

Calendar No. **290**113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1562**

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2013

Mr. SANDERS (for himself, Mr. ALEXANDER, Mr. HARKIN, Mr. BEGICH, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JANUARY 6, 2014

Reported by Mr. HARKIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Act  
5 Reauthorization Act of 2013”.

1 **SEC. 2. DEFINITIONS.**

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

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

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

11 (2) by striking paragraph (4) and inserting the  
12 following:

13 “(4) The term ‘Aging and Disability Resource  
14 Center’ means an entity, network, or consortium es-  
15 tablished by a State as part of the State system of  
16 long-term care, to provide a coordinated and inte-  
17 grated system for older individuals and individuals  
18 with disabilities (as defined in section 3 of the Amer-  
19 icans with Disabilities Act of 1990 (42 U.S.C.  
20 12102)), and the caregivers of older individuals and  
21 individuals with disabilities, that provides—

22 “(A) comprehensive information on the full  
23 range of available public and private long-term  
24 care programs, options, service providers, and  
25 resources within a community, including infor-  
26 mation on the availability of integrated long-

1 term care services, and Federal or State pro-  
2 grams that provide long-term care services and  
3 supports through home and community-based  
4 service programs;

5 “(B) person-centered counseling to assist  
6 individuals in assessing their existing or antici-  
7 pated long-term care needs and goals, and de-  
8 veloping and implementing a person-centered  
9 plan for long-term care that is consistent with  
10 the desires of such an individual and designed  
11 to meet the individual’s specific needs, goals,  
12 and circumstances;

13 “(C) access for individuals to the full  
14 range of publicly supported long-term care serv-  
15 ices and supports for which the individuals may  
16 be eligible, including home and community-  
17 based service options, by serving as a conven-  
18 ient point of entry for such programs and sup-  
19 ports; and

20 “(D) in cooperation with area agencies on  
21 aging, centers for independent living described  
22 in part C of title VII of the Rehabilitation Act  
23 of 1973 (29 U.S.C. 796f et seq.), and other  
24 community-based entities, information and re-  
25 ferrals regarding available home and commu-

1           nity-based services for individuals who are at  
2           risk for residing in, or who reside in, institu-  
3           tional settings, so that the individuals have the  
4           choice to remain in or to return to the commu-  
5           nity.”;

6           (3) in paragraph (14)(B), by inserting “oral  
7           health,” after “bone density,”;

8           (4) by striking paragraph (17) and inserting  
9           the following:

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

11                 “(A) from a societal perspective, efforts  
12                 to—

13                         “(i) prevent, detect, treat, intervene  
14                         in, and prosecute elder abuse, neglect, and  
15                         exploitation; and

16                         “(ii) protect older individuals with di-  
17                         minished capacity while maximizing their  
18                         autonomy; and

19                 “(B) from an individual perspective, the  
20                 recognition of an older individual’s rights, in-  
21                 cluding the right to be free of abuse, neglect,  
22                 and exploitation.”;

23           (5) in paragraph (18)(A), by striking “term ‘ex-  
24           ploitation’ means” and inserting “terms ‘exploit-  
25           tation’ and ‘financial exploitation’ mean”; and

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

2 “(55) The term ‘adult protective services’  
3 means such services provided to adults as the Sec-  
4 retary may specify and includes services such as—

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

7 “(B) investigating the reports described in  
8 subparagraph (A);

9 “(C) case planning, monitoring, evaluation,  
10 and other casework and services; and

11 “(D) providing, arranging for, or facili-  
12 tating the provision of medical, social service,  
13 economic, legal, housing, law enforcement, or  
14 other protective, emergency, or support serv-  
15 ices.”.

16 **SEC. 3. ADMINISTRATION ON AGING.**

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

19 (1) in subsection (d)(3)—

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

22 (B) in subparagraph (L)—

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

1 “Older Americans Act Reauthorization Act  
2 of 2013”; and

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

5 (C) 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 (c)(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(1)(2)(B) of the So-  
 2       cial Security Act (42 U.S.C. 1396d(1)(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.”; and

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 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 216 of the Older Americans Act of 1965 (42 U.S.C.  
25 3020f) is amended—

1           (1) in subsection (a), by striking “2007, 2008,  
2           2009, 2010, and 2011” and inserting “2014, 2015,  
3           2016, 2017, and 2018”;

4           (2) in subsection (b)—

5                 (A) by striking “202(a)(24)” and inserting  
6                 “202(a)(21)”; and

7                 (B) by striking “2007, 2008, 2009, 2010,  
8                 and 2011” and inserting “2014, 2015, 2016,  
9                 2017, and 2018”; and

10           (3) in subsection (c), by striking “2007, 2008,  
11           2009, 2010, and 2011” and inserting “2014, 2015,  
12           2016, 2017, and 2018”.

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

14           (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
15 ~~303~~ of the Older Americans Act of 1965 (42 U.S.C. ~~3023~~)  
16 is amended—

17                 (1) in subsection (a)(1), by striking “fiscal  
18                 years 2007” and all that follows and inserting “each  
19                 of fiscal years 2014 through 2018.”;

20                 (2) in subsection (b)—

21                         (A) in paragraph (1), by striking “fiscal  
22                         years 2007” and all that follows and inserting  
23                         “each of fiscal years 2014 through 2018.”; and

1           (B) in paragraph (2), by striking “fiscal  
2           years 2007” and all that follows and inserting  
3           “each of fiscal years 2014 through 2018.”;

4           (3) in subsection (d), by striking “fiscal years  
5           2007” and all that follows and inserting “each of  
6           fiscal years 2014 through 2018.”; and

7           (4) in subsection (e)(2), by striking “2011” and  
8           inserting “2011 and each of fiscal years 2014  
9           through 2018”.

10          (b) CONFORMING AMENDMENT.—Section 304(b) of  
11 the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is  
12 amended by striking “subpart 1 of”.

13          (c) PLANNING AND SERVICE AREAS.—Section  
14 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965  
15 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking  
16 “planning and services areas” and inserting “planning  
17 and service areas”.

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

20               (1) in subsection (a)—

21                       (A) in paragraph (1), by striking “estab-  
22                       lishment, maintenance, or construction of multi-  
23                       purpose senior centers,” and inserting “estab-  
24                       lishment, maintenance, modernization, or con-  
25                       struction of multipurpose senior centers (includ-

1 ing a plan to use the skills and services of older  
 2 individuals in paid and unpaid work, including  
 3 multigenerational and older individual to older  
 4 individual work),” and

5 (B) in paragraph (6)—

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

8 (ii) by adding at the end the fol-  
 9 lowing:

10 “(H) in coordination with the State agency  
 11 and with the State agency responsible for elder  
 12 abuse prevention services, increase public  
 13 awareness of elder abuse, neglect, and exploi-  
 14 tation, and remove barriers to education, pre-  
 15 vention, investigation, and treatment of elder  
 16 abuse neglect, and exploitation education, as  
 17 appropriate;” and

18 (2) in subsection (b)(3)—

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

21 (B) by redesignating subparagraph (K) as  
 22 subparagraph (L); and

23 (C) by inserting after subparagraph (J)  
 24 the following:

1           “(K) protection from elder abuse, neglect,  
2           and exploitation; and”.

3           (e) NUTRITION SERVICES INCENTIVE PROGRAM.—

4 Section 311(e) of the Older Americans Act of 1965 (42  
5 U.S.C. 3030a(e)) is amended by striking “fiscal year  
6 2007” and all that follows and inserting “each of fiscal  
7 years 2014 through 2018.”.

8           (f) SUPPORTIVE SERVICES.—Section 321 of the  
9 Older Americans Act of 1965 (42 U.S.C. 3030d) is  
10 amended—

11           (1) in subsection (a)—

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

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

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

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

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

8           (g) HOME DELIVERED NUTRITION SERVICES PRO-  
9           GRAM.—Section 336(a)(1) of the Older Americans Act of  
10          1965 (42 U.S.C. 3030f(a)(1)) is amended by striking  
11          “canned” and all that follows through “meals” and insert-  
12          ing “canned, or fresh foods and, as appropriate, supple-  
13          mental foods, and any additional meals”.

14          (h) NUTRITION SERVICES.—Section 339 of the Older  
15          Americans Act of 1965 (42 U.S.C. 3030g–21) is amend-  
16          ed—

17                  (1) in paragraph (1), by striking “solicit” and  
18                  inserting “utilize”; and

19                  (2) in paragraph (2)—

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

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

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

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

6           (i) ~~EVIDENCE-BASED DISEASE PREVENTION AND~~  
7 ~~HEALTH PROMOTION SERVICES PROGRAM.~~—Part D of  
8 title III of the Older Americans Act of 1965 (42 U.S.C.  
9 ~~3030m et seq.~~) is amended—

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

12           (2) in section ~~361(a)~~, by inserting “evidence-  
13 based” after “to provide”.

14           (j) ~~OLDER RELATIVE CAREGIVERS.~~—

15           (1) ~~TECHNICAL AMENDMENT.~~—Part E of title  
16 III of the Older Americans Act of 1965 (42 U.S.C.  
17 ~~3030s et seq.~~) is amended by striking the subpart  
18 heading for subpart 1.

19           (2) ~~DEFINITIONS.~~—Section ~~372~~ of such Act (42  
20 U.S.C. ~~3030s~~) is amended—

21           (A) in subsection (a)—

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

24           (ii) by striking paragraph (2) and in-  
25 serting the following:

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

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

9                   “(A)(i) is 55 years of age or older; and

10                   “(ii) lives with; is the informal provider of  
 11 in-home and community care to; and is the pri-  
 12 mary caregiver for; a child or an individual with  
 13 a disability;

14                   “(B) in the case of a caregiver for a  
 15 child—

16                   “(i) is the grandparent, stepgrandpar-  
 17 ent, or other relative (other than the par-  
 18 ent) by blood, marriage, or adoption, of the  
 19 child;

20                   “(ii) is the primary caregiver of the  
 21 child because the biological or adoptive  
 22 parents are unable or unwilling to serve as  
 23 the primary caregivers of the child; and

24                   “(iii) has a legal relationship to the  
 25 child, such as legal custody, adoption, or



1 guardianship, or is raising the child infor-  
 2 mally; and

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

8 (B) in subsection (b)—

9 (i) by striking “subpart” and all that  
 10 follows through “family caregivers” and in-  
 11 serting “part, for family caregivers”;

12 (ii) by striking “; and” and inserting  
 13 a period; and

14 (iii) by striking paragraph (2).

15 (k) NATIONAL FAMILY CAREGIVER SUPPORT PRO-  
 16 GRAM.—Section 373 of the Older Americans Act of 1965  
 17 (42 U.S.C. 3030s-1) is amended—

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

21 (2) in subsection (c)—

22 (A) in paragraph (1), in the matter pre-  
 23 ceeding subparagraph (A), by striking “grand-  
 24 parents and older individuals who are relative

1           caregivers, and who” and inserting “older rel-  
2           ative caregivers, who”; and

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

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

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

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

20          (H) CONFORMING AMENDMENT.—Part E of title III  
21 is amended by striking “this subpart” each place it ap-  
22 pears and inserting “this part”.

1 **SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**  
2 **LONGEVITY.**

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

5 (1) in subsection (a)—

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

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

10 (C) by inserting after paragraph (12) the  
11 following:

12 “(13) continuing support for program integrity  
13 initiatives concerning the Medicare program under  
14 title XVIII of the Social Security Act (42 U.S.C.  
15 1395 et seq.) that train senior volunteers to prevent  
16 and identify health care fraud and abuse; and”;

17 (2) in subsection (b), by striking “for fiscal  
18 years 2007” and all that follows through “2011”  
19 and inserting “for each of fiscal years 2014 through  
20 2018”.

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

1       (e) **LEGAL ASSISTANCE FOR OLDER AMERICANS.**—  
2 Section 420(e) of the Older Americans Act of 1965 (42  
3 U.S.C. 3032i(e)) is amended by striking “national”.

4       (d) **REPEALS.**—Sections 415, 419, and 421 of the  
5 Older Americans Act of 1965 (42 U.S.C. 3032d, 3032h,  
6 3032j) is repealed.

7       (e) **CONFORMING AMENDMENT.**—Section 417(a)(1)  
8 of the Older Americans Act of 1965 (42 U.S.C.  
9 3032f(a)(1)) is amended by striking “grandparents and  
10 other older individuals who are relative caregivers” and  
11 inserting “older relative caregivers (as defined in section  
12 372)”.

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

14       Section 517(a) of the Older Americans Act of 1965  
15 (42 U.S.C. 3056o(a)) is amended by striking “fiscal years  
16 2007, 2008, 2009, 2010, and 2011” and inserting “each  
17 of fiscal years 2014 through 2018”.

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

19       Section 643(2) of the Older Americans Act of 1965  
20 (42 U.S.C. 3057n(2)) is amended by striking “fiscal year  
21 2011” and inserting “each of fiscal years 2014 through  
22 2018”.

1 **SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**  
 2 **TIES.**

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

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

9 (1) in subsection (a)—

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

14 (B) in paragraph (3)—

15 (i) in subparagraph (A), by striking  
 16 clause (i) and inserting the following:

17 “(i) are made by, or on behalf of, resi-  
 18 dents, including residents with limited or  
 19 no decision-making capacity and who have  
 20 no known legal representative; and if such  
 21 a resident is unable to communicate con-  
 22 sent for an Ombudsman to work on a com-  
 23 plaint directly involving the resident, the  
 24 Ombudsman shall seek evidence to indicate  
 25 what outcome the resident would have  
 26 communicated (and, in the absence of evi-

1 dence to the contrary, shall assume that  
 2 the resident wishes to have the resident's  
 3 health, safety, welfare, and rights pro-  
 4 tected) and shall work to accomplish that  
 5 outcome; and";

6 (ii) in subparagraph (D), by striking  
 7 "regular and timely" and inserting "reg-  
 8 ular, timely, private, and unimpeded";

9 (iii) in subparagraph (H)(iii)—

10 (I) by inserting ", actively en-  
 11 courage, and assist in" after "provide  
 12 technical support for"; and

13 (II) by striking "and" after the  
 14 semicolon;

15 (iv) by redesignating subparagraph (I)  
 16 as subparagraph (J); and

17 (v) by inserting after subparagraph  
 18 (H) the following:

19 "(I) when feasible, continue to carry out  
 20 the functions described in this section on behalf  
 21 of residents transitioning from a long-term care  
 22 facility to a home care setting; and"; and

23 (C) in paragraph (5)(B)—

24 (i) in clause (vi)—

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

4 (II) by striking “and” after the  
5 semicolon;

6 (ii) by redesignating clause (vii) as  
7 clause (viii); and

8 (iii) by inserting after clause (vi) the  
9 following:

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

1           (2) in subsection (b)—

2                   (A) in paragraph (1)—

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

6                           (ii) in subparagraph (B)—

7                                   (I) in clause (i)—

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

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

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

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

23                           “(3) HEALTH OVERSIGHT AGENCY.—For pur-  
24                           poses of section 264(e) of the Health Insurance  
25                           Portability and Accountability Act of 1996 (includ-



1 ing regulations issued under that section) (42 U.S.C.  
 2 1320d-2 note), the Ombudsman and a representa-  
 3 tive of the Office shall be considered a ‘health over-  
 4 sight agency,’ so that release of residents’ individ-  
 5 ually identifiable health information to the Ombuds-  
 6 man or representative is not precluded in cases in  
 7 which the requirements of clause (i) or (ii) of para-  
 8 graph (1)(B), or the requirements of paragraph  
 9 (1)(D), are otherwise met.”;

10 (3) in subsection (d)—

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

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

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

20 (II) by striking “and” after the  
 21 semicolon;

22 (ii) in subparagraph (B)—

23 (I) by striking “files or records”  
 24 and inserting “files, records, or other  
 25 information”; and

1                   (II) in clause (iii), by striking the  
2                   period at the end and inserting “;  
3                   and”; and

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

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

15                  (4) by striking subsection (f) and inserting the  
16                  following:

17                  “(f) CONFLICT OF INTEREST.—

18                  “(1) INDIVIDUAL CONFLICT OF INTEREST.—

19                  The State agency shall—

20                  “(A) ensure that no individual, or member  
21                  of the immediate family of an individual, in-  
22                  volved in the designation of the Ombudsman  
23                  (whether by appointment or otherwise) or the  
24                  designation of an entity designated under sub-

1 section (a)(5), is subject to a conflict of inter-  
2 est;

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

8 “(C) ensure that the Ombudsman—

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

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

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

24 “(iv) does not receive, or have the  
25 right to receive, directly or indirectly, re-

1           muneration (in cash or in kind) under a  
2           compensation arrangement with an owner  
3           or operator of a long-term care facility;

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

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

15           “(2) ORGANIZATIONAL CONFLICT OF INTER-  
16          EST.—

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

22           “(i) is responsible for licensing, certi-  
23          fying or surveying long-term care services  
24          in the State;

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

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

15           “(iv) provides long-term care case  
16 management;

17           “(v) sets rates for long-term care  
18 services;

19           “(vi) provides adult protective serv-  
20 ices;

21           “(vii) is responsible for eligibility de-  
22 terminations for the Medicaid program  
23 carried out under title XIX, of the Social  
24 Security Act (42 U.S.C. 1395 et seq., 1396  
25 et seq.);

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

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

7           “(B) IDENTIFYING, REMOVING, AND REM-  
8           EDYING ORGANIZATIONAL CONFLICT.—

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

18                 “(I) identified by the State agen-  
19                 cy;

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

23                 “(III) remedied in accordance  
24                 with this subparagraph.

1           “(ii) ACTION BY ASSISTANT SEC-  
 2           RETARY.—In a case in which a potential or  
 3           actual organizational conflict of interest  
 4           (within the meaning of subparagraph (A))  
 5           involving the Office is disclosed or reported  
 6           to the Assistant Secretary by any person  
 7           or entity, the Assistant Secretary shall re-  
 8           quire that the State agency, in accordance  
 9           with the policies and procedures estab-  
 10          lished by the State agency under section  
 11          705(a)(5)(D)(iii)—

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

20          (5) in subsection (h)—

21                           (A) in paragraph (3)(A)(i), by striking  
 22                           “older”;

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

1 “(4) strengthen and update”;

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

5 (D) by inserting after paragraph (3) the  
6 following:

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

11 (E) in paragraph (6)(A), as redesignated  
12 by subparagraph (B) of this paragraph, by  
13 striking “paragraph (4)” and inserting “para-  
14 graph (5)”;

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

19 (G) in paragraph (10), as redesignated by  
20 subparagraph (B) of this paragraph, by striking  
21 “(6), or (7)” and inserting “(7), or (8)”.

22 (e) OMBUDSMAN REGULATIONS.—Section 713 of the  
23 Older Americans Act of 1965 (42 U.S.C. 3058h) is  
24 amended—



1           (1) in paragraph (1), by striking “paragraphs  
2           (1) and (2) of section 712(f)” and inserting “sub-  
3           paragraphs (A) and (B) of section 712(f)(1)”; and  
4           (2) in paragraph (2), by striking “subpara-  
5           graphs (A) through (D) of section 712(f)(3)” and  
6           inserting “clauses (i) through (vi) of section  
7           712(f)(1)(C)”.

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

11           (1) in subsection (b)—

12           (A) by redesignating paragraphs (5)  
13           through (12) as paragraphs (6) through (13),  
14           respectively;

15           (B) by inserting after paragraph (4) the  
16           following:

17           “(5) promoting the submission of data on elder  
18           abuse, neglect, and exploitation for the appropriate  
19           database of the Administration or another database  
20           specified by the Assistant Secretary;”;

21           (C) in paragraph (10)(C), as redesignated  
22           by paragraph (1) of this subsection—

23           (i) in clause (ii), by inserting “, such  
24           as forensic specialists,” after “such per-  
25           sonnel”; and

1           (ii) in clause (v), by inserting before  
 2           the comma the following: “, including pro-  
 3           grams and arrangements that protect  
 4           against financial exploitation”; and  
 5           (D) in paragraph (12), as redesignated by  
 6           paragraph (1) of this subsection—

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

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

11          “(F) supporting and studying innovative  
 12          practices in communities to develop partner-  
 13          ships across disciplines for the prevention, in-  
 14          vestigation, and prosecution of abuse, neglect,  
 15          and exploitation; and”; and

16          (2) in subsection (c)(2), in the matter preceding  
 17          subparagraph (A)—

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

20           (B) by striking “subsection (b)(9)(B)(ii)”  
 21           and inserting “subsection (b)(10)(B)(ii)”.

22 **SEC. 9. BEHAVIORAL HEALTH.**

23          The Older Americans Act of 1965 is amended—

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

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

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

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

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

9           (3) in section 202(a)(5) (42 U.S.C.  
10          3012(a)(5)), by inserting “and behavioral” after  
11          “mental”;

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

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

15           (B) in paragraph (6)(F), by striking “men-  
16           tal health services” each place such term ap-  
17           pears and inserting “mental and behavioral  
18           health services”; and

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

20           (A) in paragraph (1), as amended by see-  
21           tion 4(f), by inserting “and behavioral” after  
22           “mental”;

23           (B) in paragraph (8), as amended by see-  
24           tion 4(f), by inserting “and behavioral” after  
25           “mental”;

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

3           (D) in paragraph (23), by inserting “and  
4           behavioral” after “mental”.

5 **SEC. 10. STUDY ON TRANSPORTATION SERVICES.**

6           (a) **STUDY.**—

7           (1) **IN GENERAL.**—Because access to transpor-  
8           tation services is critical for millions of older individ-  
9           uals in the United States, to allow them to maintain  
10          independence, health, and quality of life, the Comp-  
11          troller General of the United States shall conduct a  
12          study of transportation services for older individuals.

13          (2) **CONTENTS.**—In conducting the study, the  
14          Comptroller General—

15               (A) shall identify challenges and barriers  
16               affecting the aging network in providing, ac-  
17               cessing, or coordinating efficient and effective  
18               transportation services, including challenges  
19               and barriers in coordinating services with Fed-  
20               eral agencies and programs such as the Depart-  
21               ment of Transportation and Medicaid program  
22               under title XIX of the Social Security Act (42  
23               U.S.C. 1396 et seq.); and

24               (B) shall examine any Federal program re-  
25               quirements that may result in challenges or

1           barriers to the coordination of transportation  
2           services within the aging network at the local  
3           level.

4           (b) **REPORT.**—Not later than 18 months after the  
5 date of enactment of this Act, the Comptroller General  
6 shall issue a report. The report shall contain a detailed  
7 description of the findings and conclusions of the study,  
8 including any recommendations for administrative and  
9 other changes to enhance transportation services provided  
10 by the aging network. The Comptroller General shall sub-  
11 mit the report to the Committee on Education and the  
12 Workforce of the House of Representatives and the Com-  
13 mittee on Health, Education, Labor, and Pensions of the  
14 Senate.

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

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

1 the Assistant Secretary for Aging shall consult with ex-  
2 perts and organizations serving Holocaust survivors, and  
3 shall take into account the possibility that the needs of  
4 Holocaust survivors may differ based on geography.

5 (b) CONTENTS.—The guidance shall include the fol-  
6 lowing:

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

12 (2) How transportation service providers may  
13 address the urgent transportation needs of Holo-  
14 caust survivors.

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

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

1           ~~(5) How other services provided under that Act,~~  
2           ~~as determined by the Assistant Secretary for Aging,~~  
3           ~~may serve Holocaust survivors.~~

4           ~~(e) DATE OF ISSUANCE.—The guidance described in~~  
5           ~~subsection (a) shall be issued not later than 180 days after~~  
6           ~~the date of enactment of this Act.~~

7           **SECTION 1. SHORT TITLE.**

8           *This Act may be cited as the “Older Americans Act*  
9           *Reauthorization Act of 2014”.*

10          **SEC. 2. DEFINITIONS.**

11          *Section 102 of the Older Americans Act of 1965 (42*  
12          *U.S.C. 3002) is amended—*

13                 *(1) by striking paragraph (1) and inserting the*  
14                 *following:*

15                         *“(1) The term ‘abuse’ means the knowing inflic-*  
16                         *tion of physical or psychological harm or the knowing*  
17                         *deprivation of goods or services that are necessary to*  
18                         *meet essential needs or to avoid physical or psycho-*  
19                         *logical harm.”;*

20                 *(2) by striking paragraph (3) and inserting the*  
21                 *following:*

22                         *“(3) The term ‘adult protective services’ means*  
23                         *such services provided to adults as the Secretary may*  
24                         *specify and includes services such as—*

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

3           “(B) investigating the reports described in  
4           subparagraph (A);

5           “(C) case planning, monitoring, evaluation,  
6           and other casework and services; and

7           “(D) providing, arranging for, or facili-  
8           tating the provision of medical, social service,  
9           economic, legal, housing, law enforcement, or  
10          other protective, emergency, or support services.”;

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

13          “(4) The term ‘Aging and Disability Resource  
14          Center’ means an entity, network, or consortium es-  
15          tablished by a State as part of the State system of  
16          long-term care, to provide a coordinated and inte-  
17          grated system for older individuals and individuals  
18          with disabilities (as defined in section 3 of the Ameri-  
19          cans with Disabilities Act of 1990 (42 U.S.C.  
20          12102)), and the caregivers of older individuals and  
21          individuals with disabilities, that provides—

22                 “(A) comprehensive information on the full  
23                 range of available public and private long-term  
24                 care programs, options, service providers, and re-  
25                 sources within a community, including informa-



1            *tion on the availability of integrated long-term*  
2            *care services, and Federal or State programs*  
3            *that provide long-term care services and supports*  
4            *through home and community-based service pro-*  
5            *grams;*

6            *“(B) person-centered counseling to assist in-*  
7            *dividuals in assessing their existing or antici-*  
8            *pated long-term care needs and goals, and devel-*  
9            *oping and implementing a person-centered plan*  
10           *for long-term care that is consistent with the de-*  
11           *sires of such an individual and designed to meet*  
12           *the individual’s specific needs, goals, and cir-*  
13           *cumstances;*

14           *“(C) access for individuals to the full range*  
15           *of publicly-supported long-term care services and*  
16           *supports for which the individuals may be eligi-*  
17           *ble, including home and community-based serv-*  
18           *ice options, by serving as a convenient point of*  
19           *entry for such programs and supports; and*

20           *“(D) in cooperation with area agencies on*  
21           *aging, centers for independent living described in*  
22           *part C of title VII of the Rehabilitation Act of*  
23           *1973 (29 U.S.C. 796f et seq.), and other commu-*  
24           *nity-based entities, information and referrals re-*  
25           *garding available home and community-based*

1           *services for individuals who are at risk for resid-*  
2           *ing in, or who reside in, institutional settings, so*  
3           *that the individuals have the choice to remain in*  
4           *or to return to the community.”;*

5           (4) *in paragraph (14)(B), by inserting “oral*  
6           *health,” after “bone density,”;*

7           (5) *by striking paragraph (17) and inserting the*  
8           *following:*

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

10            “(A) *from a societal perspective, efforts to—*

11                “(i) *prevent, detect, treat, intervene in,*  
12                *and prosecute elder abuse, neglect, and ex-*  
13                *ploitation; and*

14                “(ii) *protect older individuals with di-*  
15                *minished capacity while maximizing their*  
16                *autonomy; and*

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

21           (6) *in paragraph (18)(A), by striking “term ‘ex-*  
22           *ploitation’ means” and inserting “terms ‘exploitation’*  
23           *and ‘financial exploitation’ mean”.*

1 **SEC. 3. ADMINISTRATION ON AGING.**

2 (a) *BEST PRACTICES.*—Section 201 of the Older Amer-  
3 icans Act of 1965 (42 U.S.C. 3011) is amended—

4 (1) in subsection (d)(3)—

5 (A) in subparagraph (K), by striking “and”  
6 at the end;

7 (B) in subparagraph (L)—

8 (i) by striking “Older Americans Act  
9 Amendments of 1992” and inserting “Older  
10 Americans Act Reauthorization Act of  
11 2014”; and

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

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

15 “(M) collect and analyze best practices related to  
16 responding to elder abuse, neglect, and exploitation in  
17 long-term care facilities, and publish a report of such  
18 best practices.”; and

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

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

26 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

10           (2) in subsection (b)—

11           (A) in paragraph (5)—

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

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

16           (iii) by adding at the end the fol-  
17           lowing:

18           “(D) when feasible, developing, in consulta-  
19           tion with States and national organizations, a  
20           consumer-friendly tool to assist older individuals  
21           and their families in choosing home and commu-  
22           nity-based services, with a particular focus on  
23           ways for consumers to assess how providers pro-  
24           tect the health, safety, welfare, and rights, in-

1           *cluding the rights provided under section 314, of*  
2           *older individuals;”;*

3           *(B) in paragraph (8)—*

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

7                 *(ii) in subparagraph (D)—*

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

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

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

15                         *(iv) by adding at the end the following:*

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

22                         *(3) by adding at the end the following:*

23                                 *“(g) The Assistant Secretary shall, as appropriate, en-*  
24                                 *sure that programs authorized under this Act include ap-*  
25                                 *propriate training in the prevention of abuse, neglect, and*

1 *exploitation and provision of services that address elder jus-*  
 2 *tice and the exploitation of older individuals.”.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
 4 *216 of the Older Americans Act of 1965 (42 U.S.C. 3020f)*  
 5 *is amended—*

6 (1) *in subsection (a), by striking “2007, 2008,*  
 7 *2009, 2010, and 2011” and inserting “2014, 2015,*  
 8 *2016, 2017, and 2018”;*

9 (2) *in subsection (b)—*

10 (A) *by striking “202(a)(24)” and inserting*  
 11 *“202(a)(21)”;* and

12 (B) *by striking “2007, 2008, 2009, 2010,*  
 13 *and 2011” and inserting “2014, 2015, 2016,*  
 14 *2017, and 2018”;* and

15 (3) *in subsection (c), by striking “2007, 2008,*  
 16 *2009, 2010, and 2011” and inserting “2014, 2015,*  
 17 *2016, 2017, and 2018”.*

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

19 (a) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
 20 *303 of the Older Americans Act of 1965 (42 U.S.C. 3023)*  
 21 *is amended—*

22 (1) *in subsection (a)(1), by striking “fiscal years*  
 23 *2007” and all that follows and inserting “each of fis-*  
 24 *cal years 2014 through 2018.”;*

25 (2) *in subsection (b)—*

1           (A) in paragraph (1), by striking “fiscal  
2           years 2007” and all that follows and inserting  
3           “each of fiscal years 2014 through 2018.”; and

4           (B) in paragraph (2), by striking “fiscal  
5           years 2007” and all that follows and inserting  
6           “each of fiscal years 2014 through 2018.”;

7           (3) in subsection (d), by striking “fiscal years  
8           2007” and all that follows and inserting “each of fis-  
9           cal years 2014 through 2018.”; and

10          (4) in subsection (e)(2), by striking “2011” and  
11          inserting “2011 and each of fiscal years 2014 through  
12          2018”.

13          (b) *CONFORMING AMENDMENT.*—Section 304(b) of the  
14          Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amend-  
15          ed by striking “subpart 1 of”.

16          (c) *PLANNING AND SERVICE AREAS.*—Section  
17          305(b)(5)(C)(i)(III) of the Older Americans Act of 1965 (42  
18          U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking “plan-  
19          ning and services areas” and inserting “planning and serv-  
20          ice areas”.

21          (d) *AREA PLANS.*—Section 306 of the Older Americans  
22          Act of 1965 (42 U.S.C. 3026) is amended—

23                 (1) in subsection (a)—

24                         (A) in paragraph (1), by striking “estab-  
25                         lishment, maintenance, or construction of multi-



1           *purpose senior centers,” and inserting “establish-*  
2           *ment, maintenance, modernization, or construc-*  
3           *tion of multipurpose senior centers (including a*  
4           *plan to use the skills and services of older indi-*  
5           *viduals in paid and unpaid work, including*  
6           *multigenerational and older individual to older*  
7           *individual work),”;* and

8                   *(B) in paragraph (6)—*

9                           *(i) in subparagraph (G), by adding*  
10                           *“and” at the end; and*

11                           *(ii) by adding at the end the following:*

12                           *“(H) in coordination with the State agency*  
13                           *and with the State agency responsible for elder*  
14                           *abuse prevention services, increase public aware-*  
15                           *ness of elder abuse, neglect, and exploitation, and*  
16                           *remove barriers to education, prevention, inves-*  
17                           *tigation, and treatment of elder abuse, neglect,*  
18                           *and exploitation, as appropriate;”;* and

19                   *(2) in subsection (b)(3)—*

20                           *(A) in subparagraph (J), by striking “and”*  
21                           *at the end;*

22                           *(B) by redesignating subparagraph (K) as*  
23                           *subparagraph (L); and*

24                           *(C) by inserting after subparagraph (J) the*  
25                           *following:*

1                   “(K) protection from elder abuse, neglect,  
2                   and exploitation; and”.

3           (e) *NUTRITION SERVICES INCENTIVE PROGRAM.*—Sec-  
4   tion 311(e) of the Older Americans Act of 1965 (42 U.S.C.  
5   3030a(e)) is amended by striking “fiscal year 2007” and  
6   all that follows and inserting “each of fiscal years 2014  
7   through 2018.”.

8           (f) *SUPPORTIVE SERVICES.*—Section 321 of the Older  
9   Americans Act of 1965 (42 U.S.C. 3030d) is amended—  
10           (1) in subsection (a)—

11                   (A) in paragraph (1), by striking “or refer-  
12                   ral services” and inserting “referral, chronic con-  
13                   dition self-care management, or falls prevention  
14                   services”;

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

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

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

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

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

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

11           (1) *is age 18 or older;*

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

14           (3) *has a disability.”.*

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

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

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

25           (2) *in paragraph (2)—*

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

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

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

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

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

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

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

19          (j) *OLDER RELATIVE CAREGIVERS.*—

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

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

1           (A) in subsection (a)—

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

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

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

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

15                   “(A)(i) is age 55 or older; and

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

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

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

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

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

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

14          (B) in subsection (b)—

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

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

20                 (iii) by striking paragraph (2).

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

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

4           (2) in subsection (c)—

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

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

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

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

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

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

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

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

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

10                *(1) in subsection (a)—*

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

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

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

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

22                                *(2) in subsection (b), by striking “for fiscal years*  
 23                                *2007” and all that follows through “2011” and insert-*  
 24                                *ing “for each of fiscal years 2014 through 2018”.*



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

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

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

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

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

18           Section 517(a) of the Older Americans Act of 1965 (42  
19 *U.S.C. 3056o(a))* is amended by striking “fiscal years 2007,  
20 *2008, 2009, 2010, and 2011” and inserting “each of fiscal*  
21 *years 2014 through 2018”.*

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

23           Section 643(2) of the Older Americans Act of 1965 (42  
24 *U.S.C. 3057n(2))* is amended by striking “fiscal year 2011”  
25 *and inserting “each of fiscal years 2014 through 2018”.*

1 **SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**  
 2 **TIES.**

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

6 (b) *OMBUDSMAN PROGRAMS.*—Section 712 of the *Older*  
 7 *Americans Act of 1965* (42 U.S.C. 3058g) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2), by adding at the end  
 10 the following: “The Ombudsman shall be respon-  
 11 sible for the management, including the fiscal  
 12 management, of the Office.”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (A), by striking  
 15 clause (i) and inserting the following:

16 “(i) are made by, or on behalf of, resi-  
 17 dents, including residents with limited or  
 18 no decisionmaking capacity and who have  
 19 no known legal representative, and if such  
 20 a resident is unable to communicate consent  
 21 for an Ombudsman to work on a complaint  
 22 directly involving the resident, the Ombuds-  
 23 man shall seek evidence to indicate what  
 24 outcome the resident would have commu-  
 25 nicated (and, in the absence of evidence to  
 26 the contrary, shall assume that the resident

1           wishes to have the resident’s health, safety,  
2           welfare, and rights protected) and shall  
3           work to accomplish that outcome; and”;

4           (ii) in subparagraph (D), by striking  
5           “regular and timely” and inserting “reg-  
6           ular, timely, private, and unimpeded”;

7           (iii) in subparagraph (H)(iii)—

8           (I) by inserting “, actively en-  
9           courage, and assist in” after “provide  
10          technical support for”; and

11          (II) by striking “and” after the  
12          semicolon;

13          (iv) by redesignating subparagraph (I)  
14          as subparagraph (J); and

15          (v) by inserting after subparagraph  
16          (H) the following:

17          “(I) when feasible, continue to carry out the  
18          functions described in this section on behalf of  
19          residents transitioning from a long-term care fa-  
20          cility to a home care setting; and”;

21          (C) in paragraph (5)(B)—

22          (i) in clause (vi)—

23          (I) by inserting “, actively en-  
24          courage, and assist in” after “sup-  
25          port”; and

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

3                   (ii) by redesignating clause (vii) as  
4                   clause (viii); and

5                   (iii) by inserting after clause (vi) the  
6                   following:

7                   “(vii) identify, investigate, and resolve  
8                   complaints described in clause (iii) that are  
9                   made by or on behalf of residents with lim-  
10                  ited or no decisionmaking capacity and who  
11                  have no known legal representative, and if  
12                  such a resident is unable to communicate  
13                  consent for an Ombudsman to work on a  
14                  complaint directly involving the resident,  
15                  the Ombudsman shall seek evidence to indi-  
16                  cate what outcome the resident would have  
17                  communicated (and, in the absence of evi-  
18                  dence to the contrary, shall assume that the  
19                  resident wishes to have the resident’s health,  
20                  safety, welfare, and rights protected) and  
21                  shall work to accomplish that outcome;  
22                  and”;

23                  (2) in subsection (b)—

24                   (A) in paragraph (1)—

1           (i) in subparagraph (A), by striking  
2           “access” and inserting “private and  
3           unimpeded access”; and

4           (ii) in subparagraph (B)—

5               (I) in clause (i)—

6                   (aa) in the matter preceding  
7                   subclause (I), by striking “the  
8                   medical and social records of a”  
9                   and inserting “all files, records,  
10                   and other information concerning  
11                   a”; and

12                   (bb) in subclause (II), by  
13                   striking “to consent” and insert-  
14                   ing “to communicate consent”;  
15                   and

16               (II) in clause (ii), in the matter  
17               before subclause (I), by striking “the  
18               records” and inserting “the files,  
19               records, and information”; and

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

21               “(3) *HEALTH OVERSIGHT AGENCY*.—For pur-  
22               poses of section 264(c) of the Health Insurance Port-  
23               ability and Accountability Act of 1996 (including  
24               regulations issued under that section) (42 U.S.C.  
25               1320d–2 note), the Ombudsman and a representative

1       of the Office shall be considered a ‘health oversight  
2       agency,’ so that release of residents’ individually  
3       identifiable health information to the Ombudsman or  
4       representative is not precluded in cases in which the  
5       requirements of clause (i) or (ii) of paragraph (1)(B),  
6       or the requirements of paragraph (1)(D), are other-  
7       wise met.”;

8               (3) in subsection (d)—

9                       (A) in paragraph (1), by striking “files”  
10                      and inserting “files, records, and other informa-  
11                      tion”; and

12                     (B) in paragraph (2)—

13                       (i) in subparagraph (A)—

14                               (I) by striking “files and records”  
15                              each place such term appears and in-  
16                              serting “files, records, and other infor-  
17                              mation”; and

18                               (II) by striking “and” after the  
19                              semicolon;

20                       (ii) in subparagraph (B)—

21                               (I) by striking “files or records”  
22                              and inserting “files, records, or other  
23                              information”; and

1                   (II) in clause (iii), by striking the  
2                   period at the end and inserting “;  
3                   and”; and

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

6                   “(C) notwithstanding subparagraph (B),  
7                   ensure that the Ombudsman may disclose infor-  
8                   mation as needed in order to best serve residents  
9                   with limited or no decisionmaking capacity who  
10                  have no known legal representative and are un-  
11                  able to communicate consent, in order for the  
12                  Ombudsman to carry out the functions and du-  
13                  ties described in paragraphs (3)(A) and (5)(B)  
14                  of subsection (a).”; and

15                  (4) by striking subsection (f) and inserting the  
16                  following:

17                  “(f) *CONFLICT OF INTEREST.*—

18                  “(1) *INDIVIDUAL CONFLICT OF INTEREST.*—*The*  
19                  *State agency shall—*

20                  “(A) ensure that no individual, or member  
21                  of the immediate family of an individual, in-  
22                  volved in the designation of the Ombudsman  
23                  (whether by appointment or otherwise) or the  
24                  designation of an entity designated under sub-  
25                  section (a)(5), is subject to a conflict of interest;

1           “(B) ensure that no officer or employee of  
2           the Office, representative of a local Ombudsman  
3           entity, or member of the immediate family of the  
4           officer, employee, or representative, is subject to  
5           a conflict of interest; and

6           “(C) ensure that the Ombudsman—

7                   “(i) does not have a direct involvement  
8                   in the licensing or certification of a long-  
9                   term care facility or of a provider of a long-  
10                  term care service;

11                  “(ii) does not have an ownership or in-  
12                  vestment interest (represented by equity,  
13                  debt, or other financial relationship) in a  
14                  long-term care facility or a long-term care  
15                  service;

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

22                  “(iv) does not receive, or have the right  
23                  to receive, directly or indirectly, remunera-  
24                  tion (in cash or in kind) under a compensa-



1                    *tion arrangement with an owner or oper-*  
 2                    *ator of a long-term care facility;*

3                    *“(v) does not have management respon-*  
 4                    *sibility for, or operate under the supervision*  
 5                    *of an individual with management respon-*  
 6                    *sibility for, adult protective services; and*

7                    *“(vi) does not serve as a guardian or*  
 8                    *in another fiduciary capacity for residents*  
 9                    *of long-term care facilities in an official ca-*  
 10                    *capacity (as opposed to serving as a guardian*  
 11                    *or fiduciary for a family member, in a per-*  
 12                    *sonal capacity).*

13                    *“(2) ORGANIZATIONAL CONFLICT OF INTER-*  
 14                    *EST.—*

15                    *“(A) IN GENERAL.—The State agency shall*  
 16                    *comply with subparagraph (B)(i) in a case in*  
 17                    *which the Office poses an organizational conflict*  
 18                    *of interest, including a situation in which the*  
 19                    *Office is placed in an organization that—*

20                    *“(i) is responsible for licensing, certi-*  
 21                    *fying, or surveying long-term care services*  
 22                    *in the State;*

23                    *“(ii) is an association (or an affiliate*  
 24                    *of such an association) of long-term care fa-*

1            *cilities, or of any other residential facilities*  
2            *for older individuals;*

3            *“(iii) provides long-term care services,*  
4            *including programs carried out under a*  
5            *Medicaid waiver approved under section*  
6            *1115 of the Social Security Act (42 U.S.C.*  
7            *1315) or under subsection (b) or (c) of sec-*  
8            *tion 1915 of the Social Security Act (42*  
9            *U.S.C. 1396n), or under a Medicaid State*  
10           *plan amendment under subsection (i), (j),*  
11           *or (k) of section 1915 of the Social Security*  
12           *Act (42 U.S.C. 1396n);*

13           *“(iv) provides long-term care case*  
14           *management;*

15           *“(v) sets rates for long-term care serv-*  
16           *ices;*

17           *“(vi) provides adult protective services;*

18           *“(vii) is responsible for eligibility de-*  
19           *terminations for the Medicaid program car-*  
20           *ried out under title XIX of the Social Secu-*  
21           *rity Act (42 U.S.C. 1396 et seq.);*

22           *“(viii) conducts preadmission screen-*  
23           *ing for placements in facilities described in*  
24           *clause (i); or*

1           “(ix) makes decisions regarding admis-  
2           sion or discharge of individuals to or from  
3           such facilities.

4           “(B) IDENTIFYING, REMOVING, AND REM-  
5           EDYING ORGANIZATIONAL CONFLICT.—

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

15                 “(I) identified by the State agen-  
16                 cy;

17                 “(II) disclosed by the State agency  
18                 to the Assistant Secretary in writing;  
19                 and

20                 “(III) remedied in accordance  
21                 with this subparagraph.

22           “(ii) ACTION BY ASSISTANT SEC-  
23           RETARY.—In a case in which a potential or  
24           actual organizational conflict of interest  
25           (within the meaning of subparagraph (A))

1            *involving the Office is disclosed or reported*  
2            *to the Assistant Secretary by any person or*  
3            *entity, the Assistant Secretary shall require*  
4            *that the State agency, in accordance with*  
5            *the policies and procedures established by*  
6            *the State agency under subsection*  
7            *(a)(5)(D)(iii)—*

8                    *“(I) remove the conflict; or*

9                    *“(II) submit, and obtain the ap-*  
10                  *proval of the Assistant Secretary for,*  
11                  *an adequate remedial plan that indi-*  
12                  *cates how the Ombudsman will be*  
13                  *unencumbered in fulfilling all of the*  
14                  *functions specified in subsection*  
15                  *(a)(3).”;* and

16            *(5) in subsection (h)—*

17                  *(A) in paragraph (3)(A)(i), by striking*  
18                  *“older”;*

19                  *(B) in paragraph (4), by striking all that*  
20                  *precedes “procedures” and inserting the fol-*  
21                  *lowing:*

22                  *“(4) strengthen and update”;*

23                  *(C) by redesignating paragraphs (4)*  
24                  *through (9) as paragraphs (5) through (10), re-*  
25                  *spectively;*

1                   (D) by inserting after paragraph (3) the fol-  
2                   lowing:

3                   “(4) ensure that the Ombudsman or a designee  
4                   participates in training provided by the National  
5                   Ombudsman Resource Center established in section  
6                   202(a)(18);”;

7                   (E) in paragraph (6)(A), as redesignated by  
8                   subparagraph (B) of this paragraph, by striking  
9                   “paragraph (4)” and inserting “paragraph (5)”;

10                  (F) in paragraph (7)(A), as redesignated by  
11                  subparagraph (B) of this paragraph, by striking  
12                  “subtitle C of the” and inserting “subtitle C of  
13                  title I of the”; and

14                  (G) in paragraph (10), as redesignated by  
15                  subparagraph (B) of this paragraph, by striking  
16                  “(6), or (7)” and inserting “(7), or (8)”.

17                  (c) OMBUDSMAN REGULATIONS.—Section 713 of the  
18                  Older Americans Act of 1965 (42 U.S.C. 3058h) is amend-  
19                  ed—

20                  (1) in paragraph (1), by striking “paragraphs  
21                  (1) and (2) of section 712(f)” and inserting “subpara-  
22                  graphs (A) and (B) of section 712(f)(1)”;

23                  (2) in paragraph (2), by striking “subpara-  
24                  graphs (A) through (D) of section 712(f)(3)” and in-

1       serting “clauses (i) through (vi) of section  
2       712(f)(1)(C)”.

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

6             (1) in subsection (b)—

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

9                 (B) by redesignating paragraphs (5)  
10                 through (12) as paragraphs (6) through (13), re-  
11                 spectively;

12                 (C) by inserting after paragraph (4) the fol-  
13                 lowing:

14                     “(5) promoting the submission of data on elder  
15                     abuse, neglect, and exploitation for the appropriate  
16                     database of the Administration or another database  
17                     specified by the Assistant Secretary;”;

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

20                     (i) in clause (ii), by inserting “, such  
21                     as forensic specialists,” after “such per-  
22                     sonnel”; and

23                     (ii) in clause (v), by inserting before  
24                     the comma the following: “, including pro-

1           grams and arrangements that protect  
2           against financial exploitation”; and

3           (E) in paragraph (12), as redesignated by  
4           subparagraph (B) of this paragraph—

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

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

8                 “(F) supporting and studying innovative  
9                 practices in communities to develop partnerships  
10                 across disciplines for the prevention, investiga-  
11                 tion, and prosecution of abuse, neglect, and ex-  
12                 ploitation; and”; and

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

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

17                 (B) by striking “subsection (b)(9)(B)(ii)”  
18                 and inserting “subsection (b)(10)(B)(ii)”.

19 **SEC. 9. BEHAVIORAL HEALTH.**

20           *The Older Americans Act of 1965 is amended—*

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

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

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

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

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

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

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

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

10           (B) in paragraph (6)(F), by striking “men-  
11           tal health services” each place such term appears  
12           and inserting “mental and behavioral health  
13           services”; and

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

15           (A) in paragraph (1), as amended by sec-  
16           tion 4(f), by inserting “and behavioral” after  
17           “mental”;

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

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

22 **SEC. 10. STUDY ON TRANSPORTATION SERVICES.**

23           (a) *STUDY*.—

24           (1) *IN GENERAL*.—Because access to transpor-  
25           tation services is critical for millions of older individ-



1 uals in the United States, to allow them to maintain  
2 independence, health, and quality of life, the Comp-  
3 troller General of the United States shall conduct a  
4 study of transportation services for older individuals.

5 (2) CONTENTS.—In conducting the study, the  
6 Comptroller General—

7 (A) shall identify challenges and barriers  
8 affecting the aging network in providing, access-  
9 ing, or coordinating efficient and effective trans-  
10 portation services, including challenges and bar-  
11 riers in coordinating services with Federal agen-  
12 cies and programs such as the Department of  
13 Transportation and the Medicaid program under  
14 title XIX of the Social Security Act (42 U.S.C.  
15 1396 et seq.); and

16 (B) shall examine any Federal program re-  
17 quirements that may result in challenges or bar-  
18 riers to the coordination of transportation serv-  
19 ices within the aging network at the local level.

20 (b) REPORT.—Not later than 18 months after the date  
21 of enactment of this Act, the Comptroller General shall issue  
22 a report. The report shall contain a detailed description of  
23 the findings and conclusions of the study, including any  
24 recommendations for administrative and other changes to  
25 enhance transportation services provided by the aging net-

1 *work. The Comptroller General shall submit the report to*  
2 *the Committee on Education and the Workforce of the*  
3 *House of Representatives and the Committee on Health,*  
4 *Education, Labor, and Pensions of the Senate.*

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

6       (a) *IN GENERAL.*—*Because the services under the*  
7 *Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) are*  
8 *critical to meeting the urgent needs of Holocaust survivors*  
9 *to age in place with dignity, comfort, security, and quality*  
10 *of life, the Assistant Secretary for Aging shall issue guid-*  
11 *ance to States, that shall be applicable to States, area agen-*  
12 *cies on aging, and providers of services for older individ-*  
13 *uals, with respect to serving Holocaust survivors, including*  
14 *guidance on promising practices for conducting outreach to*  
15 *that population. In developing the guidance, the Assistant*  
16 *Secretary for Aging shall consult with experts and organi-*  
17 *zations serving Holocaust survivors, and shall take into ac-*  
18 *count the possibility that the needs of Holocaust survivors*  
19 *may differ based on geography.*

20       (b) *CONTENTS.*—*The guidance shall include the fol-*  
21 *lowing:*

22               (1) *How nutrition service providers may meet*  
23 *the special health-related or other dietary needs of*  
24 *participants in programs under the Older Americans*

1     *Act of 1965, including needs based on religious, cul-*  
2     *tural, or ethnic requirements.*

3             (2) *How transportation service providers may*  
4     *address the urgent transportation needs of Holocaust*  
5     *survivors.*

6             (3) *How State long-term care ombudsmen may*  
7     *address the unique needs of residents of long-term care*  
8     *facilities for whom institutional settings may produce*  
9     *sights, sounds, smells, emotions, and routines, that*  
10    *can induce panic, anxiety, and retraumatization as*  
11    *a result of experiences from the Holocaust.*

12            (4) *How supportive services providers may con-*  
13    *sider the unique needs of Holocaust survivors.*

14            (5) *How other services provided under that Act,*  
15    *as determined by the Assistant Secretary for Aging,*  
16    *may serve Holocaust survivors.*

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

Calendar No. 290

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1562**

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**A BILL**

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

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JANUARY 6, 2014

Reported with an amendment