

113TH CONGRESS
1ST SESSION

H. R. 3090

To amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2013

Mr. CARTWRIGHT (for himself, Ms. NORTON, Mr. VARGAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PETERS of Michigan, Mr. BARBER, Mr. RUSH, Mr. GRAYSON, Mr. RANGEL, Mrs. NAPOLITANO, Mr. CONNOLLY, Mr. COURTNEY, Ms. FRANKEL of Florida, Mrs. NEGRETE MCLEOD, Mr. LANGEVIN, Ms. ESHOO, Mr. PALLONE, Mr. DOGGETT, Mr. PASCRELL, Mr. CROWLEY, Mr. CÁRDENAS, Ms. HAHN, Mr. GRIJALVA, Mr. RAHALL, Ms. SHEA-PORTER, Ms. SCHWARTZ, Mr. TONKO, Ms. JACKSON LEE, Mr. GENE GREEN of Texas, and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Elder Protection and Abuse Prevention Act”.

6 (b) FINDINGS.—Congress finds the following:

1 (1) In 2009, the Department of Justice esti-
2 mated that 14.1 percent of non-institutionalized
3 older adults in the United States had experienced
4 some form of elder abuse in the past year.

5 (2) Only 1 in 23.5 cases of elder abuse is ever
6 reported due to a lack of screening, awareness, and
7 prevention efforts.

8 (3) The mortality rate of older adults who are
9 victims of abuse is 3 times higher than older adults
10 that are not victims of abuse.

11 (4) The annual financial loss by victims of elder
12 financial abuse is estimated to be at least
13 \$2,900,000,000, and steadily increasing.

14 **SEC. 2. ADULT PROTECTIVE SERVICES; DEFINITIONS.**

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

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) ABUSE.—The term ‘abuse’ means the
20 knowing infliction of physical or psychological harm
21 or the knowing deprivation of goods or services that
22 are necessary to meet essential needs or to avoid
23 physical or psychological harm.”;

24 (2) by redesignating paragraphs (4) through
25 (54) as paragraphs (5) through (55);

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

3 “(4) ADULT PROTECTIVE SERVICES.—The term
4 ‘adult protective services’ means such services pro-
5 vided to adults as the Secretary may specify and in-
6 cludes services such as—

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

9 “(B) investigating the reports described in
10 subparagraph (A);

11 “(C) case planning, monitoring, evaluation,
12 and other case work and services; and

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

18 (4) by amending paragraph (18), as so redesign-
19 nated, to read as follows:

20 “(18) ELDER JUSTICE.—The term ‘elder jus-
21 tice’ means—

22 “(A) from a societal perspective, efforts
23 to—

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

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

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

11 (5) in paragraph (19), as so redesignated, by
12 striking “The term ‘exploitation’ means” and insert-
13 ing “The terms ‘exploitation’ and ‘financial exploi-
14 tation’ mean”;

15 (6) in paragraph (25), as so redesignated—

16 (A) in subparagraph (B), by striking
17 “and”;

18 (B) in subparagraph (C), by striking the
19 period at the end and inserting “; and”; and

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

21 “(D) abuse, neglect (including self-ne-
22 glect), financial exploitation, including factors
23 that are the basis of a referral to adult protec-
24 tive services.”;

1 (7) in paragraph (29)(C), as so redesignated,
2 by inserting “, including opportunities for work and
3 volunteer service in the community” after “avail-
4 able”;

5 (8) in paragraph (30), as so redesignated, by
6 striking “information and referral” and inserting
7 “information and referral assistance”; and

8 (9) in paragraph (37), as so redesignated, by
9 inserting “(including elder abuse and neglect screen-
10 ing)” after “educational services”.

11 **SEC. 3. COORDINATION OF ELDER JUSTICE ACTIVITIES.**

12 (a) USE OF FUNDS.—Section 201 of the Older Amer-
13 icans Act of 1965 (42 U.S.C. 3011) is amended by adding
14 at the end the following:

15 “(g) The Assistant Secretary is authorized to use
16 funds appropriated to carry out this Act to implement ac-
17 tivities authorized under part I of subtitle B of title XX
18 of the Social Security Act (42 U.S.C. 1397k et seq.), in-
19 cluding the establishment of the Advisory Board on Elder
20 Abuse, Neglect, and Exploitation and the continuation of
21 the work of the Elder Justice Coordinating Council.”.

22 (b) ASSURANCE OF APPROPRIATE TRAINING FOR
23 STAFF.—Section 202 of the Older Americans Act of 1965
24 (42 U.S.C. 3012) is amended by adding at the end the
25 following:

1 “(g) The Assistant Secretary shall—

2 “(1) ensure, where appropriate, that all pro-
3 grams funded under this Act include appropriate
4 training in prevention and provision of services that
5 address elder justice and exploitation; and

6 “(2) periodically update the need for and ben-
7 efit of such training related to prevention of abuse,
8 neglect, and exploitation of older adults.”.

9 (c) INFORMATION AND ASSISTANCE SERVICES.—Sec-
10 tion 202(a)(21) of the Older Americans Act of 1965 (42
11 U.S.C. 3012(a)(21)) is amended to read as follows:

12 “(21)(A) establish information and assistance serv-
13 ices as priority services for older individuals, and ensure
14 that quality information and assistance services are con-
15 sistently provided to older individuals;

16 “(B) ensure that there is full collaboration between
17 all governmental information and assistance systems that
18 serve older individuals, whether specialized, crisis interven-
19 tion, disaster assistance, or others; and

20 “(C) develop and operate, either directly or through
21 contracts, grants, or cooperative agreements, a National
22 Eldercare Locator Service, providing information and as-
23 sistance services through a nationwide toll free number to
24 identify community resources for older individuals;”.

1 (d) INTEGRATION OF TITLES.—Section 701 of the
 2 Older Americans Act of 1965 (42 U.S.C. 3058) is amend-
 3 ed by adding at the end the following: “The Assistant Sec-
 4 retary, to the maximum extent practicable, shall ensure
 5 there be full integration of education and public awareness
 6 activities under this title with all service programs under
 7 title III with special emphasis on the nutrition programs,
 8 legal services, information and referral assistance activi-
 9 ties, the work of aging and disability resource centers, and
 10 the long-term care ombudsman programs, including pro-
 11 grams carried out under title VI.”.

12 **SEC. 4. COORDINATION OF NATIONAL ADULT PROTECTIVE**
 13 **SERVICES RESOURCE CENTER WITH ELDER**
 14 **ABUSE AND EXPLOITATION PREVENTION.**

15 Subsection (e)(2) of section 201 of the Older Ameri-
 16 cans Act of 1965 (42 U.S.C. 3011) is amended in the mat-
 17 ter preceding subparagraph (A) by inserting “, and in co-
 18 ordination with State Directors of the Adult Protective
 19 Services Programs and State Directors of the Office of
 20 Long-Term Care Ombudsman Programs” after “and serv-
 21 ices”.

1 **SEC. 5. NATIONAL ADULT PROTECTIVE SERVICES RE-**
2 **SOURCE CENTER.**

3 (a) IN GENERAL.—Section 201 of the Older Ameri-
4 cans Act of 1965 (42 U.S.C. 3011), as amended by section
5 3, is further amended by adding at the end the following:

6 “(h)(1) The Assistant Secretary shall, by grant or
7 contract with a national nonprofit entity, establish a Na-
8 tional Adult Protective Services Resource Center (referred
9 to in this subsection as the ‘Center’). The purposes of the
10 Center are to improve the capacity of State and local adult
11 protective services programs to respond effectively to
12 abuse, neglect, and exploitation of vulnerable adults, in-
13 cluding home care consumers and residents of long-term
14 care facilities, and to coordinate with the Long-Term Care
15 Ombudsman Program to protect home care consumers
16 and residents most effectively.

17 “(2) The nonprofit entity awarded a grant or con-
18 tract under this subsection shall have expertise in, and
19 representation by, State and local adult protective services
20 programs.

21 “(3) The Center shall—

22 “(A) collect and disseminate information re-
23 garding, and increase public awareness of, the role
24 of adult protective services programs in investigating
25 the abuse, neglect (including self-neglect), and ex-
26 ploitation of vulnerable adults, including home care

1 consumers and residents of long-term care facilities,
2 and in intervening to protect the consumers and
3 residents from abuse;

4 “(B) develop, distribute, and provide training
5 and technical assistance for adult protective services
6 program investigators and supervisors investigating
7 the abuse, neglect (including self-neglect), and ex-
8 ploitation of vulnerable adults, including home care
9 consumers and residents of long-term care facilities,
10 and intervening to protect the consumers and resi-
11 dents from further abuse;

12 “(C) develop, distribute, and provide training to
13 home care and long-term care professionals and oth-
14 ers on recognizing, reporting (including regarding
15 mandatory reporting requirements), and responding
16 to the abuse, neglect (including self-neglect), and fi-
17 nancial exploitation of vulnerable adults, including
18 home care consumers and residents of long-term
19 care facilities;

20 “(D) compile and disseminate reports on re-
21 search and best practices for adult protective serv-
22 ices programs and other programs on effective re-
23 sponses to the abuse, neglect (including self-neglect),
24 and exploitation of vulnerable adults, including home

1 care consumers and residents of long-term care fa-
2 cilities;

3 “(E) work with the National Ombudsman Re-
4 source Center and long-term care ombudsman pro-
5 grams to develop and disseminate training, practice
6 standards, and policies regarding—

7 “(i) the roles and responsibilities of adult
8 protective services and ombudsman programs;

9 “(ii) confidentiality and abuse reporting
10 issues and protocols; and

11 “(iii) effective ways to maximize the re-
12 sources of adult protective services programs
13 for the benefit of home care consumers and
14 residents of long-term care facilities; and

15 “(F) establish a data system to collect informa-
16 tion on the abuse, neglect (including self-neglect),
17 and exploitation of home care consumers and resi-
18 dents of long-term care facilities and to measure the
19 effectiveness of the activities carried out by the Cen-
20 ter.

21 “(4) Not later than 18 months after the date of en-
22 actment of the Elder Protection and Abuse Prevention
23 Act, the Director shall—

1 “(A) collect and analyze, from leading national
2 and State experts, the best practices related to
3 screening for elder abuse;

4 “(B) publish a report that describes rec-
5 ommendations regarding such best practices and dis-
6 seminate such report to all grantees under programs
7 established under this Act and described under this
8 section; and

9 “(C) submit to Congress such report and a de-
10 scription of the dissemination activities under sub-
11 paragraph (B).

12 “(5) In this subsection, the term ‘home care con-
13 sumer’ means a person who receives services in the per-
14 son’s home or community to promote independence and
15 reduce the necessity for residence in a long-term care facil-
16 ity, which may include home care services provided
17 through this Act, the Medicare program under title XVIII
18 of the Social Security Act (42 U.S.C. 1395 et seq.), the
19 Medicaid program under title XIX of the Social Security
20 Act (42 U.S.C. 1396 et seq.), or another public or private
21 funding source.”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 216 of the Older Americans Act is amended by adding
24 at the end the following:

1 “(d) NATIONAL ADULT PROTECTIVE SERVICES RE-
 2 SOURCE CENTER.—There are authorized to be appro-
 3 priated to carry out section 201(h) (relating to the Na-
 4 tional Adult Protective Services Resource Center), such
 5 sums as may be necessary for fiscal years 2014, 2015,
 6 2016, 2017, and 2018.”.

7 **SEC. 6. INCLUSION OF ADULT PROTECTIVE SERVICES PRO-**
 8 **GRAMS IN CONGRESSIONAL REPORTS.**

9 Section 207(b)(1)(C) of the Older Americans Act of
 10 1965 (42 U.S.C. 3018(b)(1)(C)) is amended by inserting
 11 “and the adult protective services programs of the States”
 12 after “of the States”.

13 **SEC. 7. PREVENTION, ASSESSMENT, AND RESPONSE TO**
 14 **ELDER ABUSE.**

15 (a) PREFERENCES.—Section 305(a)(2)(E) of the
 16 Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(E))
 17 is amended by inserting “older individuals who are or are
 18 alleged victims of elder abuse, neglect, or exploitation,”
 19 after “proficiency,”.

20 (b) AREA PLANS.—Section 306 of the Older Ameri-
 21 cans Act of 1965 (42 U.S.C. 3026) is amended—

22 (1) in subsection (a)(6)—

23 (A) in subparagraph (G), by inserting
 24 “and” at the end; and

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

1 “(H)(i) in coordination with the State
2 agency and with the State agency responsible
3 for elder abuse prevention services, increase
4 public awareness of elder abuse and financial
5 exploitation, remove barriers to elder abuse edu-
6 cation, prevention, investigation, and treatment;

7 “(ii) coordinate elder justice activities (in-
8 cluding screenings) provided by the area agency
9 on aging, community health centers, other pub-
10 lic agencies, and nonprofit private organiza-
11 tions;

12 “(iii) develop standardized, coordinated,
13 and reporting protocols with respect to elder
14 abuse; and

15 “(iv) report any instances of elder abuse in
16 accordance with State law.”; and

17 (2) in subsection (b)(3)—

18 (A) in subparagraph (J), by striking
19 “and”;

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

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

24 “(K) protection from elder abuse, neglect,
25 and financial exploitation; and”.

1 (c) STATE PLANS.—Section 307(a)(12) is amend-
2 ed—

3 (1) by redesignating subparagraphs (B) and
4 (C) as subparagraphs (C) and (D); and

5 (2) by inserting after subparagraph (A) the fol-
6 lowing:

7 “(B) that the State will develop and imple-
8 ment standardized protocols for screening and
9 reporting with respect to elder abuse;”.

10 (d) SUPPORTIVE SERVICES.—Section 321(a) of the
11 Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is
12 amended—

13 (1) in paragraph (1), by inserting “elder abuse
14 and neglect screening,” after “mental health,”;

15 (2) in paragraph (8), by inserting “, elder
16 abuse, and neglect” after “mental health”; and

17 (3) in paragraph (23), by inserting “, elder
18 abuse, neglect, and financial exploitation” after
19 “mental health”.

20 (e) NUTRITION.—Section 339(2) of the Older Ameri-
21 cans Act of 1965 (42 U.S.C. 3030g–21(2)) is amended—

22 (1) in subparagraph (J), by striking “, and”
23 and inserting a comma;

24 (2) in subparagraph (K), by striking the period
25 at the end and inserting “, and”; and

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

2 “(L) encourages individuals who distribute
3 nutrition services under subpart 2 to distribute
4 information on diabetes, elder abuse, neglect, fi-
5 nancial exploitation, and the annual Medicare
6 wellness exam.”.

7 **SEC. 8. ABUSE PREVENTION EDUCATION AND TRAINING.**

8 (a) ACTIVITIES FOR HEALTH, INDEPENDENCE, AND
9 LONGEVITY.—

10 (1) OLDER INDIVIDUALS’ PROTECTION FROM
11 VIOLENCE PROJECTS.—Section 413(b) of the Older
12 Americans Act of 1965 (42 U.S.C. 3032b(b)) is
13 amended—

14 (A) in paragraph (3), by striking “or”
15 after the semicolon at the end;

16 (B) in paragraph (4), by striking the pe-
17 riod at the end and inserting “; or”; and

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

19 “(5) research and replicate successful models of
20 elder abuse, neglect, and exploitation prevention and
21 training.”.

22 (2) DEMONSTRATION, SUPPORT, AND RE-
23 SEARCH PROJECTS.—Section 417(a)(1) of the Older
24 Americans Act of 1965 (42 U.S.C. 3032f(a)(1)) is
25 amended—

1 (A) in subparagraph (A), by striking “or”
 2 after the semicolon;

3 (B) in subparagraph (B), by striking
 4 “and” after the semicolon and inserting “or”;
 5 and

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

7 “(C) engage volunteers who are older than
 8 50 years of age in providing support and infor-
 9 mation to older adults (and their families or
 10 caretakers) who have experienced or are at risk
 11 of elder abuse, including physical, emotional, or
 12 financial abuse, neglect, or exploitation and;”.

13 (b) COMMUNITY SERVICE SENIOR OPPORTUNI-
 14 TIES.—Section 502(b)(1)(E) of the Older Americans Act
 15 of 1965 (42 U.S.C. 3056(b)(1)(E)) is amended by insert-
 16 ing “, and for the health and safety of, and prevention
 17 and detection of elder abuse for, older adults” after “fami-
 18 lies”.

19 (c) ALLOTMENTS FOR VULNERABLE ELDER RIGHTS
 20 PROTECTION ACTIVITIES.—

21 (1) STATE PLAN REQUIREMENTS.—Section
 22 705(a)(2) of the Older Americans Act of 1965 (42
 23 U.S.C. 3058d(a)(2)) is amended by inserting “fam-
 24 ily caregivers,” after “title VI,”.

1 (2) STATE LONG-TERM CARE OMBUDSMAN PRO-
2 GRAM.—

3 (A) SUPPORT OF OFFICE UNDER THE NA-
4 TIONAL FAMILY CAREGIVER SUPPORT PRO-
5 GRAM.—Section 373(g) of the Older Americans
6 Act of 1965 (42 U.S.C. 3030s–1(g)) is amend-
7 ed by adding at the end the following:

8 “(3) USE OF FUNDS FOR OMBUDSMAN PRO-
9 GRAM.—Amounts made available to a State to carry
10 out the State program under this subpart may be
11 used to support the Office of the State Long-Term
12 Care Ombudsman, including supporting the develop-
13 ment of resident and family councils.”.

14 (B) ENSURING EFFECTIVE PROGRAMS AND
15 RESIDENTS’ RIGHTS.—Section 712 of the Older
16 Americans Act of 1965 (42 U.S.C. 3058g) is
17 amended by adding at the end the following:

18 “(k) ENSURING EFFECTIVE PROGRAMS AND RESI-
19 DENTS’ RIGHTS.—The State agency shall ensure the Of-
20 fice—

21 “(1) provides facility residents with private and
22 unimpeded access to the Office, including access to
23 all records concerning the resident; and

24 “(2) allows all facility residents to receive serv-
25 ices from the Office.”.

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

5 (A) by redesignating paragraphs (7), (8),
6 (9), (10), (11), and (12), as paragraphs (8),
7 (10), (11), (12), (13), and (14), respectively;

8 (B) by striking paragraph (6) and insert-
9 ing the following:

10 “(6) conducting specialized abuse sensitivity
11 training for caregivers described in part E of title
12 III;

13 “(7) conducting training for professionals and
14 paraprofessionals in relevant fields on the identifica-
15 tion, prevention, and treatment of elder abuse, ne-
16 glect, and exploitation, with particular focus on pre-
17 vention and enhancement of self-determination and
18 autonomy;”; and

19 (C) by inserting after paragraph (8), as re-
20 designated by subparagraph (B), the following:

21 “(9) conducting appropriate training to ensure
22 cultural sensitivity in the provision of elder rights
23 services, including training in cultural issues associ-
24 ated with abuse;”.

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