

# **THE ELDER JUSTICE COALITION**

A NATIONAL ADVOCACY VOICE FOR ELDER JUSTICE IN AMERICA  
JOHN B. BREAU, HONORARY CHAIR ♦ ROBERT B. BLANCATO, NATIONAL COORDINATOR

## **S. 795, Elder Justice Act H.R. 2006, Elder Justice Act As of 5/3/2010**

**Section 1:** The title of the Act is the Elder Justice Act.

**Section 2:** Describes the findings of Congress, which include a clear need for a coordinated effort, led by the federal government, to help reduce elder abuse, neglect, and exploitation.

**Section 3:** Describes the purpose of the Act, which includes the need to raise the issue of elder abuse to the national level as well as provide a comprehensive approach to preventing and combating elder abuse, neglect, exploitation and self-neglect.

**Section 4:** Adopts the meaning of any term used in Section 2011 of the Social Security Act, unless specifically provided otherwise in the bill.

**Section 5(a):** Amends the Social Security Act by adding Elder Justice to an amended Title XX, entitled Block Grants to States for Social Services and Elder Justice and adding a new Subtitle 2 - Elder Justice; then adds the following sections to Title XX of the Social Security Act.

**Section 2011:** Defines the terms used in the Act.

**Section 2012:** Ensures the protection of individual health privacy consistent with the regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and adds a rule of construction that respects religious beliefs in health care when determining whether there is abuse for data collection purposes.

### **PART A - National Coordination of Elder Justice Activities and Research**

#### **Subpart 1 – Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation**

**Section 2021:** Establishes an Elder Justice Coordinating Council to foster coordination throughout the federal government on elder abuse topics.

**Section 2022:** Establishes an Advisory Board to the Coordinating Council of experts on elder abuse, neglect and exploitation.

**Section 2023:** Requires the issuance of regulations to guide researchers in the area of elder abuse relating to human research.

**Section 2024:** Authorizes a limit of \$6.5 million for FY 2008 and \$7 million for each of FYs 2009-2011 for the federal elder justice system.

#### **Subpart 2 - Elder Abuse, Neglect, and Exploitation Forensic Centers**

**Section 2031:** Awards grants to establish and operate both stationary and mobile forensic centers and to develop forensic expertise pertaining to elder abuse, neglect and exploitation. It authorizes \$4 million in FY 2008, \$6 million in FY 2009, and \$8 million for each of FYs 2010 and 2011.

### **PART B - Elder Justice Programs**

**Section 2041:** Requires the Secretary to carry out activities that provide incentives for individuals to train for, seek, and maintain employment in long-term care facilities and authorizes \$20 million for FY 2008, \$17.5 for FY 2009, and \$15 million for FYs 2010-2011. It addresses LTC staffing problems by establishing incentive grants to:



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- **attract qualified staff** - with new, creative approaches, such as encouraging welfare-to-work and TANF recipients to train and seek employment as direct care providers,
- **retain staff** - through grants to develop innovative career ladders and wage and benefit programs,
- **train staff and management** - to enhance the ability to retain staff,
- **create an informatics systems grant program** - to off-set costs of purchasing, leasing, developing and implementing standardized clinical health care informatics systems to improve patient safety.

In addition, it requires all adjudications of criminal violations by nursing facilities or employees to be reported, as well as consumer rights information, on the official Nursing Home Compare Website.

This section also requires the Secretary to have procedures in place to accept optional electronic submissions of clinical data by long-term care facilities.

**Section 2042:** Creates functions for Adult Protective Services within HHS that the Secretary will administer to provide leadership to the state programs. To carry out these functions, it authorizes \$3 million for FY 2008 and \$4 million for each of FYs 2009-2011. Authorizes \$100 million for each of FYs 2008-2011 for state formula grants to adult protective services. It also authorizes to APS \$25 million over four years for targeted demonstration grants that test training modules and detection & prevention of financial exploitation.

**Section 2043:** Provides grants to improve ombudsman capacity, conduct pilots, provide support and improve training. Authorizes \$5 million for FY 2008, \$7.5 million for FY 2009, and \$10 million for FYs 2010-2011.

**Section 2044:** Requires the Secretary to reserve a portion of the funds appropriated under each program in Title XX to conduct validated evaluations of the effectiveness of the activities funded.

**Section 2045:** Requires a report to the Elder Justice Coordinating Council and appropriate committees summarizing specified findings.

**Section 5(b): *National Training Institute for Surveyors***- This provision shall provide and improve the training of surveyors with respect to investigating allegations of abuse, neglect and misappropriation of property in programs and long-term care facilities that receive payments under Medicare and/or Medicaid. In addition, the Secretary shall make grants available to state agencies that perform surveys on nursing facilities to design and implement compliant investigation systems.

**Section 5(b): *Reporting Crimes to Law Enforcement*** - Requires immediate reporting to law enforcement of crimes in a long-term care facility.

**Section 5(b): *Criminal Background Checks*** - Section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa) created a pilot program for national and state background checks on direct patient access employees of long-term care facilities. This provision requires the Secretary to report the findings and recommendations to the appropriate committees of Congress no later than six months after the completion of the demonstration project.

## House Bill - Elder Justice Act provisions (only)

### Title II – Department of Justice

**Section 201:** Requires a report by the Attorney General to the Elder Justice Coordinating Council and appropriate committees summarizing specified findings. Authorizes \$1 million for FY 2008 and \$2 million for each of the FYs 2009-2014

**Section 202:** Requires the Attorney general to develop objectives, priorities, policies and a long-term plan for elder justice programs relating to prevention, detection, training, treatment, evaluation, intervention, research and improvement of the elder justice system. Authorizes \$3 million for each FYs 2008-2014



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**Section 203:** Provides grants to victims' advocacy entities to study the special needs of victims. Authorizes \$2.5 million for FY 2008 and \$3 million for each FYs 2009-2014.

**Section 204:** Provides grants for training, technical assistance, policy development, multidisciplinary coordination and other types of support to local prosecutor handling elder justice-related cases. Authorizes \$3 million for FY 2008 and \$4 million for each FYs 2009-2014.

**Section 205:** Provides grants for training, technical assistance, policy development, multidisciplinary coordination and other types of support to State prosecutors including employees of the States Attorneys General and Medicaid Fraud Control Units handling elder justice-related cases. Authorizes \$3 million for FY 2008 and \$4 million for each FYs 2009-2014.

**Section 206:** Requires the Attorney General establish procedures to ensure resources are dedicated to investigating and prosecuting cases related to elder justice

**Section 207:** Requires the Attorney General in consultation with HHS, to award grants for training, technical assistance, policy development, multidisciplinary coordination and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel and other front line responders who handle elder justice-related cases. Authorizes \$6 million for FY 2008 and \$8 million for FYs 2009-2014.

**Section 208:** Requires the Attorney General to reserve a portion of the funds appropriated under each program in Title XX to conduct validated evaluations of the effectiveness of the activities funded. Authorizes \$7 million for each of the FYs 2008-2014.

## **Title III – Tax Provisions**

**Section 301:** Provides a work opportunity tax credit for long-term care facility workers.

For status updates and the complete bill, please follow the link to THOMAS: <http://thomas.loc.gov>