

109TH CONGRESS
2D SESSION

H. R. 4993

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. KING of New York (for himself, Mr. EMANUEL, Mr. MCHUGH, Mr. LANTOS, Mrs. MALONEY, Ms. SCHAKOWSKY, Mr. KIND, Ms. BALDWIN, Mrs. NAPOLITANO, Mr. STARK, Mr. VAN HOLLEN, Mr. WEINER, Mr. OBERSTAR, Mr. OWENS, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. DOGGETT, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, Mr. McNULTY, Mr. TOWNS, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Elder Justice Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 101. Amendment to the Social Security Act.
Sec. 102. Supporting the long-term care ombudsman program.
Sec. 103. Adult protective services functions and grant programs.
Sec. 104. Assuring safety of residents when nursing facilities close.
Sec. 105. National nurse aide registry.
Sec. 106. Background checks on direct access employees of long-term care facilities or providers.

TITLE II—DEPARTMENT OF JUSTICE

Sec. 201. Model State laws and practices.
Sec. 202. Office of Elder Justice of the Department of Justice.
Sec. 203. Victim advocacy grants.
Sec. 204. Supporting local prosecutors in elder justice matters.
Sec. 205. Supporting state prosecutors in elder justice matters.
Sec. 206. Increased support for federal cases involving elder justice.
Sec. 207. Supporting law enforcement in elder justice matters.
Sec. 208. Evaluations.

TITLE III—TAX PROVISIONS

Sec. 301. Long-term care facility worker employment tax credit.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The proportion of the United States popu-
9 lation age 60 years or older will drastically increase
10 in the next 30 years as 77,000,000 baby boomers
11 approach retirement and old age.

1 (2) Each year, anywhere between 500,000 and
2 5,000,000 elders in the United States are abused,
3 neglected, or exploited.

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

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

13 (5) There is a general dearth of data as to the
14 nature and scope of elder abuse, neglect, and exploi-
15 tation.

16 (6) Despite the dearth of data in the field, ex-
17 perts agree that most cases of elder abuse, neglect,
18 and exploitation are never reported and that abuse
19 and neglect shorten a victim's life, often triggering
20 a downward spiral of an otherwise productive, self-
21 sufficient elder's life. Programs addressing other dif-
22 ficult issues such as domestic violence and child
23 abuse and neglect have demonstrated the need for a
24 multi-faceted law combining public health, social
25 service, and law enforcement approaches.

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

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

9 (9) No Federal law has been enacted that ade-
10 quately and comprehensively addresses the issues of
11 elder abuse, neglect, and exploitation and there are
12 very limited resources available to those in the field
13 directly dealing with these issues.

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

19 (11) The Federal Government has played an
20 important role in promoting research, training, pub-
21 lic safety, data collection, the identification, develop-
22 ment, and dissemination of promising health care,
23 social, and protective services, and law enforcement
24 practices relating to child abuse and neglect, domes-
25 tic violence, and violence against women. The Fed-

1 eral Government should promote similar efforts and
2 protections relating to elder abuse, neglect, and ex-
3 ploitation.

4 (12) The Federal Government should provide
5 leadership and assist States and communities in
6 their efforts to protect elders in the United States
7 by—

8 (A) promoting coordinated planning among
9 all levels of government;

10 (B) generating and sharing knowledge rel-
11 evant to protecting elders;

12 (C) providing leadership to combat the
13 abuse, neglect, and exploitation of the Nation's
14 elders; and

15 (D) providing resources to States and com-
16 munities to promote elder justice.

17 (13) The problem of elder abuse, neglect, and
18 exploitation requires a comprehensive approach
19 that—

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

22 (B) emphasizes the need for prevention, re-
23 porting, investigation, assessment, treatment,
24 and prosecution of elder abuse, neglect, and ex-
25 ploitation at all levels of government;

1 (C) ensures that sufficient numbers of
2 properly trained personnel with specialized
3 knowledge are in place to treat, assess, and pro-
4 vide services relating to elder abuse, neglect,
5 and exploitation, and carry out elder and vul-
6 nerable adult protection duties;

7 (D) is sensitive to ethnic and cultural di-
8 versity;

9 (E) recognizes the role of mental health,
10 disability, dementia, substance abuse, medica-
11 tion mismanagement, and family dysfunction
12 problems in increasing and exacerbating elder
13 abuse, neglect, and exploitation; and

14 (F) balances adults' right to self-deter-
15 mination with society's responsibility to protect
16 elders and vulnerable adults.

17 (14) The human, social, and economic cost of
18 elder abuse, neglect, and exploitation is high and in-
19 cludes unnecessary expenditures of medicare and
20 medicaid funds.

21 (15) The failure to coordinate activities relating
22 to, and comprehensively prevent and treat, elder
23 abuse, neglect, and exploitation threatens the future
24 and well-being of millions of elders in the United
25 States.

1 (16) All elements of society in the United
2 States have a shared responsibility in responding to
3 the national problem of elder abuse, neglect, and ex-
4 ploitation.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are as follows:

7 (1) To bring a comprehensive approach to pre-
8 venting and combating elder abuse, neglect, and ex-
9 ploitation, a long invisible problem that afflicts the
10 most vulnerable among the aging population of the
11 United States.

12 (2) To raise the issue of elder abuse, neglect,
13 and exploitation to national attention, and to create
14 the infrastructure at the Federal, State, and local
15 levels to ensure that individuals and organizations
16 on the front lines who are fighting elder abuse, ne-
17 glect, and exploitation with scarce resources and
18 fragmented systems have the resources and informa-
19 tion needed to carry out their fight.

20 (3) To bring a comprehensive multi-disciplinary
21 approach to elder justice.

22 (4) To set in motion research and data collec-
23 tion to fill gaps in knowledge about elder abuse, ne-
24 glect, and exploitation.

1 (5) To supplement the activities of service pro-
2 viders and programs, to enhance training, and to le-
3 verage scarce resources efficiently to ensure that
4 elder justice receives the attention it deserves as the
5 Nation's population ages.

6 (6) To examine the many different laws and
7 practices relating to elder justice in different States
8 and jurisdictions to ascertain which among those
9 laws and practices are the most effective.

10 (7) To promote the development of an effective
11 adult fiduciary system, including an adult guardian-
12 ship system, that protects individuals with dimin-
13 ished capacity, maximizes their autonomy, and devel-
14 ops effective resources and an elder rights system.

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

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

1 (10) To promote collaborative efforts and di-
 2 minish overlap and gaps in efforts in developing the
 3 important field of elder justice.

4 **TITLE I—DEPARTMENT OF**
 5 **HEALTH AND HUMAN SERVICES**

6 **SEC. 101. AMENDMENT TO THE SOCIAL SECURITY ACT.**

7 The Social Security Act (42 U.S.C. 301 et seq.) is
 8 amended by adding at the end the following:

9 **“TITLE XXII—ELDER JUSTICE**

10 **“SEC. 2201. DEFINITIONS.**

11 “In this title:

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

17 “(2) ADULT PROTECTIVE SERVICES.—The term
 18 ‘adult protective services’ means such services pro-
 19 vided to adults as the Secretary may specify and in-
 20 cludes services such as—

21 “(A) disseminating reports of adult abuse,
 22 neglect, or exploitation;

23 “(B) investigating the reports described in
 24 subparagraph (A);

1 “(C) case planning, monitoring, evaluation,
2 and other case work and services; and

3 “(D) providing, arranging for, or facili-
4 tating the provision of medical, social service,
5 economic, legal, housing, law enforcement, or
6 other protective, emergency, or support services.

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

16 “(4) DIRECT CARE.—The term ‘direct care’
17 means care by a caregiver who provides assistance or
18 long-term care services to a recipient.

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

21 “(6) ELDER JUSTICE.—The term ‘elder justice’
22 means—

23 “(A) from a societal perspective, efforts to
24 prevent, detect, treat, intervene in, and pros-
25 ecute elder abuse, neglect, and exploitation and

1 to protect elders with diminished capacity while
2 maximizing their autonomy; and

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

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

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

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

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

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

1 “(ii) to act in good faith and with
2 fairness; and

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

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

10 “(11) GRANTING AUTHORITY.—The term
11 ‘granting authority’ means the Secretary, the Attor-
12 ney General, or the Secretary and the Attorney Gen-
13 eral jointly, as appropriate.

14 “(12) GUARDIANSHIP.—The term ‘guardian-
15 ship’ means—

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

22 “(B) the manner in which the court-ap-
23 pointed surrogate carries out duties to the indi-
24 vidual and the court; or

1 “(C) the manner in which the court exer-
2 cises oversight of the surrogate.

3 “(13) INDIAN.—The term ‘Indian’ means a per-
4 son who is a member of an Indian tribe.

5 “(14) INDIAN TRIBE.—The term ‘Indian tribe’
6 means any Indian tribe, band, nation, or other orga-
7 nized group or community, including any Alaska Na-
8 tive village or regional corporation as defined in or
9 established pursuant to the Alaska Native Claims
10 Settlement Act (43 U.S.C. 1601 et seq.), that is rec-
11 ognized as eligible for the special programs and serv-
12 ices provided by the United States to Indians be-
13 cause of their status as Indians.

14 “(15) KNOWINGLY.—The term ‘knowingly’ has
15 the meaning given such term in section 3729(b) of
16 title 31, United States Code.

17 “(16) LAW ENFORCEMENT.—The term ‘law en-
18 forcement’ means the full range of potential re-
19 sponders to elder abuse, neglect, and exploitation in-
20 cluding—

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

23 “(B) prosecutors;

24 “(C) medical examiners;

25 “(D) investigators; and

1 “(E) coroners.

2 “(17) LONG-TERM CARE.—

3 “(A) IN GENERAL.—The term ‘long-term
4 care’ means supportive and health services spec-
5 ified by the Secretary for individuals who need
6 assistance because the individuals have a loss of
7 capacity for self-care due to illness, disability,
8 or vulnerability.

9 “(B) LOSS OF CAPACITY FOR SELF-
10 CARE.—For purposes of subparagraph (A), the
11 term ‘loss of capacity for self-care’ means an in-
12 ability to engage in activities of daily living, in-
13 cluding eating, dressing, bathing, and manage-
14 ment of one’s financial affairs.

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

19 “(19) NEGLECT.—The term ‘neglect’ means—

20 “(A) the failure of a caregiver or fiduciary
21 to provide the goods or services that are nec-
22 essary to maintain the health or safety of an
23 elder; or

24 “(B) self-neglect.

1 “(20) NURSING FACILITY.—The term ‘nursing
2 facility’ has the meaning given such term under sec-
3 tion 1919(a).

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

8 “(A) obtaining essential food, clothing,
9 shelter, and medical care;

10 “(B) obtaining goods and services nec-
11 essary to maintain physical health, mental
12 health, or general safety; or

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

14 “(22) SERIOUS BODILY INJURY.—

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

17 “(i) involving extreme physical pain;

18 “(ii) involving substantial risk of
19 death;

20 “(iii) involving protracted loss or im-
21 pairment of the function of a bodily mem-
22 ber, organ, or mental faculty; or

23 “(iv) requiring medical intervention
24 such as surgery, hospitalization, or phys-
25 ical rehabilitation.

1 “(B) CRIMINAL SEXUAL ABUSE.—Serious
2 bodily injury shall be considered to have oc-
3 curred if the conduct causing the injury is con-
4 duct constituting aggravated sexual abuse
5 under section 2241, or sexual abuse under sec-
6 tion 2242, of title 18, United States Code, or
7 any similar offense under State law.

8 “(23) SOCIAL.—The term ‘social’, when used
9 with respect to a service, includes adult protective
10 services.

11 “(24) STATE.—The term ‘State’ means any of
12 the several States, the District of Columbia, the
13 Commonwealth of Puerto Rico, the United States,
14 the Virgin Islands, Guam, American Samoa, and the
15 Commonwealth of the Mariana Islands.

16 “(25) STATE LONG-TERM CARE OMBUDSMAN.—
17 The term ‘State Long-Term Care Ombudsman’
18 means the State Long-Term Care Ombudsman de-
19 scribed in section 712(a)(2) of the Older Americans
20 Act of 1965.

21 “(26) UNDERSERVED POPULATION.—The term
22 ‘underserved population’ means the population of an
23 area designated by the Secretary as an area with a
24 shortage of elder justice programs or a population
25 group designated by the Secretary as having a short-

1 age of such programs. Such areas or groups des-
 2 ignated by the Secretary may include—

3 “(A) areas or groups that are geographi-
 4 cally isolated (such as isolated in a rural area);

5 “(B) racial and ethnic minority popu-
 6 lations; and

7 “(C) populations underserved because of
 8 special needs (such as language barriers, dis-
 9 abilities, alien status, or age).

10 **“Subtitle A—Federal Elder Justice** 11 **System**

12 **“SEC. 2211. OFFICE OF ELDER JUSTICE OF THE DEPART-** 13 **MENT OF HEALTH AND HUMAN SERVICES.**

14 “(a) ESTABLISHMENT.—There is established within
 15 the Department of Health and Human Services under the
 16 Assistant Secretary for Aging an Office of Elder Justice.

17 “(b) DIRECTOR.—

18 “(1) APPOINTMENT.—The President, with the
 19 advice and consent of the Senate, shall appoint a Di-
 20 rector of the Office of Elder Justice, from among in-
 21 dividuals with experience and expertise in elder jus-
 22 tice issues, to manage the Office of Elder Justice es-
 23 tablished under this section.

24 “(2) DUTIES.—The Director of the Office of
 25 Elder Justice shall—

1 “(A)(i) develop objectives, priorities, poli-
2 cies, and a long-term plan for elder justice pro-
3 grams and activities relating to prevention, de-
4 tection, training, treatment, evaluation, inter-
5 vention, research, and improvement of the elder
6 justice system in the United States;

7 “(ii) implement the overall policies and a
8 strategy to carry out the plan described in
9 clause (i); and

10 “(iii) hire personnel to assist the director
11 in carrying out the policies, programs, and ad-
12 ministrative activities related to the duties
13 under clauses (i) and (ii); and

14 “(B) provide advice to the Secretary on
15 elder justice issues.

16 “(3) REPORTING RELATIONSHIP.—The Director
17 of the Office of Elder Justice shall report to the As-
18 sistant Secretary for Aging.

19 “(4) COMPENSATION.—The Director shall be
20 compensated at a rate that shall not exceed the rate
21 established for level I of the Executive Schedule
22 under section 5312 of title 5, United States Code.

1 **“SEC. 2212. ELDER JUSTICE COORDINATING COUNCIL.**

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

5 “(b) MEMBERSHIP.—

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

8 “(A) The Secretary (or the Secretary’s
9 designee).

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

12 “(C) The head of each Federal department
13 or agency or other governmental entity identi-
14 fied by the Co-Chairs referred to in subsection
15 (d) as having responsibilities or administering
16 programs relating to elder abuse, neglect, and
17 exploitation.

18 “(2) REQUIREMENT.—Each member of the
19 Council shall be an officer or employee of the Fed-
20 eral Government.

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

24 “(d) CO-CHAIRS.—The members described in sub-
25 paragraphs (A) and (B) of subsection (b)(1) shall be Co-
26 Chairs of the Council.

1 “(e) MEETINGS.—The Council shall meet at least 2
2 times per year, as determined by the Co-Chairs.

3 “(f) DUTIES.—

4 “(1) IN GENERAL.—The Council shall make
5 recommendations to the Secretary and the Attorney
6 General for the coordination of activities of the De-
7 partment of Health and Human Services, the De-
8 partment of Justice, and other relevant Federal,
9 State, local, and private agencies and entities, relat-
10 ing to elder abuse, neglect, and exploitation and
11 other crimes against elders.

12 “(2) REPORT.—Not later than the date that is
13 2 years after the date of enactment of the Elder
14 Justice Act and every 2 years thereafter, the Council
15 shall submit to Congress a report that—

16 “(A) describes the activities of, accomplish-
17 ments of, and challenges faced by—

18 “(i) the Council; and

19 “(ii) the entities represented on the
20 Council; and

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

24 “(g) POWERS OF THE COUNCIL.—

1 “(1) INFORMATION FROM FEDERAL AGEN-
2 CIES.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), the Council may secure directly from
5 any Federal department or agency such infor-
6 mation as the Council considers necessary to
7 carry out this section. Upon request of the Co-
8 Chairs of the Council, the head of such depart-
9 ment or agency shall furnish such information
10 to the Council.

11 “(B) PROTECTION OF PRIVACY.—The Sec-
12 retary shall oversee the activities of the Council
13 under this paragraph in order to ensure the
14 protection of individual health privacy con-
15 sistent with the regulations promulgated under
16 section 264(c) of the Health Insurance Port-
17 ability and Accountability Act of 1996 and
18 State and local privacy regulations (as applica-
19 ble).

20 “(2) POSTAL SERVICES.—The Council may use
21 the United States mails in the same manner and
22 under the same conditions as other departments and
23 agencies of the Federal Government.

24 “(h) TRAVEL EXPENSES.—The members of the
25 Council shall not receive compensation for the perform-

1 ance of services for the Council. The members shall be
2 allowed travel expenses, including per diem in lieu of sub-
3 sistence, at rates authorized for employees of agencies
4 under subchapter 1 of chapter 57 of title 5, United States
5 Code, while away from their homes or regular places of
6 business in the performance of services for the Council.
7 Notwithstanding section 1342 of title 31, United States
8 Code, the Secretary may accept the voluntary and uncom-
9 pensated services of the members of the Council.

10 “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any
11 Federal Government employee may be detailed to the
12 Council without reimbursement, and such detail shall be
13 without interruption or loss of civil service status or privi-
14 lege.

15 **“SEC. 2213. ADVISORY BOARD ON ELDER ABUSE, NEGLECT,**
16 **AND EXPLOITATION.**

17 “(a) ESTABLISHMENT.—There is established a board
18 to be known as the ‘Advisory Board on Elder Abuse, Ne-
19 glect, and Exploitation’ (in this section referred to as the
20 ‘advisory board’) to create a short- and long-term multi-
21 disciplinary strategic plan for the development of the field
22 of elder justice, and to make recommendations to the Sec-
23 retary, the Attorney General, and the Elder Justice Co-
24 ordinating Council established under section 2212.

1 “(b) SOLICITATION OF NOMINATIONS.—The Sec-
2 retary shall publish a notice in the Federal Register solie-
3 iting nominations for the appointment of members of the
4 advisory board under subsection (c).

5 “(c) COMPOSITION.—The advisory board shall be
6 composed of 27 members appointed by the Secretary from
7 the general public who are individuals with experience and
8 expertise in elder abuse, neglect, and exploitation preven-
9 tion, intervention, treatment, detection, or prosecution.

10 “(d) VACANCIES.—

11 “(1) IN GENERAL.—Any vacancy in the Advi-
12 sory Board shall not affect its powers, but shall be
13 filled in the same manner as the original appoint-
14 ment was made.

15 “(2) FILLING UNEXPIRED TERM.—An indi-
16 vidual chosen to fill a vacancy shall be appointed for
17 the unexpired term of the member replaced.

18 “(e) ELECTION OF OFFICERS.—The advisory board
19 shall elect a chairperson and vice chairperson from among
20 the members. The advisory board shall elect its initial
21 chairperson and vice chairperson at its initial meeting.

22 “(f) DUTIES.—Not later than 18 months after the
23 establishment of the advisory board under subsection (a),
24 and annually thereafter, the advisory board shall prepare
25 and submit to the Secretary, the Attorney General, and

1 the appropriate committees of Congress a report con-
2 taining—

3 “(1) information on the status of Federal,
4 State, and local public and private elder justice ac-
5 tivities;

6 “(2) recommendations (including recommended
7 priorities) regarding—

8 “(A) elder justice programs, research,
9 training, services, practice, enforcement, and
10 coordination;

11 “(B) coordination between entities pur-
12 suing elder justice efforts and those involved in
13 related areas that may inform or overlap with
14 elder justice efforts, such as activities to combat
15 violence against women and child abuse and ne-
16 glect; and

17 “(C) activities relating to adult fiduciary
18 systems, including guardianship and other fidu-
19 ciary arrangements, including the development
20 of State interdisciplinary guardianship commit-
21 tees;

22 “(3) recommendations for specific modifications
23 to Federal and State laws (including regulations) or
24 for programs, research, and training to enhance pre-
25 vention, detection, diagnosis, treatment, intervention

1 in, investigation, and prosecution of elder abuse, ne-
2 glect, and exploitation;

3 “(4) recommendations for the most effective co-
4 ordinated national data collection with respect to
5 elder justice, and elder abuse, neglect, and exploi-
6 tation; and

7 “(5) recommendations for a multidisciplinary
8 strategic plan to guide the effective and efficient de-
9 velopment of the elder justice area.

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

11 “(1) INFORMATION FROM FEDERAL AGEN-
12 CIES.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the advisory board may secure di-
15 rectly from any Federal department or agency
16 such information as the advisory board con-
17 siders necessary to carry out this section. Upon
18 request of the chair, the head of such depart-
19 ment or agency shall furnish such information
20 to the advisory board.

21 “(B) PROTECTION OF PRIVACY.—The Sec-
22 retary shall oversee the activities of the advisory
23 board under this paragraph in order to ensure
24 the protection of individual health privacy con-
25 sistent with the regulations promulgated under

1 section 264(c) of the Health Insurance Port-
2 ability and Accountability Act of 1996 and
3 State and local privacy regulations (as applica-
4 ble).

5 “(2) SHARING OF DATA AND REPORTS.—The
6 advisory board may secure from any entity pursuing
7 elder justice activities under the Elder Justice Act or
8 an amendment made by that Act, any data, reports,
9 or recommendations generated in connection with
10 such activities.

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

15 “(4) GIFTS.—The advisory board may accept,
16 use, and dispose of gifts or donations of services or
17 property.

18 “(h) TRAVEL EXPENSES.—The members of the advi-
19 sory board shall not receive compensation for the perform-
20 ance of services for the advisory board, but shall be al-
21 lowed travel expenses, including per diem in lieu of sub-
22 sistence, at rates authorized for employees of agencies
23 under subchapter I of chapter 57 of title 5, United States
24 Code, while away from their homes or regular places of
25 business in the performance of services for the advisory

1 board. Notwithstanding section 1342 of title 31, United
 2 States Code, the Secretary and the Attorney General may
 3 accept the voluntary and uncompensated services of the
 4 members of the advisory board.

5 “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any
 6 Federal Government employee may be detailed to the advi-
 7 sory board without reimbursement, and such detail shall
 8 be without interruption or loss of civil service status or
 9 privilege.

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

13 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this sub-
 15 section—

16 “(1) \$6,000,000 for fiscal year 2007; and

17 “(2) \$7,500,000 for each of fiscal years 2008
 18 through 2013.

19 **“Subtitle B—Activities to Promote** 20 **Elder Justice**

21 **“SEC. 2221. DATA COLLECTION AND DISSEMINATION.**

22 “(a) ELDER JUSTICE RESOURCE CENTER.—

23 “(1) ESTABLISHMENT.—The Secretary, after
 24 consultation with the Attorney General, shall estab-
 25 lish within the Office of Elder Justice, an Elder Jus-

1 tice Resource Center (in this section referred to as
2 the ‘Center’) to be the central repository for infor-
3 mation regarding elder abuse, neglect, and exploi-
4 tation.

5 “(2) DUTIES.—The Center shall—

6 “(A) develop the capacity and procedures
7 to collect, maintain, and disseminate informa-
8 tion relevant to consumers, families, providers,
9 clinicians, advocates, regulators, law enforce-
10 ment, policymakers, researchers, fiduciaries in-
11 cluding guardians, judges, and lawyers, relevant
12 to the prevention, detection, assessment, identi-
13 fication, and treatment of, intervention in, and
14 prosecution of, elder abuse, neglect, and exploi-
15 tation;

16 “(B) provide, in a user-friendly manner,
17 information on—

18 “(i) ways to promote autonomy in the
19 face of aging or diminishing capacity and
20 mobility;

21 “(ii) how to avoid becoming a victim
22 of elder abuse, neglect, or exploitation; and

23 “(iii) advance planning and how to
24 avoid the need for a fiduciary;

1 “(C) provide links and references to other
2 sources of information;

3 “(D) compile, analyze, and publish a sum-
4 mary of research conducted on elder abuse, ne-
5 glect, and exploitation and information on how
6 to obtain the original research materials;

7 “(E) solicit public comment and comment
8 from the advisory board established under sec-
9 tion 2213 on the activities of the Center;

10 “(F) establish a toll-free number for infor-
11 mation and referrals;

12 “(G) coordinate activities with resource
13 centers and clearinghouses on elder justice top-
14 ics; and

15 “(H) provide funding to public and private
16 agencies and entities to develop or continue the
17 efforts of specialized elder justice-related clear-
18 inghouses and information repositories, to be
19 linked to the Center, that address topics such
20 as those enumerated in subparagraphs (A) and
21 (B) and that provide effective services.

22 “(3) COORDINATION OF AVAILABLE RE-
23 SOURCES.—In establishing the Center under this
24 subsection the Secretary, after consultation with the
25 Attorney General, shall—

1 “(A) consult with other Federal agencies
2 that operate similar resource centers;

3 “(B) consult with private entities that op-
4 erate resource centers or clearinghouses on
5 elder justice-related topics;

6 “(C) consult with the head of each agency
7 participating in the Elder Justice Coordinating
8 Council established under section 2212, as well
9 as other agencies with clearinghouses com-
10 parable to the Center, such as clearinghouses
11 relating to child abuse and neglect, to deter-
12 mine the most efficient and effective manner for
13 collecting, maintaining, and disseminating in-
14 formation on elder abuse, neglect, and exploi-
15 tation; and

16 “(D) solicit public comment on the compo-
17 nents of such Center.

18 “(4) NATIONAL ELDER JUSTICE LIBRARY.—

19 “(A) ESTABLISHMENT.—The Secretary
20 shall establish within the Center a National
21 Elder Justice Library (in this paragraph re-
22 ferred to as the ‘Library’) to serve as a central-
23 ized repository for all types of appropriate ma-
24 terials concerning training, technical assistance,

1 and promising practices relating to elder justice
2 including—

3 “(i) brochures and pamphlets;

4 “(ii) video and computer-based re-
5 sources;

6 “(iii) books; and

7 “(iv) training materials.

8 “(B) INDEX.—The Library shall create
9 and maintain an up-to-date index of the mate-
10 rials described in subparagraph (A) by title, au-
11 thor, date, subject, and type of material, and a
12 brief description of such materials. Such index
13 shall be available on the Internet as well as in
14 printed form in order to be easily accessible to
15 the general public.

16 “(C) AVAILABILITY.—The materials held
17 by the Library shall be available for copying by
18 individuals and entities nationwide and shall be
19 disseminated at a nominal or no fee. The mate-
20 rials shall be copied and disseminated in ac-
21 cordance with the applicable provisions of title
22 17, United States Code.

23 “(D) DUTIES.—

24 “(i) ADDITIONAL MATERIALS.—The
25 Library shall—

1 “(I) collect data on materials
2 that would be appropriate for such li-
3 brary;

4 “(II) make efforts to identify and
5 obtain appropriate materials; and

6 “(III) identify and obtain mate-
7 rials relating to effective methods of
8 conducting training and providing
9 technical assistance relating to elder
10 justice, including conducting training
11 and providing assistance for under-
12 served populations.

13 “(ii) INFORMATION PACKETS.—After
14 evaluating the materials described in this
15 paragraph, the Library shall compile and
16 develop information packets for use by
17 groups in various settings, including
18 groups who are underserved or have other
19 special needs. Such information packets
20 shall include information and materials on
21 training, technical assistance, and prom-
22 ising practices targeted at specific topics,
23 groups, and settings.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—

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

4 “(A) \$4,000,000 for fiscal year 2007;

5 “(B) \$5,000,000 for fiscal year 2008; and

6 “(C) \$6,000,000 for each of fiscal years
7 2009 through 2013.

8 “(b) COLLECTION OF UNIFORM NATIONAL DATA ON
9 ELDER ABUSE, NEGLECT, AND EXPLOITATION.—

10 “(1) PURPOSE.—The purpose of this subsection
11 is to improve, streamline, and promote uniform col-
12 lection, maintenance, and dissemination of national
13 data relating to elder abuse, neglect, and exploi-
14 tation.

15 “(2) PHASE I.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of the Elder Justice
18 Act, the Director of the Centers for Disease
19 Control and Prevention (in this subsection re-
20 ferred to as the ‘Director’), after consultation
21 with the Attorney General and working with ex-
22 perts in relevant disciplines, shall—

23 “(i) develop a method for collecting
24 national data regarding elder abuse, ne-
25 glect, and exploitation; and

1 “(ii) develop uniform national data re-
2 porting forms adapted to each relevant en-
3 tity or discipline (such as health, public
4 safety, social and protective services, and
5 law) reflecting—

6 “(I) the distinct manner in which
7 each discipline receives and maintains
8 information; and

9 “(II) the sequence and history of
10 reports to or involvement of different
11 disciplines, independently, or the se-
12 quence and history of reports from
13 one discipline to another over time.

14 “(B) FORMS.—The national data reporting
15 forms described in subparagraph (A)(ii) shall
16 incorporate the definitions of this title for use
17 in determining what is considered a reportable
18 event.

19 “(3) PHASE II.—

20 “(A) IN GENERAL.—Not later than 1 year
21 after the completion of the activities described
22 in paragraph (2), the Director shall ensure that
23 the national data reporting forms and data col-
24 lection methods developed in accordance with

1 such paragraph are pilot tested in 6 States de-
2 termined by the Director.

3 “(B) ADJUSTMENTS TO THE FORM AND
4 METHODS.—The Director, after considering the
5 results of the pilot testing described in subpara-
6 graph (A), and after consultation with the At-
7 torney General and relevant experts shall adjust
8 the national data reporting forms and data col-
9 lection methods as necessary.

10 “(4) PHASE III.—

11 “(A) DISTRIBUTION OF NATIONAL DATA
12 REPORTING FORMS.—After completion of the
13 adjustment to the national data reporting forms
14 under paragraph (3)(B), the Director shall sub-
15 mit the national data reporting forms along
16 with instructions to—

17 “(i) the heads of the relevant compo-
18 nents of the Department of Health and
19 Human Services, the Department of Jus-
20 tice, and the Department of the Treasury,
21 and such other Federal entities as may be
22 appropriate; and

23 “(ii) the Governor’s office of each
24 State for collection from all relevant State

1 entities of data, including health care, so-
2 cial services, and law enforcement data.

3 “(B) DATA COLLECTION GRANTS.—

4 “(i) AUTHORIZATION.—The Director
5 is authorized to award grants to States to
6 improve data collection activities relating
7 to elder abuse, neglect, and exploitation.

8 “(ii) APPLICATION.—To be eligible to
9 receive a grant under this subparagraph, a
10 State shall submit to the Director an appli-
11 cation at such time, in such manner, and
12 containing such information as the Direc-
13 tor may require.

14 “(iii) REQUIREMENTS.—Each State
15 receiving a grant under this subparagraph
16 for a fiscal year is required to report data
17 for the calendar year that begins during
18 that fiscal year, using the national data re-
19 porting forms described in subparagraph
20 (A).

21 “(iv) FUNDING.—

22 “(I) FIRST YEAR.—For the first
23 fiscal year in which a State receives
24 grant funds under this subsection, the
25 Secretary shall initially distribute 50

1 percent of such funds. The Secretary
2 shall distribute the remaining funds at
3 the end of the calendar year that be-
4 gins during that fiscal year, if the
5 Secretary determines that the State
6 has properly reported data required
7 under this subsection for the calendar
8 year.

9 “(II) SUBSEQUENT YEARS.—Ex-
10 cept as provided in subclause (I), the
11 Secretary shall distribute grant funds
12 to a State under this subsection for a
13 fiscal year if the Secretary determines
14 that the State properly reported data
15 required under this subsection for the
16 calendar year that ends during that
17 fiscal year.

18 “(C) REQUIRED INFORMATION.—Each re-
19 port submitted under this paragraph shall—

20 “(i) indicate the State and year in
21 which each event occurred; and

22 “(ii) identify—

23 “(I) the total number of events
24 that occurred in each State during the
25 year; and

1 “(II) the type of each event.

2 “(5) REPORT.—Not later than 1 year after the
3 date of enactment of the Elder Justice Act and an-
4 nually thereafter, the Secretary shall prepare and
5 submit to the appropriate committees of Congress,
6 including to the Special Committee on Aging and
7 the Finance Committee of the Senate, a report re-
8 garding activities conducted under this section.

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

12 “(A) \$10,000,000 for fiscal year 2007;

13 “(B) \$30,000,000 for fiscal year 2008; and

14 “(C) \$100,000,000 for each of fiscal years
15 2009 through 2013.

16 **“SEC. 2222. ENHANCING RESEARCH AND TRAINING AND**
17 **STRENGTHENING SERVICES, SYSTEMS, AND**
18 **PREVENTION.**

19 “(a) GENERAL GRANTS AND CENTERS OF EXCEL-
20 LENCE.—

21 “(1) GENERAL GRANTS.—The Secretary may
22 award grants to eligible entities for the prevention,
23 detection, assessment, and treatment of, intervention
24 in, investigation of, and prosecution of elder abuse,
25 neglect, and exploitation including—

1 “(A) physical, psychological, and emotional
2 abuse and neglect by family and other in-home
3 caregivers;

4 “(B) physical, psychological, and emotional
5 abuse and neglect of residents in institutional
6 and other residential care facilities;

7 “(C) elder sexual abuse;

8 “(D) domestic violence in later life;

9 “(E) financial fraud and exploitation; and

10 “(F) self-neglect.

11 “(2) CENTERS OF EXCELLENCE.—

12 “(A) GRANTS AUTHORIZED.—The Sec-
13 retary, through the Director of the National In-
14 stitute on Aging, and after consultation with
15 the Director of the Centers for Disease Control
16 and Prevention, the Director of the Office of
17 Elder Justice in the Department of Health and
18 Human Services, the Director of the Office of
19 Elder Justice in the Department of Justice, and
20 the members of the advisory board established
21 under section 2213, may award grants to insti-
22 tutions of higher education and other appro-
23 priate entities to establish 5 Centers of Excel-
24 lence nationwide that shall specialize in re-

1 search, clinical practice, and training relating to
2 elder abuse, neglect, and exploitation.

3 “(B) AUTHORIZED ACTIVITIES.—The Cen-
4 ters of Excellence established with funds pro-
5 vided under subparagraph (A) shall conduct the
6 following activities:

7 “(i) Examine potential issues relating
8 to the protection of elders who are the sub-
9 jects of research on elder abuse, neglect,
10 and exploitation and provide guidance to
11 other elder abuse, neglect, or exploitation
12 researchers regarding human subjects, pro-
13 tections, and the institutional or peer re-
14 view boards at research institutions.

15 “(ii) After consultation with the Di-
16 rector of the National Institute on Aging,
17 and the Director of the Office of Human
18 Research Protections, develop and rec-
19 ommend to the Secretary guidelines to as-
20 sist the institutional or peer review boards
21 in the review of research conducted under
22 this title.

23 “(iii) Coordinate activities, to the ex-
24 tent feasible, among the Centers and with
25 other researchers of elder abuse, neglect,

1 and exploitation and related areas, and
2 designate 1 such Center to lead such co-
3 ordination.

4 “(C) ADDITIONAL ACTIVITIES.—The Cen-
5 ters of Excellence established under subpara-
6 graph (A) may conduct activities including the
7 following:

8 “(i) Carrying out a study to deter-
9 mine the national incidence and prevalence
10 of elder abuse, neglect, and exploitation in
11 all settings.

12 “(ii) Developing uniform, validated
13 screening tools to assist individuals, fami-
14 lies, practitioners, institutions, and com-
15 munities in detecting ongoing or potential
16 elder abuse, neglect, and exploitation. The
17 tools that may be developed include—

18 “(I) a screening tool to determine
19 whether a particular elder is at risk
20 for becoming, or is, a victim of elder
21 abuse, neglect, or exploitation;

22 “(II) a screening tool to measure
23 whether caregivers are at risk of com-
24 mitting elder abuse, neglect, or exploi-
25 tation;

1 “(III) a screening tool to meas-
2 ure whether families are at risk for
3 elder abuse, neglect, and exploitation;
4 and

5 “(IV) a screening tool to assess
6 communities, evaluating how each in-
7 dividual agency or system relating to
8 elder abuse, neglect, or exploitation
9 operates in such a community and
10 how all of such agencies or systems
11 communicate and operate in relation-
12 ship to each other within such com-
13 munity.

14 “(iii) Carrying out various types of
15 intervention research.

16 “(iv) Identifying steps that can be
17 taken (and replicated) to make homes,
18 neighborhoods, communities, and facilities
19 safer for elders, and to enhance elders’
20 sense of security in all kinds of environ-
21 ments.

22 “(v) Researching successful fiduciary
23 practices and systems to enhance the well-
24 being of persons with diminished capacity.

1 “(D) COLLABORATION AND ACCESS TO
2 RECORDS.—In awarding a grant under this
3 paragraph the Secretary shall—

4 “(i) consider the potential for collabo-
5 ration among researchers and other rel-
6 evant entities, such as State agencies with
7 statutory responsibility for adult protective
8 services and State Long-Term Care Om-
9 budsmen, that receive reports of elder
10 abuse, neglect, and exploitation, but that
11 may be restricted from participating in re-
12 search as a result of State law, confiden-
13 tiality requirements, or other provisions;
14 and

15 “(ii) require that each institution of
16 higher education desiring a grant under
17 this subsection ensure that the researchers
18 working at such institution will have access
19 to records necessary to conduct research in
20 accordance with this paragraph.

21 “(3) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated for the pur-
23 pose of carrying out paragraphs (1) and (2) of this
24 subsection—

25 “(A) \$12,000,000 for fiscal year 2007;

1 “(B) \$20,000,000 for fiscal year 2008; and

2 “(C) \$25,000,000 for each of fiscal years

3 2009 through 2013.

4 “(b) SAFE HAVEN AND LEGAL ADVOCACY
5 GRANTS.—

6 “(1) SAFE HAVEN GRANTS.—

7 “(A) GRANTS AUTHORIZED.—The Sec-
8 retary may award grants to 6 diverse commu-
9 nities to examine various types of elder shelters
10 (in this paragraph referred to as ‘safe havens’)
11 and to test various models for establishing safe
12 havens at home or elsewhere.

13 “(B) AUTHORIZED ACTIVITIES.—Grant
14 funds awarded pursuant to subparagraph (A)
15 shall be used to establish safe havens that—

16 “(i) provide a comprehensive, cul-
17 turally sensitive, and multidisciplinary
18 team response to allegations of elder
19 abuse, neglect, or exploitation;

20 “(ii) provide a dedicated, elder-friend-
21 ly setting;

22 “(iii) have the capacity to meet the
23 needs of elders for care; and

24 “(iv) provide various services includ-
25 ing—

1 “(I) nursing and forensic evalua-
2 tion;

3 “(II) therapeutic intervention;

4 “(III) victim support and advo-
5 cacy; and

6 “(IV) case review and assistance
7 to make the elder safer at home or to
8 find appropriate placement in safer
9 environments, including shelters, and,
10 in some circumstances, long-term care
11 facilities, other residential care facili-
12 ties, and hospitals.

13 “(2) LEGAL ADVOCACY GRANTS.—

14 “(A) GRANTS AUTHORIZED.—The Sec-
15 retary, after consultation with the Attorney
16 General, may award grants—

17 “(i) to study the need for community
18 resources in order to provide assistance for
19 legal and related services for victims of
20 elder abuse, neglect, or exploitation; and

21 “(ii) to provide assistance for such
22 services by awarding grants for demonstra-
23 tion projects in diverse communities.

1 “(B) AUTHORIZED ACTIVITIES.—Grant
2 funds awarded pursuant to subparagraph (A)
3 shall be used to provide—

4 “(i) court-appointed advocates;

5 “(ii) authorized fiduciaries, including
6 public guardians;

7 “(iii) monitoring and oversight of fi-
8 duciaries;

9 “(iv) legal services; and

10 “(v) such other services as the Sec-
11 retary, after consultation with the Attorney
12 General, determines appropriate.

13 “(3) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to carry out
15 this subsection—

16 “(A) \$3,000,000 for fiscal year 2007;

17 “(B) \$4,000,000 for fiscal year 2008; and

18 “(C) \$5,000,000 for each of fiscal years
19 2009 through 2013.

20 “(c) GRANTS TO ENHANCE VOLUNTEER SERV-
21 ICES.—

22 “(1) GRANTS.—The Secretary, after consulta-
23 tion with the Attorney General, may award grants to
24 nonprofit organizations and faith-based organiza-
25 tions to encourage such organizations to establish or

1 continue volunteer programs that focus on the issues
2 of elder abuse, neglect, and exploitation, or that pro-
3 vide related services.

4 “(2) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to carry out
6 this subsection—

7 “(A) \$1,500,000 for fiscal year 2007;

8 “(B) \$2,000,000 for fiscal year 2008; and

9 “(C) \$2,500,000 for each of fiscal years

10 2009 through 2013.

11 “(d) MULTIDISCIPLINARY EFFORTS.—

12 “(1) GRANTS.—

13 “(A) IN GENERAL.—The Secretary may
14 award grants to fund various multidisciplinary
15 elder justice activities, including the following:

16 “(i) Supporting and studying team
17 approaches for bringing a coordinated mul-
18 tidisciplinary or interdisciplinary response
19 to elder abuse, neglect, and exploitation,
20 including a response from individuals in
21 social service, health care, public safety,
22 and legal disciplines.

23 “(ii) Establishing State coordinating
24 councils modeled after the national Elder
25 Justice Coordinating Council established

1 under section 2212. Such State coordi-
2 nating councils shall identify the individual
3 States' needs and provide the national
4 Elder Justice Coordinating Council with
5 information and recommendations relating
6 to State efforts to combat elder abuse, ne-
7 glect, and exploitation.

8 “(iii) Providing training, technical as-
9 sistance, and other methods of support to
10 groups carrying out multidisciplinary ef-
11 forts at the State level (referred to in some
12 States as ‘State Working Groups’).

13 “(iv) Broadening and studying various
14 models for elder fatality and serious injury
15 review teams, to make recommendations
16 about their composition, protocols, func-
17 tions, timing, roles, and responsibilities,
18 with a goal of producing models and infor-
19 mation that will allow for replication based
20 on the needs of other States and commu-
21 nities.

22 “(v) Carrying out such other inter-
23 disciplinary or multidisciplinary efforts as
24 the Secretary determines to be appropriate.

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to carry out this paragraph, \$5,000,000
4 for each of fiscal years 2007 through 2013.

5 “(2) INTERDISCIPLINARY STUDY.—

6 “(A) IN GENERAL.—The Director of the
7 Centers for Disease Control and Prevention,
8 after consultation with the Director of the Of-
9 fice of Elder Justice in the Department of
10 Health and Human Services and the Director
11 of the Office of Elder Justice in the Depart-
12 ment of Justice, shall conduct an intensive
13 interdisciplinary study of entities that conduct
14 elder justice activities in several different com-
15 munities, examining how the entities address
16 elder abuse, neglect, and exploitation issues
17 (such as an assessment of various types of
18 health care and social service providers, public
19 safety agencies, law enforcement agencies, pros-
20 ecutor offices, and the judiciary).

21 “(B) GOAL.—The goals of the study de-
22 scribed in subparagraph (A) include—

23 “(i) making an assessment of the
24 functioning and effectiveness of each entity
25 in a community that conducts elder justice

activities, and the interdisciplinary communications and collaborations among such entities; and

“(ii) developing a procedure for communities to conduct a self-assessment to assist them in identifying the manner in which the entities described in clause (i) in such communities respond to elder justice issues, the needs of such communities relating to elder justice issues, and ways to improve the response systems of such communities for elder abuse, neglect, and exploitation.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

“(i) \$2,500,000 for fiscal year 2007;

“(ii) \$3,000,000 for fiscal year 2008;

and

“(iii) \$3,500,000 for each of fiscal years 2009 through 2013.

“(e) TRAINING GRANTS.—

“(1) GRANTS AUTHORIZED.—The Secretary may award grants to groups representing the targeted disciplines described in paragraph (2)(B) to

1 train individuals with respect to issues of elder
2 abuse, neglect, and exploitation.

3 “(2) AUTHORIZED ACTIVITIES.—

4 “(A) IN GENERAL.—Grant funds awarded
5 under paragraph (1) shall be used for training
6 within a discipline as well as cross-training ac-
7 tivities that permit individuals in multiple dis-
8 ciplines to train together, fostering communica-
9 tion, coordinating efforts, and ensuring collabora-
10 tion.

11 “(B) TARGETED DISCIPLINES.—Groups
12 representing disciplines that will be targeted for
13 training through grants awarded under para-
14 graph (1) include—

15 “(i) physicians, including geriatri-
16 cians, medical residents, interns, and fel-
17 lows;

18 “(ii) nurses and nurse’s aides, includ-
19 ing geriatric nurse practitioners, directors
20 of nursing, and Sexual Abuse Nurse Ex-
21 aminers (SANE) nurses;

22 “(iii) social workers;

23 “(iv) public health and safety profes-
24 sionals, including Emergency Medical Serv-
25 ices professionals;

1 “(v) therapists, including creative
2 arts, occupational, speech, and physical
3 therapists;

4 “(vi) State surveyors of nursing facili-
5 ties and other long-term care facilities;

6 “(vii) staff of long-term care facilities
7 or hospitals;

8 “(viii) coroners and funeral home op-
9 erators;

10 “(ix) Federal, State, and local offices
11 with responsibility for elder justice or long-
12 term care matters;

13 “(x) employees or contractors of State
14 and local agencies with responsibility for
15 training persons who provide adult protec-
16 tive services;

17 “(xi) State Long-Term Care Ombuds-
18 men;

19 “(xii) victim advocates and advocates
20 for elders and individuals with disabilities;

21 “(xiii) individuals involved in volun-
22 teer organizations (including faith-based
23 organizations) who are involved in issues of
24 elder abuse, neglect, and exploitation;

1 “(xiv) police officers, sheriffs, detec-
2 tives, firefighters, Federal and State inves-
3 tigators, public safety officers, and correc-
4 tions personnel;

5 “(xv) Federal, State, and local pros-
6 ecutors, attorneys in private practice in-
7 volved in elder justice issues, judges, and
8 court employees;

9 “(xvi) federally recognized partner-
10 ships of elders, sheriff departments, and
11 the American Association of Retired Per-
12 sons (commonly referred to as TRIADs);

13 “(xvii) elder service officers;

14 “(xviii) individuals who work with the
15 public, including bank personnel, postal
16 workers, utility workers, providers of
17 home-delivered meals, and others who may
18 work with elders;

19 “(xix) students in professional and
20 paraprofessional schools, internships, fel-
21 lowships, and other training programs in a
22 relevant profession;

23 “(xx) fiduciaries, including guardians,
24 conservators, and agents under powers of
25 attorney; and

1 “(xxi) staff and volunteers of domestic
2 violence and child abuse and neglect pro-
3 grams.

4 “(3) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to carry out
6 this subsection—

7 “(A) \$10,000,000 for fiscal year 2007;

8 “(B) \$15,000,000 for fiscal year 2008; and

9 “(C) \$20,000,000 for each of fiscal years
10 2009 through 2013.

11 “(f) INCREASING THE NUMBER OF HEALTH CARE
12 PROFESSIONALS WITH GERIATRIC TRAINING.—

13 “(1) INCREASING THE NUMBER OF HEALTH
14 CARE PROFESSIONALS WITH GERIATRIC TRAINING.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish programs to increase—

17 “(i) the number of health care profes-
18 sionals (including physicians, nurses, nurs-
19 ing personnel, social workers, and thera-
20 pists) and students in the health care pro-
21 fessions, who receive education and train-
22 ing related to geriatrics; and

23 “(ii) the number of such professionals
24 who provide health care related to geri-
25 atrics.

1 “(B) INCLUSION OF GERIATRIC SERVICES
 2 AS PART OF OBLIGATED SERVICE UNDER THE
 3 PUBLIC HEALTH SERVICE ACT.—For purposes
 4 of applying sections 338B and 338C of the
 5 Public Health Service Act (42 U.S.C. 254l,
 6 254m), the term ‘obligated service’ shall include
 7 any period during which an individual who has
 8 entered into a written contract with the Sec-
 9 retary under such section 338B (42 U.S.C.
 10 254l) is enrolled and participating in an accred-
 11 ited (as determined by the Secretary) edu-
 12 cational program that provides geriatric train-
 13 ing. Upon the completion of such training, the
 14 individual, after consultation with the Sec-
 15 retary, shall provide geriatric services as appro-
 16 priate during the remainder of the period of ob-
 17 ligated service of such individual.

18 “(2) AUTHORIZATION OF APPROPRIATIONS.—
 19 There are authorized to be appropriated to carry out
 20 this subsection—

21 “(A) \$2,500,000 for fiscal year 2007; and

22 “(B) \$3,500,000 for each of fiscal years
 23 2008 through 2013.

24 “(g) DEMENTIA TRAINING GRANTS.—

1 “(1) GRANTS AUTHORIZED.—The Secretary
2 may award grants to eligible entities to provide
3 training within the health and social science dis-
4 ciplines, as well as cross-training activities that per-
5 mit individuals in multiple such disciplines to train
6 together, to foster communication, coordinate ef-
7 forts, and ensure collaboration on best practices in
8 caring for individuals with dementia.

9 “(2) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to carry out
11 this subsection \$5,000,000 for each of fiscal years
12 2007 through 2013.

13 “(h) SPECIAL NEEDS GRANTS.—

14 “(1) GRANTS AUTHORIZED.—The Secretary
15 may award grants to eligible entities to identify, ad-
16 dress, and make recommendations on meeting the
17 special needs of underserved populations of elders.

18 “(2) POPULATIONS INCLUDED.—The grant
19 funds awarded pursuant to paragraph (1) shall be
20 used to fund programs including the following:

21 “(A) RURAL SETTINGS.—Programs de-
22 signed to meet the needs of elders living in
23 rural locations, including the needs of their in-
24 formal caregivers and fiduciaries. The programs
25 shall include—

1 “(i) strategies to decrease isolation;

2 “(ii) training for informal caregivers
3 and fiduciaries;

4 “(iii) activities involving collaboration
5 between the entities and local secondary
6 schools and institutions of higher education
7 to offer classes for credit, focusing on
8 training individuals to work with elders
9 and caregivers;

10 “(iv) training for volunteers to serve
11 in rural communities; and

12 “(v) strategies on the use of advance
13 planning to avoid the need for a guardian
14 or other fiduciary.

15 “(B) MINORITY POPULATIONS.—Programs
16 designed to meet the needs of elders in minority
17 populations, including culturally and linguis-
18 tically appropriate programs.

19 “(C) INDIAN TRIBES.—Programs designed
20 to provide necessary services to elders who are
21 members of Indian tribes, including successful
22 programs in elder abuse, neglect, and exploi-
23 tation prevention and treatment that target In-
24 dian populations. The entities carrying out the
25 programs shall deliver services and distribute

1 educational information on elder abuse, neglect,
2 and exploitation to Indian tribes and other pol-
3 icymakers, health and social service providers,
4 law enforcement, and researchers with a par-
5 ticular interest in elders who are members of
6 Indian tribes.

7 “(3) AUTHORIZATION OF APPROPRIATIONS.—

8 There are authorized to be appropriated to carry out
9 this subsection \$7,500,000 for each of fiscal years
10 2007 through 2013.

11 “(i) PUBLIC AWARENESS GRANTS.—

12 “(1) GRANTS AUTHORIZED.—The Secretary
13 and the Attorney General, after consultation with
14 the advisory board established under section 2213
15 and the coordinating council established under sec-
16 tion 2212, shall jointly award 1 grant to a national
17 organization, or 1 or more grants to eligible entities,
18 to conduct a national multimedia campaign designed
19 to raise awareness about elder abuse, neglect, and
20 exploitation.

21 “(2) AUTHORIZED ACTIVITIES.—Grant funds
22 awarded under paragraph (1) shall be used for ac-
23 tivities including the following:

24 “(A) Raising public awareness regarding
25 financial schemes that target elders.

1 “(B) Pilot testing the effectiveness of var-
2 ious types of multimedia campaigns in raising
3 awareness about—

4 “(i) the types of elder abuse, neglect,
5 and exploitation;

6 “(ii) steps to take if an individual sus-
7 pects elder abuse, neglect, or exploitation
8 has occurred; and

9 “(iii) ways to prevent elder abuse, ne-
10 glect, or exploitation.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated to carry out
13 this subsection \$5,000,000 for each of fiscal years
14 2007 through 2013.

15 “(j) ELDER JUSTICE INNOVATION FUND.—

16 “(1) IN GENERAL.—The Secretary and the At-
17 torney General are authorized to jointly award
18 grants to individuals or entities working in the elder
19 justice field or related fields for research, a dem-
20 onstration project, development or implementation of
21 a promising program or practice, or another innova-
22 tive effort related to the identification or prevention
23 of elder abuse, neglect, or exploitation that might
24 not otherwise be funded or pursued in the absence
25 of a grant under this subsection.

1 “(2) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection \$5,000,000 for each of fiscal years
4 2007 through 2013.

5 **“SEC. 2223. STUDIES.**

6 “(a) ROLES OF ENTITIES RESPONDING TO ELDER
7 ABUSE, NEGLECT, AND EXPLOITATION.—

8 “(1) IN GENERAL.—The Secretary and the At-
9 torney General shall jointly sponsor or conduct a
10 study of the roles and responsibilities of Government
11 and Government-funded entities responsible for re-
12 sponding to, investigating, and taking other actions
13 in response to reports of elder abuse, neglect, and
14 exploitation including—

15 “(A) State and local agencies with the re-
16 sponsibility for adult protective services;

17 “(B) the State Long-Term Care Ombuds-
18 men;

19 “(C) law enforcement (including prosecu-
20 tors);

21 “(D) fiduciaries;

22 “(E) judges and other court personnel; and

23 “(F) such other social and protective serv-
24 ice, advocacy, and protection organizations as

1 the Secretary and the Attorney General deter-
2 mine to be appropriate.

3 “(2) GOALS.—The goals of the study author-
4 ized in paragraph (1) (which may be conducted in
5 distinct sections, if there is overall coordination)
6 are—

7 “(A) to identify gaps in the detection of,
8 investigation of, and intervention in elder abuse,
9 neglect, and exploitation;

10 “(B) to improve the response to elder
11 abuse, neglect, and exploitation; and

12 “(C) to reduce elder victimization and its
13 consequences by assessing and improving the
14 systems created to address reports of elder
15 abuse, neglect, and exploitation.

16 “(3) AUTHORIZED ACTIVITIES.—In conducting
17 the study authorized in paragraph (1), the Director
18 shall—

19 “(A) conduct an evaluation of—

20 “(i) how the social and protective
21 service, advocacy, protection, judicial, and
22 law enforcement entities and systems are
23 operating;

24 “(ii) the interplay and allocation of re-
25 sponsibilities among those entities;

1 “(iii) how that allocation differs from
2 community to community and State to
3 State; and

4 “(iv) how those differences impact the
5 population intended to be protected by the
6 entities and systems;

7 “(B) make recommendations on how to
8 clarify the roles (at the Federal level) of entities
9 such as State agencies with responsibility for
10 adult protective services, the State Long-Term
11 Care Ombudsmen, and other protection and ad-
12 vocacy entities to enhance efficiency, eliminate
13 gaps in service, and identify conflicting man-
14 dates and duplication of efforts; and

15 “(C) evaluate how various communities de-
16 lineate the roles and responsibilities of the types
17 of entities described in subparagraph (A) in
18 order to identify and recommend effective mod-
19 els and methods to duplicate the delineation ef-
20 forts (such as duplication through memoranda
21 of understanding).

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection \$2,000,000 for each of fiscal years
25 2007 through 2013.

1 “(b) FAMILY ELDER ABUSE, NEGLECT, AND EX-
2 PLOITATION STUDY.—

3 “(1) IN GENERAL.—The Director of the Cen-
4 ters for Disease Control and Prevention (in this sub-
5 section referred to as the ‘Director’), after consulta-
6 tion with the Director of the Office of Elder Justice
7 in the Department of Health and Human Services
8 and the Director of the Office of Elder Justice in
9 the Department of Justice, shall conduct a study to
10 determine the best method to address elder abuse,
11 neglect, and exploitation from a public health per-
12 spective, including examining methods to reduce
13 elder abuse, neglect, and exploitation committed by
14 family members.

15 “(2) COLLABORATION.—The Director, in car-
16 rying out activities under this subsection, shall col-
17 laborate with the Director of the National Institute
18 on Aging, the Director of the Office of Elder Justice
19 in the Department of Health and Human Services,
20 the Director of the Office of Elder Justice in the
21 Department of Justice, the heads of State agencies
22 with responsibility for adult protective services, and
23 the heads of such other entities as the Director de-
24 termines appropriate.

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

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

4 “(A) \$1,500,000 for fiscal year 2007; and

5 “(B) \$2,000,000 for each of fiscal years
6 2008 through 2013.

7 **“SEC. 2224. FORENSIC MARKERS, METHODOLOGIES, AND**
8 **TRAINING.**

9 “(a) FORENSIC CENTERS.—

10 “(1) GRANTS.—The Secretary shall make
11 grants to appropriate entities to establish and oper-
12 ate stationary and mobile forensic centers, to de-
13 velop forensic expertise regarding, and provide serv-
14 ices relating to, elder abuse, neglect, and exploi-
15 tation.

16 “(2) COORDINATION AMONG FORENSIC CEN-
17 TERS AND CENTERS OF EXCELLENCE.—The entities
18 establishing and operating the forensic centers shall
19 coordinate activities on an ongoing basis with the
20 Centers of Excellence described in section
21 2222(b)(1). Such coordination shall include ongoing
22 communication among the entities and the Centers
23 of Excellence. The entities shall adhere to proce-
24 dures and mechanisms developed by the Secretary,

1 including procedures and mechanisms relating to the
2 sharing of data.

3 “(3) STATIONARY FORENSIC CENTERS.—The
4 Secretary shall make 4 of the grants described in
5 paragraph (1) to institutions of higher education
6 with demonstrated expertise in forensics or commit-
7 ment to preventing or treating elder abuse, neglect,
8 or exploitation, to establish and operate stationary
9 forensic centers. The Secretary shall make at least
10 2 of the 4 grants to an entity operating a Center of
11 Excellence described in section 2222(b)(1) at an in-
12 stitution of higher education.

13 “(4) MOBILE CENTERS.—The Secretary shall
14 make 6 of the grants described in paragraph (1) to
15 appropriate entities to establish and operate mobile
16 forensic centers.

17 “(5) USE OF FUNDS.—

18 “(A) DEVELOPMENT OF FORENSIC MARK-
19 ERS AND METHODOLOGIES.—An entity that re-
20 ceives a grant under this subsection shall use
21 funds made available through the grant to as-
22 sist in the determination of whether abuse or
23 neglect occurred, or a crime was committed,
24 and to conduct research to describe and dis-
25 seminate information on—

1 “(i) forensic markers that indicate a
2 case in which elder abuse, neglect, or ex-
3 ploitation may have occurred; and

4 “(ii) methodologies for determining, in
5 such a case, when and how health care,
6 emergency service, social and protective
7 service, and legal service providers should
8 intervene and when the providers should
9 report the case to law enforcement authori-
10 ties.

11 “(B) APPLICATIONS.—An entity that re-
12 ceives a grant under this subsection shall use
13 funds made available through the grant to de-
14 velop forensic expertise regarding elder abuse,
15 neglect, and exploitation, in order to provide
16 medical and forensic evaluation, therapeutic
17 intervention, victim support and advocacy, case
18 review, and case tracking.

19 “(C) COLLECTION OF EVIDENCE.—An en-
20 tity operating a Center of Excellence described
21 in section 2222(b)(1) that receives a grant
22 under this subsection shall use funds made
23 available through the grant to develop the ca-
24 pacity to collect forensic evidence, including col-
25 lecting forensic evidence relating to a potential

1 determination of elder abuse, neglect, or exploi-
2 tation.

3 “(6) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 this subsection—

6 “(A) \$4,000,000 for fiscal year 2007;

7 “(B) \$6,000,000 for fiscal year 2008; and

8 “(C) \$8,000,000 for each of fiscal years
9 2009 through 2013.

10 “(b) TRAINING TO DEVELOP EXPERTISE IN GERI-
11 ATRIC FORENSICS.—

12 “(1) FELLOWSHIP PROGRAMS.—

13 “(A) IN GENERAL.—The Secretary shall
14 award fellowships to eligible individuals, to en-
15 able the individuals to obtain training through
16 a standard forensic science training program.

17 “(B) ELIGIBLE INDIVIDUALS.—To be eligi-
18 ble to receive a fellowship under this paragraph,
19 an individual shall be a physician who—

20 “(i) is board certified or board eligible
21 in internal medicine or family practice;

22 “(ii) has completed a program in geri-
23 atrics that meets such criteria as the Sec-
24 retary may prescribe; and

1 “(iii) has entered into an agreement
2 with the Secretary to provide the team
3 training described in subparagraph (C),
4 after receiving the training described in
5 subparagraph (A).

6 “(C) TEAM TRAINING.—An individual who
7 receives a fellowship under this paragraph shall
8 provide training in forensic geriatrics to inter-
9 disciplinary teams of health care professionals.

10 “(2) ADDITIONAL PROGRAMS.—In addition to
11 the fellowships awarded under paragraph (1), the
12 Secretary shall establish programs, and make grants
13 to carry out such programs, that are designed to
14 provide forensic training to experienced geriatricians.

15 “(3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 this subsection \$5,000,000 for each of fiscal years
18 2007 through 2013.

1 **“Subtitle C—Increasing Security,**
2 **Quality, and Consumer Informa-**
3 **tion for Long-Term Care**

4 **“CHAPTER 1—INCREASING SECURITY FOR**
5 **LONG-TERM CARE**

6 **“SEC. 2231. REPORTING TO LAW ENFORCEMENT OF CRIMES**
7 **OCCURRING IN FEDERALLY FUNDED LONG-**
8 **TERM CARE FACILITIES.**

9 “(a) REPORTING REQUIREMENT.—

10 “(1) IN GENERAL.—Each individual who is an
11 owner, operator, employee, manager, agent, or con-
12 tractor of a long-term care facility that is described
13 in subsection (b)(1) shall report to 1 or more law en-
14 forcement entities for the jurisdiction in which the
15 facility is located any reasonable suspicion of a crime
16 (as defined by the law of the applicable political sub-
17 division) against any person who is a resident of or
18 receiving care from the facility.

19 “(2) TIMING.—If the events that cause the sus-
20 picion—

21 “(A) result in serious bodily injury, the in-
22 dividual shall report the suspicion immediately;
23 and

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

4 “(b) LONG-TERM CARE FACILITY DESCRIBED.—

5 “(1) LONG-TERM CARE FACILITY.—A long-term
6 care facility is described in this paragraph if such
7 facility will receive at least \$10,000 in Federal funds
8 during a year.

9 “(2) NOTIFICATION.—In the case of a long-
10 term facility described in paragraph (1), the owner
11 or operator shall annually notify each individual de-
12 scribed in subsection (a)(1) of the obligation to com-
13 ply with subsection(a).

14 “(c) PENALTY.—

15 “(1) IN GENERAL.—If an individual described
16 in subsection (a)(1) violates subsection (a)—

17 “(A) the individual shall be fined not more
18 than \$200,000 or subject to a civil money pen-
19 alty of not more than \$200,000; or

20 “(B) the Secretary shall classify the indi-
21 vidual as an excluded individual for a period of
22 not more than 3 years.

23 “(2) INCREASED HARM.—If an individual de-
24 scribed in subsection (a)(1) violates subsection (a),

1 and the violation exacerbates the harm to the victim
2 of the crime or results in harm to another person—

3 “(A) the individual shall be fined not more
4 than \$300,000 or subject to a civil money pen-
5 alty of not more than \$300,000; and

6 “(B) the Secretary shall classify the indi-
7 vidual as an excluded individual for a period of
8 not more than 3 years.

9 “(3) EXCLUDED INDIVIDUAL.—During any pe-
10 riod for which an individual is classified as an ex-
11 cluded individual under this paragraph, an entity
12 that employs the individual shall be ineligible to re-
13 ceive Federal funds.

14 “(4) EXTENUATING CIRCUMSTANCES.—The
15 Secretary may take into account the financial bur-
16 den on providers with underserved populations in de-
17 termining the penalty.

18 “(d) REGULATIONS.—The Secretary, after consulting
19 with the Attorney General, shall issue regulations to carry
20 out this section.

1 **“CHAPTER 2—IMPROVING THE QUALITY**
2 **OF LONG-TERM CARE**

3 **“SEC. 2241. GRANTS AND INCENTIVES TO ENHANCE LONG-**
4 **TERM CARE STAFFING.**

5 “(a) GENERAL AUTHORITY.—The Administrator of
6 the Centers for Medicare & Medicaid Services (in this sec-
7 tion referred to as the ‘Administrator’) shall carry out ac-
8 tivities, including activities described in subsections (b)
9 and (c), to provide incentives for individuals to train for,
10 seek, and maintain employment providing direct care in
11 a long-term care facility.

12 “(b) SPECIFIC PROGRAMS TO ENHANCE TRAINING,
13 RECRUITMENT, AND RETENTION OF STAFF.—

14 “(1) COORDINATION WITH OTHER PROGRAMS
15 TO RECRUIT AND TRAIN LONG-TERM CARE STAFF.—

16 The Administrator shall coordinate activities with
17 the Secretary of Labor and the Assistant Secretary
18 for the Administration for Children and Families, in
19 order to provide incentives to participants in pro-
20 grams carried out under section 403(a)(5) and part
21 A of title IV to train for and seek employment pro-
22 viding direct care in a long-term care facility.

23 “(2) CAREER LADDERS AND WAGE OR BENEFIT
24 INCREASES TO INCREASE STAFFING IN LONG-TERM
25 CARE FACILITIES.—

1 “(A) IN GENERAL.—The Administrator
2 shall make grants to eligible entities to carry
3 out programs through which the entities—

4 “(i) offer, to employees who provide
5 direct care in a long-term care facility,
6 continuing training and varying levels of
7 certification, based on observed clinical
8 care practices and the amount of time the
9 employees spend providing direct care; and

10 “(ii) provide, or make arrangements
11 with employers to provide, bonuses or
12 other increased compensation or benefits to
13 employees who achieve certification under
14 such a program.

15 “(B) APPLICATION.—To be eligible to re-
16 ceive a grant under this paragraph, an entity
17 shall submit an application to the Adminis-
18 trator at such time, in such manner, and con-
19 taining such information as the Administrator
20 may require.

21 “(c) SPECIFIC PROGRAMS TO IMPROVE MANAGE-
22 MENT PRACTICES.—

23 “(1) IN GENERAL.—The Administrator shall
24 make grants to eligible organizations to enable the
25 organizations to provide training and technical as-

1 sistance to eligible persons (including administra-
2 tors, directors of nursing, staff developers, and
3 charge nurses) who establish or implement manage-
4 ment practices for long-term care facilities.

5 “(2) USE OF FUNDS.—An organization that re-
6 ceives a grant under paragraph (1) shall use funds
7 made available through the grant—

8 “(A) to provide training and technical as-
9 sistance regarding management practices for
10 employees that provide direct care in a long-
11 term care facility and that are demonstrated to
12 promote retention of those employees, such
13 as—

14 “(i) the establishment of basic human
15 resource policies that reward high perform-
16 ance, including policies that provide for im-
17 proved wages and benefits on the basis of
18 job reviews;

19 “(ii) the establishment of motivational
20 and thoughtful work organization prac-
21 tices;

22 “(iii) the creation of a workplace cul-
23 ture that respects and values caregivers
24 and their needs;

1 “(iv) the promotion of a workplace
2 culture that respects the rights of residents
3 of a long-term care facility and results in
4 improved care for the residents; and

5 “(v) the establishment of other pro-
6 grams that promote the provision of high
7 quality care, such as a continuing edu-
8 cation program that provides additional
9 hours of training, including on-the-job
10 training, for employees who are certified
11 nurse aides; or

12 “(B) to disseminate training materials for
13 the training described in subparagraph (A), and
14 to provide the materials to the National Elder
15 Justice Library established in section
16 2221(a)(4), so that the materials are available
17 to other providers of such training.

18 “(3) APPLICATION.—To be eligible to receive a
19 grant under this subsection, an organization shall
20 submit an application to the Administrator at such
21 time, in such manner, and containing such informa-
22 tion as the Administrator may require.

23 “(d) EVALUATING PROGRAMS.—After the first pro-
24 grams developed under this section have been completed,

1 the Administrator shall evaluate the outcomes of such pro-
 2 grams in determining which future applications to fund.

3 “(e) ACCOUNTABILITY MEASURES.—The Adminis-
 4 trator shall develop accountability measures to ensure that
 5 funds made available under this section benefit the staff
 6 who are the intended beneficiaries of the programs pro-
 7 vided under this section, to promote increases in the num-
 8 ber of staff and stability in the long-term care workforce.

9 “(f) COMPLIANCE WITH APPLICABLE LAWS.—In
 10 order to receive funds under this section, an eligible entity
 11 shall comply with all applicable laws, regulations, and
 12 guidelines.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this section
 15 \$10,000,000 for each of fiscal years 2007 through 2013.

16 **“SEC. 2242. COLLABORATIVE EFFORTS TO ENHANCE COM-**
 17 **MUNICATION ON PROMOTING QUALITY OF**
 18 **AND PREVENTING ABUSE AND NEGLECT IN**
 19 **LONG-TERM CARE.**

20 “(a) IN GENERAL.—The Director of the Agency for
 21 Healthcare Research and Quality (in this section referred
 22 to as the ‘Director’), after consultation with the Attorney
 23 General, may establish pilot projects to improve long-term
 24 care. In carrying out the projects, the Director shall make
 25 grants to eligible partnerships to develop collaborative and

1 innovative approaches to improve the quality of, including
2 preventing abuse and neglect in, long-term care.

3 “(b) ELIGIBLE PARTNERSHIPS.—To be eligible to re-
4 ceive a grant under this section, a partnership shall be
5 a multidisciplinary community partnership, such as a
6 partnership consisting of representatives in a community
7 of nursing facility providers, advocates for residents of
8 long-term care facilities, State Long-Term Care Ombuds-
9 men, surveyors, the State agency with responsibility for
10 adult protective services, the State agency with responsi-
11 bility for licensing long-term care facilities, law enforce-
12 ment agencies, courts, family councils, residents, certified
13 nurse aides, registered nurses, physicians, and other ap-
14 propriate entities and individuals.

15 “(c) APPLICATION.—To be eligible to receive a grant
16 under this section, a partnership shall submit an applica-
17 tion to the Director at such time, in such manner, and
18 containing such information as the Director may require.

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$2,500,000 for each of fiscal years 2007 through 2013.

1 **“SEC. 2243. COLLABORATIVE EFFORTS TO DEVELOP CON-**
2 **SENSUS AROUND THE MANAGEMENT OF CER-**
3 **TAIN QUALITY-RELATED FACTORS.**

4 “(a) IN GENERAL.—The Director of the Agency for
5 Healthcare Research and Quality (in this section referred
6 to as the ‘Director’), after consultation with the Attorney
7 General and the Advisory Board established under section
8 2213, shall make grants to eligible entities to establish
9 multidisciplinary panels to address, and develop consensus
10 on, subjects relating to improving the quality of long-term
11 care. The Director shall make a limited number of such
12 grants, including at least 1 grant for the establishment
13 of such a panel to address, and develop consensus on,
14 methods of managing resident-to-resident abuse in long-
15 term care.

16 “(b) USE OF FUNDS.—An entity that receives a
17 grant under this section shall—

18 “(1) establish a multidisciplinary panel to ad-
19 dress a specific subject; and

20 “(2) ensure that the panel uses the funds made
21 available through the grant to establish a goal with
22 respect to the subject, examine relevant research and
23 data, identify best practices with respect to the sub-
24 ject, determine the best way to carry out those best
25 practices in a practical and feasible manner, and de-

1 terminate an effective manner of distributing informa-
 2 tion on the subject.

3 “(c) APPLICATION.—To be eligible to receive a grant
 4 under this section, an entity shall submit an application
 5 to the Director at such time, in such manner, and con-
 6 taining such information as the Director may require.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated to carry out this section
 9 \$2,000,000 for each of fiscal years 2007 through 2013.

10 **“CHAPTER 3—INCREASING CONSUMER**

11 **INFORMATION ABOUT LONG-TERM CARE**

12 **“SEC. 2251. LONG-TERM CARE CONSUMER CLEARING-**
 13 **HOUSE.**

14 “(a) IN GENERAL.—The Director of the Office of
 15 Elder Justice in the Department of Health and Human
 16 Services, in coordination with the Director of the Agency
 17 for Healthcare Research and Quality and the Adminis-
 18 trator of the Centers for Medicare & Medicaid Services,
 19 shall establish a long-term care consumer clearinghouse in
 20 the Department of Health and Human Services.

21 “(b) INFORMATION.—The clearinghouse shall be es-
 22 tablished as part of the Elder Justice Resource Center es-
 23 tablished under section 2221 and shall provide comprehen-
 24 sive detailed information, in a consumer-friendly form, to
 25 consumers about choices relating to long-term care pro-

1 viders, such as information (including links to Web sites
2 and other resources that provide information) about—

3 “(1) obtaining the services of, and employing,
4 caregivers who provide long-term care at an individ-
5 ual’s home; and

6 “(2) options for residential long-term care, such
7 as—

8 “(A)(i) the type of care provided by nurs-
9 ing facilities; and

10 “(ii) the type of care provided by group
11 homes and other residential long-term care fa-
12 cilities that are not nursing facilities;

13 “(B) the benefits available through the
14 programs carried out under titles XVIII and
15 XIX of the Social Security Act (42 U.S.C. 1395
16 et seq.; 1396 et seq.); and

17 “(C) the care available through specific
18 long-term care facilities, including data on the
19 satisfaction level of residents, and families of
20 residents, of the facilities.

21 “(c) PROVIDERS.—In providing information on long-
22 term care providers under this section, the clearinghouse
23 shall provide information (from States and other sources)
24 on assisted living facilities, board and care facilities, con-

1 gregate care facilities, home health care providers, and
 2 other long-term care providers.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this sec-
 5 tion—

6 “(1) \$2,000,000 for fiscal year 2007;

7 “(2) \$3,000,000 for fiscal year 2008; and

8 “(3) \$4,000,000 for each of fiscal years 2009
 9 through 2013.

10 **“SEC. 2252. CONSUMER INFORMATION ABOUT THE CON-**
 11 **TINUUM OF RESIDENTIAL LONG-TERM CARE**
 12 **FACILITIES.**

13 “(a) STUDY.—

14 “(1) IN GENERAL.—The Director of the Agency
 15 for Healthcare Research and Quality, after consulta-
 16 tion with the Director of the Office of Elder Justice
 17 in the Department of Health and Human Services
 18 and the Director of the Office of Elder Justice in
 19 the Department of Justice, shall, directly or through
 20 a grant, conduct a study on consumer concerns re-
 21 lating to residential long-term care facilities other
 22 than nursing facilities.

23 “(2) SPECIFIC TOPICS.—The entity conducting
 24 the study shall—

1 “(A) develop definitions for classes of the
2 residential long-term care facilities described in
3 paragraph (1); and

4 “(B) collect information on the prices of,
5 level of services provided by, oversight and en-
6 forcement provisions of, and admission and dis-
7 charge criteria of the facilities.

8 “(b) REPORT.—The Director of the Agency for
9 Healthcare Research and Quality shall prepare a report
10 containing the results of the study and, not later than the
11 date that is 2 years after the date of enactment of the
12 Elder Justice Act, submit the report to the Elder Justice
13 Coordinating Council established under section 2212, the
14 Committee on Ways and Means of the House of Rep-
15 resentatives, and the Special Committee on Aging of the
16 Senate.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$3,000,000 for each of fiscal years 2007 through 2013.

20 **“Subtitle D—Miscellaneous** 21 **Provisions**

22 **“SEC. 2261. EVALUATIONS.**

23 “(a) GRANTS.—

24 “(1) IN GENERAL.—In making a grant under a
25 provision of this title, the granting authority shall—

1 “(A) require the recipient of the grant
2 to—

3 “(i) reserve a portion of the funds
4 made available through the grant; and

5 “(ii) use the reserved funds to conduct
6 an evaluation of the other activities carried
7 out through the grant; or

8 “(B)(i) reserve a portion of the funds
9 available for the grant; and

10 “(ii) use the reserved funds to provide as-
11 sistance to an eligible entity to conduct an eval-
12 uation of the activities carried out through the
13 grant.

14 “(2) USE OF FUNDS.—A recipient of a grant
15 described in paragraph (1)(A), or assistance de-
16 scribed in paragraph (1)(B)(ii), shall use the funds
17 made available through the grant, or the assistance,
18 respectively, to conduct a validated evaluation of the
19 effectiveness of the activities described in subpara-
20 graph (A) or (B), respectively, of paragraph (1).

21 “(3) APPLICATIONS.—

22 “(A) SUBMISSION.—

23 “(i) GRANTS FOR PROJECTS CON-
24 TAINING EVALUATIONS.—To be eligible to
25 receive a grant for which the granting au-

1 thority requires the reservation described
2 in paragraph (1)(A)(i), an entity shall in-
3 clude a proposal for the evaluation in the
4 application submitted for the grant.

5 “(ii) ASSISTANCE FOR EVALUA-
6 TIONS.—To be eligible to receive assistance
7 under paragraph (1)(B)(ii), an entity shall
8 submit an application to the granting au-
9 thority at such time, in such manner, and
10 containing such information as the grant-
11 ing authority may require, including a pro-
12 posal for the evaluation.

13 “(B) REVIEW AND ASSISTANCE.—An em-
14 ployee of the National Institute on Aging and
15 a private expert with expertise in evaluation
16 methodology shall review each proposal de-
17 scribed in clause (i) or (ii) of subparagraph (A),
18 and determine whether the methodology de-
19 scribed in the proposal is adequate to gather
20 meaningful information. If the employee and
21 expert determine that the methodology is inad-
22 equate, the employee and expert shall rec-
23 ommend that the granting authority deny the
24 application for the grant described in subpara-
25 graph (A)(i), or the assistance described in sub-

1 paragraph (B)(ii), as appropriate, or make rec-
2 ommendations for how the application should
3 be amended. If the granting authority denies
4 the application on the basis of the proposal, the
5 granting authority shall inform the applicant
6 why the application was denied, and offer as-
7 sistance to the applicant in modifying the pro-
8 posal.

9 “(b) OTHER GRANTS.—The granting authority shall
10 make grants to appropriate entities to conduct validated
11 evaluations of activities to reduce elder abuse, neglect, and
12 exploitation that are not funded under this title.

13 “(c) CONDITION OF PARTICIPATION.—As a condition
14 of participation in any grant under this title, individuals,
15 facilities, and other entities shall agree to be subject to
16 sections 3729 through 3733 of title 31, United States
17 Code, and other applicable laws.

18 **“SEC. 2262. HUMAN SUBJECT RESEARCH.**

19 “(a) IN GENERAL.—For purposes of the application
20 of subpart A of part 46 of title 45, Code of Federal Regu-
21 lations, to research conducted under this title, the term
22 ‘legally authorized representative’ means, unless otherwise
23 provided by law, the individual, or judicial or other body
24 authorized under the applicable law to consent to medical
25 treatment on behalf of another person.

1 “(b) GUIDELINES.—The Secretary, through the Di-
2 rector of the National Institute on Aging, after consulta-
3 tion with the Director of the Office for Human Research
4 Protections, shall promulgate guidelines to assist research-
5 ers working in the area of elder abuse, neglect, and exploi-
6 tation, with issues relating to human subject protections.

7 **“SEC. 2263. REGULATIONS.**

8 “The Secretary may issue such regulations as may
9 be necessary to carry out this title.

10 **“SEC. 2264. RULE OF CONSTRUCTION.**

11 “Nothing in this title shall be construed to interfere
12 with or abridge an elder’s right to practice his or her reli-
13 gion through reliance on prayer alone for healing when
14 this choice—

15 “(1) is contemporaneously expressed, either
16 orally or in writing, with respect to a specific illness
17 or injury which the elder has at the time of the deci-
18 sion by an elder who is competent at the time of the
19 decision;

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

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

1 **“SEC. 2265. AUTHORIZATION OF APPROPRIATION.**

2 “There are authorized to be appropriated to carry out
3 this subtitle \$7,000,000 for each of fiscal years 2007
4 through 2013.”.

5 **SEC. 102. SUPPORTING THE LONG-TERM CARE OMBUDS-**
6 **MAN PROGRAM.**

7 (a) SUPPORTING THE LONG-TERM CARE OMBUDS-
8 MAN PROGRAM.—

9 (1) IN GENERAL.—Section 712(h) of the Older
10 Americans Act of 1965 (42 U.S.C. 3058g(h)) is
11 amended—

12 (A) in paragraph (8), by striking “; and”
13 at the end and inserting a semicolon;

14 (B) in paragraph (9), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(10) make grants, in consultation with the Di-
19 rector of the Office of Elder Justice in the Depart-
20 ment of Health and Human Services and the Direc-
21 tor of the Office of Elder Justice in the Department
22 of Justice, to eligible entities with relevant expertise
23 and experience to conduct evaluations and pilot
24 studies relating to various programs and methods
25 carried out by the Office of the State Long-Term
26 Care Ombudsman or a local Ombudsman entity

1 under section 307(a)(9) or this chapter, or to pro-
2 vide support (such as an ombudsman resource cen-
3 ter).’’.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to carry out
6 the amendments made by this subsection—

7 (A) \$5,000,000 in fiscal year 2007;

8 (B) \$7,500,000 in fiscal year 2008; and

9 (C) \$10,000,000 in each of fiscal years
10 2009 through 2013.

11 (b) OMBUDSMAN TRAINING PROGRAMS.—

12 (1) IN GENERAL.—The Secretary of Health and
13 Human Services (in this Act referred to as the “Sec-
14 retary”) shall establish programs to provide and im-
15 prove ombudsman training with respect to elder
16 abuse, neglect, and exploitation for national organi-
17 zations and for State Long-Term Care Ombudsman
18 programs.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 this subsection \$10,000,000 for each of fiscal years
22 2007 through 2013.

1 **SEC. 103. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
2 **GRANT PROGRAMS.**

3 Part A of title XI of the Social Security Act (42
4 U.S.C. 1301 et seq.) is amended by adding at the end
5 the following new section:

6 “ADULT PROTECTIVE SERVICES FUNCTIONS

7 “SEC. 1150A. (a) FUNCTIONS.—

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

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

15 “(B) collects and disseminates data annu-
16 ally relating to the abuse, exploitation, and ne-
17 glect of elders in coordination with the Bureau
18 of Justice Statistics of the Office of Justice
19 Programs of the Department of Justice efforts
20 to collect national data under section 2221;

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

1 “(D) in conjunction with the necessary ex-
2 perts, conducts research related to the provision
3 of adult protective services; and

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

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

12 “(A) \$2,000,000 for fiscal year 2007; and

13 “(B) \$3,000,000 for each of fiscal years
14 2008 through 2013.

15 “(b) GRANT PROGRAM.—

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

22 “(2) AMOUNT OF PAYMENT.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graphs (B) and (C), with respect to a fiscal

1 year, each State shall be paid an amount equal
2 to the product of—

3 “(i) the amount appropriated for the
4 year under paragraph (5); and

5 “(ii) the ratio (expressed as a percent-
6 age) of—

7 “(I) the total number of elders
8 who reside in the State, to

9 “(II) the total number of elders
10 who reside in the United States.

11 “(B) GUARANTEED MINIMUM PAYMENT
12 AMOUNT.—

13 “(i) 50 STATES.—Subject to clause
14 (ii), if the amount determined under sub-
15 paragraph (A) for a State for a year is less
16 than 0.75 percent of the amount appro-
17 priated under paragraph (5), the Secretary
18 shall increase such determined amount so
19 that the total amount paid under this sub-
20 section to the State for the year is equal
21 to 0.75 percent of the amount so appro-
22 priated.

23 “(ii) TERRITORIES.—In the case of a
24 State other than 1 of the 50 States, clause

1 (i) shall be applied as if each reference to
2 ‘0.75’ were a reference to ‘0.1’.

3 “(C) PRO RATA REDUCTIONS.—The Sec-
4 retary shall make such pro rata reductions to
5 the amounts described in subparagraph (A) as
6 are necessary to comply with the requirements
7 of subparagraph (B).

8 “(3) AUTHORIZED ACTIVITIES.—

9 “(A) ADULT PROTECTIVE SERVICES.—
10 Funds made available pursuant to this sub-
11 section may only be used by States and local
12 units of government to provide adult protective
13 services and may not be used for any other pur-
14 pose.

15 “(B) USE BY AGENCY.—Each State receiv-
16 ing funds pursuant to this subsection shall pro-
17 vide such funds to the agency or unit of State
18 government having legal responsibility for pro-
19 viding adult protective services within the State.

20 “(C) SUPPLEMENT NOT SUPPLANT.—Each
21 State or local unit of government shall use
22 funds made available pursuant to this sub-
23 section to supplement and not supplant other
24 Federal, State, and local public funds expended
25 to provide adult protective services in the State.

1 “(4) REPORTS.—

2 “(A) STATE REPORTS.—Each State receiv-
3 ing funds under this subsection shall submit to
4 the Secretary, at such time and in such manner
5 as the Secretary may require, a report on the
6 number of elders served by the award of grants
7 under this subsection.

8 “(B) REPORT BY THE SECRETARY.—Not
9 later than October 1, 2011, the Secretary shall
10 submit to the appropriate committees of Con-
11 gress a report compiling, summarizing, and
12 analyzing the information contained in the re-
13 ports submitted under subparagraph (A) to-
14 gether with such recommendations for legisla-
15 tive or administrative action as the Secretary
16 determines to be appropriate.

17 “(5) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to carry out
19 this subsection \$300,000,000 for each of fiscal years
20 2007 through 2011.”.

21 **SEC. 104. ASSURING SAFETY OF RESIDENTS WHEN NURS-**
22 **ING FACILITIES CLOSE.**

23 (a) NURSING FACILITY CLOSURE UNDER MED-
24 ICAID.—Section 1919(c)(2) of the Social Security Act (42

1 U.S.C. 1396r(c)(2)) is amended by adding at the end the
2 following new subparagraph:

3 “(G) NOTICE OF NURSING FACILITY CLO-
4 SURE AND RESIDENT TRANSFER PLAN.—

5 “(i) IN GENERAL.—The owner or op-
6 erator of a nursing facility shall—

7 “(I) submit to the Secretary and
8 the State (including the State Long-
9 Term Care Ombudsman) in which the
10 facility is located written notification
11 of an impending closure not later than
12 the date that is 60 days prior to the
13 date of such closure;

14 “(II) include in the notice a plan
15 for the transfer and adequate reloca-
16 tion of the residents prior to closure,
17 including assurances that residents
18 will not be transferred to facilities
19 providing substandard care for which
20 administrative or law enforcement ac-
21 tion is pending; and

22 “(III) not later than 10 days
23 after the facility closure, submit to the
24 Secretary and the State information
25 identifying where residents of the

1 closed facility were transferred and on
2 what date.

3 “(ii) SANCTIONS.—Any person owning
4 a nursing facility that fails to comply with
5 the requirements of clause (i) shall be sub-
6 ject to—

7 “(I) a civil monetary penalty of
8 up to \$1,000,000;

9 “(II) exclusion from participation
10 in the programs under this Act (in ac-
11 cordance with the procedures of sec-
12 tion 1128); and

13 “(III) any other applicable civil
14 monetary penalties and assessments.

15 “(iii) PROCEDURE.—A civil monetary
16 penalty or assessment authorized under
17 clause (ii) shall be imposed against a per-
18 son in the same manner as a civil mone-
19 tary penalty, assessment, or exclusion is
20 imposed under section 1128A.”.

21 (b) SKILLED NURSING FACILITY CLOSURE UNDER
22 MEDICARE.—Section 1819(c)(2) of the Social Security
23 Act (42 U.S.C. 1395i–3(c)(2)) is amended by adding at
24 the end the following new subparagraph:

1 “(D) NOTICE OF SKILLED NURSING FACIL-
2 ITY CLOSURE AND RESIDENT TRANSFER
3 PLAN.—

4 “(i) IN GENERAL.—The owner or op-
5 erator of a skilled nursing facility shall—

6 “(I) submit to the Secretary and
7 the State in which the facility is lo-
8 cated written notification of an im-
9 pending closure not later than the
10 date that is 60 days prior to the date
11 of such closure;

12 “(II) include in the notice a plan
13 for the transfer and adequate reloca-
14 tion of the residents prior to closure,
15 including assurances that residents
16 will not be transferred to facilities
17 providing substandard care for which
18 administrative or law enforcement ac-
19 tion is pending; and

20 “(III) not later than 10 days
21 after the facility closure, submit to the
22 Secretary and the State information
23 identifying where residents of the
24 closed facility were transferred and on
25 what date.

1 “(ii) SANCTIONS.—Any person owning
 2 a nursing facility that fails to comply with
 3 the requirements of clause (i) shall be sub-
 4 ject to—

5 “(I) a civil monetary penalty of
 6 up to \$1,000,000;

7 “(II) exclusion from participation
 8 in the programs under this Act (in ac-
 9 cordance with the procedures of sec-
 10 tion 1128); and

11 “(III) any other applicable civil
 12 monetary penalties and assessments.

13 “(iii) PROCEDURE.—A civil monetary
 14 penalty or assessment authorized under
 15 clause (ii) shall be imposed against a per-
 16 son in the same manner as a civil mone-
 17 tary penalty, assessment, or exclusion is
 18 imposed under section 1128A.”.

19 **SEC. 105. NATIONAL NURSE AIDE REGISTRY.**

20 (a) STUDY AND REPORT.—

21 (1) IN GENERAL.—The Secretary, in consulta-
 22 tion with appropriate government agencies and pri-
 23 vate sector organizations, shall conduct a study on
 24 establishing a national nurse aide registry.

1 (2) AREAS EVALUATED.—The study conducted
2 under this subsection shall include an evaluation
3 of—

4 (A) who should be included in the registry;

5 (B) how such a registry would comply with
6 Federal and State privacy laws and regulations;

7 (C) how data would be collected for the
8 registry;

9 (D) what entities and individuals would
10 have access to the data collected;

11 (E) how the registry would provide appro-
12 priate information regarding violations of Fed-
13 eral and State law by individuals included in
14 the registry; and

15 (F) how the functions of a national nurse
16 aide registry would be coordinated with the
17 pilot program for national and State back-
18 ground checks on direct patient access employ-
19 ees of long-term care facilities or providers es-
20 tablished under section 307 of the Medicare
21 Prescription Drug, Improvement, and Mod-
22 ernization Act of 2003 (Public Law 108–173)
23 and the national criminal background check
24 program established under section 106(c).

1 (3) CONSIDERATIONS.—In conducting the study
2 and preparing the report required under this sub-
3 section, the Secretary shall take into consideration
4 the findings and conclusions of relevant reports, in-
5 cluding the following:

6 (A) The Department of Health and
7 Human Services Office of Inspector General
8 Report, Nurse Aide Registries: State Compli-
9 ance and Practices (February 2005).

10 (B) The General Accounting Office (now
11 known as the Government Accountability Of-
12 fice) Report, Nursing Homes: More Can Be
13 Done to Protect Residents from Abuse (March
14 2002).

15 (C) The Department of Health and
16 Human Services Office of the Inspector General
17 Report, Nurse Aide Registries: Long-Term Care
18 Facility Compliance and Practices (July 2005).

19 (D) The Department of Health and
20 Human Services Health Resources and Services
21 Administration Report, Nursing Aides, Home
22 Health Aides, and Related Health Care Occupa-
23 tions—National and Local Workforce Shortages
24 and Associated Data Needs (2004)(in par-
25 ticular with respect to chapter 7 & appendix F).

1 (E) The 2001 Report to CMS from the
2 School of Rural Public Health, Texas A&M
3 University, Preventing Abuse and Neglect in
4 Nursing Homes: The Role of Nurse Aide Reg-
5 istries.

6 (4) REPORT.—Not later than 24 months after
7 the date of enactment of this Act, the Secretary
8 shall submit a report to the appropriate Committees
9 of Congress containing the findings and rec-
10 ommendations of the study conducted under this
11 subsection.

12 (5) FUNDING LIMITATION.—Funding for the
13 study conducted under this subsection shall not ex-
14 ceed \$500,000.

15 (b) ESTABLISHMENT OF NATIONAL NURSE AIDE
16 REGISTRY.—

17 (1) IN GENERAL.—Upon completion of the re-
18 port described in subsection (a)(4), the Secretary
19 shall take appropriate measures to establish a na-
20 tional nurse aide registry, taking into account the
21 findings and recommendations contained in the re-
22 port.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated such sums

1 as are necessary for the purpose of carrying out this
2 subsection.

3 **SEC. 106. BACKGROUND CHECKS ON DIRECT ACCESS EM-**
4 **PLOYEES OF LONG-TERM CARE FACILITIES**
5 **OR PROVIDERS.**

6 (a) SCREENING OF SKILLED NURSING FACILITY AND
7 NURSING FACILITY EMPLOYEE APPLICANTS.—

8 (1) MEDICARE PROGRAM.—Section 1819(b) of
9 the Social Security Act (42 U.S.C. 1395i–3(b)) is
10 amended by adding at the end the following:

11 “(9) SCREENING OF SKILLED NURSING FACIL-
12 ITY WORKERS.—

13 “(A) BACKGROUND CHECKS ON APPLI-
14 CANTS.—Before hiring a skilled nursing facility
15 worker, a skilled nursing facility shall conduct
16 a background check on the employee in accord-
17 ance with such procedures as the Secretary
18 shall establish.

19 “(B) PROHIBITION ON HIRING OF ABUSIVE
20 WORKERS.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), a skilled nursing facility may not
23 knowingly employ any skilled nursing facil-
24 ity worker who has any disqualifying infor-

1 mation (as defined in subparagraph
2 (F)(ii)).

3 “(ii) PROVISIONAL EMPLOYMENT.—A
4 skilled nursing facility may provide for a
5 provisional period of employment for a
6 skilled nursing facility worker pending
7 completion of the background check re-
8 quired under subparagraph (A). Such facil-
9 ity shall maintain direct supervision of the
10 covered individual during the worker’s pro-
11 visional period of employment.

12 “(C) PROCEDURES.—The procedures es-
13 tablished by the Secretary under subparagraph
14 (A) shall—

15 “(i) provide a process by which a
16 skilled nursing facility worker may appeal
17 or dispute the accuracy of the information
18 obtained in a background check conducted
19 under this paragraph;

20 “(ii) take into account the needs of
21 skilled nursing facilities located in rural
22 areas and skilled nursing facilities that
23 serve a low volume of patients (as deter-
24 mined by the Secretary) with respect to
25 providing supervision for provisional em-

1 ployees who are awaiting the results of a
2 background check conducted under this
3 paragraph; and

4 “(iii) provide for the reimbursement
5 of nursing facilities for 100 percent of the
6 costs incurred by such facilities in com-
7 plying with the requirements of this sec-
8 tion.

9 “(D) IMMUNITY FROM LIABILITY.—A
10 skilled nursing facility that, in denying employ-
11 ment for an applicant, reasonably relies upon
12 information about such applicant provided by
13 the criminal background check shall not be lia-
14 ble in any action brought by such applicant
15 based on the employment determination result-
16 ing from the information.

17 “(E) CIVIL PENALTY.—

18 “(i) IN GENERAL.—A skilled nursing
19 facility that violates the provisions of this
20 paragraph shall be subject to a civil pen-
21 alty in an amount not to exceed—

22 “(I) for the first such violation,
23 \$2,000; and

1 “(II) for the second and each
2 subsequent violation within any 5-year
3 period, \$5,000.

4 “(ii) KNOWING RETENTION OF WORK-
5 ER.—In addition to any civil penalty under
6 clause (i), a skilled nursing facility that
7 knowingly continues to employ a skilled
8 nursing facility worker in violation of sub-
9 paragraph (A) or (B) shall be subject to a
10 civil penalty in an amount not to exceed
11 \$5,000 for the first such violation, and
12 \$10,000 for the second and each subse-
13 quent violation within any 5-year period.

14 “(F) DEFINITIONS.—In this paragraph:

15 “(i) CONVICTION FOR A RELEVANT
16 CRIME.—The term ‘conviction for a rel-
17 evant crime’ means any Federal or State
18 criminal conviction for—

19 “(I) any offense described in sec-
20 tion 1128(a); and

21 “(II) such other types of offenses
22 as the Secretary may specify in regu-
23 lations.

24 “(ii) DISQUALIFYING INFORMATION.—
25 The term ‘disqualifying information’ means

1 information about a conviction for a rel-
2 evant crime or a finding of patient or resi-
3 dent abuse.

4 “(iii) SKILLED NURSING FACILITY
5 WORKER.—The term ‘skilled nursing facil-
6 ity worker’ means any individual (other
7 than a volunteer) that has direct access to
8 a patient of a skilled nursing facility under
9 an employment or other contract, or both,
10 with such facility. Such term includes indi-
11 viduals who are licensed or certified by the
12 State to provide long-term care services,
13 and nonlicensed individuals providing such
14 services, as defined by the Secretary, in-
15 cluding nurse assistants, nurse aides, home
16 health aides, and personal care workers
17 and attendants.”.

18 (2) MEDICAID PROGRAM.—Section 1919(b) of
19 the Social Security Act (42 U.S.C. 1396r(b)) is
20 amended by adding at the end the following new
21 paragraph:

22 “(9) SCREENING OF NURSING FACILITY WORK-
23 ERS.—

24 “(A) BACKGROUND CHECKS ON APPLI-
25 CANTS.—Before hiring a nursing facility work-

1 er, a nursing facility shall conduct a back-
2 ground check on the employee in accordance
3 with such procedures as the Secretary shall es-
4 tablish.

5 “(B) PROHIBITION ON HIRING OF ABUSIVE
6 WORKERS.—

7 “(i) IN GENERAL.—Subject to clause
8 (ii), a nursing facility may not knowingly
9 employ any nursing facility worker who
10 has any disqualifying information (as de-
11 fined in subparagraph (F)(ii)).

12 “(ii) PROVISIONAL EMPLOYMENT.—A
13 nursing facility may provide for a provi-
14 sional period of employment for a nursing
15 facility worker pending completion of the
16 background check required under subpara-
17 graph (A). Such facility shall maintain di-
18 rect supervision of the covered individual
19 during the worker’s provisional period of
20 employment.

21 “(C) PROCEDURES.—The procedures es-
22 tablished by the Secretary under subparagraph
23 (A) shall—

24 “(i) provide a process by which a
25 nursing facility worker may appeal or dis-

1 pute the accuracy of the information ob-
2 tained in a background check conducted
3 under this paragraph;

4 “(ii) take into account the needs of
5 nursing facilities located in rural areas and
6 nursing facilities that serve a low volume
7 of patients (as determined by the Sec-
8 retary) with respect to providing super-
9 vision for provisional employees who are
10 awaiting the results of a background check
11 conducted under this paragraph; and

12 “(iii) provide for the reimbursement
13 of nursing facilities for 100 percent of the
14 costs incurred by such facilities in com-
15 plying with the requirements of this sec-
16 tion.

17 “(D) IMMUNITY FROM LIABILITY.—A
18 nursing facility that, in denying employment for
19 an applicant, reasonably relies upon information
20 about such applicant provided by the criminal
21 background check shall not be liable in any ac-
22 tion brought by such applicant based on the
23 employment determination resulting from the
24 information.

25 “(E) CIVIL PENALTY.—

1 “(i) IN GENERAL.—A nursing facility
2 that violates the provisions of this para-
3 graph shall be subject to a civil penalty in
4 an amount not to exceed—

5 “(I) for the first such violation,
6 \$2,000; and

7 “(II) for the second and each
8 subsequent violation within any 5-year
9 period, \$5,000.

10 “(ii) KNOWING RETENTION OF WORK-
11 ER.—In addition to any civil penalty under
12 clause (i), a nursing facility that knowingly
13 continues to employ a nursing facility
14 worker in violation of subparagraph (A) or
15 (B) shall be subject to a civil penalty in an
16 amount not to exceed \$5,000 for the first
17 such violation, and \$10,000 for the second
18 and each subsequent violation within any
19 5-year period.

20 “(F) DEFINITIONS.—In this paragraph:

21 “(i) CONVICTION FOR A RELEVANT
22 CRIME.—The term ‘conviction for a rel-
23 evant crime’ means any Federal or State
24 criminal conviction for—

1 “(I) any offense described in sec-
2 tion 1128(a); and

3 “(II) such other types of offenses
4 as the Secretary may specify in regu-
5 lations.

6 “(ii) DISQUALIFYING INFORMATION.—
7 The term ‘disqualifying information’ means
8 information about a conviction for a rel-
9 evant crime or a finding of patient or resi-
10 dent abuse.

11 “(iii) NURSING FACILITY WORKER.—
12 The term ‘nursing facility worker’ means
13 any individual (other than a volunteer)
14 that has direct access to a patient of a
15 nursing facility under an employment or
16 other contract, or both, with such facility.
17 Such term includes individuals who are li-
18 censed or certified by the State to provide
19 long-term care services, and nonlicensed
20 individuals providing such services, as de-
21 fined by the Secretary, including nurse as-
22 sistants, nurse aides, home health aides,
23 and personal care workers and attend-
24 ants.”.

1 (3) EFFECTIVE DATE.—The amendments made
 2 by this subsection shall take effect on the date that
 3 is 1 year after the date on which the evaluation is
 4 completed under subsection (c)(1).

5 (b) APPLICATION TO OTHER LONG-TERM CARE FA-
 6 CILITIES OR PROVIDERS.—

7 (1) MEDICARE.—Part E of title XVIII of the
 8 Social Security Act (42 U.S.C. 1395x et seq.) is
 9 amended by adding at the end the following:
 10 “APPLICATION OF SKILLED NURSING FACILITY PREVEN-
 11 TIVE ABUSE PROVISIONS TO LONG-TERM CARE FA-
 12 CILITIES AND PROVIDERS

13 “SEC. 1898. (a) The provisions of section 1819(b)(9)
 14 shall apply to a long-term care facility or provider (as de-
 15 fined in subsection (b)) in the same manner as such provi-
 16 sions apply to a skilled nursing facility.

17 “(b) LONG-TERM CARE FACILITY OR PROVIDER.—
 18 In this section, the term ‘long-term care facility or pro-
 19 vider’ means the following facilities or providers which re-
 20 ceive payment for services under this title or title XIX:

- 21 “(1) A home health agency.
- 22 “(2) A provider of hospice care.
- 23 “(3) A long-term care hospital.
- 24 “(4) A provider of personal care services.
- 25 “(5) A residential care provider that arranges
- 26 for, or directly provides, long-term care services.

1 “(6) An intermediate care facility for the men-
2 tally retarded (as defined in section 1905(d)).”.

3 (2) MEDICAID.—Section 1902(a) of the Social
4 Security Act (42 U.S.C. 1396a) is amended—

5 (A) in paragraph (66), by striking “and”
6 at the end;

7 (B) in paragraph (67), by striking the pe-
8 riod and inserting “; and”; and

9 (C) by inserting after paragraph (67) the
10 following:

11 “(68) provide that the provisions of section
12 1919(b)(9) apply to a long-term care facility or pro-
13 vider (as defined in section 1898(b)) in the same
14 manner as such provisions apply to a nursing facil-
15 ity.”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by this subsection shall take effect on the date that
18 is 1 year after the date on which the evaluation is
19 completed under subsection (c)(1).

20 (c) NATIONAL CRIMINAL BACKGROUND CHECK PRO-
21 GRAM.—

22 (1) COMPLETION OF PILOT PROGRAM EVALUA-
23 TION.—Not later than the date that is 6 months
24 after the completion of the pilot program for na-
25 tional and State background checks on direct patient

1 access employees of long-term care facilities or pro-
2 viders established under section 307 of the Medicare
3 Prescription Drug, Improvement, and Modernization
4 Act of 2003 (Public Law 108–173), the Secretary
5 shall complete the evaluation required under sub-
6 section (e) of such section of such Act.

7 (2) ESTABLISHMENT.—

8 (A) IN GENERAL.—Not later than the date
9 that is 1 year after the completion of the eval-
10 uation of the program described in paragraph
11 (1), the Secretary, in consultation with the At-
12 torney General, shall establish a national crimi-
13 nal background check program in order to pre-
14 vent abuse of nursing facility and skilled nurs-
15 ing facility residents and individuals receiving
16 home health care services and other long-term
17 care services under the medicare or medicaid
18 programs, taking into account the findings and
19 recommendations contained in the evaluation.

20 (B) USE IN CONDUCTING REQUIRED BACK-
21 GROUND CHECKS.—The national criminal back-
22 ground check program shall be made available
23 to a long-term care facility or provider for the
24 purpose of conducting criminal background
25 checks, including the criminal background

1 checks required under sections 1819(b)(9) and
2 1919(b)(9) of the Social Security Act (42
3 U.S.C. 1395i–3(b), 1396r(b)) (as added by sub-
4 section (a)).

5 (C) CONDUCT OF BACKGROUND CHECKS
6 BY THE FEDERAL BUREAU OF INVESTIGA-
7 TION.—The Secretary, in consultation with the
8 Attorney General, shall establish procedures for
9 the background checks to be conducted by the
10 Federal Bureau of Investigation, in cooperation
11 with appropriate State and Federal agencies.

12 (D) CONSULTATION.—In establishing the
13 national criminal background check program,
14 the Secretary shall consult with appropriate in-
15 terested parties, including—

16 (i) representatives of long-term care
17 facilities or providers;

18 (ii) representatives of employees of
19 long-term care facilities or providers;

20 (iii) consumers of long-term care serv-
21 ices;

22 (iv) consumer advocates; and

23 (v) appropriate Federal and State of-
24 ficials.

1 (E) INTEGRATION.—The Secretary shall
2 take appropriate measures to integrate the na-
3 tional criminal background check program and
4 the national nurse aide registry established
5 under section 105(b) into a single system. The
6 integration of the program and the registry
7 shall be done in such a manner as to efficiently
8 and accurately provide timely responses to long-
9 term care facilities and providers utilizing the
10 integrated system.

11 (3) DEFINITIONS.—In this subsection:

12 (A) LONG-TERM CARE FACILITY OR PRO-
13 VIDER.—The term “long-term care facility or
14 provider” means the following facilities or pro-
15 viders which receive payment for services under
16 title XVIII or XIX of the Social Security Act:

17 (i) A nursing facility (as defined in
18 subparagraph (B)).

19 (ii) A skilled nursing facility (as de-
20 fined in subparagraph (C)).

21 (iii) A home health agency.

22 (iv) A provider of hospice care (as de-
23 fined in section 1861(dd)(1) of the Social
24 Security Act) (42 U.S.C. 1395x(dd)(1)).

1 (v) A long-term care hospital (as de-
2 scribed in section 1886(d)(1)(B)(iv) of
3 such Act) (42 U.S.C.
4 1395ww(d)(1)(B)(iv)).

5 (vi) A provider of personal care serv-
6 ices.

7 (vii) A residential care provider that
8 arranges for, or directly provides, long-
9 term care services.

10 (viii) An intermediate care facility for
11 the mentally retarded (as defined in sec-
12 tion 1905(d) of such Act) (42 U.S.C.
13 1396d(d)).

14 (B) NURSING FACILITY.—The term “nurs-
15 ing facility” has the meaning given such term
16 in section 1919(a) of the Social Security Act
17 (42 U.S.C. 1396r(a)).

18 (C) SKILLED NURSING FACILITY.—The
19 term “skilled nursing facility” has the meaning
20 given such term in 1819(a) of the Social Secu-
21 rity Act (42 U.S.C. 1395i–3(a)).

TITLE II—DEPARTMENT OF JUSTICE

SEC. 201. MODEL STATE LAWS AND PRACTICES.

(a) IN GENERAL.—The Attorney General, after consultation with the Secretary, shall carry out the following duties:

(1) STUDY.—Conduct a study of State laws and practices relating to elder abuse, neglect, and exploitation.

(2) REPORT TO ELDER JUSTICE RESOURCE CENTER.—Prepare and submit a report or periodic reports containing the findings of the study conducted under paragraph (1) to the Elder Justice Resource Center established under section 2221 of the Social Security Act, to be made available to the public.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, submit to the Chairman and Ranking Member of the Special Committee on Aging of the Senate, and the Speaker and Minority leader of the House of Representatives a report that contains—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

1 (B) a comprehensive analysis of the effective-
2 tiveness of such State laws and practices; and

3 (C) recommendations—

4 (i) for model State laws and practices
5 relating to elder abuse, neglect, and exploi-
6 tation; and

7 (ii) with respect to the definitions re-
8 ferred to in subsection (b)(1).

9 (b) STATE LAWS AND PRACTICES.—The Attorney
10 General shall examine State laws and practices under sub-
11 section (a) on issues including—

12 (1) the definition of—

13 (A) “elder”;

14 (B) “abuse”;

15 (C) “neglect”;

16 (D) “exploitation”; and

17 (E) such related terms the Attorney Gen-
18 eral determines to be appropriate;

19 (2) mandatory reporting laws, with respect to—

20 (A) who is a mandated reporter;

21 (B) to whom must they report and within
22 what time frame; and

23 (C) any consequences for not reporting;

24 (3) evidentiary, procedural, sentencing, choice
25 of remedies, and data retention issues relating to

1 pursuing cases relating to elder abuse, neglect, and
2 exploitation;

3 (4) laws requiring immediate reporting of all
4 nursing home deaths to the county coroner or to
5 some other individual or entity;

6 (5) fiduciary laws, including guardianship and
7 power of attorney laws;

8 (6) laws that permit or encourage banks and
9 bank employees to prevent and report suspected
10 elder abuse, neglect, and exploitation;

11 (7) laws that may impede research on elder
12 abuse, neglect, and exploitation;

13 (8) practices relating to the enforcement of laws
14 relating to elder abuse, neglect, and exploitation; and

15 (9) practices relating to other aspects of elder
16 justice.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this sec-
19 tion—

20 (1) \$1,000,000 in fiscal year 2007; and

21 (2) \$2,000,000 for each of fiscal years 2008
22 through 2013.

1 **SEC. 202. OFFICE OF ELDER JUSTICE OF THE DEPARTMENT**
2 **OF JUSTICE.**

3 (a) ESTABLISHMENT.—There is established within
4 the Department of Justice, under the Assistant Attorney
5 General and the Office of Justice Programs, an Office of
6 Elder Justice.

7 (b) DIRECTOR OF THE OFFICE OF ELDER JUSTICE.—

9 (1) APPOINTMENT.—The President, with the
10 advice and consent of the Senate, shall appoint a Di-
11 rector of the Office of Elder Justice, from among in-
12 dividuals with experience and expertise in elder jus-
13 tice issues, to manage the Office of Elder Justice es-
14 tablished under this section.

15 (2) DUTIES.—The Director of the Office of
16 Elder Justice shall—

17 (A)(i) develop objectives, priorities, poli-
18 cies, and a long-term plan for elder justice pro-
19 grams and activities relating to prevention, de-
20 tection, training, treatment, evaluation, inter-
21 vention, research, and improvement of the elder
22 justice system in the United States;

23 (ii) implement the overall policies and a
24 strategy to carry out the plan described in
25 clause (i); and

1 (iii) hire personnel to assist the director in
2 carrying out the policies, programs, and admin-
3 istrative activities related to the duties under
4 clauses (i) and (ii);

5 (B) provide advice to the Attorney General
6 on elder justice issues; and

7 (C) coordinate activities with the Director
8 of the Office of Elder Justice within the De-
9 partment of Health and Human Services.

10 (3) REPORTING RELATIONSHIP.—The Director
11 of the Office of Elder Justice shall have the same
12 reporting relationship with the Attorney General, the
13 Assistant Attorney General, and the Office of Jus-
14 tice Programs as the directors of the other offices
15 headed by Presidential appointees within the Office
16 of Justice Programs.

17 (4) COMPENSATION.—The Director of the Of-
18 fice of Elder Justice shall be compensated at a rate
19 that shall not exceed the rate established for level I
20 of the Executive Schedule under section 5312 of title
21 5, United States Code.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 \$3,000,000 for each of fiscal years 2007 through 2013.

1 **SEC. 203. VICTIM ADVOCACY GRANTS.**

2 (a) GRANTS AUTHORIZED.—The Attorney General,
3 after consultation with the Secretary, may award grants
4 to eligible entities to study the special needs of victims
5 of elder abuse, neglect, and exploitation.

6 (b) AUTHORIZED ACTIVITIES.—Funds awarded pur-
7 suant to subsection (a) shall be used for pilot programs
8 that—

9 (1) develop programs, provide training to health
10 care, social, and protective services providers, law
11 enforcement, fiduciaries (including guardians),
12 judges and court personnel, and victim advocates;
13 and

14 (2) examine special approaches designed to
15 meet the needs of victims of elder abuse, neglect,
16 and exploitation.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this sec-
19 tion—

20 (1) \$2,500,000 for fiscal year 2007; and

21 (2) \$3,000,000 for each of fiscal years 2008
22 through 2013.

23 **SEC. 204. SUPPORTING LOCAL PROSECUTORS IN ELDER**
24 **JUSTICE MATTERS.**

25 (a) GRANTS AUTHORIZED.—The Attorney General,
26 after consultation with the Director of the Office of Elder

1 Justice in the Department of Health and Human Services,
2 shall award grants to provide training, technical assist-
3 ance, policy development, multidisciplinary coordination,
4 and other types of support to local prosecutors handling
5 elder justice-related cases, including—

6 (1) funding specially designated elder justice
7 positions or units; or

8 (2) funding the creation of a Center for the
9 Prosecution of Elder Abuse, Neglect, and Exploi-
10 tation by the American Prosecutor Research Insti-
11 tute of the National District Attorneys Association,
12 or any other similarly situated entity, to advise and
13 support local prosecutors nationwide in their pursuit
14 of cases involving elder abuse, neglect, and exploi-
15 tation.

16 (b) DUTIES.—The Center created under subsection
17 (a) shall, among other things—

18 (1) collaborate with experts in elder abuse, ne-
19 glect, and exploitation;

20 (2) collaborate with the Advisory Board created
21 by section 2213 of the Social Security Act; and

22 (3) provide local prosecutors and personnel as-
23 sisting such prosecutors with training, technical as-
24 sistance, multidisciplinary teams, and input in the
25 handling, prevention and prosecution of, and special

1 circumstances surrounding, elder abuse, neglect, and
2 exploitation.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 (1) \$3,000,000 for fiscal year 2007; and

7 (2) \$4,00,000 for each of fiscal years 2008
8 through 2013.

9 **SEC. 205. SUPPORTING STATE PROSECUTORS IN ELDER**
10 **JUSTICE MATTERS.**

11 (a) IN GENERAL.—The Attorney General shall, after
12 consultation with the Secretary, award grants to provide
13 training, technical assistance, multidisciplinary coordina-
14 tion, policy development, and other types of support to
15 State prosecutors, including employees of State Attorneys
16 General and Medicaid Fraud Control Units handling elder
17 justice-related matters.

18 (b) CREATING SPECIALIZED POSITIONS.—Grants
19 under this section may be made for—

20 (1) the establishment of specially designated
21 elder justice positions or units; or

22 (2) the creation of a position to coordinate elder
23 justice-related cases, training, technical assistance,
24 and policy development for State prosecutors, by the

1 National Association of Attorneys General (NAAG)
2 or any other similarly situated entity.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 (1) \$3,000,000 for fiscal year 2007; and

7 (2) \$4,000,000 for each of fiscal years 2008
8 through 2013.

9 **SEC. 206. INCREASED SUPPORT FOR FEDERAL CASES IN-**
10 **VOLVING ELDER JUSTICE.**

11 (a) SUPPORT AND ASSISTANCE.—

12 (1) IN GENERAL.—The Attorney General shall
13 establish procedures to ensure that the Department
14 of Justice dedicates resources to supporting cases re-
15 lating to elder justice.

16 (2) ADDITIONAL STAFF.—The Attorney General
17 shall have additional Federal prosecutors and make
18 funding available to Federal prosecutors to hire
19 nurse-investigators or other experts needed to iden-
20 tify, assist with, or pursue cases relating to elder
21 justice.

22 (3) RESOURCE GROUP.—The Attorney General
23 may fund through the Executive Office of United
24 States Attorneys a Resource Group to assist pros-
25 ecutors throughout the Nation in pursuing failure of

1 care and other cases relating to elder justice mat-
2 ters.

3 (b) OFFICE OF INSPECTOR GENERAL.—The Office of
4 Inspector General of the Department of Health and
5 Human Services shall hire nurse investigators and other
6 experts to investigate and pursue failure of care allega-
7 tions.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this sec-
10 tion—

11 (1) \$3,000,000 for fiscal year 2007; and

12 (2) \$4,000,000 for each of fiscal years 2008
13 through 2013.

14 **SEC. 207. SUPPORTING LAW ENFORCEMENT IN ELDER JUS-**
15 **TICE MATTERS.**

16 (a) IN GENERAL.—The Attorney General shall, after
17 consultation with the Secretary, award grants to provide
18 training, technical assistance, multidisciplinary coordina-
19 tion, policy development, and other types of support to po-
20 lice, sheriffs, detectives, public safety officers, corrections
21 personnel, and other frontline law enforcement responders
22 who handle elder justice-related matters, to fund specially
23 designated elder justice positions or units designed to sup-
24 port front line law enforcement in elder justice matters.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sec-
3 tion—

4 (1) \$6,000,000 for fiscal year 2007; and

5 (2) \$8,000,000 for each of fiscal years 2008
6 through 2013.

7 **SEC. 208. EVALUATIONS.**

8 (a) GRANTS.—

9 (1) IN GENERAL.—In making a grant under a
10 provision of this title, the granting authority shall—

11 (A) require the recipient of the grant to—

12 (i) reserve a portion of the funds
13 made available through the grant; and

14 (ii) use the reserved funds to conduct
15 an evaluation of the other activities carried
16 out through the grant; or

17 (B)(i) reserve a portion of the funds avail-
18 able for the grant; and

19 (ii) use the reserved funds to provide as-
20 sistance to an eligible entity to conduct an eval-
21 uation of the activities carried out through the
22 grant.

23 (2) USE OF FUNDS.—A recipient of a grant de-
24 scribed in paragraph (1)(A), or assistance described
25 in paragraph (1)(B)(ii), shall use the funds made

1 available through the grant, or the assistance, re-
2 spectively, to conduct a validated evaluation of the
3 effectiveness of the activities described in subpara-
4 graph (A) or (B), respectively, of paragraph (1).

5 (3) APPLICATIONS.—

6 (A) SUBMISSION.—

7 (i) GRANTS FOR PROJECTS CON-
8 TAINING EVALUATIONS.—To be eligible to
9 receive a grant for which the granting au-
10 thority requires the reservation described
11 in paragraph (1)(A)(i), an entity shall in-
12 clude a proposal for the evaluation in the
13 application submitted for the grant.

14 (ii) ASSISTANCE FOR EVALUATIONS.—

15 To be eligible to receive assistance under
16 paragraph (1)(B)(ii), an entity shall sub-
17 mit an application to the granting author-
18 ity at such time, in such manner, and con-
19 taining such information as the granting
20 authority may require, including a proposal
21 for the evaluation.

22 (B) REVIEW AND ASSISTANCE.—

23 (i) IN GENERAL.—An employee of the
24 Department of Justice, after consultation
25 with an employee of the Department of

1 Health and Human Services and a non-
2 governmental member of the advisory
3 board established under section 2213 of
4 the Social Security Act with expertise in
5 evaluation methodology, shall review each
6 proposal described in clause (i) or (ii) of
7 subparagraph (A), and determine whether
8 the methodology described in the proposal
9 is adequate to gather meaningful informa-
10 tion.

11 (ii) DENIAL.—If the reviewing em-
12 ployee determines the methodology de-
13 scribed in the proposal is inadequate under
14 clause (i), they shall recommend that the
15 granting authority deny the application for
16 the grant described in subparagraph
17 (A)(i), or the assistance described in sub-
18 paragraph (B)(ii), as appropriate, or make
19 recommendations for how the application
20 should be amended.

21 (iii) NOTICE TO APPLICANT.—If the
22 granting authority denies the application
23 on the basis of the proposal under this
24 subparagraph, the granting authority shall
25 inform the applicant why the application

1 was denied and offer assistance to the ap-
 2 plicant in modifying the proposal.

3 (b) OTHER GRANTS.—The granting authority shall
 4 make grants to appropriate entities to conduct validated
 5 evaluations of activities to reduce elder abuse, neglect, and
 6 exploitation that are not funded under this title.

7 (c) CONDITION OF PARTICIPATION.—As a condition
 8 of participation in any grant under this title, individuals,
 9 facilities, and other entities shall agree to be subject to
 10 the provisions of section 571 of title 18, United States
 11 Code, as added by this Act.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to carry out this section
 14 \$7,000,000 for each of fiscal years 2007 through 2013.

15 **TITLE III—TAX PROVISIONS**

16 **SEC. 301. LONG-TERM CARE FACILITY WORKER EMPLOY-** 17 **MENT TAX CREDIT.**

18 (a) WORK OPPORTUNITY TAX CREDIT.—

19 (1) IN GENERAL.—Section 51(d)(1) of the In-
 20 ternal Revenue Code of 1986 (relating to members
 21 of targeted groups) is amended by striking “or” at
 22 the end of subparagraph (G), by striking the period
 23 at the end of subparagraph (H) and inserting “or”,
 24 and by adding at the end the following:

1 “(I) a qualified long-term care facility
2 worker.”.

3 (2) QUALIFIED LONG-TERM CARE FACILITY
4 WORKER.—Section 51(d) of such Code is amended
5 by redesignating paragraphs (10) through (12) as
6 paragraphs (11) through (13), respectively, and by
7 inserting after paragraph (9) the following:

8 “(10) QUALIFIED LONG-TERM CARE FACILITY
9 WORKER.—The term ‘qualified long-term care facil-
10 ity worker’ means any individual who—

11 “(A) is hired by a long-term care facility
12 (as defined in paragraph (18) of section 2201
13 of the Social Security Act); and

14 “(B) is certified by the designated local
15 agency as being qualified to provide long-term
16 care (as defined in paragraph (17) of such sec-
17 tion 2201).”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall apply to individuals who begin work
20 for an employer after the date of enactment of this Act.

○