

**The Older Americans Act Reauthorization of 2012**  
**DRAFT Bill Section-by-Section**  
**September 12, 2012**

**TITLE I – DECLARATION OF OBJECTIVES; DEFINITIONS**

**Sec. 101** Amends economic security language and adds an objective related to acquiring high-quality services that are culturally and linguistically responsive to older adults and their caregivers.

**Sec. 102** New or amended definitions of abuse, adult protective services, Aging and Disability Resource Centers, care coordination economic security, elder justice, exploitation, family caregiver, greatest social need, Holocaust survivor, information and referral assistance, integrated legal assistance delivery system, , and veteran.

Please note – Greatest Social Need now reads: the need caused by noneconomic factors -- (A) that restrict the ability of an individual to perform normal daily tasks; or threatens the capacity of the individual to live independently; and (B) which include - (i) physical and mental disabilities; (ii) language barriers including limited English proficiency; (iii) cultural, social, or geographic isolation (such as residence in a rural area), including isolation caused by racial, minority, or ethnic status, or status as a lesbian, gay, bisexual, or transgendered adult; and HIV-positive health status or Alzheimer's disease or a related disorder with neurological and organic brain dysfunction, status as a Holocaust survivor, or status as a veteran.

**TITLE II – ADMINISTRATION ON AGING**

**Sec. 201(d)** Requires that the Administration on Aging Director of the Office of Long-Term Care Ombudsman Programs to review and make recommendations to the Assistant Secretary regarding resources needed by the State Long-Term Care Ombudsman to collect and report program data through the National Ombudsman Reporting System, and establish standards applicable to the training required by 712(h)(5) no later than 180 days after the enactment of the bill.

**Sec. 201(e)** Requires the Asst. Secretary coordinate with States in developing a long-term plan for elder justice activities. Also requires AoA to establish best practices for a State-based Home Care Consumer Bill of Rights through a Plan for Enforcement no later than 6 mos. after enactment and make them public through the National Center on Elder Abuse. Requires that the Assistant Secretary, acting through the person designed to have responsibility for elder abuse prevention and services, coordinate with other Federal agencies the activities and research related to the economic security and financial exploitation of older individuals.

**Sec. 201(g)** Authorizes the Asst. Secretary to use funds appropriated for AoA to implement the (now already established) Advisory Board on Elder Abuse, Neglect, and Exploitation and to convene the (not yet established) Elder Justice Coordinating Council.

**Sec. 201(h)** Codifies the already-established National Adult Protective Services Resource Center within the Older Americans Act.

**Sec. 202(a)** Updates funding language to state that the National Ombudsman Resource Center shall receive no less than \$2 million in FY13, and each additional year the Center shall receive \$100,000 plus the amount receive through the previous year's appropriations. Requires the Center to work in collaboration with CMS to address resident complaints. Also, requires AoA to conduct a study with the intent of establishing a national database of organizations and opportunities for older adults, including those under Title V, to report back to Congress within two years. Requires AoA to establish information and referral assistance as a priority service for older adults. Requires AoA to encourage collaboration between the states, AAAs, ADRCs and service providers with health care entities in order to improve care coordination.

**Sec. 202(b)** Amends language to require the Asst. Secretary to identify, in consultation with the States, quality assurance standards for home and community-based LTC programs, service providers, and resources that meet certain specified requirements and national technical assistance in adopting these standards. Taking into account variation in ADRC infrastructure, it would also require the Assistant Secretary to establish consumer friendly methods for communicating to consumers, consistently through a State, certain specified quality assurance information related to the assurance standards; and the content of the State certification and licensure requirements applicable; or an explanation that the State does not have certification or licensure requirements. Also requires the Assistant Secretary to implement in all States ADRCs to provide quality assurance information related to specified standards, using certain specified methods, about home and community-based LTC programs, service providers, and resources, when referring consumers to such and adds caregiver assessment to the list of activities to be carried out by ADRCs. Also requires that the Aging and Disability Resource Centers provide financial counseling and legal assistance.

**Sec. 202(g)** New section requiring AoA to ensure that all programs operated under the Act have training and awareness of elder abuse, neglect and financial exploitation prevention.

**Sec. 202(h)** Assistant Secretary shall establish and operate the National Resource Center for Women and Retirement

**Sec. 202(i)** New section on caregiver assessment for informal caregivers and care recipients. This section is modeled after the Title III (Sec. 373(b)) Caregiver program.

**Sec. 203** Regarding Federal Agency consultation new language that requires collaboration regarding programs that are related to OAA objectives to include the Patient Protection and Affordable Care Act, (including programs that increase integration with community health centers); Title XXIX of the PHSA (regarding lifespan respite care); and requires the Interagency Coordinating Committee to now also identify and address workforce shortages related to services and supports for older individuals.

**Sec. 206** Regarding evaluation, amends language requiring the Secretary to measure and evaluate the effectiveness in targeting services to underserved older individuals with greatest economic need and greatest social need. It would also change the funding limit available to the Secretary

for program evaluation from ½ of 1% to 1% of the total amount appropriated to carry out Title III programs.

**Sec. 207** Requires the Asst. Secretary to include in the annual report an update of the issues related to Adult Protective Services.

**Sec. 210** The Assistant Secretary is authorized to designate a person within the Administration on Aging who has specialized training, background, or experience with Holocaust survivor issues to have responsibility for implementing services for older Holocaust survivors. The Assistant Secretary, with assistance from the designee, will prepare and submit an annual report to Congress on the status and needs of older individuals who are Holocaust survivors.

**Sec. 216** Reauthorizes the appropriation of such sums as may be necessary for FYs 2013 through 2017 for AOA administration, salaries, and expenses; eldercare locator service; and pension counseling and information programs. Also establishes a legal services advisory committee and authorizes appropriations of \$300,000.

**Sec. 216 (d)** Authorizes to be appropriated such sums as may be necessary for FYs 2013 through 2017 to carry out the new section 201(g) establishing the National APS Resource Center.

**New** Establishment of an Advisory Committee to assess, coordinate, and improve legal assistance activities.

**New** Requires the Secretary of Labor, through the BLS and in consultation with the Assistant Secretary, to revise and improve the Experimental Price Index for the Elderly (CPI-E), in order for the CPI-E to be considered a reliable measure in determining future cost of living adjustments that impact Americans who are 62 years of age or older, and report to Congress on these activities within 2 years of enactment. It would specify certain requirements for the Secretary in carrying out this activity.

### **TITLE III – GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING**

**Sec. 301** Adds Federally Qualified Health Centers (FQHCs) to the list of persons with whom the State may enter into new coordinated system arrangements serving older individuals.

**Sec. 303** Reauthorizes appropriations of such sums as may be necessary for FYs 2013-2017 for supportive services, nutrition services, and disease prevention and health promotion services. Adds sense of the Congress that the amount appropriated for FY2013 should be no less than \$551 million for supportive services; \$1.2 billion for nutrition services; and \$32 million for disease prevention and health promotion services.

**Sec. 305** Emphasizes that the State agency must give particular attention to providing services to older individuals with greatest economic and social need. The bill would require the State agency to provide consumers with information relating to quality assurance about home and community-based long-term care programs, service providers, and resources.

**Sec. 306** Requires AAAs to develop an Area plan that, among other things: (1) provides for the multipurpose senior centers and the use of the skills and services of older adults in paid and unpaid work at these centers; (2) includes an assessment of preparedness for the anticipated change in the number of older individuals; (3) describes outreach efforts to veteran and coordination of services provided under this act with services provided by the VA; and (4) facilitates the area-wide development and implementation of a system to address the care coordination needs of older individuals with multiple chronic illnesses.

**Sec. 307** Requires the State Plan to provide assurance that the State: (1) carry out a State LTC Ombudsman program that provides adequate funding; (2) provide legal assistance through an integrated legal assistance delivery system; (3) develop and implement standardized protocols for screening and reporting elder abuse when the State provides elder abuse prevention services; (4) provide outreach efforts that identify individuals eligible for assistance under the Act with emphasis on older individuals with the greatest economic need, greatest social need, with severe disabilities, with greatest health service need, and caregivers of individuals in the above groups; (5) at the election of the State, include an assessment of preparedness for any anticipated change in the number of older individuals; (6) related to the development “and revision” of long-range emergency preparedness plans; (7) enter into partnerships to increase public awareness of and access to in-home and community-based evidence-based falls prevention strategies and programs that aim to improve health and reduce costs for older individuals; (8) engage in outreach to veterans eligible for services under the Act; and (9) will facilitate the development and implementation of a system to address the care coordination needs of older individuals with multiple chronic illnesses.

**Sec. 311** Adds a study of nutrition projects to analyze service providers’ abilities to obtain viable contracts for special foods necessary to meet a religious requirement, required dietary need, or ethnic consideration.

**Sec. 313** Ensures that meals, to the maximum extent practicable, are adjusted and appropriately funded to meet any special health-related or other dietary needs of program participants, including needs based on religious, cultural, or ethnic requirements. Encourages individuals who distribute nutrition services to engage in conversation with homebound older individuals and to be aware of the warning signs of medical emergencies, injury, or abuse in order to reduce isolation and promote wellbeing.

**Sec. 315** Encourages contributions for services from individuals whose income is at or above 200% of the poverty line, which would be used to supplement, not supplant, any other funds expended for activities described in this Act. Requires that the Assistant Secretary conduct an evaluation and submit a report containing the results to Congress.

**Sec. 321** Requires that State plans include elder abuse and neglect screening, chronic condition self-care management, and falls prevention. Amends the supportive services grant program to include grant funding for the modernization of multipurpose senior centers, defines “federally assisted housing,” and authorizes the Assistant Secretary to provide funding for supportive services singly or in combination with other services.

**Sec. 339** Encourages that information on diabetes, elder abuse, neglect, financial exploitation, and the annual Medicare wellness exam be distributed by those who distribute nutrition services.

**Sec. 361** Creates a State grant program to provide evidence-based disease prevention and health promotion services, adding FQHCs as service delivery sites.

**Sec. 362** Authorizes States to utilize some or all of disease prevention and health promotion service grant funds to provide for services directly if the State agency determines that providing the service directly will facilitate statewide access.

**Sec. 363** New section on Clinical Preventive Services naming several preventive services covered under Medicare and defines “disease prevention and health promotion services” to include diabetes screening and the clinical preventive services consisting of the provision of influenza and pneumococcal vaccines, and screenings for breast cancer, cervical cancer, colorectal cancer, hypertension, and cholesterol.

**Sec. 372** Amends language under the National Family Caregiver Support Program to define the terms “child” and “eligible care recipient” and defines the term “older relative caregiver” to include caregiver to a child and caregiver of an individual with a disability.

**Sec. 373** Authorizes the Assistant Secretary to make grants to States to establish a program to assess the needs of family caregivers for targeted support services. States would enter into agreements with AAAs or ADRCs to administer the program. Authorizes programs to use funds, in order to support the efforts of the Ombudsman in facilitating the activities and support of family and caregiver councils in LTC facilities.

#### **TITLE IV – ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY**

**Sec. 413** New authorization that funding used for grants under this title may be used to replicate successful models of elder abuse, neglect, and exploitation prevention and training.

**Sec. 417** Clarifies that older relative caregivers are included under the intended recipients of support under these grant projects and programs. Adds language to state that adults 50 and older who have experienced abuse, neglect or exploitation be included as volunteers under the grants. Also requires that the Asst. Secretary give preference in awarding these grants to entities that are serving those in greatest social and economic need.

**Sec. 423** New grant program that supports and promotes modern multipurpose senior center models out of existing Title IV funds.

**Sec. 424** New grant program on care coordination and service delivery to test new models of care coordination and effectively deploy advanced aides to improve efficiency and quality of care for frail individuals while giving direct-care workers opportunities for career advancement through additional training, an expanded role, and increased compensation. Funding is \$2.9 million for six demo projects.

**Sec. 425** Establishes a new “Livable Communities” grant program requiring the Assistant Secretary to award grants to eligible entities such as a State, AAA, or tribal or Native Hawaiian organization, for such sums as may be necessary for FYs 2013-2017, with the sense of the Senate that the amount should be not less than \$25 million for FY2013.

**Sec. 426** Establishes new grants program to increase and improve transportation services, including affordable non-emergency transportation to medical appointments and shopping for food and other essential items, to enable older individuals to remain in the community, with preference toward those older individuals who are Holocaust survivors.

**Sec. 427** Establishes a new grants program to establish, expand or operate programs to facilitate access to medically recommended dental care for low-income older adults. The Secretary shall award competitive grants to fund the costs of professionals who will coordinate the provision of medically recommended dental care to eligible individuals as consistent with state practice laws and verify the medical, dental, and financial need of individuals. There is authorized to be appropriate to carry out this section \$2,000,000 for each of FYs 2013-2017.

**Sec. 428** Establishes that the Secretary of HHS shall award a grant to or enter into a cooperative agreement to establish a National Resource Center on Family Caregiving. The purpose of the Center shall be to, among other things, identify and disseminate information on best practices for family caregiver support programs, convene educational programs on family caregiving issues, and provide a comprehensive website with a national searchable database on family caregiver programs and resources. Funding is \$12 million for FY2013-2017.

## **TITLE V – COMMUNITY SERVICE SENIOR OPPORTUNITIES ACT**

**Sec. 502(b)** Amends language authorizing the Secretary to make grants to public and nonprofit entities for the CSEOA program which may include eligible non-profit technology organizations. Also includes projects that contribute to the general welfare of the community, which may include support for "the health and safety of, and prevention and detection of elder abuse for, older adults" in addition to children, youth, and families. Adds a new goal that grantees shall try to place fifty percent of participants in positions that assist or positively impact older adults and requires grantees to enter into contracts with two out of five entities listed in order to achieve the goal.

**Sec. 502(e)** Amends language regarding pilot, demonstration, and evaluation projects to include a project carried out by an eligible technology organization that will focus on certain specified computer and word-processing skills, and any other key skills appropriate for assisting eligible individuals in entering or re-entering the workforce.

**Sec. 503** Clarifies who shall be identified within the State plan under the CSEOA program to be served as: minority and Indian eligible individuals, eligible individuals with limited English proficiency, eligible individuals with disabilities and those with greatest economic and social need.

**Sec. 517** Reauthorizes the appropriation of such sums as may be necessary for FYs 2013 through 2017 for Title V of the Act. It would state that it is the Sense of the Senate that the amount appropriated should not be less than \$660 million for FY2013.

**Sec. 518** Defines "eligible technology organization" to include a nonprofit organization that has developed a research-based curriculum specifically designated to help older adults improve their technology skills, such as a curriculum developed through a Broadband Technology Opportunities Program or Technology Opportunities Program of the Department of Commerce; or is an eligible provider of training services identified under Sec. 112 of the Workforce Investment Act.

**New** Requires AoA and DOL to conduct a feasibility study on the proposed transfer of the CSEOA program from DOL to AoA and to report back to Congress no later than two years after enactment.

### **TITLE VI – GRANTS FOR NATIVE AMERICANS**

**Sec. 603** Reauthorization of funding for grants for Native Americans at \$11 million for FY2013-2017.

### **TITLE VII – ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES**

**Sec. 701** Requires the Assistant Secretary on Aging to establish and carry out a program for vulnerable elder rights protection. Also requires the Assistant Secretary ensure full integration of education and public awareness about Title VII activities.

**Sec. 702** Reauthorizes the LTC Ombudsman Program as such sums with Sense of the Senate language suggesting a 20% increase over current appropriations and authorizes new appropriations in such sums as may be necessary to carry out the State Home Care Ombudsman Program.

**Sec. 703** Creates competitive grants to States for the State Home Care Ombudsman Program. Authorizes the Assistant Secretary to give first priority to States that are currently providing home care ombudsman services to home care consumers as of the date of enactment.

**Sec. 704** Specifies that States are eligible for allotments or grants under Title VII.

**Sec. 705** Includes family caregivers among those specified entities with which a State must provide assurance that their views are heard through public hearings or other means when creating the State plan. Also requires that in order for States to receive an allotment under Title VII, they must have a Home Care Consumer Bill of Rights and a Plan for Enforcement. This must take into account best practices established under Sec. 201.

**Sec. 711** Changes the definition of the term "resident" to mean an individual, regardless of age, who resides in a LTC facility.

**Sec. 712(a)** Clarifies that the State Ombudsman is responsible for the management, including fiscal management of the Office of the State LTC Ombudsman. Also clarifies that the Ombudsman's function to state that residents have regular, timely, private, and unimpeded access to the Ombudsman's office. Requires the Ombudsman to actively encourage and assist in the development of resident and family councils. Amends the conflicts of interest reporting requirements for the Office of the LTC Ombudsman.

**Sec. 712(b)** Clarifies that the Ombudsman's office have access to all records concerning a resident and states that for the purposes of HIPAA the Ombudsman and representatives would be considered a health oversight agency

**Sec. 721** Authorizes the use of funds to conduct training on the identification, prevention, and treatment of elder abuse, neglect and financial exploitation. Also allows funding to provide culturally sensitive training on the prevention of elder abuse.

**Sec. 731** Amends the language requiring a State agency to provide the services of a State Legal Services Developer with specific qualifications. This person would be required to promote and may facilitate the development and operation of an integrated legal assistance delivery system.

**Sec. 736** Creates a new State Home Care Ombudsman Program.

**Sec. 737** Requires under the new State Home Care Ombudsman Program, that representatives have access to home care consumers, collect State data, monitor conflicts of interest, ensure consumer access to legal counsel, require Ombudsman to coordinate with the National Adult Protective Services Resource Center and head of the State APS office, and require the Assistant Secretary to report back to Congress on the data.

**Sec. 763** The Assistant Secretary shall carry out a grants program to establish and operate State SMP programs to assist in empowering and assisting beneficiaries and their families and caregivers through outreach, counseling, and education to prevent, detect, and report health care fraud, errors, and abuse. Each grant shall be in the amount of \$180,000 except for in the case of territories which will receive an amount equal to the amount received for FY 2012 under the SMP program in Title II and IV.

### **Title VIII**

**Sec. 801** Amends Public Health Service Act by inserting geriatrics and gerontology after pediatrics.