

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. BURR, and Mr. SANDERS)  
introduced the following bill; which was read twice and referred to the  
Committee on \_\_\_\_\_

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**A BILL**

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Act  
5 Reauthorization Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

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

9 (1) by striking paragraph (1) and inserting the  
10 following:

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

6           (2) by striking paragraph (3) and inserting the  
7           following:

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

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

13                 “(B) investigating the reports described in  
14                 subparagraph (A);

15                 “(C) case planning, monitoring, evaluation,  
16                 and other casework and services; and

17                 “(D) providing, arranging for, or facili-  
18                 tating the provision of medical, social service,  
19                 economic, legal, housing, law enforcement, or  
20                 other protective, emergency, or support serv-  
21                 ices.”;

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

24                 “(4) The term ‘Aging and Disability Resource  
25          Center’ means an entity, network, or consortium es-

1        established by a State as part of the State system of  
2        long-term care, to provide a coordinated and inte-  
3        grated system for older individuals and individuals  
4        with disabilities (as defined in section 3 of the Amer-  
5        icans with Disabilities Act of 1990 (42 U.S.C.  
6        12102)), and the caregivers of older individuals and  
7        individuals with disabilities, that provides—

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

17              “(B) person-centered counseling to assist  
18              individuals in assessing their existing or antici-  
19              pated long-term care needs and goals, and de-  
20              veloping and implementing a person-centered  
21              plan for long-term care that is consistent with  
22              the desires of such an individual and designed  
23              to meet the individual’s specific needs, goals,  
24              and circumstances;

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

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

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

21           (5) by striking paragraph (17) and inserting  
22 the following:

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

24                   “(A) from a societal perspective, efforts  
25                   to—

1 “(i) prevent, detect, treat, intervene  
2 in, and prosecute elder abuse, neglect, and  
3 exploitation; and

4 “(ii) protect older individuals with di-  
5 minished capacity while maximizing their  
6 autonomy; and

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

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

14 **SEC. 3. ADMINISTRATION ON AGING.**

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

17 (1) in subsection (d)(3)—

18 (A) in subparagraph (H), by striking  
19 “202(a)(21)” and inserting “202(a)(18)”;

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

22 (C) in subparagraph (L)—

23 (i) by striking “Older Americans Act  
24 Amendments of 1992” and inserting

1 “Older Americans Act Reauthorization Act  
2 of 2015”; and

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

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

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

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

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

18 (1) in subsection (a)—

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

22 (B) in paragraph (7), by inserting “health  
23 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 sserting 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)—

## 24

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.