D) is sensitive to ethnic and cultural di-  
13 versity;

14 (E) recognizes the role of mental health,  
15 disability, dementia, substance abuse, medica-  
16 tion mismanagement, and family dysfunction  
17 problems in increasing and exacerbating elder  
18 abuse, neglect, and exploitation; and

19 (F) balances elders' right to self-deter-  
20 mination with society's responsibility to protect  
21 elders.

22 (14) The human, social, and economic cost of  
23 elder abuse, neglect, and exploitation is high and in-  
24 cludes unnecessary expenditures of funds from many  
25 public programs.

1           (15) The failure to coordinate activities relating  
2 to, and comprehensively prevent and treat, elder  
3 abuse, neglect, and exploitation threatens the future  
4 and well-being of millions of elders in the United  
5 States.

6           (16) All elements of society in the United  
7 States have a shared responsibility in responding to  
8 a national problem of elder abuse, neglect, and ex-  
9 ploitation.

10 **SEC. 3. PURPOSES.**

11       The purposes of this Act are as follows:

12           (1) To enhance the social security of the Nation  
13 by ensuring adequate public-private infrastructure  
14 and resolving to prevent, detect, treat, understand,  
15 and intervene in, and where appropriate, aid in the  
16 prosecution of, elder abuse, neglect, and exploitation.

17           (2) To bring a comprehensive approach to pre-  
18 venting and combating elder abuse, neglect, and ex-  
19 ploitation, a long invisible problem that afflicts the  
20 most vulnerable among the aging population of the  
21 United States.

22           (3) To raise the issue of elder abuse, neglect,  
23 and exploitation to national attention, and to create  
24 the infrastructure at the Federal, State, and local  
25 levels, to ensure that individuals and organizations

1 on the front lines, who are fighting elder abuse, ne-  
2 glect, and exploitation with scarce resources and  
3 fragmented systems, have the resources and infor-  
4 mation needed to carry out their fight.

5 (4) To bring a comprehensive multidisciplinary  
6 approach to elder justice.

7 (5) To set in motion research and data collec-  
8 tion to fill gaps in knowledge about elder abuse, ne-  
9 glect, and exploitation.

10 (6) To supplement the activities of service pro-  
11 viders and programs, to enhance training, and to le-  
12 verage scarce resources efficiently, in order to ensure  
13 that elder justice receives the attention it deserves as  
14 the Nation's population ages.

15 (7) To recognize and address the role of mental  
16 health, disability, dementia, substance abuse, medi-  
17 cation mismanagement, and family dysfunction prob-  
18 lems in increasing and exacerbating elder abuse, ne-  
19 glect, and exploitation.

20 (8) To create short- and long-term strategic  
21 plans for the development and coordination of elder  
22 justice research, programs, studies, training, and  
23 other efforts nationwide.



1           (9) To promote collaborative efforts and dimin-  
2           ish overlap and gaps in efforts in developing the im-  
3           portant field of elder justice.

4           (10) To honor and respect the right of all indi-  
5           viduals with diminished capacity to decisionmaking  
6           autonomy, self-determination, and dignity of choice.

7           (11) To respect the wishes of individuals with  
8           diminished capacity and their family members in  
9           providing supportive services and care plans in-  
10          tended to protect elders from abuse, neglect (includ-  
11          ing self-neglect), and exploitation.

12 **SEC. 4. DEFINITIONS.**

13          Except as otherwise specifically provided, any term  
14          that is defined in section 2011 of the Social Security Act  
15          (as added by section 5(a)) and is used in this Act has  
16          the meaning given such term by such section.

17 **SEC. 5. ELDER JUSTICE.**

18          (a) ELDER JUSTICE.—

19               (1) IN GENERAL.—Title XX of the Social Secu-  
20          rity Act (42 U.S.C. 1397 et seq.) is amended—

21                       (A) in the heading, by inserting “**AND**  
22                       **ELDER JUSTICE**” after “**SOCIAL**  
23                       **SERVICES**”;

24                       (B) by inserting before section 2001 the  
25          following:

1 **“Subtitle 1—Block Grants to States**  
2 **for Social Services”;**

3 and

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

5 **“Subtitle 2—Elder Justice**

6 **“SEC. 2011. DEFINITIONS.**

7 “In this subtitle:

8 “(1) ABUSE.—The term ‘abuse’ means the  
9 knowing infliction of physical or psychological harm  
10 or the knowing deprivation of goods or services that  
11 are necessary to meet essential needs or to avoid  
12 physical or psychological harm.

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

17 “(A) disseminating reports of adult abuse,  
18 neglect, or exploitation;

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

21 “(C) case planning, monitoring, evaluation,  
22 and other case work and services; and

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

1 economic, legal, housing, law enforcement, or  
2 other protective, emergency, or support services.

3 “(3) CAREGIVER.—The term ‘caregiver’ means  
4 an individual who has the responsibility for the care  
5 of an elder, either voluntarily, by contract, by receipt  
6 of payment for care, or as a result of the operation  
7 of law, and means a family member or other indi-  
8 vidual who provides (on behalf of such individual or  
9 of a public or private agency, organization, or insti-  
10 tution) compensated or uncompensated care to an  
11 elder who needs supportive services in any setting.

12 “(4) DIRECT CARE.—The term ‘direct care’  
13 means care by an employee or contractor who pro-  
14 vides assistance or long-term care services to a re-  
15 cipient.

16 “(5) ELDER.—The term ‘elder’ means an indi-  
17 vidual age 60 or older.

18 “(6) ELDER JUSTICE.—The term ‘elder justice’  
19 means—

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

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

1                   “(ii) protect elders with diminished  
2                   capacity while maximizing their autonomy;  
3                   and

4                   “(B) from an individual perspective, the  
5                   recognition of an elder’s rights, including the  
6                   right to be free of abuse, neglect, and exploi-  
7                   tation.

8                   “(7) ELIGIBLE ENTITY.—The term ‘eligible en-  
9                   tity’ means a State or local government agency, In-  
10                  dian tribe or tribal organization, or any other public  
11                  or private entity that is engaged in and has expertise  
12                  in issues relating to elder justice or in a field nec-  
13                  essary to promote elder justice efforts.

14                  “(8) EXPLOITATION.—The term ‘exploitation’  
15                  means the fraudulent or otherwise illegal, unauthor-  
16                  ized, or improper act or process of an individual, in-  
17                  cluding a caregiver or fiduciary, that uses the re-  
18                  sources of an elder for monetary or personal benefit,  
19                  profit, or gain, or that results in depriving an elder  
20                  of rightful access to, or use of, benefits, resources,  
21                  belongings, or assets.

22                  “(9) FIDUCIARY.—The term ‘fiduciary’—

23                         “(A) means a person or entity with the  
24                         legal responsibility—

1           “(i) to make decisions on behalf of  
2           and for the benefit of another person; and

3           “(ii) to act in good faith and with  
4           fairness; and

5           “(B) includes a trustee, a guardian, a con-  
6           servator, an executor, an agent under a finan-  
7           cial power of attorney or health care power of  
8           attorney, or a representative payee.

9           “(10) GRANT.—The term ‘grant’ includes a  
10          contract, cooperative agreement, or other mechanism  
11          for providing financial assistance.

12          “(11) GUARDIANSHIP.—The term ‘guardian-  
13          ship’ means—

14               “(A) the process by which a State court  
15               determines that an adult individual lacks capac-  
16               ity to make decisions about self-care and prop-  
17               erty, and appoints another individual or entity  
18               known as a guardian, as a conservator, or by a  
19               similar term, as a surrogate decisionmaker;

20               “(B) the manner in which the court-ap-  
21               pointed surrogate decisionmaker carries out du-  
22               ties to the individual and the court; or

23               “(C) the manner in which the court exer-  
24               cises oversight of the surrogate decisionmaker.

25          “(12) INDIAN TRIBE.—

1           “(A) IN GENERAL.—The term ‘Indian  
2           tribe’ has the meaning given such term in sec-  
3           tion 4 of the Indian Self-Determination and  
4           Education Assistance Act (25 U.S.C. 450b).

5           “(B) INCLUSION OF PUEBLO AND  
6           RANCHERIA.—The term ‘Indian tribe’ includes  
7           any Pueblo or Rancheria.

8           “(13) LAW ENFORCEMENT.—The term ‘law en-  
9           forcement’ means the full range of potential re-  
10          sponders to elder abuse, neglect, and exploitation in-  
11          cluding—

12                   “(A) police, sheriffs, detectives, public safe-  
13                   ty officers, and corrections personnel;

14                   “(B) prosecutors;

15                   “(C) medical examiners;

16                   “(D) investigators; and

17                   “(E) coroners.

18          “(14) LONG-TERM CARE.—

19                   “(A) IN GENERAL.—The term ‘long-term  
20                   care’ means supportive and health services spec-  
21                   ified by the Secretary for individuals who need  
22                   assistance because the individuals have a loss of  
23                   capacity for self-care due to illness, disability,  
24                   or vulnerability.

1           “(B) LOSS OF CAPACITY FOR SELF-  
 2 CARE.—For purposes of subparagraph (A), the  
 3 term ‘loss of capacity for self-care’ means an in-  
 4 ability to engage in 1 or more activities of daily  
 5 living, including eating, dressing, bathing, and  
 6 management of one’s financial affairs.

7           “(15) LONG-TERM CARE FACILITY.—The term  
 8 ‘long-term care facility’ means a residential care pro-  
 9 vider that arranges for, or directly provides, long-  
 10 term care.

11           “(16) NEGLECT.—The term ‘neglect’ means—  
 12           “(A) the failure of a caregiver or fiduciary  
 13 to provide the goods or services that are nec-  
 14 essary to maintain the health or safety of an  
 15 elder; or

16           “(B) self-neglect.

17           “(17) NURSING FACILITY.—

18           “(A) IN GENERAL.—The term ‘nursing fa-  
 19 cility’ has the meaning given such term under  
 20 section 1919(a).

21           “(B) INCLUSION OF SKILLED NURSING FA-  
 22 CILITY.—The term ‘nursing facility’ includes a  
 23 skilled nursing facility (as defined in section  
 24 1819(a)).

1           “(18) SELF-NEGLECT.—The term ‘self-neglect’  
2 means an adult’s inability, due to physical or mental  
3 impairment or diminished capacity, to perform es-  
4 sential self-care tasks including—

5           “(A) obtaining essential food, clothing,  
6 shelter, and medical care;

7           “(B) obtaining goods and services nec-  
8 essary to maintain physical health, mental  
9 health, or general safety; or

10           “(C) managing one’s own financial affairs.

11           “(19) SERIOUS BODILY INJURY.—

12           “(A) IN GENERAL.—The term ‘serious  
13 bodily injury’ means an injury—

14           “(i) involving extreme physical pain;

15           “(ii) involving substantial risk of  
16 death;

17           “(iii) involving protracted loss or im-  
18 pairment of the function of a bodily mem-  
19 ber, organ, or mental faculty; or

20           “(iv) requiring medical intervention  
21 such as surgery, hospitalization, or phys-  
22 ical rehabilitation.

23           “(B) CRIMINAL SEXUAL ABUSE.—Serious  
24 bodily injury shall be considered to have oc-  
25 curred if the conduct causing the injury is con-



1           duct described in section 2241 (relating to ag-  
2           gravated sexual abuse) or 2242 (relating to sex-  
3           ual abuse) of title 18, United States Code, or  
4           any similar offense under State law.

5           “(20) SOCIAL.—The term ‘social’, when used  
6           with respect to a service, includes adult protective  
7           services.

8           “(21) STATE LEGAL ASSISTANCE DEVEL-  
9           OPER.—The term ‘State legal assistance developer’  
10          means an individual described in section 731 of the  
11          Older Americans Act of 1965.

12          “(22) STATE LONG-TERM CARE OMBUDSMAN.—  
13          The term ‘State Long-Term Care Ombudsman’  
14          means the State Long-Term Care Ombudsman de-  
15          scribed in section 712(a)(2) of the Older Americans  
16          Act of 1965.

17       **“SEC. 2012. GENERAL PROVISIONS.**

18          “(a) PROTECTION OF PRIVACY.—In pursuing activi-  
19          ties under this subtitle, the Secretary shall ensure the pro-  
20          tection of individual health privacy consistent with the reg-  
21          ulations promulgated under section 264(c) of the Health  
22          Insurance Portability and Accountability Act of 1996 and  
23          applicable State and local privacy regulations.

24          “(b) RULE OF CONSTRUCTION.—Nothing in this sub-  
25          title shall be construed to interfere with or abridge an el-

1 der’s right to practice his or her religion through reliance  
 2 on prayer alone for healing when this choice—

3 “(1) is contemporaneously expressed, either  
 4 orally or in writing, with respect to a specific illness  
 5 or injury which the elder has at the time of the deci-  
 6 sion by an elder who is competent at the time of the  
 7 decision;

8 “(2) is previously set forth in a living will,  
 9 health care proxy, or other advance directive docu-  
 10 ment that is validly executed and applied under  
 11 State law; or

12 “(3) may be unambiguously deduced from the  
 13 elder’s life history.

14 **“PART A—NATIONAL COORDINATION OF ELDER**  
 15 **JUSTICE ACTIVITIES AND RESEARCH**

16 **“Subpart 1—Elder Justice Coordinating Council and**  
 17 **Advisory Board on Elder Abuse, Neglect, and Ex-**  
 18 **ploitation**

19 **“SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.**

20 “(a) ESTABLISHMENT.—There is established within  
 21 the Office of the Secretary an Elder Justice Coordinating  
 22 Council (in this section referred to as the ‘Council’).

23 “(b) MEMBERSHIP.—

24 “(1) IN GENERAL.—The Council shall be com-  
 25 posed of the following members:

1           “(A) The Secretary (or the Secretary’s  
2           designee).

3           “(B) The Attorney General (or the Attor-  
4           ney General’s designee).

5           “(C) The head of each Federal department  
6           or agency or other governmental entity identi-  
7           fied by the Chair referred to in subsection (d)  
8           as having responsibilities, or administering pro-  
9           grams, relating to elder abuse, neglect, and ex-  
10          ploitation.

11          “(2) REQUIREMENT.—Each member of the  
12          Council shall be an officer or employee of the Fed-  
13          eral Government.

14          “(c) VACANCIES.—Any vacancy in the Council shall  
15          not affect its powers, but shall be filled in the same man-  
16          ner as the original appointment was made.

17          “(d) CHAIR.—The member described in subsection  
18          (b)(1)(A) shall be Chair of the Council.

19          “(e) MEETINGS.—The Council shall meet at least 2  
20          times per year, as determined by the Chair.

21          “(f) DUTIES.—

22                 “(1) IN GENERAL.—The Council shall make  
23                 recommendations to the Secretary for the coordina-  
24                 tion of activities of the Department of Health and  
25                 Human Services, the Department of Justice, and

1 other relevant Federal, State, local, and private  
2 agencies and entities, relating to elder abuse, ne-  
3 glect, and exploitation and other crimes against el-  
4 ders.

5 “(2) REPORT.—Not later than the date that is  
6 2 years after the date of enactment of the Elder  
7 Justice Act of 2009 and every 2 years thereafter,  
8 the Council shall submit to the Committee on Fi-  
9 nance of the Senate and the Committee on Ways  
10 and Means and the Committee on Energy and Com-  
11 merce of the House of Representatives a report  
12 that—

13 “(A) describes the activities and accom-  
14 plishments of, and challenges faced by—

15 “(i) the Council; and

16 “(ii) the entities represented on the  
17 Council; and

18 “(B) makes such recommendations for leg-  
19 islation, model laws, or other action as the  
20 Council determines to be appropriate.

21 “(g) POWERS OF THE COUNCIL.—

22 “(1) INFORMATION FROM FEDERAL AGEN-  
23 CIES.—Subject to the requirements of section  
24 2012(a), the Council may secure directly from any  
25 Federal department or agency such information as

1 the Council considers necessary to carry out this sec-  
2 tion. Upon request of the Chair of the Council, the  
3 head of such department or agency shall furnish  
4 such information to the Council.

5 “(2) POSTAL SERVICES.—The Council may use  
6 the United States mails in the same manner and  
7 under the same conditions as other departments and  
8 agencies of the Federal Government.

9 “(h) TRAVEL EXPENSES.—The members of the  
10 Council shall not receive compensation for the perform-  
11 ance of services for the Council. The members shall be  
12 allowed travel expenses, including per diem in lieu of sub-  
13 sistence, at rates authorized for employees of agencies  
14 under subchapter I of chapter 57 of title 5, United States  
15 Code, while away from their homes or regular places of  
16 business in the performance of services for the Council.  
17 Notwithstanding section 1342 of title 31, United States  
18 Code, the Secretary may accept the voluntary and uncom-  
19 pensated services of the members of the Council.

20 “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
21 Federal Government employee may be detailed to the  
22 Council without reimbursement, and such detail shall be  
23 without interruption or loss of civil service status or privi-  
24 lege.



1           “(1) IN GENERAL.—Each member of the Advi-  
2           sory Board shall be appointed for a term of 3 years,  
3           except that, of the members first appointed—

4                   “(A) 9 shall be appointed for a term of 3  
5           years;

6                   “(B) 9 shall be appointed for a term of 2  
7           years; and

8                   “(C) 9 shall be appointed for a term of 1  
9           year.

10           “(2) VACANCIES.—

11                   “(A) IN GENERAL.—Any vacancy on the  
12           Advisory Board shall not affect its powers, but  
13           shall be filled in the same manner as the origi-  
14           nal appointment was made.

15                   “(B) FILLING UNEXPIRED TERM.—An in-  
16           dividual chosen to fill a vacancy shall be ap-  
17           pointed for the unexpired term of the member  
18           replaced.

19           “(3) EXPIRATION OF TERMS.—The term of any  
20           member shall not expire before the date on which  
21           the member’s successor takes office.

22           “(e) ELECTION OF OFFICERS.—The Advisory Board  
23           shall elect a Chair and Vice Chair from among its mem-  
24           bers. The Advisory Board shall elect its initial Chair and  
25           Vice Chair at its initial meeting.

1 “(f) DUTIES.—

2 “(1) ENHANCE COMMUNICATION ON PRO-  
3 MOTING QUALITY OF, AND PREVENTING ABUSE AND  
4 NEGLECT IN, LONG-TERM CARE.—The Advisory  
5 Board shall develop collaborative and innovative ap-  
6 proaches to improve the quality of, including pre-  
7 venting abuse and neglect in, long-term care.

8 “(2) COLLABORATIVE EFFORTS TO DEVELOP  
9 CONSENSUS AROUND THE MANAGEMENT OF CER-  
10 TAIN QUALITY-RELATED FACTORS.—

11 “(A) IN GENERAL.—The Advisory Board  
12 shall establish multidisciplinary panels to ad-  
13 dress, and develop consensus on, subjects relat-  
14 ing to improving the quality of long-term care.  
15 At least 1 such panel shall address, and develop  
16 consensus on, methods for managing resident-  
17 to-resident abuse in long-term care.

18 “(B) ACTIVITIES CONDUCTED.—The multi-  
19 disciplinary panels established under subpara-  
20 graph (A) shall examine relevant research and  
21 data, identify best practices with respect to the  
22 subject of the panel, determine the best way to  
23 carry out those best practices in a practical and  
24 feasible manner, and determine an effective



1 manner of distributing information on such  
2 subject.

3 “(3) REPORT.—Not later than the date that is  
4 18 months after the date of enactment of the Elder  
5 Justice Act of 2009, and annually thereafter, the  
6 Advisory Board shall prepare and submit to the  
7 Elder Justice Coordinating Council, the Committee  
8 on Finance of the Senate, and the Committee on  
9 Ways and Means and the Committee on Energy and  
10 Commerce of the House of Representatives a report  
11 containing—

12 “(A) information on the status of Federal,  
13 State, and local public and private elder justice  
14 activities;

15 “(B) recommendations (including rec-  
16 ommended priorities) regarding—

17 “(i) elder justice programs, research,  
18 training, services, practice, enforcement,  
19 and coordination;

20 “(ii) coordination between entities  
21 pursuing elder justice efforts and those in-  
22 volved in related areas that may inform or  
23 overlap with elder justice efforts, such as  
24 activities to combat violence against women  
25 and child abuse and neglect; and

1                   “(iii) activities relating to adult fidu-  
2                   ciary systems, including guardianship and  
3                   other fiduciary arrangements;

4                   “(C) recommendations for specific modi-  
5                   fications needed in Federal and State laws (in-  
6                   cluding regulations) or for programs, research,  
7                   and training to enhance prevention, detection,  
8                   and treatment (including diagnosis) of, inter-  
9                   vention in (including investigation of), and  
10                  prosecution of elder abuse, neglect, and exploi-  
11                  tation;

12                  “(D) recommendations on methods for the  
13                  most effective coordinated national data collec-  
14                  tion with respect to elder justice, and elder  
15                  abuse, neglect, and exploitation; and

16                  “(E) recommendations for a multidisci-  
17                  plinary strategic plan to guide the effective and  
18                  efficient development of the field of elder jus-  
19                  tice.

20                  “(g) POWERS OF THE ADVISORY BOARD.—

21                  “(1) INFORMATION FROM FEDERAL AGEN-  
22                  CIES.—Subject to the requirements of section  
23                  2012(a), the Advisory Board may secure directly  
24                  from any Federal department or agency such infor-  
25                  mation as the Advisory Board considers necessary to

1 carry out this section. Upon request of the Chair of  
2 the Advisory Board, the head of such department or  
3 agency shall furnish such information to the Advi-  
4 sory Board.

5 “(2) SHARING OF DATA AND REPORTS.—The  
6 Advisory Board may request from any entity pur-  
7 suing elder justice activities under the Elder Justice  
8 Act of 2009 or an amendment made by that Act,  
9 any data, reports, or recommendations generated in  
10 connection with such activities.

11 “(3) POSTAL SERVICES.—The Advisory Board  
12 may use the United States mails in the same man-  
13 ner and under the same conditions as other depart-  
14 ments and agencies of the Federal Government.

15 “(h) TRAVEL EXPENSES.—The members of the Advi-  
16 sory Board shall not receive compensation for the perform-  
17 ance of services for the Advisory Board. The members  
18 shall be allowed travel expenses for up to 4 meetings per  
19 year, including per diem in lieu of subsistence, at rates  
20 authorized for employees of agencies under subchapter I  
21 of chapter 57 of title 5, United States Code, while away  
22 from their homes or regular places of business in the per-  
23 formance of services for the Advisory Board. Notwith-  
24 standing section 1342 of title 31, United States Code, the

1 Secretary may accept the voluntary and uncompensated  
2 services of the members of the Advisory Board.

3 “(i) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any  
4 Federal Government employee may be detailed to the Ad-  
5 visory Board without reimbursement, and such detail shall  
6 be without interruption or loss of civil service status or  
7 privilege.

8 “(j) **STATUS AS PERMANENT ADVISORY COM-**  
9 **MITTEE.**—Section 14 of the Federal Advisory Committee  
10 Act (5 U.S.C. App.) shall not apply to the advisory board.

11 **“SEC. 2023. RESEARCH PROTECTIONS.**

12 “(a) **GUIDELINES.**—The Secretary shall promulgate  
13 guidelines to assist researchers working in the area of  
14 elder abuse, neglect, and exploitation, with issues relating  
15 to human subject protections.

16 “(b) **DEFINITION OF LEGALLY AUTHORIZED REP-**  
17 **RESENTATIVE FOR APPLICATION OF REGULATIONS.**—For  
18 purposes of the application of subpart A of part 46 of title  
19 45, Code of Federal Regulations, to research conducted  
20 under this subpart, the term ‘legally authorized represent-  
21 ative’ means, unless otherwise provided by law, the indi-  
22 vidual or judicial or other body authorized under the appli-  
23 cable law to consent to medical treatment on behalf of an-  
24 other person.

1 **“SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this subpart—

4 “(1) for fiscal year 2010, \$6,500,000; and

5 “(2) for each of fiscal years 2011 through  
6 2013, \$7,000,000.

7 **“Subpart 2—Elder Abuse, Neglect, and Exploitation**  
8 **Forensic Centers**

9 **“SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER**  
10 **ABUSE, NEGLECT, AND EXPLOITATION FO-**  
11 **RENSIC CENTERS.**

12 “(a) IN GENERAL.—The Secretary, in consultation  
13 with the Attorney General, shall make grants to eligible  
14 entities to establish and operate stationary and mobile fo-  
15 rensic centers, to develop forensic expertise regarding, and  
16 provide services relating to, elder abuse, neglect, and ex-  
17 ploitation.

18 “(b) STATIONARY FORENSIC CENTERS.—The Sec-  
19 retary shall make 4 of the grants described in subsection  
20 (a) to institutions of higher education with demonstrated  
21 expertise in forensics or commitment to preventing or  
22 treating elder abuse, neglect, or exploitation, to establish  
23 and operate stationary forensic centers.

24 “(c) MOBILE CENTERS.—The Secretary shall make  
25 6 of the grants described in subsection (a) to appropriate  
26 entities to establish and operate mobile forensic centers.

1 “(d) AUTHORIZED ACTIVITIES.—

2 “(1) DEVELOPMENT OF FORENSIC MARKERS  
3 AND METHODOLOGIES.—An eligible entity that re-  
4 ceives a grant under this section shall use funds  
5 made available through the grant to assist in deter-  
6 mining whether abuse, neglect, or exploitation oc-  
7 curred and whether a crime was committed and to  
8 conduct research to describe and disseminate infor-  
9 mation on—

10 “(A) forensic markers that indicate a case  
11 in which elder abuse, neglect, or exploitation  
12 may have occurred; and

13 “(B) methodologies for determining, in  
14 such a case, when and how health care, emer-  
15 gency service, social and protective services, and  
16 legal service providers should intervene and  
17 when the providers should report the case to  
18 law enforcement authorities.

19 “(2) DEVELOPMENT OF FORENSIC EXPER-  
20 TISE.—An eligible entity that receives a grant under  
21 this section shall use funds made available through  
22 the grant to develop forensic expertise regarding  
23 elder abuse, neglect, and exploitation in order to  
24 provide medical and forensic evaluation, therapeutic

1 intervention, victim support and advocacy, case re-  
2 view, and case tracking.

3 “(3) COLLECTION OF EVIDENCE.—The Sec-  
4 retary, in coordination with the Attorney General,  
5 shall use data made available by grant recipients  
6 under this section to develop the capacity of geriatric  
7 health care professionals and law enforcement to col-  
8 lect forensic evidence, including collecting forensic  
9 evidence relating to a potential determination of  
10 elder abuse, neglect, or exploitation.

11 “(e) APPLICATION.—To be eligible to receive a grant  
12 under this section, an entity shall submit an application  
13 to the Secretary at such time, in such manner, and con-  
14 taining such information as the Secretary may require.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this sec-  
17 tion—

18 “(1) for fiscal year 2010, \$4,000,000;

19 “(2) for fiscal year 2011, \$6,000,000; and

20 “(3) for each of fiscal years 2012 and 2013,  
21 \$8,000,000.

1       **“PART B—PROGRAMS TO PROMOTE ELDER**

2                               **JUSTICE**

3       **“SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.**

4               “(a) GRANTS AND INCENTIVES FOR LONG-TERM  
5 CARE STAFFING.—

6                       “(1) IN GENERAL.—The Secretary shall carry  
7 out activities, including activities described in para-  
8 graphs (2) and (3), to provide incentives for individ-  
9 uals to train for, seek, and maintain employment  
10 providing direct care in a long-term care facility.

11                      “(2) SPECIFIC PROGRAMS TO ENHANCE TRAIN-  
12 ING, RECRUITMENT, AND RETENTION OF STAFF.—

13                               “(A) COORDINATION WITH SECRETARY OF  
14 LABOR TO RECRUIT AND TRAIN LONG-TERM  
15 CARE STAFF.—The Secretary shall coordinate  
16 activities under this subsection with the Sec-  
17 retary of Labor in order to provide incentives  
18 for individuals to train for and seek employ-  
19 ment providing direct care in a long-term care  
20 facility.

21                               “(B) CAREER LADDERS AND WAGE OR  
22 BENEFIT INCREASES TO INCREASE STAFFING IN  
23 LONG-TERM CARE FACILITIES.—

24                                       “(i) IN GENERAL.—The Secretary  
25 shall make grants to long-term care facili-



1 ties to carry out programs through which  
2 the facilities—

3 “(I) offer, to employees who pro-  
4 vide direct care to residents of a long-  
5 term care facility, continuing training  
6 and varying levels of certification,  
7 based on observed clinical care prac-  
8 tices and the amount of time the em-  
9 ployees spend providing direct care;  
10 and

11 “(II) provide, or make arrange-  
12 ments to provide, bonuses or other in-  
13 creased compensation or benefits to  
14 employees who achieve certification  
15 under such a program.

16 “(ii) APPLICATION.—To be eligible to  
17 receive a grant under this subparagraph, a  
18 long-term care facility shall submit an ap-  
19 plication to the Secretary at such time, in  
20 such manner, and containing such infor-  
21 mation as the Secretary may require  
22 (which may include evidence of consulta-  
23 tion with the State in which the long-term  
24 care facility is located with respect to car-

1           rying out activities funded under the  
2           grant).

3           “(iii) AUTHORITY TO LIMIT NUMBER  
4           OF APPLICANTS.—Nothing in this subpara-  
5           graph shall be construed as prohibiting the  
6           Secretary from limiting the number of ap-  
7           plicants for a grant under this subpara-  
8           graph.

9           “(3) SPECIFIC PROGRAMS TO IMPROVE MAN-  
10          AGEMENT PRACTICES.—

11          “(A) IN GENERAL.—The Secretary shall  
12          make grants to long-term care facilities to en-  
13          able the facilities to provide training and tech-  
14          nical assistance to eligible employees.

15          “(B) AUTHORIZED ACTIVITIES.—A long-  
16          term care facility that receives a grant under  
17          subparagraph (A) shall use funds made avail-  
18          able through the grant to provide training and  
19          technical assistance to eligible employees re-  
20          garding management practices using methods  
21          that are demonstrated to promote retention of  
22          individuals who provide direct care to residents  
23          of the long-term care facility, such as—

24                  “(i) the establishment of standard  
25                  human resource policies that reward high

1 performance, including policies that pro-  
2 vide for improved wages and benefits on  
3 the basis of job reviews;

4 “(ii) the establishment of motivational  
5 and thoughtful work organization prac-  
6 tices;

7 “(iii) the creation of a workplace cul-  
8 ture that respects and values caregivers  
9 and their needs;

10 “(iv) the promotion of a workplace  
11 culture that respects the rights of residents  
12 of a long-term care facility and results in  
13 improved care for the residents; and

14 “(v) the establishment of other pro-  
15 grams that promote the provision of high  
16 quality care, such as a continuing edu-  
17 cation program that provides additional  
18 hours of training, including on-the-job  
19 training, for employees who are certified  
20 nurse aides.

21 “(C) APPLICATION.—To be eligible to re-  
22 ceive a grant under this paragraph, a long-term  
23 care facility shall submit an application to the  
24 Secretary at such time, in such manner, and  
25 containing such information as the Secretary

1           may require (which may include evidence of  
2           consultation with the State in which the long-  
3           term care facility is located with respect to car-  
4           rying out activities funded under the grant).

5           “(D) AUTHORITY TO LIMIT NUMBER OF  
6           APPLICANTS.—Nothing in this paragraph shall  
7           be construed as prohibiting the Secretary from  
8           limiting the number of applicants for a grant  
9           under this paragraph.

10          “(E) ELIGIBLE EMPLOYEE DEFINED.—In  
11          this paragraph, the term ‘eligible employee’  
12          means an individual who establishes or imple-  
13          ments management practices applicable with re-  
14          spect to individuals who provide direct care to  
15          residents of a long-term care facility and in-  
16          cludes administrators, directors of nursing,  
17          staff developers, and charge nurses.

18          “(4) ACCOUNTABILITY MEASURES.—The Sec-  
19          retary shall develop accountability measures to en-  
20          sure that the activities conducted using funds made  
21          available under this subsection benefit eligible em-  
22          ployees and increase the stability of the long-term  
23          care workforce.

24          “(b) INFORMATICS SYSTEMS GRANT PROGRAM.—

1           “(1) GRANTS AUTHORIZED.—The Secretary is  
2 authorized to make grants to long-term care facili-  
3 ties for the purpose of assisting such entities in off-  
4 setting the costs related to purchasing, leasing, de-  
5 veloping, and implementing standardized clinical  
6 health care informatics systems designed to improve  
7 patient safety and reduce adverse events and health  
8 care complications resulting from medication errors.

9           “(2) USE OF GRANT FUNDS.—Funds provided  
10 under grants under this subsection may be used for  
11 any of the following:

12                   “(A) Purchasing, leasing, and installing  
13 computer software and hardware, including  
14 handheld computer technologies.

15                   “(B) Making improvements to existing  
16 computer software and hardware.

17                   “(C) Making upgrades and other improve-  
18 ments to existing computer software and hard-  
19 ware to enable e-prescribing.

20                   “(D) Providing education and training to  
21 eligible long-term care facility staff on the use  
22 of technology to implement the electronic trans-  
23 mission of prescription and patient information.

24           “(3) APPLICATION.—To be eligible to receive a  
25 grant under this subsection, a long-term care facility

1 shall submit an application to the Secretary at such  
2 time, in such manner, and containing such informa-  
3 tion as the Secretary may require (which may in-  
4 clude evidence of consultation with the State in  
5 which the long-term care facility is located with re-  
6 spect to carrying out activities funded under the  
7 grant).

8 “(4) AUTHORITY TO LIMIT NUMBER OF APPLI-  
9 CANTS.—Nothing in this subsection shall be con-  
10 strued as prohibiting the Secretary from limiting the  
11 number of applicants for a grant under this sub-  
12 section.

13 “(5) ACCOUNTABILITY MEASURES.—The Sec-  
14 retary shall develop accountability measures to en-  
15 sure that the activities conducted using funds made  
16 available under this subsection help improve patient  
17 safety and reduce adverse events and health care  
18 complications resulting from medication errors.

19 “(c) INCLUSION OF ADJUDICATED CRIMES ON NURS-  
20 ING HOME COMPARE WEBSITE.—Not later than 1 year  
21 after the date of enactment of the Elder Justice Act of  
22 2009, the Secretary shall ensure that the Department of  
23 Health and Human Services includes, as part of the infor-  
24 mation provided for comparison of nursing facilities on the  
25 official Internet website of the Federal Government for

1 Medicare beneficiaries (commonly referred to as the  
2 ‘Nursing Home Compare’ Medicare website), the number  
3 of adjudicated instances of criminal violations by a nurs-  
4 ing facility or crimes committed by an employee of a nurs-  
5 ing facility—

6           “(1) that were committed inside of the facility;

7           and

8           “(2) with respect to such instances of violations  
9           or crimes committed outside of the facility, that  
10          were the violations or crimes of elder abuse, neglect,  
11          and exploitation, criminal sexual abuse of an elder,  
12          or other violations or crimes that resulted in the se-  
13          rious bodily injury of an elder.

14          “(d) DEVELOPMENT OF CONSUMER RIGHTS INFOR-  
15          MATION PAGE ON NURSING HOME COMPARE WEBSITE.—

16 Not later than 1 year after the date of enactment of the  
17 Elder Justice Act of 2009, the Secretary shall ensure that  
18 the Department of Health and Human Services, as part  
19 of the information provided for comparison of nursing fa-  
20 cilities on the Nursing Home Compare Medicare website  
21 develops and includes a consumer rights information page  
22 that contains links to descriptions of, and information  
23 with respect to, the following:

24           “(1) The documentation on nursing facilities  
25           that is available to the public.

1           “(2) General information and tips on choosing  
2           a nursing facility that meets the needs of the indi-  
3           vidual.

4           “(3) General information on consumer rights  
5           with respect to nursing facilities.

6           “(4) The nursing facility survey process (on a  
7           national and State-specific basis).

8           “(5) On a State-specific basis, the services  
9           available through the State long-term care ombuds-  
10          man for such State.

11          “(e) DEVELOPMENT AND ADOPTION OF STANDARDS  
12          FOR TRANSACTIONS INVOLVING CLINICAL DATA BY  
13          LONG-TERM CARE FACILITIES.—

14                 “(1) STANDARDS.—The Secretary shall develop  
15                 and adopt uniform open electronic standards for  
16                 transactions involving clinical data by long-term care  
17                 facilities. Such standards shall include messaging  
18                 and nomenclature standards.

19                 “(2) COMPATIBILITY WITH OTHER STAND-  
20                 ARDS.—The standards developed and adopted under  
21                 paragraph (1) shall be compatible with standards es-  
22                 tablished under part C of title XI, standards estab-  
23                 lished under subsections (b)(2)(B)(i) and (e)(4) of  
24                 section 1860D–4, standards adopted under section



1 3004 of the Public Health Service Act, and with  
2 general health information technology standards.

3 “(3) ELECTRONIC SUBMISSION OF DATA TO  
4 THE SECRETARY.—

5 “(A) IN GENERAL.—Not later than 10  
6 years after the date of enactment of the Elder  
7 Justice Act of 2009, the Secretary shall have  
8 procedures in place to accept the optional elec-  
9 tronic submission of clinical data by long-term  
10 care facilities pursuant to the standards devel-  
11 oped and adopted under paragraph (1).

12 “(B) RULE OF CONSTRUCTION.—Nothing  
13 in this subsection shall be construed to require  
14 a long-term care facility to submit clinical data  
15 electronically to the Secretary.

16 “(f) REGULATIONS.—The Secretary shall promulgate  
17 regulations to carry out subsections (c), (d), and (e) of  
18 this section. Such regulations shall require a State, as a  
19 condition of the receipt of funds under this part, to con-  
20 duct such data collection and reporting as the Secretary  
21 determines are necessary to satisfy the requirements of  
22 such subsections.

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to carry out this sec-  
25 tion—

- 1           “(1) for fiscal year 2010, \$20,000,000;  
2           “(2) for fiscal year 2011, \$17,500,000; and  
3           “(3) for each of fiscal years 2012 and 2013,  
4           \$15,000,000.

5 **“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND**  
6 **GRANT PROGRAMS.**

7           “(a) SECRETARIAL RESPONSIBILITIES.—

8           “(1) IN GENERAL.—The Secretary shall ensure  
9           that the Department of Health and Human Serv-  
10          ices—

11                   “(A) provides funding authorized by this  
12                   part to State and local adult protective services  
13                   offices that investigate reports of the abuse, ne-  
14                   glect, and exploitation of elders;

15                   “(B) collects and disseminates data annu-  
16                   ally relating to the abuse, exploitation, and ne-  
17                   glect of elders in coordination with the Depart-  
18                   ment of Justice;

19                   “(C) develops and disseminates informa-  
20                   tion on best practices regarding, and provides  
21                   training on, carrying out adult protective serv-  
22                   ices;

23                   “(D) conducts research related to the pro-  
24                   vision of adult protective services; and

1           “(E) provides technical assistance to  
2 States and other entities that provide or fund  
3 the provision of adult protective services, in-  
4 cluding through grants made under subsections  
5 (b) and (c).

6           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated to carry out  
8 this subsection, \$3,000,000 for fiscal year 2010 and  
9 \$4,000,000 for each of fiscal years 2011 through  
10 2013.

11          “(b) GRANTS TO ENHANCE THE PROVISION OF  
12 ADULT PROTECTIVE SERVICES.—

13           “(1) ESTABLISHMENT.—There is established an  
14 adult protective services grant program under which  
15 the Secretary shall annually award grants to States  
16 in the amounts calculated under paragraph (2) for  
17 the purposes of enhancing adult protective services  
18 provided by States and local units of government.

19           “(2) AMOUNT OF PAYMENT.—

20           “(A) IN GENERAL.—Subject to the avail-  
21 ability of appropriations and subparagraphs (B)  
22 and (C), the amount paid to a State for a fiscal  
23 year under the program under this subsection  
24 shall equal the amount appropriated for that  
25 year to carry out this subsection multiplied by

1 the percentage of the total number of elders  
2 who reside in the United States who reside in  
3 that State.

4 “(B) GUARANTEED MINIMUM PAYMENT  
5 AMOUNT.—

6 “(i) 50 STATES.—Subject to clause  
7 (ii), if the amount determined under sub-  
8 paragraph (A) for a State for a fiscal year  
9 is less than 0.75 percent of the amount ap-  
10 propriated for such year, the Secretary  
11 shall increase such determined amount so  
12 that the total amount paid under this sub-  
13 section to the State for the year is equal  
14 to 0.75 percent of the amount so appro-  
15 priated.

16 “(ii) TERRITORIES.—In the case of a  
17 State other than 1 of the 50 States, clause  
18 (i) shall be applied as if each reference to  
19 ‘0.75’ were a reference to ‘0.1’.

20 “(C) PRO RATA REDUCTIONS.—The Sec-  
21 retary shall make such pro rata reductions to  
22 the amounts described in subparagraph (A) as  
23 are necessary to comply with the requirements  
24 of subparagraph (B).

25 “(3) AUTHORIZED ACTIVITIES.—

1           “(A) ADULT PROTECTIVE SERVICES.—  
2 Funds made available pursuant to this sub-  
3 section may only be used by States and local  
4 units of government to provide adult protective  
5 services and may not be used for any other pur-  
6 pose.

7           “(B) USE BY AGENCY.—Each State receiv-  
8 ing funds pursuant to this subsection shall pro-  
9 vide such funds to the agency or unit of State  
10 government having legal responsibility for pro-  
11 viding adult protective services within the State.

12           “(C) SUPPLEMENT NOT SUPPLANT.—Each  
13 State or local unit of government shall use  
14 funds made available pursuant to this sub-  
15 section to supplement and not supplant other  
16 Federal, State, and local public funds expended  
17 to provide adult protective services in the State.

18           “(4) STATE REPORTS.—Each State receiving  
19 funds under this subsection shall submit to the Sec-  
20 retary, at such time and in such manner as the Sec-  
21 retary may require, a report on the number of elders  
22 served by the grants awarded under this subsection.

23           “(5) AUTHORIZATION OF APPROPRIATIONS.—  
24 There are authorized to be appropriated to carry out

1 this subsection, \$100,000,000 for each of fiscal  
2 years 2010 through 2013.

3 “(c) STATE DEMONSTRATION PROGRAMS.—

4 “(1) ESTABLISHMENT.—The Secretary shall  
5 award grants to States for the purposes of con-  
6 ducting demonstration programs in accordance with  
7 paragraph (2).

8 “(2) DEMONSTRATION PROGRAMS.—Funds  
9 made available pursuant to this subsection may be  
10 used by States and local units of government to con-  
11 duct demonstration programs that test—

12 “(A) training modules developed for the  
13 purpose of detecting or preventing elder abuse;

14 “(B) methods to detect or prevent financial  
15 exploitation of elders;

16 “(C) methods to detect elder abuse;

17 “(D) whether training on elder abuse  
18 forensics enhances the detection of elder abuse  
19 by employees of the State or local unit of gov-  
20 ernment; or

21 “(E) other matters relating to the detec-  
22 tion or prevention of elder abuse.

23 “(3) APPLICATION.—To be eligible to receive a  
24 grant under this subsection, a State shall submit an  
25 application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-  
 2 retary may require.

3 “(4) STATE REPORTS.—Each State that re-  
 4 ceives funds under this subsection shall submit to  
 5 the Secretary a report at such time, in such manner,  
 6 and containing such information as the Secretary  
 7 may require on the results of the demonstration pro-  
 8 gram conducted by the State using funds made  
 9 available under this subsection.

10 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
 11 There are authorized to be appropriated to carry out  
 12 this subsection, \$25,000,000 for each of fiscal years  
 13 2010 through 2013.

14 **“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM**  
 15 **GRANTS AND TRAINING.**

16 “(a) GRANTS TO SUPPORT THE LONG-TERM CARE  
 17 OMBUDSMAN PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall make  
 19 grants to eligible entities with relevant expertise and  
 20 experience in abuse and neglect in long-term care fa-  
 21 cilities or long-term care ombudsman programs and  
 22 responsibilities, for the purpose of—

23 “(A) improving the capacity of State long-  
 24 term care ombudsman programs to respond to  
 25 and resolve complaints about abuse and neglect;

1           “(B) conducting pilot programs with State  
2           long-term care ombudsman offices or local om-  
3           budsman entities; and

4           “(C) providing support for such State  
5           long-term care ombudsman programs and such  
6           pilot programs (such as through the establish-  
7           ment of a national long-term care ombudsman  
8           resource center).

9           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
10          There are authorized to be appropriated to carry out  
11          this subsection—

12                 “(A) for fiscal year 2010, \$5,000,000;

13                 “(B) for fiscal year 2011, \$7,500,000; and

14                 “(C) for each of fiscal years 2012 and  
15                 2013, \$10,000,000.

16          “(b) OMBUDSMAN TRAINING PROGRAMS.—

17                 “(1) IN GENERAL.—The Secretary shall estab-  
18                 lish programs to provide and improve ombudsman  
19                 training with respect to elder abuse, neglect, and ex-  
20                 ploitation for national organizations and State long-  
21                 term care ombudsman programs.

22                 “(2) AUTHORIZATION OF APPROPRIATIONS.—  
23                 There are authorized to be appropriated to carry out  
24                 this subsection, for each of fiscal years 2010  
25                 through 2013, \$10,000,000.



1 **“SEC. 2044. PROVISION OF INFORMATION REGARDING, AND**  
 2 **EVALUATIONS OF, ELDER JUSTICE PRO-**  
 3 **GRAMS.**

4 “(a) PROVISION OF INFORMATION.—To be eligible to  
 5 receive a grant under this part, an applicant shall agree—

6 “(1) except as provided in paragraph (2), to  
 7 provide the eligible entity conducting an evaluation  
 8 under subsection (b) of the activities funded through  
 9 the grant with such information as the eligible entity  
 10 may require in order to conduct such evaluation; or

11 “(2) in the case of an applicant for a grant  
 12 under section 2041(b), to provide the Secretary with  
 13 such information as the Secretary may require to  
 14 conduct an evaluation or audit under subsection (c).

15 “(b) USE OF ELIGIBLE ENTITIES TO CONDUCT  
 16 EVALUATIONS.—

17 “(1) EVALUATIONS REQUIRED.—Except as pro-  
 18 vided in paragraph (2), the Secretary shall—

19 “(A) reserve a portion (not less than 2 per-  
 20 cent) of the funds appropriated with respect to  
 21 each program carried out under this part; and

22 “(B) use the funds reserved under sub-  
 23 paragraph (A) to provide assistance to eligible  
 24 entities to conduct evaluations of the activities  
 25 funded under each program carried out under  
 26 this part.

1           “(2) INFORMATICS SYSTEMS GRANT PROGRAM  
2 NOT INCLUDED.—The provisions of this subsection  
3 shall not apply to the informatics systems grant pro-  
4 gram under section 2041(b).

5           “(3) AUTHORIZED ACTIVITIES.—A recipient of  
6 assistance described in paragraph (1)(B) shall use  
7 the funds made available through the assistance to  
8 conduct a validated evaluation of the effectiveness of  
9 the activities funded under a program carried out  
10 under this part.

11           “(4) APPLICATIONS.—To be eligible to receive  
12 assistance under paragraph (1)(B), an entity shall  
13 submit an application to the Secretary at such time,  
14 in such manner, and containing such information as  
15 the Secretary may require, including a proposal for  
16 the evaluation.

17           “(5) REPORTS.—Not later than a date specified  
18 by the Secretary, an eligible entity receiving assist-  
19 ance under paragraph (1)(B) shall submit to the  
20 Secretary, the Committee on Ways and Means and  
21 the Committee on Energy and Commerce of the  
22 House of Representatives, and the Committee on Fi-  
23 nance of the Senate a report containing the results  
24 of the evaluation conducted using such assistance to-

1       gether with such recommendations as the entity de-  
2       termines to be appropriate.

3       “(c) EVALUATIONS AND AUDITS OF INFORMATICS  
4       SYSTEMS GRANT PROGRAM BY THE SECRETARY.—

5               “(1) EVALUATIONS.—The Secretary shall con-  
6       duct an evaluation of the activities funded under the  
7       informatics systems grant program under section  
8       2041(b). Such evaluation shall include an evaluation  
9       of whether the funding provided under the grant is  
10      expended only for the purposes for which it is made.

11              “(2) AUDITS.—The Secretary shall conduct ap-  
12      propriate audits of grants made under section  
13      2041(b).

14   **“SEC. 2045. REPORT.**

15      “Not later than October 1, 2013, the Secretary shall  
16      submit to the Elder Justice Coordinating Council estab-  
17      lished under section 2021, the Committee on Ways and  
18      Means and the Committee on Energy and Commerce of  
19      the House of Representatives, and the Committee on Fi-  
20      nance of the Senate a report—

21              “(1) compiling, summarizing, and analyzing the  
22      information contained in the State reports submitted  
23      under subsections (b)(4) and (c)(4) of section 2042;  
24      and

1           “(2) containing such recommendations for legis-  
 2           lative or administrative action as the Secretary de-  
 3           termines to be appropriate.”.

4           (2) OPTION FOR STATE PLAN UNDER PROGRAM  
 5           FOR TEMPORARY ASSISTANCE FOR NEEDY FAMI-  
 6           LIES.—

7           (A) IN GENERAL.—Section 402(a)(1)(B) of  
 8           the Social Security Act (42 U.S.C.  
 9           602(a)(1)(B)) is amended by adding at the end  
 10          the following new clause:

11                   “(v) The document shall indicate  
 12                   whether the State intends to assist individ-  
 13                   uals to train for, seek, and maintain em-  
 14                   ployment—

15                           “(I) providing direct care in a  
 16                           long-term care facility (as such terms  
 17                           are defined under section 2011); or

18                           “(II) in other occupations related  
 19                           to elder care determined appropriate  
 20                           by the State for which the State iden-  
 21                           tifies an unmet need for service per-  
 22                           sonnel,

23                           and, if so, shall include an overview of such  
 24                           assistance.”.

1 (B) EFFECTIVE DATE.—The amendment  
2 made by subparagraph (A) shall take effect on  
3 January 1, 2010.

4 (b) PROTECTING RESIDENTS OF LONG-TERM CARE  
5 FACILITIES.—

6 (1) NATIONAL TRAINING INSTITUTE FOR SUR-  
7 VEYORS.—

8 (A) IN GENERAL.—The Secretary of  
9 Health and Human Services shall enter into a  
10 contract with an entity for the purpose of estab-  
11 lishing and operating a National Training Insti-  
12 tute for Federal and State surveyors. Such In-  
13 stitute shall provide and improve the training of  
14 surveyors with respect to investigating allega-  
15 tions of abuse, neglect, and misappropriation of  
16 property in programs and long-term care facili-  
17 ties that receive payments under title XVIII or  
18 XIX of the Social Security Act.

19 (B) ACTIVITIES CARRIED OUT BY THE IN-  
20 STITUTE.—The contract entered into under  
21 subparagraph (A) shall require the Institute es-  
22 tablished and operated under such contract to  
23 carry out the following activities:

24 (i) Assess the extent to which State  
25 agencies use specialized surveyors for the

1 investigation of reported allegations of  
2 abuse, neglect, and misappropriation of  
3 property in such programs and long-term  
4 care facilities.

5 (ii) Evaluate how the competencies of  
6 surveyors may be improved to more effec-  
7 tively investigate reported allegations of  
8 such abuse, neglect, and misappropriation  
9 of property, and provide feedback to Fed-  
10 eral and State agencies on the evaluations  
11 conducted.

12 (iii) Provide a national program of  
13 training, tools, and technical assistance to  
14 Federal and State surveyors on inves-  
15 tigating reports of such abuse, neglect, and  
16 misappropriation of property.

17 (iv) Develop and disseminate informa-  
18 tion on best practices for the investigation  
19 of such abuse, neglect, and misappropria-  
20 tion of property.

21 (v) Assess the performance of State  
22 complaint intake systems, in order to en-  
23 sure that the intake of complaints occurs  
24 24 hours per day, 7 days a week (including  
25 holidays).

1 (vi) To the extent approved by the  
2 Secretary of Health and Human Services,  
3 provide a national 24 hours per day, 7  
4 days a week (including holidays), back-up  
5 system to State complaint intake systems  
6 in order to ensure optimum national re-  
7 sponsiveness to complaints of such abuse,  
8 neglect, and misappropriation of property.

9 (vii) Analyze and report annually on  
10 the following:

11 (I) The total number and sources  
12 of complaints of such abuse, neglect,  
13 and misappropriation of property.

14 (II) The extent to which such  
15 complaints are referred to law en-  
16 forcement agencies.

17 (III) General results of Federal  
18 and State investigations of such com-  
19 plaints.

20 (viii) Conduct a national study of the  
21 cost to State agencies of conducting com-  
22 plaint investigations of skilled nursing fa-  
23 cilities and nursing facilities under sections  
24 1819 and 1919, respectively, of the Social  
25 Security Act (42 U.S.C. 1395i-3; 1396r),

1           and making recommendations to the Sec-  
2           retary of Health and Human Services with  
3           respect to options to increase the efficiency  
4           and cost-effectiveness of such investiga-  
5           tions.

6           (C) AUTHORIZATION.—There are author-  
7           ized to be appropriated to carry out this para-  
8           graph, for the period of fiscal years 2010  
9           through 2013, \$12,000,000.

10          (2) GRANTS TO STATE SURVEY AGENCIES.—

11           (A) IN GENERAL.—The Secretary of  
12           Health and Human Services shall make grants  
13           to State agencies that perform surveys of  
14           skilled nursing facilities or nursing facilities  
15           under sections 1819 or 1919, respectively, of  
16           the Social Security Act (42 U.S.C. 1395i–3;  
17           1395r).

18           (B) USE OF FUNDS.—A grant awarded  
19           under subparagraph (A) shall be used for the  
20           purpose of designing and implementing com-  
21           plaint investigations systems that—

22                   (i) promptly prioritize complaints in  
23                   order to ensure a rapid response to the  
24                   most serious and urgent complaints;



1 (ii) respond to complaints with opti-  
 2 mum effectiveness and timeliness; and

3 (iii) optimize the collaboration be-  
 4 tween local authorities, consumers, and  
 5 providers, including—

6 (I) such State agency;

7 (II) the State Long-Term Care  
 8 Ombudsman;

9 (III) local law enforcement agen-  
 10 cies;

11 (IV) advocacy and consumer or-  
 12 ganizations;

13 (V) State aging units;

14 (VI) Area Agencies on Aging;

15 and

16 (VII) other appropriate entities.

17 (C) AUTHORIZATION.—There are author-  
 18 ized to be appropriated to carry out this para-  
 19 graph, for each of fiscal years 2010 through  
 20 2013, \$5,000,000.

21 (3) REPORTING OF CRIMES AND ENSURING  
 22 SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED  
 23 LONG-TERM CARE FACILITIES CLOSE.—Part A of  
 24 title XI of the Social Security Act (42 U.S.C. 1301

1 et seq.) is amended by adding at the end the fol-  
2 lowing new sections:

3 “REPORTING TO LAW ENFORCEMENT OF CRIMES OCCUR-  
4 RING IN FEDERALLY FUNDED LONG-TERM CARE FA-  
5 CILITIES

6 “SEC. 1150A. (a) DETERMINATION AND NOTIFICA-  
7 TION.—

8 “(1) DETERMINATION.—The owner or operator  
9 of each long-term care facility that receives Federal  
10 funds under this Act shall annually determine  
11 whether the facility received at least \$10,000 in such  
12 Federal funds during the preceding year.

13 “(2) NOTIFICATION.—If the owner or operator  
14 determines under paragraph (1) that the facility re-  
15 ceived at least \$10,000 in such Federal funds during  
16 the preceding year, such owner or operator shall an-  
17 nually notify each covered individual (as defined in  
18 paragraph (3)) of that individual’s obligation to  
19 comply with the reporting requirements described in  
20 subsection (b).

21 “(3) COVERED INDIVIDUAL DEFINED.—In this  
22 section, the term ‘covered individual’ means each in-  
23 dividual who is an owner, operator, employee, man-  
24 ager, agent, or contractor of a long-term care facility  
25 that is the subject of a determination described in  
26 paragraph (1).

1 “(b) REPORTING REQUIREMENTS.—

2 “(1) IN GENERAL.—Each covered individual  
3 shall report to the Secretary and 1 or more law en-  
4 forcement entities for the political subdivision in  
5 which the facility is located any reasonable suspicion  
6 of a crime (as defined by the law of the applicable  
7 political subdivision) against any individual who is a  
8 resident of, or is receiving care from, the facility.

9 “(2) TIMING.—If the events that cause the sus-  
10 picion—

11 “(A) result in serious bodily injury, the in-  
12 dividual shall report the suspicion immediately,  
13 but not later than 2 hours after forming the  
14 suspicion; and

15 “(B) do not result in serious bodily injury,  
16 the individual shall report the suspicion not  
17 later than 24 hours after forming the suspicion.

18 “(c) PENALTIES.—

19 “(1) IN GENERAL.—If a covered individual vio-  
20 lates subsection (b)—

21 “(A) the covered individual shall be subject  
22 to a civil money penalty of not more than  
23 \$200,000; or

1           “(B) the Secretary shall classify the cov-  
2           ered individual as an excluded individual, for a  
3           period of not more than 3 years.

4           “(2) INCREASED HARM.—If a covered indi-  
5           vidual violates subsection (b) and the violation exac-  
6           erbates the harm to the victim of the crime or re-  
7           sults in harm to another individual—

8           “(A) the covered individual shall be subject  
9           to a civil money penalty of not more than  
10          \$300,000; and

11          “(B) the Secretary shall classify the cov-  
12          ered individual as an excluded individual, for a  
13          period of not more than 3 years.

14          “(3) EXCLUDED INDIVIDUAL.—During any pe-  
15          riod for which a covered individual is classified as an  
16          excluded individual under paragraph (1)(B) or  
17          (2)(B), a long-term care facility that employs such  
18          individual shall be ineligible to receive Federal funds  
19          under this Act.

20          “(4) EXTENUATING CIRCUMSTANCES.—

21          “(A) IN GENERAL.—The Secretary may  
22          take into account the financial burden on pro-  
23          viders with underserved populations in deter-  
24          mining any penalty to be imposed under this  
25          subsection.

1           “(B) UNDERSERVED POPULATION DE-  
2           FINED.—In this paragraph, the term ‘under-  
3           served population’ means the population of an  
4           area designated by the Secretary as an area  
5           with a shortage of elder justice programs or a  
6           population group designated by the Secretary  
7           as having a shortage of such programs. Such  
8           areas or groups designated by the Secretary  
9           may include—

10                   “(i) areas or groups that are geo-  
11                   graphically isolated (such as isolated in a  
12                   rural area);

13                   “(ii) racial and ethnic minority popu-  
14                   lations; and

15                   “(iii) populations underserved because  
16                   of special needs (such as language barriers,  
17                   disabilities, alien status, or age).

18           “(d) ADDITIONAL PENALTIES FOR RETALIATION.—

19                   “(1) IN GENERAL.—A long-term care facility  
20                   may not—

21                   “(A) discharge, demote, suspend, threaten,  
22                   harass, or deny a promotion or other employ-  
23                   ment-related benefit to an employee, or in any  
24                   other manner discriminate against an employee

1 in the terms and conditions of employment be-  
2 cause of lawful acts done by the employee; or

3 “(B) file a complaint or a report against a  
4 nurse or other employee with the appropriate  
5 State professional disciplinary agency because  
6 of lawful acts done by the nurse or employee,  
7 for making a report, causing a report to be made,  
8 or for taking steps in furtherance of making a report  
9 pursuant to subsection (b)(1).

10 “(2) PENALTIES FOR RETALIATION.—If a long-  
11 term care facility violates subparagraph (A) or (B)  
12 of paragraph (1) the facility shall be subject to a  
13 civil money penalty of not more than \$200,000 or  
14 the Secretary may classify the entity as an excluded  
15 entity for a period of 2 years pursuant to section  
16 1128(b), or both.

17 “(3) REQUIREMENT TO POST NOTICE.—Each  
18 long-term care facility shall post conspicuously in an  
19 appropriate location a sign (in a form specified by  
20 the Secretary) specifying the rights of employees  
21 under this section. Such sign shall include a state-  
22 ment that an employee may file a complaint with the  
23 Secretary against a long-term care facility that vio-  
24 lates the provisions of this subsection and informa-

1       tion with respect to the manner of filing such a com-  
2       plaint.

3       “(e) PROCEDURE.—The provisions of section 1128A  
4 (other than subsections (a) and (b) and the second sen-  
5 tence of subsection (f)) shall apply to a civil money penalty  
6 under this section in the same manner as such provisions  
7 apply to a penalty or proceeding under section 1128A(a).

8       “(f) DEFINITIONS.—In this section, the terms ‘elder  
9 justice’, ‘long-term care facility’, and ‘law enforcement’  
10 have the meanings given those terms in section 2011.

11       “ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY  
12       FUNDED LONG-TERM CARE FACILITIES CLOSE

13       “SEC. 1150B. (a) IN GENERAL.—

14       “(1) NOTIFICATION OF FACILITY CLOSURE.—  
15       Subject to paragraph (2), if the owner or operator  
16       determines under section 1150A(a)(1) that a long-  
17       term care facility received at least \$10,000 in Fed-  
18       eral funds under this Act during the preceding year,  
19       the owner or operator of the facility shall—

20               “(A) submit to the Secretary and the ap-  
21               propriate State regulatory agency written notifi-  
22               cation of an impending closure not later than  
23               the date that is 60 days prior to the date of  
24               such closure;

25               “(B) include in the notice a plan for the  
26               transfer and adequate relocation of the resi-

1           dents of the facility prior to closure, including  
2           assurances that the residents will be transferred  
3           to the most appropriate facility in terms of  
4           quality, services, and location; and

5                   “(C) not later than 10 days after the facil-  
6           ity closure, submit to the Secretary and the ap-  
7           propriate State agency information identifying  
8           where residents of the closed facility were trans-  
9           ferred and on what date.

10                   “(2) EXCEPTION WHERE THE SECRETARY HAS  
11           ISSUED A TERMINATION NOTICE.—In the case of a  
12           long-term care facility described in paragraph (1) for  
13           which the Secretary has issued a termination notice  
14           for the facility to close by not later than 15 days  
15           after the issuance of such notice, the Secretary shall  
16           establish requirements for the notification, transfer,  
17           and adequate relocation of residents within an ap-  
18           propriate timeframe.

19                   “(b) SANCTIONS.—Any person owning or operating  
20           a long-term care facility that fails to comply with the re-  
21           quirements of subsection (a) shall be subject to—

22                   “(1) a civil monetary penalty of up to  
23           \$1,000,000;



1           “(2) exclusion from participation in the pro-  
2           grams under this Act (in accordance with the proce-  
3           dures of section 1128); and

4           “(3) any other applicable civil monetary pen-  
5           alties and assessments.

6           “(c) PROCEDURE.—The provisions of section 1128A  
7           (other than subsections (a) and (b) and the second sen-  
8           tence of subsection (f)) shall apply to a civil money penalty  
9           or assessment under this section in the same manner as  
10          such provisions apply to a penalty or proceeding under  
11          section 1128A(a).

12          “(d) DEFINITION.—In this section, the term ‘long-  
13          term care facility’ has the meaning given that term in sec-  
14          tion 2011.”.

15          (c) NATIONAL NURSE AIDE REGISTRY.—

16               (1) DEFINITION OF NURSE AIDE.—In this sub-  
17               section, the term “nurse aide” has the meaning  
18               given that term in sections 1819(b)(5)(F) and  
19               1919(b)(5)(F) of the Social Security Act (42 U.S.C.  
20               1395i–3(b)(5)(F); 1396r(b)(5)(F)).

21               (2) STUDY AND REPORT.—

22                       (A) IN GENERAL.—The Secretary, in con-  
23                       sultation with appropriate government agencies  
24                       and private sector organizations, shall conduct

1 a study on establishing a national nurse aide  
2 registry.

3 (B) AREAS EVALUATED.—The study con-  
4 ducted under this subsection shall include an  
5 evaluation of—

6 (i) who should be included in the reg-  
7 istry;

8 (ii) how such a registry would comply  
9 with Federal and State privacy laws and  
10 regulations;

11 (iii) how data would be collected for  
12 the registry;

13 (iv) what entities and individuals  
14 would have access to the data collected;

15 (v) how the registry would provide ap-  
16 propriate information regarding violations  
17 of Federal and State law by individuals in-  
18 cluded in the registry;

19 (vi) how the functions of a national  
20 nurse aide registry would be coordinated  
21 with the pilot program for national and  
22 State background checks on direct patient  
23 access employees of long-term care facili-  
24 ties or providers established under section  
25 307 of the Medicare Prescription Drug,

1 Improvement, and Modernization Act of  
2 2003 (Public Law 108–173); and

3 (vii) how the information included in  
4 State nurse aide registries developed and  
5 maintained under sections 1819(e)(2) and  
6 1919(e)(2) of the Social Security Act (42  
7 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2))  
8 would be provided as part of a national  
9 nurse aide registry.

10 (C) CONSIDERATIONS.—In conducting the  
11 study and preparing the report required under  
12 this subsection, the Secretary shall take into  
13 consideration the findings and conclusions of  
14 relevant reports and other relevant resources,  
15 including the following:

16 (i) The Department of Health and  
17 Human Services Office of Inspector Gen-  
18 eral Report, Nurse Aide Registries: State  
19 Compliance and Practices (February  
20 2005).

21 (ii) The General Accounting Office  
22 (now known as the Government Account-  
23 ability Office) Report, Nursing Homes:  
24 More Can Be Done to Protect Residents  
25 from Abuse (March 2002).

1 (iii) The Department of Health and  
2 Human Services Office of the Inspector  
3 General Report, Nurse Aide Registries:  
4 Long-Term Care Facility Compliance and  
5 Practices (July 2005).

6 (iv) The Department of Health and  
7 Human Services Health Resources and  
8 Services Administration Report, Nursing  
9 Aides, Home Health Aides, and Related  
10 Health Care Occupations—National and  
11 Local Workforce Shortages and Associated  
12 Data Needs (2004) (in particular with re-  
13 spect to chapter 7 and appendix F).

14 (v) The 2001 Report to CMS from  
15 the School of Rural Public Health, Texas  
16 A&M University, Preventing Abuse and  
17 Neglect in Nursing Homes: The Role of  
18 Nurse Aide Registries.

19 (vi) Information included in State  
20 nurse aide registries developed and main-  
21 tained under sections 1819(e)(2) and  
22 1919(e)(2) of the Social Security Act (42  
23 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).

24 (D) REPORT.—Not later than 18 months  
25 after the date of enactment of this Act, the Sec-

1           retary shall submit to the Elder Justice Coordi-  
2           nating Council established under section 2021  
3           of the Social Security Act, as added by section  
4           5(a), the Committee on Finance of the Senate,  
5           and the Committee on Ways and Means and  
6           the Committee on Energy and Commerce of the  
7           House of Representatives a report containing  
8           the findings and recommendations of the study  
9           conducted under this paragraph.

10           (E) FUNDING LIMITATION.—Funding for  
11           the study conducted under this subsection shall  
12           not exceed \$500,000.

13           (3) CONGRESSIONAL ACTION.—After receiving  
14           the report submitted by the Secretary under para-  
15           graph (2)(D), the Committee on Finance of the Sen-  
16           ate and the Committee on Ways and Means and the  
17           Committee on Energy and Commerce of the House  
18           of Representatives shall, as they deem appropriate,  
19           take action based on the recommendations contained  
20           in the report.

21           (4) AUTHORIZATION OF APPROPRIATIONS.—  
22           There are authorized to be appropriated such sums  
23           as are necessary for the purpose of carrying out this  
24           subsection.

25           (d) CONFORMING AMENDMENTS.—

1           (1) TITLE XX.—Title XX of the Social Security  
2 Act (42 U.S.C. 1397 et seq.), as amended by section  
3 5(a), is amended—

4           (A) in the heading of section 2001, by  
5 striking “TITLE” and inserting “SUBTITLE”;  
6 and

7           (B) in subtitle 1, by striking “this title”  
8 each place it appears and inserting “this sub-  
9 title”.

10          (2) TITLE IV.—Title IV of the Social Security  
11 Act (42 U.S.C. 601 et seq.) is amended—

12           (A) in section 404(d)—

13           (i) in paragraphs (1)(A), (2)(A), and  
14 (3)(B), by inserting “subtitle 1 of” before  
15 “title XX” each place it appears;

16           (ii) in the heading of paragraph (2),  
17 by inserting “SUBTITLE OF” before “TITLE  
18 XX”; and

19           (iii) in the heading of paragraph  
20 (3)(B), by inserting “SUBTITLE OF” before  
21 “TITLE XX”; and

22           (B) in sections 422(b), 471(a)(4),  
23 472(h)(1), and 473(b)(2), by inserting “subtitle  
24 1 of” before “title XX” each place it appears.

1           (3) TITLE XI.—Title XI of the Social Security  
2 Act (42 U.S.C. 1301 et seq.) is amended—

3           (A) in section 1128(h)(3)—

4                 (i) by inserting “subtitle 1 of” before  
5 “title XX”; and

6                 (ii) by striking “such title” and in-  
7 serting “such subtitle”; and

8           (B) in section 1128A(i)(1), by inserting  
9 “subtitle 1 of” before “title XX”.

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