

112TH CONGRESS
2D SESSION

S. 3562

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2012

Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. KERRY, Ms. MIKULSKI, Mr. BEGICH, Mr. AKAKA, Mr. DURBIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. LEAHY, Mr. WYDEN, Mr. FRANKEN, Mrs. BOXER, Mr. JOHNSON of South Dakota, Mr. MERKLEY, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Act
5 Amendments of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Older adults are the fastest growing seg-
2 ment of the Nation's population, in the Nation's his-
3 tory.

4 (2) Every day, 10,000 Baby Boomers turn 65.

5 (3) One in every 5 of those individuals age 65
6 and older survives on an average of \$7,500 a year.

7 (4) Older adults haven't seen a cost of living
8 adjustment in Federal benefits, including assistance
9 under the Social Security Act, in more than 2 years
10 and will only see a very slight cost of living adjust-
11 ment in those benefits for fiscal year 2012.

12 (5) Federal funding to support older adults and
13 their caregivers has not kept pace with inflation.

14 (6) Only 7 percent of individuals who are food
15 insecure are getting a home-delivered meal.

16 (7) The cost of staying in a nursing home is
17 averaging over \$77,000 per year.

18 (8) The Medicaid program is paying for the
19 majority of nursing home care.

20 (9) States are cutting budgets for Medicaid pro-
21 grams, and the cuts sometimes result in nursing
22 homes dropping older adults off at homeless shel-
23 ters.

24 (10) In 2009, the Department of Justice esti-
25 mated that 14.1 percent of noninstitutionalized older

1 adults in the United States had experienced some
2 form of elder abuse in the past year.

3 (11) Only 1 in 23.5 cases of abuse of older
4 adults is ever reported due to a lack of screening,
5 awareness, and prevention efforts.

6 (12) The mortality rate for older adults who are
7 victims of abuse is 3 times higher than for older
8 adults who are not victims of abuse.

9 (13) The annual financial loss by older adults
10 who are victims of financial abuse, due to that
11 abuse, is estimated to be at least \$2,900,000,000,
12 and steadily increasing.

13 (14) By making significant improvements
14 through the Older Americans Act Amendments of
15 2012, it is possible to improve the lives of millions
16 of older adults, and ensure that they receive all of
17 the supports and services that they need to stay
18 healthy and active in their homes and communities.

19 **TITLE I—DECLARATION OF** 20 **OBJECTIVES; DEFINITIONS**

21 **SEC. 101. DECLARATION OF OBJECTIVES.**

22 Section 101 of the Older Americans Act of 1965 (42
23 U.S.C. 3001) is amended—

24 (1) by striking paragraph (1) and inserting the
25 following:

1 “(1) An adequate income and economic security
2 in later life in accordance with the American stand-
3 ard of living.”;

4 (2) in paragraph (4), by inserting “care coordi-
5 nation and” after “including”;

6 (3) in paragraph (8), by inserting “and sup-
7 ports, offered in a culturally and linguistically com-
8 petent manner” after “community services.”;

9 (4) by striking paragraphs (9) and (10) and in-
10 serting the following:

11 “(9) Immediate benefit from proven research
12 knowledge which can sustain and improve health,
13 happiness, and economic security.

14 “(10) Freedom, independence, economic secu-
15 rity, and the free exercise of individual initiative for
16 older people in planning and managing their own
17 lives, full participation in the planning and operation
18 of community-based services and programs provided
19 for their benefit, and protection against abuse, ne-
20 glect, and exploitation.”; and

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

22 “(11) Acquiring high-quality services in a man-
23 ner that is culturally and linguistically responsive to
24 older individuals and family caregivers.”.

1 **SEC. 102. DEFINITIONS.**

2 (a) IN GENERAL.—Section 102 of the Older Ameri-
3 cans Act of 1965 (42 U.S.C. 3002) is amended—

4 (1) by amending paragraph (1) to read as fol-
5 lows:

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

11 (2) by redesignating paragraphs (4) through
12 (14) and (15) through (54) as paragraphs (5)
13 through (15) and (17) through (56), respectively;

14 (3) by inserting after paragraph (3) the fol-
15 lowing:

16 “(4) The term ‘adult protective services’ means
17 such services provided to adults as the Secretary
18 may specify and includes services such as—

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

21 “(B) investigating the reports described in
22 subparagraph (A);

23 “(C) case planning, monitoring, evaluation,
24 and other case work and services; and

25 “(D) providing, arranging for, or facili-
26 tating the provision of medical, social service,

1 economic, legal, housing, law enforcement, or
2 other protective, emergency, or support serv-
3 ices.”;

4 (4) by striking paragraph (5), as redesignated
5 by paragraph (2) of this subsection, and inserting
6 the following:

7 “(5) The term ‘Aging and Disability Resource
8 Center’ means an entity established by a State as
9 part of the State system of long-term care, that pro-
10 vides a coordinated and integrated system that
11 serves individuals with disabilities and older individ-
12 uals, including, at a minimum providing—

13 “(A) comprehensive information on the full
14 range of—

15 “(i) available public and private long-
16 term care programs, options, service pro-
17 viders, and resources within a State, and
18 within a community, including information
19 on the availability of integrated long-term
20 care; and

21 “(ii) Federal or State programs that
22 provide long-term care services and sup-
23 ports for individuals with disabilities and
24 older individuals through home and com-
25 munity-based service programs;

1 “(B) personal and peer counseling to assist
2 individuals with disabilities and older individ-
3 uals in—

4 “(i) assessing their existing or antici-
5 pated long-term care needs and goals, in-
6 cluding needs and goals related to the
7 availability of home and community-based
8 services as an alternative to care in a nurs-
9 ing home or other institutional settings;
10 and

11 “(ii) developing and implementing a
12 plan for long-term care, consistent with the
13 desires of an individual and designed to
14 meet the individual’s specific priorities,
15 goals, needs, and circumstances;

16 “(C) access for individuals with disabilities
17 and older individuals to the full range of pub-
18 licly-supported long-term care programs and
19 supports for which individuals described in this
20 subparagraph may be eligible, including home
21 and community-based options, by serving as a
22 convenient point of entry for such programs
23 and supports;

24 “(D) if an individual with a disability or
25 older individual wants to live or remain in the

1 community, efforts to work in cooperation with
2 centers for independent living (as defined in
3 section 702 of the Rehabilitation Act of 1973
4 (29 U.S.C. 796a)) and other community-based
5 entities—

6 “(i) to facilitate the transition of an
7 individual described in this subparagraph
8 from a nursing home or other institutional
9 setting to a home or community-based resi-
10 dence, with the requisite supports and
11 services; or

12 “(ii) to provide assistance to an indi-
13 vidual who is at risk for placement in a
14 nursing home or other institutional setting,
15 or of re-entering a nursing home or other
16 institutional setting, so that an individual
17 described in this subparagraph may remain
18 in the individual’s own home, or in a home
19 or community-based residence;

20 “(E) initiatives that involve coordinating
21 State and local partnerships, including those
22 with disability advocacy organizations such as
23 centers for independent living (as so defined)
24 and aging networks such as area agencies on
25 aging, to ensure that individuals with disabil-

1 ities and older individuals have access to the
2 full array of needed services and opportunities;
3 and

4 “(F) initiatives that connect, to the great-
5 est extent practicable, individuals with disabil-
6 ities and older individuals with available long-
7 term care services and supports, including home
8 and community-based services and supports,
9 through the development of coordinated systems
10 of information, referral, and access, regardless
11 of an individual’s point of entry or initial in-
12 quiry, age, income, disability, or advance plan-
13 ning for long-term care services and supports.”;

14 (5) in subparagraph (B)(i) of paragraph (12),
15 as redesignated by paragraph (2) of this subsection,
16 by striking “comprehensive” and all that follows
17 through “psychological” and inserting “comprehen-
18 sive person-centered assessment of the older indi-
19 vidual (including the physical, psychological, eco-
20 nomic,”;

21 (6) in paragraph (15), as redesignated by para-
22 graph (1) of this subsection—

23 (A) in subparagraph (C), by inserting “,
24 their family members,” before “and their pri-
25 mary”; and

1 (B) by striking the last sentence;

2 (7) by inserting after that paragraph (15) the
3 following:

4 “(16)(A) The term ‘economic security’ means
5 access to the assets, income, and community-based
6 services necessary to provide for adequate and un-
7 subsidized housing, health care, transportation, food,
8 long-term care, and goods and services to meet other
9 basic human needs. Such access shall be measured
10 in a manner that shall be geographically based, and
11 take into account an individual’s life circumstances.

12 “(B) The term ‘economic security and benefits
13 counseling’—

14 “(i) means a supportive service that pro-
15 vides, to an older individual, a comprehensive
16 assessment of the Federal, State, and commu-
17 nity benefits and services for which the indi-
18 vidual qualifies, along with assistance in apply-
19 ing for and obtaining the benefits and services;
20 and

21 “(ii) to the extent appropriate, includes an
22 evaluation of the older individual’s—

23 “(I) economic situation, including in-
24 come, assets, and access to pensions or
25 other private benefits;

- 1 “(II) health care and housing needs;
2 “(III) access to nutrition and nutri-
3 tion services;
4 “(IV) ability to satisfy transportation
5 needs; and
6 “(V) long-term care planning.”;

7 (8) by amending paragraph (19), as redesign-
8 nated by paragraph (2) of this subsection, to read
9 as follows:

- 10 “(19) The term ‘elder justice’ means—
11 “(A) from a societal perspective, efforts
12 to—
13 “(i) prevent, detect, treat, intervene
14 in, and prosecute elder abuse, neglect, and
15 exploitation; and
16 “(ii) protect older individuals with di-
17 minished capacity while maximizing their
18 autonomy; and
19 “(B) from an individual perspective, the
20 recognition of an older individual’s rights, in-
21 cluding the right to be free of abuse, neglect,
22 and exploitation.”;

23 (9) in paragraph (20), as redesignated by para-
24 graph (2) of this subsection, by striking “The term

1 ‘exploitation’ means” and inserting “The terms ‘ex-
2 exploitation’ and ‘financial exploitation’ mean”;

3 (10) in paragraph (25), as redesignated by
4 paragraph (2) of this subsection, by striking “at or
5 below the poverty line.” and inserting “that is not
6 more than 200 percent of the poverty line.”;

7 (11) by striking paragraph (26), as redesign-
8 nated by paragraph (2) of this subsection, and in-
9 serting the following:

10 “(26) The term ‘greatest social need’ means
11 need caused by noneconomic factors—

12 “(A) that—

13 “(i) restrict the ability of an indi-
14 vidual to perform normal daily tasks; or

15 “(ii) threaten the capacity of the indi-
16 vidual to live independently; and

17 “(B) which include—

18 “(i) physical and mental disabilities;

19 “(ii) language barriers including lim-
20 ited English proficiency;

21 “(iii) cultural, social, or geographic
22 isolation (such as residence in a rural
23 area), including isolation caused by racial,
24 minority, or ethnic status, or status as an
25 LGBT individual;

1 “(iv) HIV-positive health status or
2 Alzheimer’s disease or a related disorder
3 with neurological and organic brain dys-
4 function;

5 “(v) greatest health service need, par-
6 ticularly a need posed by multiple chronic
7 health conditions or a condition that places
8 an individual at risk for falls;

9 “(vi) abuse, neglect (including self-ne-
10 glect), or financial exploitation, including
11 factors that are the basis of a referral to
12 adult protective services;

13 “(vii) status as a veteran; and

14 “(viii) status as a Holocaust sur-
15 vivor.”;

16 (12) in paragraph (30), as redesignated by
17 paragraph (2) of this subsection—

18 (A) in subparagraph (C), by inserting “,
19 including opportunities for work and volunteer
20 service in the community” after “available”;
21 and

22 (B) in subparagraph (E), by inserting “, in
23 a culturally and linguistically competent man-
24 ner,” before “the entire community of older in-
25 dividuals”;

1 (13) in paragraph (31), as redesignated by
2 paragraph (2) of this subsection, by striking “infor-
3 mation and referral” and inserting “information and
4 referral assistance”;

5 (14) in paragraph (35), as redesignated by
6 paragraph (2) of this subsection—

7 (A) by redesignating clauses (i) and (ii) of
8 subparagraph (B) as subclauses (I) and (II),
9 respectively, and aligning the margins of the
10 subclauses with the margins of subclause (I) of
11 subparagraph (A)(i) of paragraph (34), as so
12 redesignated;

13 (B) by redesignating subparagraphs (A)
14 and (B) as clauses (i) and (ii), respectively, and
15 aligning the margins of the clauses with the
16 margins of clause (ii) of subparagraph (A) of
17 that paragraph (34);

18 (C) by inserting “(A)” before “The term”;

19 and

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

21 “(B) The term ‘integrated legal assistance de-
22 livery system’ means a collaboratively run, statewide
23 network that is established to provide direct legal as-
24 sistance, in the most efficient and impactful manner
25 possible, targeted at older individuals with greatest

1 economic need and older individuals with greatest
2 social need (with particular attention to individuals
3 with factors listed in paragraph (26)(B)), in coordi-
4 nation with the legal assistance developer for the
5 State and all State, regional, and local service pro-
6 viders engaged in promoting or supporting elder
7 rights.”;

8 (15) in paragraph (36), as redesignated by
9 paragraph (2) of this subsection—

10 (A) in subparagraph (A), by adding “and”
11 at the end;

12 (B) in subparagraph (B), by striking “;
13 and” at the end and inserting a period; and

14 (C) by striking subparagraph (C);

15 (16) in paragraph (37), as redesignated by
16 paragraph (2) of this subsection, by striking “sec-
17 tions 307(a)(12) and” and inserting “the activities
18 carried out under section 307(a)(9)”;

19 (17) in paragraph (38), as redesignated by
20 paragraph (2) of this subsection, by inserting “(in-
21 cluding elder abuse and neglect screening)” after
22 “educational services”;

23 (18) in paragraph (50)(B), as redesignated by
24 paragraph (2) of this subsection, by striking “sub-
25 paragraphs (A) through (G) of paragraph (8)” and

1 inserting “subparagraphs (A) through (I) of para-
2 graph (14)”;

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

4 “(57)(A) The term ‘care coordination’ means a
5 person- and family-centered, assessment-based, and
6 interdisciplinary approach to meet the needs and
7 preferences of an older individual and a family care-
8 giver while enhancing the capabilities of the older in-
9 dividual (including the ability to self-direct services).

10 “(B) The term ‘care coordination’ means co-
11 ordination that—

12 “(i) integrates health care, long-term serv-
13 ices and supports, and social support services in
14 a high-quality and cost-effective manner in
15 which an individual’s needs, preferences, and
16 capabilities are assessed, along with the needs
17 and preferences of a family caregiver;

18 “(ii) includes, as a core element, the active
19 involvement of the older individual, the family,
20 or a representative appointed by the older indi-
21 vidual or legally acting on the individual’s be-
22 half, community-based service professionals,
23 and health care professionals providing care to
24 the older individual, in the design and imple-
25 mentation of an individualized, individual-cen-

1 tered service and support plan, through which
2 the services and supports will be provided in a
3 manner free from conflicts of interest;

4 “(iii) integrates services and interventions
5 that are implemented, monitored, and evaluated
6 for effectiveness using an evidence-based proc-
7 ess, which typically involves a designated lead
8 care coordinator and involves feedback from the
9 older individual;

10 “(iv) includes activities that aim simulta-
11 neously at meeting individual and family needs
12 and preferences, building on individual capabili-
13 ties, and improving outcomes and systems of
14 care;

15 “(v) includes provision of some or all of
16 the services and activities described in clauses
17 (i) through (iv) by trained professionals em-
18 ployed by or under a contract with—

19 “(I) area agencies on aging;

20 “(II) Aging and Disability Resource
21 Centers; or

22 “(III) other service providers, includ-
23 ing in-home service providers; and

24 “(vi) is not furnished to directly diagnose,
25 treat, or cure a medical disease or condition.

1 “(58) The term ‘cultural and linguistic com-
2 petence’ means competence in a set of behaviors, at-
3 titudes, and policies that is—

4 “(A) used by an organization or among
5 professionals; and

6 “(B) enables effective work in cross-cul-
7 tural situations.

8 “(59) The term ‘family caregiver’ means an
9 adult family member, or another individual, who is
10 an informal provider of in-home and community care
11 to an older individual or to an individual with Alz-
12 heimer’s disease or a related disorder with neuro-
13 logical and organic brain dysfunction.

14 “(60) The term ‘Holocaust survivor’ means an
15 individual who—

16 “(A)(i) lived in a country between 1933
17 and 1945 under a Nazi regime, under Nazi oc-
18 cupation, or under the control of Nazi collabo-
19 rators; or

20 “(ii) fled from a country between 1933 and
21 1945 under a Nazi regime, under Nazi occupa-
22 tion, or under the control of Nazi collaborators;

23 “(B) was persecuted between 1933 and
24 1945 on the basis of race, religion, physical or

1 mental disability, sexual orientation, political
2 affiliation, ethnicity, or other basis; and

3 “(C) was a member of a group that was
4 persecuted by the Nazis.

5 “(61) The term ‘LGBT’, used with respect to
6 an individual, means a lesbian, gay, bisexual, or
7 transgender individual.

8 “(62) The term ‘person-centered’, used with re-
9 spect to a service for an individual, means a service
10 provided with an approach designed to ensure that
11 an outcome reflects the needs, preferences, and situ-
12 ations of the individual.

13 “(63) The term ‘veteran’ has the meaning given
14 the term in section 101 of title 38, United States
15 Code.”.

16 (b) CONFORMING AMENDMENTS.—Section 102 of the
17 Older Americans Act of 1965 (42 U.S.C. 3002), as reded-
18 ignated by subsection (a)(2), is amended—

19 (1) in paragraph (39)(A), by striking “as de-
20 fined in paragraph (5)” and inserting “as defined in
21 paragraph (28)”;

22 (2) in paragraph (40), by striking “(as defined
23 in paragraph (18)(B))” and inserting “(as defined
24 in paragraph (20)(B))”; and

1 (3) in paragraph (48)(D), by striking “(as de-
2 fined in paragraph (18)(B))” and inserting “(as de-
3 fined in paragraph (20)(B))”.

4 **TITLE II—ADMINISTRATION ON** 5 **AGING**

6 **SEC. 201. ESTABLISHMENT OF ADMINISTRATION ON AGING.**

7 Section 201 of the Older Americans Act of 1965 (42
8 U.S.C. 3011) is amended—

9 (1) in subsection (d)(3)—

10 (A) in subparagraph (C)—

11 (i) in clause (i), by striking “; and”
12 and inserting a semicolon;

13 (ii) by redesignating clause (ii) as
14 clause (iii); and

15 (iii) by inserting after clause (i) the
16 following:

17 “(ii) resources needed by State Long-
18 Term Care Ombudsmen to collect and re-
19 port program data through the National
20 Ombudsman Reporting System, including
21 hardware and software that meet national
22 standards; and”;

23 (B) in subparagraph (J), by inserting be-
24 fore the semicolon the following: “, including

1 the effectiveness of such services in meeting the
2 needs of LGBT older individuals”; and

3 (C) in subparagraph (L)—

4 (i) by striking “Older Americans Act
5 Amendments of 1992” and inserting
6 “Older Americans Act Amendments of
7 2012”; and

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

10 (2) in subsection (e)(2)—

11 (A) in the matter preceding subparagraph
12 (A), by inserting “, and in coordination with
13 the heads of State adult protective services pro-
14 grams and the State Long-Term Care Ombuds-
15 men” after “and services”;

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

18 (C) in subparagraph (B), by striking the
19 period and inserting a semicolon; and

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

21 “(C) to establish best practices for State-based
22 enforcement of a Home Care Consumer Bill of
23 Rights through a Plan for Enforcement, as such Bill
24 and Plan are outlined in section 705, not later than
25 6 months after the date of enactment of the Older

1 Americans Act Amendments of 2012, and to make
2 those best practices available to States, and to the
3 public through the National Center on Elder Abuse;

4 “(D) to assist States with the development of
5 Home Care Consumer Bills of Rights and Plans for
6 Enforcement, to support the shift from institutional
7 care to home and community-based long-term serv-
8 ices and supports and ensure that home care con-
9 sumers, as defined in section 736, have basic protec-
10 tions as outlined in subsections (b) and (c) of section
11 705;

12 “(E) to develop a process for review and ap-
13 proval of States’ Home Care Consumer Bills of
14 Rights and Plans for Enforcement, not later than 6
15 months after the date of enactment of the Older
16 Americans Act Amendments of 2012; and

17 “(F) to review and approve States’ Home Care
18 Consumer Bills of Rights and Plans for Enforce-
19 ment through that process.”; and

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

21 “(g) The Assistant Secretary is authorized to des-
22 ignate within the Administration a person to have respon-
23 sibility for addressing issues affecting LGBT older individ-
24 uals.

1 “(h) The Assistant Secretary is authorized to use
2 funds appropriated to carry out this Act to implement ac-
3 tivities authorized under part I of subtitle B of title XX
4 of the Social Security Act (42 U.S.C. 1397k et seq.), in-
5 cluding the establishment of the Advisory Board on Elder
6 Abuse, Neglect, and Exploitation, and to convene the
7 Elder Justice Coordinating Council.

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

19 “(2) The nonprofit entity awarded a grant or con-
20 tract under this subsection shall have expertise in, and
21 representation from, State and local adult protective serv-
22 ices programs.

23 “(3) The Center shall—

24 “(A) collect and disseminate information re-
25 garding, and increase public awareness of, the role

1 of adult protective services programs in investigating
2 the abuse, neglect (including self-neglect), and ex-
3 ploitation of vulnerable adults, including home care
4 consumers and residents of long-term care facilities,
5 and in intervening to protect the consumers and
6 residents from abuse;

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

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

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

1 and exploitation of vulnerable adults, including home
2 care consumers and residents of long-term care fa-
3 cilities;

4 “(E) work with the National Ombudsman Re-
5 source Center and State Long-Term Care Ombuds-
6 man programs to develop and disseminate training,
7 practice standards, and policies regarding—

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

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

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

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

22 “(4) Not later than 18 months after the date of en-
23 actment of the Older Americans Act Amendments of 2012,
24 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 terms ‘home care con-
13 sumer’ and ‘home care ombudsman program’ have the
14 meanings given the terms in section 736.”.

15 **SEC. 202. FUNCTIONS OF ASSISTANT SECRETARY.**

16 Section 202 of the Older Americans Act of 1965 (42
17 U.S.C. 3012) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (5), by inserting “eco-
20 nomic security,” after “nutrition,”;

21 (B) in paragraph (7), by inserting “, in-
22 cluding economic security trends among such
23 individuals” after “older individuals”;

1 (C) in paragraph (8), by striking “older in-
2 dividuals” and inserting “the health and eco-
3 nomic security of older individuals”;

4 (D) in paragraph (14), by inserting “for
5 working with the Administrator of the Health
6 Resources and Services Administration and the
7 Secretary of Labor to identify and address
8 workforce shortages involving such personnel,”
9 after “field of aging,”;

10 (E) by striking paragraph (15) and insert-
11 ing the following:

12 “(15)(A) as needed, provide technical assist-
13 ance, training through training packages, and other
14 forms of instruction to entities consisting of State
15 agencies, area agencies on aging, service providers,
16 and community-based organizations, to ensure that
17 the entities develop and implement, in a culturally
18 and linguistically competent manner, programming,
19 services, and outreach for older individuals with
20 greatest economic need and older individuals with
21 greatest social need (with particular attention to
22 providing services to individuals with factors listed
23 in section 102(26)(B) and providing services in
24 areas identified by the Administrator of the Health
25 Resources and Services Administration as having a

1 shortage of professionals trained to care for older in-
2 dividuals and with a focus on strategies that enable
3 older adults to proceed on a path to economic secu-
4 rity); and

5 “(B) consult with national and community-
6 based organizations representing minority individ-
7 uals to develop the capacity of the Administration to
8 provide such technical assistance, training, and in-
9 struction.”;

10 (F) in paragraph (16)—

11 (i) in subparagraph (A)(ii), by insert-
12 ing “, and separately specifying the num-
13 ber of such individuals who are LGBT in-
14 dividuals” before the semicolon; and

15 (ii) in subparagraph (C), by striking
16 “paragraphs (2) and (5)(A)” and inserting
17 “paragraphs (2) and (4)(A)”;

18 (G) in paragraph (18), by amending sub-
19 paragraph (B) to read as follows:

20 “(B) reserve and provide, for the funding
21 of the Center (which may include enabling the
22 Center to collaborate and participate with the
23 Centers for Medicare & Medicaid Services in
24 providing training for State survey agencies
25 with an agreement in effect under section 1864

1 of the Social Security Act (42 U.S.C. 1395aa)
2 or, in the case of States without such an agen-
3 cy, work with the Administrator for the Centers
4 for Medicare & Medicaid Services to improve
5 the investigative processes used by the Center
6 to address complaints by residents of long-term
7 care facilities)—

8 “(i) for fiscal year 2013, not less than
9 \$2,000,000; and

10 “(ii) for each subsequent fiscal year,
11 not less than the sum of—

12 “(I) \$100,000; and

13 “(II) the amount made available
14 under this subparagraph for the fiscal
15 year preceding the year for which the
16 sum is determined;”;

17 (H) by striking paragraph (21) and insert-
18 ing the following:

19 “(21)(A) establish information and assistance
20 services as priority services for older individuals, and
21 ensure that quality information and assistance serv-
22 ices are consistently provided to older individuals;

23 “(B) ensure that there is full collaboration be-
24 tween all governmental information and assistance
25 systems that serve older individuals, whether special-

1 ized, crisis intervention, disaster assistance, or other;
2 and

3 “(C) develop and operate, either directly or
4 through contracts, grants, or cooperative agree-
5 ments, a National Eldercare Locator Service, pro-
6 viding information and assistance services through a
7 nationwide toll free number to identify community
8 resources, including certified, nonprofit financial
9 services for older individuals;”;

10 (I) by striking paragraph (22) and insert-
11 ing the following:

12 “(22) develop guidelines for area agencies on
13 aging to follow in—

14 “(A) choosing and evaluating providers of
15 legal assistance with the capacity to work with-
16 in an integrated legal assistance delivery sys-
17 tem; and

18 “(B) collecting data and reporting to the
19 State agency;”;

20 (J) in paragraph (23), by striking all text
21 following “developers” and inserting “referred
22 to in section 307(a)(13) and section 731;”;

23 (K) by redesignating paragraphs (25)
24 through (28) as paragraphs (26) through (29),
25 respectively;

1 (L) by inserting after paragraph (24) the
2 following:

3 “(25)(A) conduct a planning and feasibility
4 study—

5 “(i) with the intent of establishing a na-
6 tional database of local service organizations or
7 local senior community service employment pro-
8 grams authorized under title V that offer volun-
9 teer placements; and

10 “(ii) on the capacity, as of the date of the
11 study, of the aging network to manage such a
12 database; and

13 “(B) not later than 2 years after the date of
14 enactment of the Older Americans Act Amendments
15 of 2012, submit to Congress the results of the study
16 conducted under subparagraph (A);”;

17 (M) in paragraph (28), as redesignated by
18 subparagraph (K), by striking “and” at the
19 end;

20 (N) in paragraph (29), as redesignated by
21 subparagraph (K), by striking the period and
22 inserting a semicolon; and

23 (O) by adding at the end the following:

1 “(30) conduct studies and collect data to deter-
2 mine the services that are needed by LGBT older in-
3 dividuals;

4 “(31) collaborate and consult with the heads of
5 Federal entities, including the Director of the Cen-
6 ters for Disease Control and Prevention and the As-
7 sistant Secretary for Preparedness and Response of
8 the Department of the Health and Human Services,
9 and the Secretary of Homeland Security, as appro-
10 pate, to provide technical assistance, training, and
11 other assistance to States and area agencies on
12 aging for the development and revision of emergency
13 preparedness plans; and

14 “(32)(A) encourage, provide technical assist-
15 ance to and share best practices with, States, area
16 agencies on aging, Aging and Disability Resource
17 Centers, and service providers to carry out outreach
18 and coordinate activities with health care entities in
19 order to assure better care coordination for individ-
20 uals with multiple chronic illnesses; and

21 “(B) coordinate activities with other Federal
22 agencies that are working to improve care coordina-
23 tion and developing new models and best practices
24 for that coordination.”;

25 (2) in subsection (b)—

1 (A) in paragraph (8)—

2 (i) in subparagraph (D)—

3 (I) by inserting “, and with fu-
4 ture planning for eligible care recipi-
5 ents (as defined in section 372(a))
6 who are individuals with disabilities
7 described in section 372(a)(2)(B) and
8 who are living with older relative care-
9 givers (as so defined)” after “needs”;
10 and

11 (II) by striking “and” at the end;
12 and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(F) to provide quality assurance informa-
16 tion, relating to the standards identified under
17 paragraph (11)(A), using the methods described
18 in paragraph (11)(B), about home and commu-
19 nity-based long-term care programs, service
20 providers, and resources, when referring con-
21 sumers to those programs, providers, or re-
22 sources; and

23 “(G) that may carry out the informal care-
24 giver assessment program described in sub-
25 section (i);”;

1 (B) in paragraph (9)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “and community-
4 based service providers” and inserting
5 “community-based service providers, and,
6 for purposes of subparagraph (C), Aging
7 and Disability Resource Centers,”;

8 (ii) in subparagraph (A), by striking
9 “and” at the end;

10 (iii) subparagraph (B), by adding
11 “and” at the end; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(C) methods, consistent with the methods
15 described in paragraph (11)(B), to commu-
16 nicate to consumers quality assurance informa-
17 tion, relating to the standards identified under
18 paragraph (11)(A), about home and commu-
19 nity-based long-term care programs, service
20 providers, and resources;”;

21 (C) in paragraph (10), by striking “and”
22 at the end;

23 (D) by redesignating paragraph (11) as
24 paragraph (12); and

1 (E) by inserting after paragraph (10) the
2 following:

3 “(11)(A) identify, in consultation with States
4 (either directly or by entering into a contract under
5 this subparagraph and considering the recommenda-
6 tion of the contract recipient) quality assurance
7 standards for home and community-based long-term
8 care programs, service providers, and resources
9 that—

10 “(i) shall be designed to ensure the health,
11 safety, and welfare of consumers who are re-
12 ferred to such programs, service providers, and
13 resources by area agencies on aging, Aging and
14 Disability Resource Centers, and such other en-
15 tities as the Assistant Secretary determines to
16 be appropriate; and

17 “(ii) shall be identified after the Assistant
18 Secretary takes into account, at a minimum,
19 standards for—

20 “(I) background checks of service pro-
21 viders;

22 “(II) licensure of agencies and certifi-
23 cation and training of service providers;

24 “(III) consumer satisfaction regarding
25 programs, service providers, and resources,

1 in cases in which consumer satisfaction in-
2 formation is available; and

3 “(IV) such additional matters as the
4 Assistant Secretary determines to be ap-
5 propriate; and

6 “(B) taking into account the variation in com-
7 munication infrastructure development among Aging
8 and Disability Resource Centers, establish consumer-
9 friendly methods for communicating to consumers,
10 consistently throughout a State—

11 “(i) quality assurance information relating
12 to the standards identified under subparagraph
13 (A) about home and community-based long-
14 term care programs, service providers, and re-
15 sources to which such consumers are referred to
16 by area agencies on aging, Aging and Disability
17 Resource Centers, and such other entities as
18 the Assistant Secretary determines to be appro-
19 priate; and

20 “(ii)(I) the content of the State certifi-
21 cation or licensure requirements applicable to
22 such home and community-based long-term care
23 programs, service providers, or resources; or

24 “(II) an explanation that the State does
25 not have certification or licensure requirements

1 applicable to such home and community-based
2 long-term care programs, service providers, or
3 resources; and”;

4 (3) in subsection (e)(2)(B)—

5 (A) in clause (viii), by striking “and”;

6 (B) by redesignating clause (ix) as clause
7 (x); and

8 (C) by inserting after clause (viii) the fol-
9 lowing:

10 “(ix) organizations with expertise on eco-
11 nomic security, asset accumulation, and retire-
12 ment planning; and”;

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

14 “(g) The Assistant Secretary shall—

15 “(1) ensure, where appropriate, that all pro-
16 grams funded under this Act include appropriate
17 training in the prevention of abuse, neglect, and ex-
18 ploitation and provision of services that address
19 elder justice and exploitation; and

20 “(2) periodically update determinations about
21 the need for and benefit of such training related to
22 prevention of abuse, neglect, and exploitation of
23 older adults.

1 “(h)(1) The Assistant Secretary shall establish and
2 operate the National Resource Center for Women and Re-
3 tirement (in this subsection referred to as the ‘Center’).

4 “(2) In operating the Center, the Assistant Secretary
5 shall—

6 “(A) annually compile, publish, and disseminate
7 a summary of recently conducted research on women
8 and retirement security;

9 “(B) develop and maintain an information
10 clearinghouse on all programs (including private pro-
11 grams) showing promise of success for providing re-
12 tirement and financial information to women;

13 “(C) develop, maintain, and disseminate con-
14 sumer information and public education materials
15 regarding retirement and financial security for
16 women;

17 “(D) compile, publish, and disseminate training
18 materials for personnel who are engaged or intend to
19 engage in outreach to women, particularly to popu-
20 lations that are traditionally hard to reach with re-
21 tirement and financial information, such as care-
22 givers, ethnic minorities, and low-income women;

23 “(E) provide technical assistance to State agen-
24 cies and to other public and nonprofit private agen-
25 cies and organizations to assist the agencies and or-

1 organizations described in this subparagraph in plan-
2 ning, improving, developing, and carrying out pro-
3 grams and activities relating to providing women
4 with the necessary financial management tools for
5 secure retirement;

6 “(F) work in collaboration with other national
7 and local organizations serving older individuals to
8 make efficient use of resources related to women and
9 retirement; and

10 “(G) conduct research and demonstration
11 projects regarding the most effective methods and
12 tools to assist women in preparing for secure retire-
13 ment.

14 “(3)(A) The Assistant Secretary shall carry out para-
15 graph (2) through grants or contracts.

16 “(B) The Assistant Secretary shall issue criteria ap-
17 plicable to the recipients of funds under this subsection,
18 which shall include experience carrying out the activities
19 described in paragraph (2). To be eligible to receive a
20 grant or enter into a contract under subparagraph (A),
21 an entity shall submit an application to the Assistant Sec-
22 retary at such time, in such manner, and containing such
23 information as the Assistant Secretary may require.

24 “(C) The Assistant Secretary shall make available to
25 the Center such resources as are necessary for the Center

1 to carry out effectively the functions of the Center under
2 this Act, which shall be an amount not less than \$750,000
3 for fiscal year 2013. In subsequent fiscal years, the Assist-
4 ant Secretary shall make available to the Center not less
5 than the amount of resources made available to the Center
6 under this subparagraph for fiscal year 2013.

7 “(i)(1) Aging and Disability Resource Centers imple-
8 mented under subsection (b)(8) may carry out an assess-
9 ment program with respect to informal caregivers and care
10 recipients. Such assessment program shall be modeled on
11 the family caregiver assessment program established
12 under section 373(b).

13 “(2) For purposes of an informal caregiver assess-
14 ment carried out in accordance with paragraph (1), the
15 following definitions shall apply:

16 “(A) The term ‘care recipient’ means—

17 “(i) an older individual;

18 “(ii) an individual with a disability; or

19 “(iii) an individual with a special need.

20 “(B) The term ‘individual with a special need’

21 means an individual who requires care or supervision

22 to—

23 “(i) meet the individual’s basic needs;

24 “(ii) prevent physical self-injury or injury

25 to others; or

1 “(iii) avoid placement in an institutional
2 facility.

3 “(C)(i) Subject to clause (ii), the term ‘informal
4 caregiver’ means an adult family member, or an-
5 other individual, who is an informal provider of in-
6 home and community care to a care recipient.

7 “(ii) A State that has a State law with an alter-
8 nate definition of the term ‘informal caregiver’ for
9 purposes of a program described in paragraph (1)
10 may use that definition (with respect to caregivers
11 for care recipients) for purposes of provisions of this
12 Act that relate to that program, if such alternative
13 definition is broader than the definition in clause (i),
14 and subject to approval by the Assistant Secretary.

15 “(j)(1) The Assistant Secretary shall, directly or by
16 grant or contract, establish and operate the National Re-
17 source Center on Lesbian, Gay, Bisexual, and
18 Transgender Aging (in this subsection referred to as the
19 ‘Center’).

20 “(2) To address the unique challenges faced by
21 LGBT older adults, the Center shall provide national,
22 State, and local organizations, including those with a pri-
23 mary mission of serving LGBT individuals, and those with
24 a primary mission of serving older adults, with the infor-

1 mation and technical assistance the organizations need to
2 effectively serve LGBT older adults.

3 “(3) The Center shall have 3 primary objectives, con-
4 sisting of—

5 “(A) educating aging services organizations
6 about the existence and special needs of LGBT older
7 adults;

8 “(B) sensitizing LGBT organizations about the
9 existence and special needs of older adults; and

10 “(C) providing educational resources to LGBT
11 older adults and their caregivers.

12 “(4)(A) To be eligible to receive funds under this sub-
13 section, an entity—

14 “(i) shall have demonstrated expertise in work-
15 ing with organizations or individuals on issues af-
16 fecting LGBT individuals;

17 “(ii) shall have documented experience in pro-
18 viding training and technical assistance on a na-
19 tional basis or a formal relationship with an organi-
20 zation that has that experience; and

21 “(iii) shall meet such other criteria as the As-
22 sistant Secretary shall issue.

23 “(B) To be eligible to receive funds under this sub-
24 section, an entity shall submit an application to the Assist-
25 ant Secretary at such time, in such manner, and con-

1 taining such information as the Assistant Secretary may
2 require.

3 “(5) The Assistant Secretary shall make available to
4 the Center on an annual basis such resources as are nec-
5 essary for the Center to carry out effectively the functions
6 of the Center under this Act and not less than the amount
7 of resources made available to the National Resource Cen-
8 ter on Lesbian, Gay, Bisexual, and Transgender Aging for
9 fiscal year 2012.

10 “(6) The Assistant Secretary shall develop and issue
11 operating standards and reporting requirements for the
12 Center.”.

13 **SEC. 203. FEDERAL AGENCY CONSULTATION.**

14 Section 203 of the Older Americans Act of 1965 (42
15 U.S.C. 3013) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (18), by striking “, and”
18 and inserting a comma;

19 (B) in paragraph (19), by striking the pe-
20 riod at the end and inserting a comma; and

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

22 “(20) the Patient Protection and Affordable
23 Care Act, including the amendments made by that
24 Act (Public Law 111–148), including programs that

1 increase integration with community health centers,
2 as practicable, and

3 “(21) title XXIX of the Public Health Service
4 Act (42 U.S.C. 300ii et seq.).”; and

5 (2) in subsection (c)(6)—

6 (A) in subparagraph (A)—

7 (i) in clause (iii)—

8 (I) by inserting “and economic”
9 after “demographic”; and

10 (II) by striking “and” at the end;

11 (ii) in clause (iv), by adding “and” at
12 the end; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(v) identifying and addressing workforce
16 shortages related to services and supports for
17 older individuals, and leveraging the resources
18 of Federal programs that are related to the pro-
19 grams carried out under this Act, to address
20 the shortages;”; and

21 (B) in subparagraph (B)—

22 (i) in the matter preceding clause (i),
23 by inserting “economic security,” after
24 “housing;”; and

1 (ii) in clause (i), by inserting “eco-
2 nomic security,” after “housing,”;

3 (C) in subparagraph (D), by inserting
4 “economic security,” after “housing,”;

5 (D) in subparagraph (E), by inserting
6 “and economic security” after “public health”;

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

9 (F) in subparagraph (G)—

10 (i) in the matter preceding clause (i),
11 by inserting “economic security,” after
12 “health care,”; and

13 (ii) in clause (iii), by striking the pe-
14 riod at the end and inserting “; and”; and
15 (G) by adding at the end the following:

16 “(H)(i) identify model Federal programs to as-
17 sist older individuals with achieving economic secu-
18 rity; and

19 “(ii) propose greater coordination of efforts to
20 provide such assistance, including by creating an in-
21 ventory of all Federal programs aimed at reducing
22 poverty and increasing the economic security of older
23 adults.”.

1 **SEC. 204. EVALUATION.**

2 Section 206 of the Older Americans Act of 1965 (42
3 U.S.C. 3017) is amended—

4 (1) in subsection (d), by striking “including, as
5 appropriate, health and nutrition education dem-
6 onstration projects conducted under section 307(f)
7 the full contents of which shall be” and inserting
8 “and the full contents of those summaries and anal-
9 yses shall be”;

10 (2) by redesignating subsections (e) through (g)
11 as subsections (f) through (h), respectively;

12 (3) by inserting after paragraph (d) the fol-
13 lowing:

14 “(e) The Secretary shall prepare and submit to Con-
15 gress an annual report evaluating the impact of area agen-
16 cies on aging on the economic security of older individ-
17 uals.”; and

18 (4) in subsection (h), as redesignated by para-
19 graph (2), by striking “ $\frac{1}{2}$ of”.

20 **SEC. 205. REPORTS.**

21 Section 207 of the Older Americans Act of 1965 (42
22 U.S.C. 3018) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2), by striking “section
25 202(a)(19)” and inserting “section
26 202(a)(16)”;

1 (B) in paragraph (3), by striking “, with
2 particular attention” and all that follows
3 through the semicolon and inserting “(with par-
4 ticular attention to individuals with factors list-
5 ed in section 102(26)(B));”; and

6 (C) in paragraph (4), by striking “section
7 202(a)(17)” and inserting “section
8 202(a)(14)”;
9 (2) in subsection (b)—

10 (A) in paragraph (1)(C), by inserting “and
11 the adult protection services programs of the
12 States” after “of the States”; and

13 (B) in paragraph (3)(A), by striking
14 “Health Care Finance Administration” and in-
15 serting “Centers for Medicare & Medicaid Serv-
16 ices”;
17 (3) in subsection (c)—

18 (A) in paragraph (1), by inserting “, and
19 separately specify the number of such individ-
20 uals who are LGBT individuals” before the
21 semicolon;

22 (B) by redesignating paragraphs (4) and
23 (5) as paragraphs (5) and (6), respectively; and

24 (C) by inserting after paragraph (3) the
25 following:

1 “(4) the effectiveness of such activities in as-
2 sisting LGBT individuals;”); and

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

4 “(d) The Assistant Secretary shall ensure that—

5 “(1) no individual will be required to provide in-
6 formation regarding the sexual orientation or gender
7 identity of the individual as a condition of partici-
8 pating in activities or receiving services under this
9 Act; and

10 “(2) no agency or other entity providing activi-
11 ties or services under this Act, that receives, for the
12 purposes of this Act, information regarding the sex-
13 ual orientation or gender identity of an individual
14 will disclose the information in any form that would
15 permit such individual to be identified.

16 “(e) The Assistant Secretary shall develop appro-
17 priate protocols, demonstrations, tools, or guidance for use
18 by State agencies and area agencies on aging, to ensure
19 successful implementation of data collection requirements
20 under section 201(d)(3)(J), paragraphs (16)(A)(ii) and
21 (30) of section 202(a), subsections (a)(3), (c)(1), and
22 (c)(4), and section 307(a)(6), relating to LGBT individ-
23 uals.

24 “(f) The Assistant Secretary shall determine when
25 such data collection requirements shall apply, taking into

1 consideration the complexity and importance of each re-
2 quirement, but each requirement shall apply not later than
3 September 30, 2014.”.

4 **SEC. 206. CONFORMING AMENDMENT.**

5 Section 215(j) of the Older Americans Act of 1965
6 (42 U.S.C. 3020e-1(j)) is amended by striking “section
7 216” and inserting “section 217”.

8 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 216 of the Older Americans Act of 1965 (42
10 U.S.C. 3020f) is amended—

11 (1) in subsection (a), by striking “2007, 2008,
12 2009, 2010, and 2011” and inserting “2013, 2014,
13 2015, 2016, and 2017”;

14 (2) in subsection (b)—

15 (A) by striking “section 202(a)(24)” and
16 inserting “section 202(a)(21)”; and

17 (B) by striking “2007, 2008, 2009, 2010,
18 and 2011” and inserting “2013, 2014, 2015,
19 2016, and 2017”;

20 (3) in subsection (c), by striking “2007, 2008,
21 2009, 2010, and 2011” and inserting “2013, 2014,
22 2015, 2016, and 2017”; and

23 (4) by adding at the end the following:

24 “(d) NATIONAL ADULT PROTECTIVE SERVICES RE-
25 SOURCE CENTER.—There are authorized to be appro-

1 priated to carry out section 201(i) (relating to the Na-
 2 tional Adult Protective Services Resource Center), such
 3 sums as may be necessary for fiscal years 2013, 2014,
 4 2015, 2016, and 2017.

5 “(e) ADVISORY COMMITTEE TO ASSESS, COORDI-
 6 NATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.—
 7 There is authorized to be appropriated to carry out section
 8 216, \$300,000 for fiscal year 2013.”.

9 **SEC. 208. ADVISORY COMMITTEE TO ASSESS, COORDINATE,**
 10 **AND IMPROVE LEGAL ASSISTANCE ACTIVI-**
 11 **TIES.**

12 (a) IN GENERAL.—Title II of the Older Americans
 13 Act of 1965 is amended—

14 (1) by redesignating section 216 (42 U.S.C.
 15 3020f) as section 217; and

16 (2) by inserting after section 215 (42 U.S.C.
 17 3020e–1) the following:

18 **“SEC. 216. ADVISORY COMMITTEE TO ASSESS, COORDI-**
 19 **NATE, AND IMPROVE LEGAL ASSISTANCE AC-**
 20 **TIVITIES.**

21 “(a) ESTABLISHMENT.—There is established an Ad-
 22 visory Committee to Assess, Coordinate, and Improve
 23 Legal Assistance Activities (referred to in this section as
 24 the ‘Committee’).

25 “(b) MEMBERSHIP.—

1 “(1) COMPOSITION.—The Committee shall be
2 composed of 9 members—

3 “(A) with expertise with existing State
4 legal assistance development programs carried
5 out under section 731 and providers of State
6 legal assistance under subtitle B of title III and
7 title IV; and

8 “(B) who shall be individuals appointed by
9 the Assistant Secretary—

10 “(i) 1 of whom shall be a consumer
11 advocate;

12 “(ii) 1 of whom shall be a professional
13 advocate from a State agency or State
14 legal assistance developer;

15 “(iii) 4 of whom shall be representa-
16 tives from collaborating organizations
17 under the National Legal Resource Center
18 of the Administration;

19 “(iv) 1 of whom shall be from a pro-
20 gram providing legal assistance under part
21 B of title III; and

22 “(v) 1 of whom shall be from an area
23 agency on aging.

24 “(2) DATE.—The appointments of the members
25 of the Committee shall be made not later than 9

1 months after the date of enactment of the Older
2 Americans Act Amendments of 2012.

3 “(3) PERIOD OF APPOINTMENT; VACANCIES.—
4 Members shall be appointed for the life of the Com-
5 mittee. Any vacancy in the Committee shall not af-
6 fect its powers, but shall be filled in the same man-
7 ner as the original appointment.

8 “(4) CHAIRPERSON AND VICE CHAIRPERSON.—
9 The Committee shall select a Chairperson and Vice
10 Chairperson from among its members.

11 “(c) INITIAL MEETING.—The Committee shall hold
12 its first meeting not later than 9 months after the date
13 of enactment of the Older Americans Act Amendments of
14 2012.

15 “(d) DUTIES OF THE COMMITTEE.—

16 “(1) DEFINITION.—In this subsection, the term
17 ‘legal assistance activities’ includes—

18 “(A) legal assistance made available to
19 older individuals with greatest economic need or
20 with greatest social need;

21 “(B) activities of the National Legal Re-
22 source Center carried out under section 420(a);

23 “(C) State legal assistance developer ac-
24 tivities carried out under section 731; and

1 “(D) any other directly related activity or
2 program as determined appropriate by the As-
3 sistant Secretary.

4 “(2) STUDY.—

5 “(A) IN GENERAL.—The Committee shall
6 design, implement, and analyze results of a
7 study of—

8 “(i) the extent to which State leader-
9 ship is provided through the State legal as-
10 sistance developer in States to enhance the
11 coordination and effectiveness of legal as-
12 sistance activities across the State;

13 “(ii) the extent to which—

14 “(I) there is data collection and
15 reporting of information by legal as-
16 sistance providers in States;

17 “(II) there is uniform statewide
18 reporting among States; and

19 “(III) the value and impact of
20 services provided by the providers is
21 being measured at the State or local
22 level; and

23 “(iii) the mechanisms to organize and
24 promote legal assistance activities and de-
25 velopment to best meet the needs of older

1 individuals with greatest economic need
2 and greatest social need, with particular
3 attention to individuals with factors listed
4 in section 102(26)(B).

5 “(B) CONSIDERATIONS.—In carrying out
6 subparagraph (A)(i), particular attention shall
7 be given to—

8 “(i) State leadership on targeting lim-
9 ited legal resources to older individuals
10 with greatest economic need and greatest
11 social need, with particular attention to in-
12 dividuals with factors listed in section
13 102(26)(B); and

14 “(ii) State leadership on establishing
15 priority legal issue areas in accordance
16 with section 307(a)(11)(E).

17 “(3) RECOMMENDATIONS.—After completion of
18 the study and analysis of study results under para-
19 graph (2), the Committee shall develop recommenda-
20 tions for the establishment of regulations or guid-
21 ance for—

22 “(A) enhancing the leadership capacity of
23 the State legal assistance developers to carry
24 out statewide coordinated legal assistance ac-

1 activities, with particular focus on enhancing lead-
2 ership capacity to—

3 “(i) target limited legal resources to
4 older individuals with greatest economic
5 need and greatest social need, with par-
6 ticular attention to individuals with factors
7 listed in section 102(26)(B); and

8 “(ii) establish priority legal issue
9 areas in accordance with section
10 307(a)(11)(E);

11 “(B) developing a uniform national data
12 collection system to be implemented in all
13 States on legal assistance activities and develop-
14 ment;

15 “(C) State agencies in conducting an as-
16 sessment of the adequacy of the current fund-
17 ing (as of the date of the assessment) provided
18 through the minimum proportion of the funds
19 received by each area agency on aging in the
20 State to carry out part B that must be ex-
21 pended on legal services (as specified in section
22 306(a)(2)(C) and section 307(a)(2)(C)); and

23 “(D) identifying mechanisms for orga-
24 nizing and promoting legal assistance activities
25 to provide the highest quality, impact, and ef-

1 fectiveness to older individuals with greatest
2 economic need and greatest social need, with
3 particular attention to individuals with factors
4 listed in section 102(26)(B).

5 “(4) REPORT.—Not later than 1 year after the
6 date of the establishment of the Committee, the
7 Committee shall submit to the President, Congress,
8 and the Assistant Secretary a report that contains
9 a detailed statement of the findings and conclusions
10 of the Committee, together with the recommenda-
11 tions described in paragraph (3).

12 “(e) DUTIES OF THE ASSISTANT SECRETARY.—Not
13 later than 180 days after receiving the report described
14 in subsection (d)(4), the Assistant Secretary shall issue
15 regulations or guidance on the topics described in sub-
16 section (d)(3), taking into consideration the recommenda-
17 tions described in subsection (d)(3).

18 “(f) POWERS.—

19 “(1) INFORMATION FROM FEDERAL AGEN-
20 CIES.—The Committee may secure directly from any
21 Federal department or agency such information as
22 the Committee considers necessary to carry out the
23 provisions of this section. Upon request of the Com-
24 mittee, the head of such department or agency shall
25 furnish such information to the Committee.

1 “(2) POSTAL SERVICES.—The Committee may
2 use the United States mails in the same manner and
3 under the same conditions as other departments and
4 agencies of the Federal Government.

5 “(g) PERSONNEL AND ADMINISTRATION.—

6 “(1) TRAVEL EXPENSES.—The members of the
7 Committee shall not receive compensation for the
8 performance of services for the Committee, but shall
9 be allowed travel expenses, including per diem in lieu
10 of subsistence, at rates authorized for employees of
11 agencies under subchapter I of chapter 57 of title 5,
12 United States Code, while away from their homes or
13 regular places of business in the performance of
14 services for the Committee. Notwithstanding section
15 1342 of title 31, United States Code, the Secretary
16 may accept the voluntary and uncompensated serv-
17 ices of members of the Committee.

18 “(2) DETAIL OF GOVERNMENT EMPLOYEES.—
19 Any Federal Government employee may be detailed
20 to the Committee without reimbursement, and such
21 detail shall be without interruption or loss of civil
22 service status or privilege.

23 “(3) ADMINISTRATIVE AND SUPPORT SERV-
24 ICES.—The Assistant Secretary shall provide admin-
25 istrative and support services to the Committee.

1 “(4) PROCUREMENT OF TEMPORARY AND
2 INTERMITTENT SERVICES.—The Chairman of the
3 Committee may procure temporary and intermittent
4 services under section 3109(b) of title 5, United
5 States Code, at rates for individuals that do not ex-
6 ceed the daily equivalent of the annual rate of basic
7 pay prescribed for level V of the Executive Schedule
8 under section 5316 of such title.

9 “(h) EXEMPTION FROM TERMINATION REQUIRE-
10 MENTS.—Section 14 of the Federal Advisory Committee
11 Act shall not apply to the Committee.”.

12 **SEC. 209. CONSUMER PRICE INDEX.**

13 (a) IN GENERAL.—The Secretary of Labor, through
14 the Bureau of Labor Statistics and in consultation with
15 the Assistant Secretary for Aging, shall revise and improve
16 the Experimental Price Index for the Elderly published by
17 the Bureau of Labor Statistics (commonly referred to as
18 the “CPI–E”) in order for the CPI–E to be considered
19 a reliable measure in determining future cost of living ad-
20 justments that impact Americans who are 62 years of age
21 or older.

22 (b) REVISION REQUIREMENTS.—In carrying out sub-
23 section (a), the Secretary of Labor shall—

24 (1) increase the number of individuals in the
25 United States who are 62 years of age and older (re-

1 ferred to in this section as “older adults”) sampled
2 in the consumer expenditure survey used to establish
3 the CPI–E;

4 (2) establish samples of market-based items,
5 stores, and prices to represent the purchasing pat-
6 terns of older adults; and

7 (3) examine the medical care component, in-
8 cluding the cost and usage of prescription drugs, of
9 the CPI–E taking into account that older adults
10 have different illnesses and medical expenses, includ-
11 ing oral health medical expenses, than individuals in
12 the United States who are under 62 years of age.

13 (c) REPORT TO CONGRESS.—Not later than 2 years
14 after the date of enactment of this Act, the Secretary of
15 Labor shall submit to Congress a report that describes the
16 revised CPI–E and the activities carried out by the Sec-
17 retary under this section.

18 **SEC. 210. FUNCTIONS WITHIN THE ADMINISTRATION ON**
19 **AGING TO ASSIST HOLOCAUST SURVIVORS.**

20 (a) DESIGNATION OF INDIVIDUAL WITHIN THE AD-
21 MINISTRATION.—The Assistant Secretary on Aging is au-
22 thorized to designate within the Administration on Aging
23 a person who has specialized training, background, or ex-
24 perience with Holocaust survivor issues to have responsi-

1 bility for implementing services for older individuals who
2 are Holocaust survivors.

3 (b) ANNUAL REPORT TO CONGRESS.—The Assistant
4 Secretary on Aging, with assistance from the individual
5 designated under subsection (a), shall prepare and submit
6 to Congress an annual report on the status and needs,
7 including the priority areas of concern, of older individuals
8 who are Holocaust survivors.

9 (c) DEFINITIONS.—In this section, the terms “older
10 individual” and “Holocaust survivor” have the meanings
11 given the terms in section 102 of the Older Americans Act
12 of 1965 (42 U.S.C. 3002).

13 **TITLE III—GRANTS FOR STATE**
14 **AND COMMUNITY PROGRAMS**
15 **ON AGING**

16 **SEC. 301. PURPOSE; ADMINISTRATION.**

17 Section 301(a)(2) of the Older Americans Act of
18 1965 (42 U.S.C. 3021(a)(2)) is amended—

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

21 (2) in subparagraph (F), by striking the period
22 and inserting a semicolon; and

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

24 “(G) Federally qualified health centers, as de-
25 fined in sections 1861(aa)(4) and 1905(l)(2)(B) of

1 the Social Security Act (42 U.S.C. 1395x(aa)(4),
2 1396d(l)(2)(B)); and

3 “(H) organizations that serve LGBT individ-
4 uals.”.

5 **SEC. 302. DEFINITION.**

6 Section 302 of the Older Americans Act of 1965 (42
7 U.S.C. 3022) is amended—

8 (1) by striking paragraph (3); and

9 (2) by redesignating paragraph (4) as para-
10 graph (3).

11 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 303 of the Older Americans Act of 1965 (42
13 U.S.C. 3023) is amended—

14 (1) in subsection (a), by striking paragraph (1)
15 and inserting the following:

16 “(1) There are authorized to be appropriated to carry
17 out part B (relating to supportive services) such sums as
18 may be necessary for each of fiscal years 2013, 2014,
19 2015, 2016, and 2017.”;

20 (2) by striking subsection (b) and inserting the
21 following:

22 “(b)(1) There are authorized to be appropriated to
23 carry out subpart 1 of part C (relating to congregate nu-
24 trition services) such sums as may be necessary for each
25 of fiscal years 2013, 2014, 2015, 2016, and 2017.

1 “(2) There are authorized to be appropriated to carry
2 out subpart 2 of part C (relating to home delivered nutri-
3 tion services) such sums as may be necessary for fiscal
4 years 2013, 2014, 2015, 2016, and 2017.”;

5 (3) by striking subsection (d) and inserting the
6 following:

7 “(d) There are authorized to be appropriated to carry
8 out part D (relating to disease prevention and health pro-
9 motion services) such sums as may be necessary for each
10 of fiscal years 2013, 2014, 2015, 2016, and 2017.”;

11 (4) by striking subsection (e) and inserting the
12 following:

13 “(e)(1) There are authorized to be appropriated to
14 carry out part E (relating to family caregiver support)
15 \$250,000,000 for each of fiscal years 2013 through 2017.

16 “(2) Of the funds appropriated under paragraph (1),
17 not more than 1 percent of such funds may be reserved
18 to carry out activities described in section 411(a)(11).”;

19 and

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

21 “(f) It is the sense of Congress that—

22 “(1) in order to carry out part B (relating to
23 supportive services), the amount appropriated under
24 subsection (a)(1) should be not less than
25 \$551,000,000 for fiscal year 2013;

1 “(2) in order to carry out subparts 1 and 2 of
2 part C (relating to nutrition services), the amount
3 appropriated under subsection (b) should be not less
4 than \$1,200,000,000 for fiscal year 2013; and

5 “(3) in order to carry out part D (relating to
6 disease prevention and health promotion services),
7 the amount appropriated under subsection (d)
8 should be not less than \$32,000,000 for fiscal year
9 2013.”.

10 **SEC. 304. ALLOTMENTS.**

11 Section 304(b) of such Act (42 U.S.C. 3024(b)) is
12 amended, in the first sentence, by striking “part B” and
13 all that follows through “part E,” and inserting “part B,
14 C, or E”.

15 **SEC. 305. ORGANIZATION.**

16 Section 305 of the Older Americans Act of 1965 (42
17 U.S.C. 3025) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (2)—

20 (i) in subparagraph (C)—

21 (I) in clause (i), by striking
22 “and” at the end;

23 (II) in clause (ii), by adding
24 “and” at the end; and

1 (III) by adding at the end the
2 following:

3 “(iii) the distribution among planning
4 and service areas of service providers who
5 specialize in serving populations of older
6 individuals with greatest social need;”; and

7 (ii) in subparagraph (G)—

8 (I) by striking clause (ii) and in-
9 serting the following:

10 “(ii) provide an assurance that the State
11 agency will undertake specific program develop-
12 ment, advocacy, and outreach efforts focused on
13 the needs of older individuals with greatest so-
14 cial need (with particular attention to individ-
15 uals with factors listed in section 102(26)(B))
16 and older individuals with greatest economic
17 need; and”;

18 (II) in clause (iii), by striking
19 “and” at the end;

20 (B) in paragraph (3)(E)—

21 (i) in the matter before clause (i), by
22 striking “information relating to”;

23 (ii) in clause (i)—

24 (I) by inserting “information re-
25 lating to” after “(i)”; and

1 (II) by striking “and” at the end;

2 (iii) in clause (ii)—

3 (I) by inserting “information re-
4 lating to” after “(ii)”; and

5 (II) by striking the period and
6 inserting “; and”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(iii) quality assurance information,
10 relating to the standards identified under
11 section 202(b)(11)(A), about home and
12 community-based long-term care programs,
13 service providers, and resources, provided
14 through methods described in section
15 202(b)(11)(B), when the Aging and Dis-
16 ability Resource Centers, area agencies on
17 aging, and such other entities as the As-
18 sistant Secretary determines to be appro-
19 priate, refer consumers to those programs,
20 providers, and resources in the State;
21 and”; and

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

23 “(4) the State agency shall promote the devel-
24 opment and implementation of a State system to ad-
25 dress the care coordination needs of older individuals

1 with multiple chronic illnesses, and shall work with
2 acute care providers, area agencies on aging, service
3 providers, and Federal agencies to ensure that the
4 system uses best practices and is evaluated on its
5 provision of care coordination.”; and

6 (2) in subsection (b)(5)(C)(i)(III), by striking
7 “planning and services areas” and inserting “plan-
8 ning and service areas”.

9 **SEC. 306. AREA PLANS.**

10 Section 306 of the Older Americans Act of 1965 (42
11 U.S.C. 3026) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “mainte-
14 nance, or construction of multipurpose senior
15 centers” and inserting “maintenance, mod-
16 ernization, or construction of multipurpose sen-
17 ior centers (which system includes a plan to use
18 the skills and services of older individuals in
19 paid and unpaid work, including
20 multigenerational work and older individual-to-
21 older individual service activities, relating to
22 such maintenance, modernization, or construc-
23 tion, or activities at the centers)”;

24 (B) in paragraph (2)(A)—

1 (i) by striking “mental health serv-
2 ices” and inserting “evidence-based mental
3 health services, evidence-based chronic con-
4 dition self-care management programs, and
5 evidence-based falls prevention programs”;
6 and

7 (ii) by striking “eligible)” and insert-
8 ing “eligible and shall include information
9 on paid and unpaid work opportunities for
10 older individuals”;

11 (C) in paragraph (4)(B)(i)(VII) by insert-
12 ing “with multiple chronic illnesses or” after
13 “older individuals”;

14 (D) in paragraph (6)—

15 (i) in subparagraph (D), by inserting
16 “(including acute care providers)” after
17 “service providers”;

18 (ii) in subparagraph (E)(ii), by insert-
19 ing “and Federally qualified health cen-
20 ters, as defined in sections 1861(aa)(4)
21 and 1905(l)(2)(B) of the Social Security
22 Act (42 U.S.C. 1395x(aa)(4),
23 1396d(l)(2)(B))” after “203(b)”; and

24 (iii) by adding at the end the fol-
25 lowing:

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 exploi-
5 tation, and 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 elder abuse in
16 accordance with State law; and

17 “(I) serve as an advocate in the cor-
18 responding planning and service area for evi-
19 dence-based falls prevention programs and poli-
20 cies for older individuals, and, if possible, enter
21 into partnerships with State government agen-
22 cies (such as the State health agency and State
23 transportation agency), local agencies, and com-
24 munity-based organizations that implement evi-
25 dence-based falls prevention programs and poli-

1 cies, in order to increase public awareness of
2 and access to in-home and community-based
3 evidence-based falls prevention strategies, serv-
4 ices, and programs that aim to improve the
5 health of older individuals and reduce health
6 care costs;”;

7 (E) in paragraph (7)—

8 (i) in subparagraph (B)(iii), by strik-
9 ing “placement, to permit such individ-
10 uals” and inserting “placement, with par-
11 ticular attention to individuals with factors
12 listed in section 102(26)(B), to permit
13 such at-risk individuals”;

14 (ii) in subparagraph (C)—

15 (I) by inserting “(including
16 falls)” after “injury”; and

17 (II) by striking “and” at the end;

18 (iii) in subparagraph (D), by adding
19 “and” at the end; and

20 (iv) by adding at the end the fol-
21 lowing:

22 “(E) implementing, through the agency or
23 service providers, evidence-based health pro-
24 motion, chronic condition self-care management,
25 and falls prevention programs, to assist older

1 individuals and their family caregivers in learn-
2 ing about and making behavioral changes in-
3 tended to improve health outcomes, reduce the
4 impact of living with multiple chronic health
5 conditions, and reduce health care spending;”;

6 (F) by striking paragraph (9) and insert-
7 ing the following:

8 “(9) provide assurances that the area agency on
9 aging, in carrying out the State Long-Term Care
10 Ombudsman program described in section 307(a)(9),
11 will—

12 “(A) provide adequate funding to conduct
13 an effective Ombudsman program in compliance
14 with this Act; and

15 “(B) expend not less than the total
16 amount of funds appropriated under this Act or
17 made available through other resources, and ex-
18 pended by the agency in fiscal year 2010, in
19 carrying out such a program under this Act;”;

20 (G) in paragraph (16), by striking “and”
21 at the end;

22 (H) in paragraph (17)—

23 (i) by inserting “and revise” after
24 “develop”;

1 (ii) by inserting “and health” after
2 “State emergency response”; and

3 (iii) by striking the period and insert-
4 ing a semicolon; and

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

6 “(18) include information describing—

7 “(A) how the area agency on aging will en-
8 gage in outreach to veterans who are eligible for
9 services under this Act; and

10 “(B) effective and efficient procedures for
11 the coordination of services provided under this
12 Act with services provided to veterans by the
13 Department of Veterans Affairs and other pro-
14 viders;

15 “(19) describe how the area agency on aging
16 will leverage its position as the primary community-
17 based provider of senior support services to—

18 “(A) champion the cause of economic secu-
19 rity for older individuals among community
20 members, political leaders, businesses, and fam-
21 ilies;

22 “(B) concentrate resources of the area
23 agency on aging toward promoting economic se-
24 curity for older individuals at both the indi-
25 vidual and community level; and

1 “(C) serve as a community resource for
2 older individuals who lack the economic, social,
3 or familial supports necessary to age with dig-
4 nity;

5 “(20) provide assurances that the area agency
6 on aging will—

7 “(A) identify existing (as of the date of
8 submission of the plan) care coordination pro-
9 grams and systems;

10 “(B) identify unmet community need for
11 care coordination;

12 “(C) facilitate the development and imple-
13 mentation of an area-wide system to address
14 the care coordination needs of older individuals
15 with multiple chronic illnesses; and

16 “(D) work with acute care providers, serv-
17 ice providers, and Federal and State agencies to
18 ensure that the system uses best practices in its
19 provision of care coordination;

20 “(21) provide assurances that programming,
21 services, and outreach will be developed and imple-
22 mented in a culturally and linguistically competent
23 manner, for older individuals with greatest social
24 need;

1 “(22) provide assurances that staff training in-
2 cludes instruction on cultural and linguistic com-
3 petence in the provision of services to older individ-
4 uals with greatest social need;

5 “(23) provide assurances that the services of
6 providers who are contractors will be provided in a
7 culturally and linguistically competent manner; and

8 “(24) provide assurances that, to the extent
9 feasible, services provided in response to elder abuse
10 will be provided in a culturally and linguistically
11 competent manner.”; and

12 (2) in subsection (b)(3)—

13 (A) in subparagraph (J), by striking
14 “and”;

15 (B) by redesignating subparagraph (K) as
16 subparagraph (L); and

17 (C) by inserting after subparagraph (J)
18 the following:

19 “(K) protection from elder abuse, neglect,
20 and exploitation; and”.

21 **SEC. 307. STATE PLANS.**

22 Section 307(a) of the Older Americans Act of 1965
23 (42 U.S.C. 3027(a)) is amended—

24 (1) in paragraph (2), by striking subparagraph

25 (A) and inserting the following:

1 “(A) evaluate, using uniform procedures
2 described in section 202(a)(27), the need for
3 supportive services (including legal assistance
4 pursuant to paragraph (11), information and
5 assistance, care coordination, and transpor-
6 tation services), nutrition services, economic se-
7 curity and benefits counseling, and multipur-
8 pose senior centers within the State;”;

9 (2) by striking paragraph (9) and inserting the
10 following:

11 “(9) The plan shall provide assurances that the
12 State agency will carry out, through the Office of
13 the State Long-Term Care Ombudsman, a State
14 Long-Term Care Ombudsman program in accord-
15 ance with section 712 and this title, and, in carrying
16 out the program, will—

17 “(A) provide adequate funding to conduct
18 an effective Ombudsman program in compliance
19 with this Act; and

20 “(B) expend not less than the total
21 amount of funds appropriated under this Act or
22 made available through other resources, and ex-
23 pended by the agency in fiscal year 2010, in
24 carrying out such a program under this Act.”;

1 (3) in paragraph (11), in the matter preceding
2 subparagraph (A), by striking “legal assistance—”
3 and inserting “legal assistance, which shall be pro-
4 vided through an integrated legal assistance delivery
5 system—”;

6 (4) in paragraph (12)—

7 (A) by redesignating subparagraphs (B)
8 and (C) as subparagraphs (C) and (D); and

9 (B) by inserting after subparagraph (A)
10 the following:

11 “(B) that the State will develop and imple-
12 ment standardized protocols for screening and
13 reporting with respect to elder abuse;”;

14 (5) by striking paragraph (15) and inserting
15 the following:

16 “(15)(A) The plan shall provide assurances that
17 programming and services will be provided in a cul-
18 turally and linguistically competent manner to older
19 individuals with greatest social need, and that the
20 State will require the area agency on aging for each
21 planning and service area in which a significant
22 number of older individuals are limited English pro-
23 ficient—

24 “(i) to utilize in the provision of such pro-
25 gramming and services, workers who are fluent

1 in the language spoken by a predominant num-
2 ber of such older individuals who are limited
3 English proficient; and

4 “(ii) to designate an individual employed
5 by the area agency on aging, or available to
6 such area agency on aging on a full-time basis,
7 whose responsibilities will include—

8 “(I) taking such action as may be ap-
9 propriate to assure that programming,
10 services, and outreach are developed and
11 implemented in a culturally and linguis-
12 tically competent manner for older individ-
13 uals with greatest social need; and

14 “(II) providing guidance to individuals
15 engaged in the delivery of services under
16 the area plan involved to enable such indi-
17 viduals to deliver the services in a cul-
18 turally and linguistically competent man-
19 ner.

20 “(B) The plan shall provide assurances that, if
21 a substantial number of the older individuals resid-
22 ing in any planning and service area in the State are
23 limited English proficient, then the State will require
24 the area agency on aging for each such planning and
25 service area to utilize, in the delivery of outreach

1 services under section 306(a)(2)(A) in a culturally
2 and linguistically competent manner, the services of
3 workers who are fluent in the language spoken by a
4 predominant number of such older individuals who
5 are limited English proficient.”;

6 (6) in paragraph (16)—

7 (A) in subparagraph (A), by striking
8 clauses (i) through (vi) and inserting the fol-
9 lowing:

10 “(i) older individuals with greatest
11 economic need;

12 “(ii) older individuals with greatest
13 social need (with particular attention to in-
14 dividuals with factors listed in section
15 102(26)(B)); and

16 “(iii) caregivers of individuals de-
17 scribed in clause (i) or (ii); and”;

18 (B) in subparagraph (B)—

19 (i) by striking “through (vi)” and in-
20 sserting “and (ii)”;

21 (ii) by striking “caretakers” and in-
22 sserting “caregivers”;

23 (7) in paragraph (17), by striking “and develop
24 collaborative programs, where appropriate,” and in-

1 serting “, ensure care coordination, and (where ap-
2 propriate) develop collaborative programs,”;

3 (8) in paragraph (18), in the matter preceding
4 subparagraph (A), by inserting “and ensure care co-
5 ordination that integrates long-term care services
6 and other care services,” before “for older”;

7 (9) by striking paragraph (20) and inserting
8 the following:

9 “(20) The plan shall provide assurances that
10 special efforts will be made to provide technical as-
11 sistance to minority providers of services and to pro-
12 viders who specialize in serving populations of older
13 individuals with greatest social need.”;

14 (10) in paragraph (23)(A), by striking “with
15 other State services” and inserting “with other Fed-
16 eral and State health care programs and services”;

17 (11) in paragraph (28)(B)—

18 (A) by striking clause (i) and inserting the
19 following:

20 “(i) the projected change in the number of
21 older individuals in the State, and the dispersal
22 and growth in the number of older individuals
23 with greatest social need in each planning and
24 service area in the State;” and

1 (B) by striking clause (iii) and inserting
2 the following:

3 “(iii) an analysis of how the programs,
4 policies, and services provided by the State can
5 be improved, including by coordinating with
6 area agencies on aging and by developing the
7 cultural and linguistic competence of persons
8 providing programming and services, and how
9 resource levels can be adjusted to meet the
10 needs of the changing population of older indi-
11 viduals in the State; and”;

12 (12) in paragraph (29)—

13 (A) by inserting “and revise” after “de-
14 velop”; and

15 (B) by inserting “and health” after “local
16 emergency response”; and

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

18 “(31) The plan shall provide assurances that
19 the State agency will, if possible, enter into partner-
20 ships with other relevant State government agencies
21 when collaborating with area agencies on aging, local
22 agencies, or community-based organizations de-
23 scribed in section 306(a)(6)(I) in order to increase
24 public awareness of and access to in-home and com-
25 munity-based evidence-based falls prevention strate-

1 gies, services, and programs that aim to improve the
2 health of older individuals and reduce health care
3 costs.

4 “(32) The plan shall include information de-
5 scribing—

6 “(A) how the State agency will engage in
7 outreach to veterans who are eligible for serv-
8 ices under this Act; and

9 “(B) effective and efficient procedures for
10 the coordination of services provided under this
11 Act with services provided to veterans by the
12 Department of Veterans Affairs and other pro-
13 viders.

14 “(33) The plan shall provide assurances that
15 the area agencies on aging in the State will facilitate
16 the area-wide development and implementation of an
17 area-wide system to address the care coordination
18 needs of older individuals with multiple chronic ill-
19 nesses, and work with acute care providers, service
20 providers, and other Federal and State agencies to
21 ensure that the system uses best practices and is
22 evaluated on its provision of care coordination.”.

1 **SEC. 308. PLANNING, COORDINATION, EVALUATION, AND**
2 **ADMINISTRATION OF STATE PLANS.**

3 Section 308(a)(1) of the Older Americans Act of
4 1965 (42 U.S.C. 3028(a)(1)) is amended—

5 (1) by striking “, and the carrying out” and in-
6 serting “, the carrying out”; and

7 (2) by inserting before the period the following:
8 “, and the modernization of such senior centers”.

9 **SEC. 309. DISASTER RELIEF REIMBURSEMENTS.**

10 Section 310 of the Older Americans Act of 1965 (42
11 U.S.C. 3030) is amended—

12 (1) in the section heading, by inserting “AND
13 PLANNING” after “REIMBURSEMENTS”; and

14 (2) in subsection (b)(2), by inserting “section
15 202(a)(29), emergency planning under this section,
16 or” after “carry out”.

17 **SEC. 310. CONSUMER CONTRIBUTIONS.**

18 Section 315 of the Older Americans Act of 1965 (42
19 U.S.C. 3030c-2) is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1), by striking “185
22 percent” and inserting “200 percent”; and

23 (B) in paragraph (3), by adding at the end
24 the following: “Contributions under this section
25 shall be used to supplement, and not to sup-

1 plant, any other funds expended for activities
2 described in this Act.”; and

3 (2) in subsection (d)—

4 (A) by striking “Not later” and all that
5 follows through “shall conduct” and inserting
6 “Not later than January 1, 2014, and annually
7 thereafter, the Assistant Secretary shall con-
8 duct, and submit to the appropriate committees
9 of Congress a report containing the results of,”;
10 and

11 (B) by adding at the end the following:
12 “The Assistant Secretary shall include in the
13 report an evaluation of the methods used, by
14 the area agencies on aging and service providers
15 under this Act, to ensure that the consumer
16 contributions are used to supplement the serv-
17 ices for which the contributions were col-
18 lected.”.

19 **SEC. 311. STUDY OF NUTRITION PROJECTS.**

20 Section 317(a)(2) of the Older Americans Act
21 Amendments of 2006 (Public Law 109–365) is amend-
22 ed—

23 (1) in subparagraph (B), by striking “; and”
24 and inserting a semicolon;

1 (2) in subparagraph (C), by striking the period
2 at the end and inserting “; and”; and

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

4 “(D) an analysis of the ability of service
5 providers to obtain viable contracts for special
6 foods necessary to meet a religious requirement,
7 required dietary need, or ethnic consideration.”.

8 **SEC. 312. SUPPORTIVE SERVICES AND SENIOR CENTERS**
9 **PROGRAM.**

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

12 (1) in subsection (a)—

13 (A) in paragraph (5)(C), by striking “and
14 letter writing services” and inserting “evidence-
15 based chronic condition self-care management,
16 and letter writing services, and evidence-based
17 falls prevention programs”;

18 (B) in paragraph (7)—

19 (i) by inserting “evidence-based” after
20 “through”; and

21 (ii) by striking “and dance-movement
22 therapy” and inserting “dance-movement
23 therapy, chronic condition self-care man-
24 agement, and falls prevention”;

25 (C) in paragraph (8)—

1 (i) by inserting “, screening for elder
2 abuse and neglect, and falls prevention
3 screening” after “mental health screen-
4 ing”; and

5 (ii) by striking “illness, or both,” and
6 inserting “illnesses and injuries”;

7 (D) in paragraph (15), by inserting before
8 the semicolon the following: “and elder abuse
9 and neglect screening, chronic condition self-
10 care management, and falls prevention serv-
11 ices”; and

12 (E) in paragraph (23), by striking “mental
13 health services” and inserting “evidence-based
14 mental health, chronic condition self-care man-
15 agement, elder abuse, neglect, and exploitation
16 prevention, and falls prevention services”; and

17 (2) in subsection (b)(1), by inserting “or mod-
18 ernization” after “construction”.

19 **SEC. 313. NUTRITION SERVICES.**

20 (a) IN GENERAL.—Section 339(2) of the Older
21 Americans Act of 1965 (42 U.S.C. 3030g–21(2)) is
22 amended—

23 (1) in subparagraph (A), by amending clause
24 (iii) to read as follows:

1 “(iii) to the maximum extent prac-
2 ticable, are adjusted and appropriately
3 funded to meet any special health-related
4 or other dietary needs of program partici-
5 pants, including needs based on religious,
6 cultural, or ethnic requirements,”;

7 (2) in subparagraph (J), by striking “, and”
8 and inserting a comma;

9 (3) in subparagraph (K), by striking the period
10 and inserting a comma; and

11 (4) by adding at the end the following:

12 “(L) encourages individuals who distribute
13 nutrition services under subpart 2 to engage in
14 conversation with homebound older individuals
15 and to be aware of the warning signs of medical
16 emergencies, injury, or abuse in order to reduce
17 isolation and promote well-being,

18 “(M) encourages individuals who distribute
19 nutrition services under subpart 2 to distribute
20 information on diabetes, elder abuse, neglect,
21 exploitation, and the annual Medicare wellness
22 exam, and

23 “(N) where feasible, encourages the use of
24 locally grown foods in meal programs and iden-
25 tifies potential partnerships and contracts with

1 local producers and providers of locally grown
2 foods.”.

3 (b) SPECIAL RULE.—Section 339 of the Older Ameri-
4 cans Act of 1965 (42 U.S.C. 3030g–21) is amended—

5 (1) by inserting before “A State” the following:

6 “(a) IN GENERAL.—”; and

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

8 “(b) TRANSPORTATION.—Funds appropriated to
9 carry out this part may be used for transportation costs
10 that can be demonstrated to be directly related to the pro-
11 vision of services specified in this part.”.

12 **SEC. 314. DISEASE PREVENTION AND HEALTH PROMOTION**
13 **SERVICES.**

14 (a) PROGRAM.—Section 361 of the Older Americans
15 Act of 1965 (42 U.S.C. 3030m) is amended—

16 (1) in subsection (a), in the first sentence—

17 (A) by inserting “evidence-based” after “to
18 provide”;

19 (B) by inserting “(through programs such
20 as the programs coordinated through the Sick-
21 ness Prevention Achieved Through Regional
22 Collaboration program)” after “promotion serv-
23 ices”; and

24 (C) by inserting before “or at” the fol-
25 lowing: “at Federally qualified health centers

1 (as defined in sections 1861(aa)(4) and
2 1905(l)(2)(B) of the Social Security Act (42
3 U.S.C. 1395x(aa)(4), 1396d(l)(2)(B))),”;
4 (2) by striking subsection (b); and
5 (3) by redesignating subsection (c) as sub-
6 section (b).

7 (b) CLINICAL PREVENTIVE SERVICES.—Part D of
8 title III of the Older Americans Act of 1965 (42 U.S.C.
9 3030m et seq.) is amended by adding at the end the fol-
10 lowing:

11 **“SEC. 363. CLINICAL PREVENTIVE SERVICES.**

12 “(a) FINDING.—Congress finds that the clinical pre-
13 ventive services described in subsection (c) are covered
14 under the Medicare program carried out under title XVIII
15 of the Social Security Act (42 U.S.C. 1395 et seq.).

16 “(b) PURPOSES.—The purpose of this section is to
17 increase the number of older individuals receiving, at a
18 minimum, the clinical preventive services.

19 “(c) DEFINITION.—In this part, the term ‘disease
20 prevention and health promotion services’ includes diabe-
21 tes screening and the clinical preventive services consisting
22 of—

23 “(1) provision of influenza vaccines;

24 “(2) provision of pneumococcal vaccines;

25 “(3) breast cancer screening;

- 1 “(4) cervical cancer screening;
 2 “(5) colorectal cancer screening;
 3 “(6) hypertension screening; and
 4 “(7) cholesterol screening.”.

5 **SEC. 315. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**
 6 **GRAM.**

7 (a) OLDER RELATIVE CAREGIVER.—Section 372 of
 8 such Act (42 U.S.C. 3030s) is amended—

9 (1) in subsection (a)—

10 (A) by striking paragraphs (1) and (2) and
 11 inserting the following:

12 “(1) CHILD.—The term ‘child’ means an indi-
 13 vidual who is not more than 18 years of age.

14 “(2) ELIGIBLE CARE RECIPIENT.—The term
 15 ‘eligible care recipient’ means a relative, of a care-
 16 giver, who is—

17 “(A) a child; or

18 “(B) an individual with a disability who is
 19 not less than 19 and not more than 59 years
 20 of age.

21 “(3) OLDER RELATIVE CAREGIVER.—

22 “(A) IN GENERAL.—The term ‘older rel-
 23 ative caregiver’ means a caregiver, as defined in
 24 subparagraph (B) or (C), who—

25 “(i) is 55 years of age or older;

1 “(ii) lives with, is the informal pro-
2 vider of in-home and community care to,
3 and is the primary caregiver for, an eligible
4 care recipient who is described in subpara-
5 graph (B) or (C), respectively; and

6 “(iii) is not a family caregiver.

7 “(B) CAREGIVER FOR CHILD.—For pur-
8 poses of subparagraph (A), the term ‘caregiver’,
9 used with respect to an eligible care recipient
10 who is a child, means an individual who—

11 “(i) is the grandparent, stepgrand-
12 parent, or other relative (other than the
13 parent) by blood, marriage, or adoption, of
14 the eligible care recipient;

15 “(ii) is the primary caregiver of the
16 eligible care recipient because the biological
17 or adoptive parents are unable or unwilling
18 to serve as the primary caregiver of the eli-
19 gible care recipient; and

20 “(iii) has a legal relationship to the el-
21 igible care recipient, such as legal custody
22 or guardianship, or is raising the eligible
23 care recipient informally.

24 “(C) CAREGIVER OF INDIVIDUAL WITH A
25 DISABILITY.—For purposes of subparagraph

1 (A), the term ‘caregiver’, used with respect to
2 an eligible care recipient who is an individual
3 with a disability described in paragraph (2)(B)
4 means an individual who is the parent, grand-
5 parent, or other relative by blood, marriage, or
6 adoption, of the eligible care recipient.”;

7 (2) by striking subsection (b);

8 (3) by striking “(a) IN GENERAL.—”; and

9 (4) by striking “this subpart:” and inserting
10 “this part:”.

11 (b) PROGRAM.—Section 373 of the Older Americans
12 Act of 1965 (42 U.S.C. 3030s–1) is amended—

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

16 (2) by redesignating subsections (b) through (g)
17 as subsections (c) through (h), respectively;

18 (3) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) ASSESSMENT PROGRAM OF NEEDS OF FAMILY
21 CAREGIVERS.—

22 “(1) IN GENERAL.—The Assistant Secretary
23 may make grants to States to establish a program,
24 in accordance with the program requirements de-
25 scribed in paragraph (5), to assess the needs of fam-

1 ily caregivers for targeted support services described
2 in paragraph (5)(C).

3 “(2) APPLICATION BY STATES.—Each State
4 seeking a grant under this subsection shall submit
5 an application to the Assistant Secretary at such
6 time, in such manner, and containing such informa-
7 tion and assurances as the Assistant Secretary de-
8 termines appropriate.

9 “(3) GRANT AMOUNT.—The amount of a grant
10 to a State under this subsection shall be determined
11 according to such methodology as the Assistant Sec-
12 retary determines appropriate.

13 “(4) PROGRAM ADMINISTRATION.—A State re-
14 ceiving a grant under this subsection may enter into
15 an agreement with area agencies on aging in the
16 State, or an Aging and Disability Resource Center
17 in the State, to administer the program, using such
18 grant funds.

19 “(5) PROGRAM REQUIREMENTS.—

20 “(A) STANDARDIZED ASSESSMENT.—As-
21 sessments under a program established under
22 paragraph (1)—

23 “(i) shall be conducted by social work-
24 ers, care managers, nurses, or other appro-
25 priate professionals; and

1 “(ii)(I) shall be conducted with a
2 standardized instrument to identify family
3 caregiver needs; and

4 “(II) in a State in which an area
5 agency on aging or an Aging and Dis-
6 ability Resource Center is using such an
7 instrument on the date of enactment of the
8 Older Americans Act Amendments of
9 2012, may continue to be conducted with
10 that instrument.

11 “(B) QUESTIONNAIRE.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), assessments under a program estab-
14 lished as described in paragraph (1) shall
15 include asking the family caregiver relevant
16 questions in order to determine whether
17 the family caregiver would benefit from
18 any targeted support services described in
19 subparagraph (C).

20 “(ii) COMPLETION ON A VOLUNTARY
21 BASIS.—The answering of questions under
22 clause (i) by a family caregiver shall be on
23 a voluntary basis.

24 “(iii) ADDRESSING DIVERSE CARE-
25 GIVER NEEDS AND PREFERENCES.—The

1 questionnaire administered under this sub-
2 paragraph shall be designed in a manner
3 that accounts for, and aims to ascertain,
4 the varying needs and preferences of fam-
5 ily caregivers, based on the range of their
6 capabilities, caregiving experience, and
7 other relevant personal characteristics and
8 circumstances.

9 “(C) TARGETED SUPPORT SERVICES DE-
10 SCRIBED.—The following targeted support serv-
11 ices are described in this subparagraph:

12 “(i) Information and assistance (in-
13 cluding brochures and online resources for
14 researching a disease or disability or for
15 learning and managing a regular
16 caregiving role, new technologies that can
17 assist family caregivers, and practical as-
18 sistance for locating services).

19 “(ii) Individual counseling (including
20 advice and consultation sessions to bolster
21 emotional support for the family caregiver
22 to make well-informed decisions about how
23 to cope with caregiver strain).

1 “(iii) Support groups, including
2 groups that provide help for family care-
3 givers to—

4 “(I) locate a support group either
5 locally or online to share experiences
6 and reduce isolation;

7 “(II) make well-informed
8 caregiving decisions; and

9 “(III) reduce isolation.

10 “(iv) Education and training (includ-
11 ing workshops and other resources avail-
12 able with information about stress manage-
13 ment, self-care to maintain good physical
14 and mental health, understanding and
15 communicating with individuals with de-
16 mentia, medication management, normal
17 aging processes, change in disease and dis-
18 ability, the role of assistive technologies,
19 and other relevant topics).

20 “(v) Respite care and emergency
21 back-up services (including, on a short-
22 term basis, in-home care services that give
23 the family caregiver a break from pro-
24 viding such care).

1 “(vi) Chore services (such as house
2 cleaning) to assist the individual receiving
3 care.

4 “(vii) Personal care (including outside
5 help) to assist the individual receiving care.

6 “(viii) Legal and financial planning
7 and consultation (including advice and
8 counseling regarding long-term care plan-
9 ning, estate planning, powers of attorney,
10 community property laws, tax advice, em-
11 ployment leave advice, advance directives,
12 and end-of-life care).

13 “(ix) Transportation (including trans-
14 portation to medical appointments) to as-
15 sist the individual receiving care.

16 “(x) Other targeted support services,
17 as determined appropriate by the State
18 agency and approved by the Assistant Sec-
19 retary.

20 “(D) REFERRALS.—In the case where a
21 questionnaire completed by a family caregiver
22 under subparagraph (B) indicates that the fam-
23 ily caregiver would benefit from 1 or more of
24 the targeted support services described in sub-
25 paragraph (C), the agency administering the

1 program established under paragraph (1) shall
2 provide referrals to the family caregiver for
3 State, local, and private-sector caregiver pro-
4 grams and other resources that provide such
5 targeted support services to such caregivers.

6 “(E) TARGETING AND TIMING OF ASSESS-
7 MENTS.—Assessments under the program es-
8 tablished under paragraph (1) may be con-
9 ducted—

10 “(i) when an individual who is being
11 assisted by a family caregiver transitions
12 from one care setting to another;

13 “(ii) upon referral from a social work-
14 er, care manager, nurse, physician, or
15 other appropriate professional; or

16 “(iii) according to circumstances de-
17 termined by the State and approved by the
18 Assistant Secretary.

19 “(F) COORDINATION WITH OTHER ASSESS-
20 MENT.—Assessments under the program estab-
21 lished under paragraph (1) may be conducted
22 separately or as part of, or in conjunction with,
23 eligibility or other routine assessments of an in-
24 dividual who is being (or is going to be) as-
25 sisted by a family caregiver.

1 “(G) FOLLOWUP SERVICES.—As the As-
2 sistant Secretary determines appropriate, a
3 State with a program described in paragraph
4 (1) shall conduct followup activities with care-
5 givers who have participated in an assessment
6 under the program to determine the status of
7 the caregivers and whether services were pro-
8 vided.

9 “(H) REPORTING REQUIREMENT.—Each
10 State with a program described in paragraph
11 (1) shall periodically submit to the Assistant
12 Secretary a report containing information on
13 the number of caregivers assessed under the
14 program, information on the number of refer-
15 rals made for targeted support services under
16 the program (disaggregated by type of service),
17 demographic information on caregivers assessed
18 under the program, and other information re-
19 quired by the Assistant Secretary.”;

20 (4) in subsection (c), as redesignated by para-
21 graph (2)—

22 (A) in paragraph (4), by striking “and” at
23 the end;

24 (B) in paragraph (5), by striking the pe-
25 riod and inserting “; and”; and

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

2 “(6) the efforts of the Ombudsman to facilitate
3 the activities of, and support, the State Long-Term
4 Care Ombudsman program under title VII and this
5 title, and the efforts of the Ombudsman to facilitate
6 the activities of, and support, family and caregiver
7 councils in long-term care facilities.”;

8 (5) in subsection (d), as redesignated by para-
9 graph (2)—

10 (A) in paragraph (1)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “and grandparents
13 and older individuals who are relative care-
14 givers,” and inserting “and older relative
15 caregivers,”;

16 (ii) in subparagraph (A), by striking
17 “paragraph (1) or (2) of”; and

18 (iii) in subparagraph (B)—

19 (I) by striking “subsection (b), in
20 the case of a caregiver described in
21 paragraph (1)” and inserting “sub-
22 section (c), in the case of a caregiver
23 described in subsection (a)(1)”; and

1 (II) by striking “section
2 102(22).” and inserting “section
3 102(24).”; and

4 (B) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) PRIORITY.—In providing services under
7 this part, the State shall give—

8 “(A) with respect to family caregivers who
9 provide care for individuals with Alzheimer’s
10 disease and related disorders with neurological
11 and organic brain dysfunction, priority to care-
12 givers who provide care for older individuals
13 with such disease or disorder;

14 “(B) with respect to older relative care-
15 givers, priority to caregivers—

16 “(i) who provide care for eligible care
17 recipients described in section
18 372(a)(2)(B) who have severe disabilities;
19 but

20 “(ii) who are not the parents of the
21 recipients; and

22 “(C) priority to caregivers who are older
23 individuals with greatest social need (with par-
24 ticular attention to individuals with factors list-

1 ed in section 102(26)(B)), or are older individ-
2 uals with greatest economic need.”;

3 (6) in subsection (e), as redesignated by para-
4 graph (2), by striking “subsection (b)” and inserting
5 “subsection (e)”;

6 (7) in subsection (f)(3), as redesignated by
7 paragraph (2), in the second sentence, by striking
8 “or grandparents or older individuals who are rel-
9 ative caregivers,” and inserting “older relative care-
10 givers,”;

11 (8) in subsection (g)(1), as redesignated by
12 paragraph (2)—

13 (A) in subparagraph (A), by striking “for
14 fiscal years 2007, 2008, 2009, 2010, and
15 2011” and inserting “for each of fiscal years
16 2013 through 2017 and remaining after the
17 reservation described in section 303(e)(2) (if
18 elected) is made”; and

19 (B) in subparagraph (B), by striking
20 “sums appropriated under section 303” and in-
21 serting “remaining sums described in subpara-
22 graph (A)”;

23 (9) in subsection (h), as redesignated by para-
24 graph (2)—

1 (A) in paragraph (2), by striking subpara-
 2 graph (C) and inserting the following:

3 “(C) LIMITATION.—A State may use not
 4 more than 10 percent of the total Federal and
 5 non-Federal share available to the State under
 6 this part to provide support services to—

7 “(i) older relative caregivers who pro-
 8 vide care for children; and

9 “(ii) older relative caregivers—
 10 “(I) who provide care for individ-
 11 uals described in section
 12 372(a)(2)(B); and

13 “(II) who are the parents of the
 14 individuals.”; and

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

16 “(3) USE OF FUNDS FOR OMBUDSMAN PRO-
 17 GRAM.—Amounts made available to a State to carry
 18 out the State program under this part may be used
 19 to support the Office of the State Long-Term Care
 20 Ombudsman, including supporting the development
 21 of resident and family councils.”.

22 (c) ELIMINATION OF SUPERFLUOUS SUBPART DES-
 23 IGNATION.—

1 (1) **HEADING.**—Part E of title III of such Act
2 (42 U.S.C. 3021 et seq.) is amended by striking the
3 subpart heading for subpart 1.

4 (2) **CONFORMING AMENDMENTS.**—Sections 373
5 (as amended by subsection (b)) and 374 of such Act
6 (42 U.S.C. 3030s–1, 3030s–2) are further amended
7 by striking “this subpart” in each place it appears
8 and inserting “this part”.

9 **TITLE IV—ACTIVITIES FOR**
10 **HEALTH, INDEPENDENCE,**
11 **AND LONGEVITY**

12 **SEC. 401. GRANT PROGRAMS.**

13 Section 411 of the Older Americans Act of 1965 (42
14 U.S.C. 3032) is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph (1),
17 by inserting “(including the highest court of
18 each State)” after “with States”;

19 (B) in paragraph (9)(C), by adding at the
20 end the following: “, and technical assistance
21 and training to States and area agencies on
22 aging for preparedness for and response to all
23 hazards and emergencies;”;

24 (C) by striking paragraph (11) and insert-
25 ing the following:

1 “(11) conducting activities of national signifi-
2 cance to promote quality and continuous improve-
3 ment in the support and services provided to individ-
4 uals with the greatest social need, through activities
5 that include needs assessment, program development
6 and evaluation, training, technical assistance, and
7 research, concerning—

8 “(A) addressing physical and mental
9 health, disabilities, and health disparities;

10 “(B) providing long-term care, including
11 in-home and community-based care;

12 “(C) providing informal care, and formal
13 care in a facility setting;

14 “(D) providing access to culturally respon-
15 sive health and human services; and

16 “(E) addressing other gaps in assistance
17 and issues that the Assistant Secretary deter-
18 mines are of particular importance to older in-
19 dividuals with the greatest social need;”;

20 (D) in paragraph (12), by striking “; and”
21 and inserting a semicolon;

22 (E) by redesignating paragraph (13) as
23 paragraph (14); and

24 (F) by inserting after paragraph (12) the
25 following:

1 “(13) in accordance with subsection (c), assess-
 2 ing the fairness, effectiveness, timeliness, safety, in-
 3 tegrity, and accessibility of adult guardianship and
 4 conservatorship proceedings, including the appoint-
 5 ment and the monitoring of the performance of
 6 guardians and conservators, and implementing
 7 changes deemed necessary as a result of the assess-
 8 ments; and”;

9 (2) in subsection (b), by striking “2007” and
 10 all that follows through “2011” and inserting
 11 “2013, 2014, 2015, 2016, and 2017”; and

12 (3) by inserting at the end the following:

13 “(c) ADULT GUARDIANSHIPS AND
 14 CONSERVATORSHIPS.—

15 “(1) GRANTS.—

16 “(A) IN GENERAL.—In awarding grants or
 17 contracts under subsection (a)(13), the Assist-
 18 ant Secretary shall obtain feedback from the
 19 State Justice Institute in accordance with sub-
 20 paragraph (B) and may consult with the Attor-
 21 ney General, and such grants or contracts shall
 22 otherwise comply with this subsection.

23 “(B) STATE JUSTICE INSTITUTE.—The
 24 Assistant Secretary shall submit to the State
 25 Justice Institute recommendations for the

1 awarding of grants or contracts under sub-
2 section (a)(13). The Institute shall have 60
3 days in which to submit to the Assistant Sec-
4 retary the response of the Institute to such rec-
5 ommendations. The Assistant Secretary shall
6 consider such response prior to awarding such
7 grants or contracts.

8 “(2) GRANTEES AND ACTIVITIES.—Grants may
9 be awarded under subsection (a)(13) to the highest
10 court of each State for the purpose of enabling such
11 court, in collaboration with the State agency and
12 State adult protective services program—

13 “(A) to conduct assessments of the prac-
14 tices and procedures used to—

15 “(i) determine whether to impose a
16 full, limited, or temporary adult guardian-
17 ship or conservatorship;

18 “(ii) select a guardian of a person or
19 conservator of an estate;

20 “(iii) review the continued need for a
21 full, limited, or temporary guardianship or
22 conservatorship of an adult; and

23 “(iv) review the performance of
24 guardians or conservators;

1 “(B) to implement changes deemed nec-
2 essary as a result of the assessments; and

3 “(C) to collect data regarding those prac-
4 tices and procedures and the impact of the nec-
5 essary changes.

6 “(3) ALLOTMENTS.—The amount of a grant
7 under subsection (a)(13) shall be determined by the
8 Assistant Secretary, in consultation with the State
9 Justice Institute and the Attorney General (if the
10 Assistant Secretary determines appropriate).

11 “(4) BACKGROUND CHECKS.—The Assistant
12 Secretary shall set aside 25 percent of amounts
13 made available for grants under this subsection for
14 each fiscal year to enable courts to implement or im-
15 prove systems to conduct background checks on pro-
16 spective guardians and conservators. Such systems
17 shall comply with the following requirements:

18 “(A) At minimum, the background checks
19 shall include national and State criminal back-
20 ground checks, a search of child abuse and
21 adult abuse registries, and a search as to
22 whether the individual has been suspended or
23 disbarred from law, accounting, or other profes-
24 sional licensing for misconduct.

1 “(B) The court shall consider all of the in-
2 formation obtained from the background check
3 to determine whether such an individual is suf-
4 ficiently trustworthy to be a guardian or conser-
5 vator and that the appointment of such indi-
6 vidual is in the best interest of the protected
7 person.

8 “(C) The information obtained from the
9 background check shall only be used for the
10 purpose of determining the suitability of the
11 prospective guardian or conservator for appoint-
12 ment.

13 “(5) ELECTRONIC FILING.—Funds received
14 pursuant to subsection (a)(13) may be used to im-
15 plement systems enabling the annual accountings
16 and other required conservatorship and guardianship
17 filings to be completed, filed, and reviewed electroni-
18 cally in order to simplify the filing process for con-
19 servators and guardians, and better enable the
20 courts to identify discrepancies and detect fraud and
21 the exploitation of protected persons.

22 “(6) EVALUATION AND REPORT.—The Assist-
23 ant Secretary, in consultation with the Attorney
24 General and the State Justice Institute, shall con-
25 duct an evaluation of the improvements made by

1 courts to which this subsection applies, and prepare
2 and submit a report concerning such evaluation to
3 Congress within 18 months of the date on which the
4 first grant is awarded under subsection (a)(13), and
5 a second report 18 months later, and shall use and
6 distribute the reports and evaluations as the Assist-
7 ant Secretary, in consultation with the Attorney
8 General and the State Justice Institute, determines
9 appropriate in order to improve guardianships and
10 conservatorships nationwide.”.

11 **SEC. 402. PROTECTION FORM VIOLENCE PROJECTS.**

12 Section 413(b) of the Older Americans Act of 1965
13 (42 U.S.C. 3032b(b)) is amended—

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

16 (2) in paragraph (4), by striking the period at
17 the end and inserting “; or”; and

18 (3) 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 **SEC. 403. DEMONSTRATION, SUPPORT, AND RESEARCH**
23 **PROJECTS.**

24 Section 417(a)(1) of the Older Americans Act of
25 1965 (42 U.S.C. 3032(a)(1)) is amended—

1 (1) in subparagraph (A)—

2 (A) by striking “grandparents and other
3 older individuals who are relative caregivers”
4 and inserting “older relative caregivers who
5 are”; and

6 (B) by striking “or” after the semicolon;

7 (2) in subparagraph (B), by striking “and”
8 after the semicolon and inserting “or”; and

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

10 “(C) engage volunteers in providing sup-
11 port and information to older individuals (and
12 their families or caretakers) who have experi-
13 enced or are at risk of elder abuse, including
14 physical or emotional abuse, neglect, or exploi-
15 tation; and”.

16 **SEC. 404. COMMUNITY INNOVATIONS FOR AGING IN PLACE.**

17 Section 422 of the Older Americans Act of 1965 (42
18 U.S.C. 3032k) is amended by adding at the end the fol-
19 lowing:

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$5,000,000 for each of fiscal years 2013 through 2017.”.

1 **SEC. 405. MULTIPURPOSE SENIOR CENTER MODERNIZA-**
2 **TION, TRAINING, AND SUPPORT.**

3 Part A of title IV of the Older Americans Act of 1965
4 (42 U.S.C. 3032 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 423. MULTIPURPOSE SENIOR CENTER MODERNIZA-**
7 **TION, TRAINING, AND SUPPORT.**

8 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
9 retary shall award grants and enter into contracts with
10 eligible entities to carry out projects to—

11 “(1) support and promote modern multipurpose
12 senior center models which yield vibrant, multi-
13 service, multigenerational centers for older individ-
14 uals, families of older individuals, and others in the
15 community to gain skills, resources, and connections
16 needed to meet the challenges that occur with con-
17 tinuum of care and quality of life;

18 “(2) build an evidence base of modern,
19 replicable practices that allow senior centers to serve
20 a diverse array of older individuals, as well as their
21 families and other caregivers, leveraging innovative
22 partnerships and public and private resources to de-
23 velop and expand programs; and

24 “(3) mobilize services and leverage resources to
25 support the role of multipurpose senior centers as
26 community focal points, as provided in section

1 306(a)(3), and for the establishment, construction,
2 maintenance, and operation of centers, as described
3 in sections 303(c)(2) and 306(a)(1), including devel-
4 opment of intergenerational shared site models, con-
5 sistent with the purposes of this Act.

6 “(b) USE OF FUNDS.—An eligible entity shall use
7 funds made available under a grant awarded, or a contract
8 entered into, under subsection (a) to—

9 “(1) carry out a project described in subsection
10 (a); and

11 “(2) evaluate the project in accordance with
12 subsection (f).

13 “(c) APPLICATION.—To be eligible to receive a grant
14 or enter into a contract under subsection (a), an eligible
15 entity shall submit an application to the Assistant Sec-
16 retary at such time, in such manner, and accompanied by
17 such information as the Assistant Secretary may reason-
18 ably require.

19 “(d) ELIGIBLE ENTITY.—For purposes of this sec-
20 tion, the term ‘eligible entity’ means—

21 “(1) a multipurpose senior center that has met
22 national accreditation and fiduciary standards; and

23 “(2) a regional partnership or collaboration of
24 multipurpose senior centers or State association of

1 senior centers in which not less than 2 centers are
2 accredited.

3 “(e) COMPETITIVE GRANTS FOR TECHNICAL ASSIST-
4 ANCE.—

5 “(1) GRANTS.—The Assistant Secretary shall
6 make a grant, on a competitive basis, to an eligible
7 nonprofit organization described in paragraph (2), to
8 enable the organization to—

9 “(A) provide training and technical assist-
10 ance to recipients of grants under this section
11 and other multipurpose senior centers to adopt
12 and tailor evidence-based modernization strate-
13 gies and practices to respond to the economic
14 and health needs of the diverse and growing
15 aging populations in their own communities;
16 and

17 “(B) carry out other duties, as determined
18 by the Assistant Secretary.

19 “(2) ELIGIBLE NONPROFIT ORGANIZATION.—
20 To be eligible to receive a grant under this sub-
21 section, an organization shall be a nonprofit organi-
22 zation (including a partnership of nonprofit organi-
23 zations), that—

24 “(A) has experience and expertise in pro-
25 viding technical assistance to a range of multi-

1 purpose senior centers and experience evalu-
2 ating and reporting on programs; and

3 “(B) has demonstrated knowledge of and
4 expertise in multipurpose senior center accredi-
5 tation or other standards of excellence.

6 “(3) APPLICATION.—To be eligible to receive a
7 grant under this subsection, an organization (includ-
8 ing a partnership of nonprofit organizations) shall
9 submit an application to the Assistant Secretary at
10 such time, in such manner, and containing such in-
11 formation as the Assistant Secretary may require,
12 including an assurance that the organization will
13 submit to the Assistant Secretary such evaluations
14 and reports as the Assistant Secretary may require.

15 “(f) LOCAL EVALUATION AND REPORT.—

16 “(1) EVALUATION.—Each entity receiving a
17 grant or a contract under subsection (a) to carry out
18 a project described in subsection (a) shall evaluate
19 the project, leadership, and resources for the mod-
20 ernization of multipurpose senior centers to deter-
21 mine—

22 “(A) the effectiveness of the project in pro-
23 ducing innovations and mobilizing resources;

1 “(B) the impact on older individuals, fami-
2 lies of older individuals, and the community
3 being served; and

4 “(C) the potential for the project to be rep-
5 licated by other multipurpose senior centers,
6 noting the necessary resources and partnerships
7 and the types of populations and communities
8 best suited for the model.

9 “(2) REPORT.—The entity described in para-
10 graph (1) shall submit a report to the Assistant Sec-
11 retary containing the evaluation not later than 6
12 months after the expiration of the period for which
13 the grant or contract is in effect.

14 “(g) REPORT TO CONGRESS.—Not later than 6
15 months after the Assistant Secretary receives the reports
16 described in subsection (f)(2), the Assistant Secretary
17 shall prepare and submit to Congress a report that as-
18 sesses the evaluations and includes, at a minimum—

19 “(1) a description of the nature and operation
20 of the projects funded under this section and other
21 activities conducted in support of such projects;

22 “(2) the findings resulting from the evaluations
23 of the model projects conducted under this section;

24 “(3) a description of recommended best prac-
25 tices of modern multipurpose senior centers;

1 “(4) a strategy for disseminating the findings
2 resulting from the projects described in paragraph
3 (1); and

4 “(5) recommendations for legislative or admin-
5 istrative action, as the Assistant Secretary deter-
6 mines appropriate.”.

7 **SEC. 406. DEMONSTRATION PROGRAM ON CARE COORDINA-**
8 **TION AND SERVICE DELIVERY.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) As of 2011, more than 35,000,000 Ameri-
11 cans are aged 65 or older. Sixty-two percent of them
12 suffer from multiple chronic conditions which require
13 person-centered, coordinated care that helps them to
14 live in a home- or community-based setting. In
15 2007, 42 percent of Americans age 65 or older re-
16 ported needing assistance performing instrumental
17 activities of daily living or activities of daily living.

18 (2) Direct-care workers (referred to in this sub-
19 section as “DCWs”) provide an estimated 70 to 80
20 percent of the paid hands-on long-term care and per-
21 sonal assistance received by elders and people with
22 disabilities or other chronic conditions in the United
23 States. These workers help their clients bathe, dress,
24 and negotiate a host of other daily tasks. DCWs are

1 a lifeline for those they serve, as well as for families
2 and friends struggling to provide quality care.

3 (3) Eldercare and disability services positions
4 account for nearly one-third of the 15,000,000
5 health care jobs in the United States. The direct-
6 care workforce alone accounts for more than
7 3,000,000 jobs, expected to grow to more than
8 4,000,000 by 2018.

9 (4) The majority of DCWs are now employed in
10 home and community-based settings, and not in in-
11 stitutional settings such as nursing care facilities or
12 hospitals. By 2018, home and community-based
13 DCWs are likely to outnumber facility workers by
14 nearly 2 to 1.

15 (5) A 2008 Institute of Medicine report, enti-
16 tled “Re-tooling for an Aging America: Building the
17 Health Care Workforce”, called for new models of
18 care delivery and coordination, and dedicated a
19 chapter to the central importance of the direct-care
20 workforce in a “re-tooled” eldercare delivery system.

21 (6) An Institute of Medicine report on the fu-
22 ture of nursing, released in October of 2010, rec-
23 ommended nurses should practice to the full extent
24 of their education and training. The report also
25 states that all health care professionals should work

1 collaboratively in team-based models, and that the
2 goal should be to encourage care models that use
3 every member of the team to the full capacity of his
4 or her training and skills.

5 (7) The Patient Protection and Affordable Care
6 Act (Public Law 111–148) emphasizes the need for
7 improving care and lowering costs by better coordi-
8 nation of care and integration of services, particu-
9 larly for consumers with multiple chronic conditions.
10 This will require developing new models of care for
11 those receiving long-term services and supports.

12 (8) A November 2010 focus group of DCWs ex-
13 amined the concept of an advanced role for this
14 workforce. About half of the participants shared that
15 they care for consumers who do not have any family
16 or other unpaid caregivers present, which often re-
17 quires them to assume an additional role as an advo-
18 cate, with those consumers often turning to them as
19 a source of trusted information and emotional sup-
20 port. All participants agreed that consumers and
21 family members frequently ask them to undertake
22 tasks that they would like to provide, but for which
23 they have not received proper training.

24 (b) PROGRAM.—Part A of title IV of the Older Amer-
25 icans Act of 1965 (42 U.S.C. 3032 et seq.), as amended

1 by section 405, is further amended by adding at the end
2 the following:

3 **“SEC. 424. DEMONSTRATION PROGRAM ON CARE COORDI-**
4 **NATION AND SERVICE DELIVERY.**

5 “(a) ESTABLISHMENT OF DEMONSTRATION PRO-
6 GRAM.—

7 “(1) IN GENERAL.—The Assistant Secretary
8 shall carry out a demonstration program in accord-
9 ance with this section. Under such program, the As-
10 sistant Secretary shall award grants to eligible enti-
11 ties to carry out demonstration projects that focus
12 on care coordination and service delivery redesign
13 for older individuals with chronic illness or at risk
14 of institutional placement by—

15 “(A) designing and testing new models of
16 care coordination and service delivery that
17 thoughtfully and effectively deploy advanced
18 aides to improve efficiency and quality of care
19 for frail older individuals; and

20 “(B) giving direct-care workers opportuni-
21 ties for career advancement through additional
22 training, an expanded role, and increased com-
23 pensation.

24 “(2) DIRECT-CARE WORKER.—In this section,
25 the term ‘direct-care worker’ has the meaning given

1 that term in the 2010 Standard Occupational Classi-
2 fications of the Department of Labor for Home
3 Health Aides [31–1011], Psychiatric Aides [31–
4 1013], Nursing Assistants [31–1014], and Personal
5 Care Aides [39–9021].

6 “(b) DEMONSTRATION PROJECTS.—The demonstra-
7 tion program shall be composed of 6 demonstration
8 projects, as follows:

9 “(1) Two demonstration projects shall focus on
10 using the abilities of direct-care workers to promote
11 smooth transitions in care and help to prevent un-
12 necessary hospital readmissions. Under these
13 projects, direct-care workers shall be incorporated as
14 essential members of interdisciplinary care coordina-
15 tion teams.

16 “(2) Two demonstration projects shall focus on
17 maintaining the health and improving the health sta-
18 tus of those with multiple chronic conditions and
19 long-term care needs. Under these projects, direct-
20 care workers shall assist in monitoring health status,
21 ensuring compliance with prescribed care, and edu-
22 cating and coaching the older individual involved and
23 any family caregivers.

24 “(3) Two demonstration projects shall focus on
25 training direct-care workers to take on deeper clin-

1 ical responsibilities related to specific diseases, in-
2 cluding Alzheimer’s and dementia, congestive heart
3 failure, and diabetes.

4 “(c) ELIGIBLE ENTITY.—In this section, the term
5 ‘eligible entity’ means a consortium that consists of—

6 “(1) not less than 1—

7 “(A) home personal care service provider;

8 or

9 “(B) area agency on aging; and

10 “(2) not less than 1—

11 “(A) hospital or health system;

12 “(B) long-term care and rehabilitation fa-
13 cility;

14 “(C) labor organization or labor-manage-
15 ment partnership;

16 “(D) community-based aging service pro-
17 vider;

18 “(E) patient-centered medical home;

19 “(F) Federally qualified health center;

20 “(G) managed care entity, including a
21 managed health and long-term care program;

22 “(H) entity that provides health services
23 training;

1 “(I) State-based public entity engaged in
2 building new roles and related curricula for di-
3 rect-care workers; or

4 “(J) any other entity that the Assistant
5 Secretary deems eligible based on integrated
6 care criteria.

7 “(d) APPLICATION.—To be eligible to receive a grant
8 under this section, an eligible entity shall submit to the
9 Assistant Secretary an application at such time, in such
10 manner, and containing such information as the Secretary
11 may require, which shall include—

12 “(1) a description of the care coordination and
13 service delivery models of the entity, detailed on a
14 general, organizational, and staff level;

15 “(2) a description of how the demonstration
16 project carried out by the entity will improve care
17 quality, including specific objectives and anticipated
18 outcomes that will be used to measure success; and

19 “(3) a description of how the coordinated care
20 team approach with an enhanced role for the direct-
21 care worker under the demonstration project will in-
22 crease efficiency and cost effectiveness compared to
23 past practice.

24 “(e) PLANNING AWARDS UNDER DEMONSTRATION
25 PROGRAM.—

1 “(1) IN GENERAL.—Each eligible entity that re-
2 ceives a grant under this section shall receive a
3 grant for planning activities related to the dem-
4 onstration project to be carried out by the entity, in-
5 cluding—

6 “(A) designing the implementation of the
7 project;

8 “(B) identifying competencies and devel-
9 oping curricula for the training of participating
10 direct-care workers;

11 “(C) developing training materials and
12 processes for other members of the interdiscipli-
13 nary care team;

14 “(D) articulating a plan for identifying
15 and tracking cost savings gained from imple-
16 mentation of the project and for achieving long-
17 term financial sustainability; and

18 “(E) articulating a plan for evaluating the
19 project.

20 “(2) AMOUNT AND TERM.—

21 “(A) TOTAL AMOUNT.—The amount
22 awarded under paragraph (1) for all grants
23 shall not exceed \$600,000.

24 “(B) TERM.—Activities carried out under
25 a grant awarded under paragraph (1) shall be

1 completed not later than 1 year after the grant
2 is awarded.

3 “(f) IMPLEMENTATION AWARDS UNDER DEM-
4 ONSTRATION PROGRAM.—

5 “(1) IN GENERAL.—Each eligible entity may re-
6 ceive a grant for implementation activities related to
7 the demonstration project to be carried out by the
8 entity, if the Assistant Secretary determines the en-
9 tity—

10 “(A) has successfully carried out the ac-
11 tivities under the grant awarded under sub-
12 section (e);

13 “(B) offers a feasible plan for long-term fi-
14 nancial sustainability;

15 “(C) has constructed a meaningful model
16 of advancement for direct-care workers; and

17 “(D) aims to provide training to a sizeable
18 number of direct-care workers and to serve a
19 sizeable number of older individuals.

20 “(2) USE OF FUNDS.—The implementation ac-
21 tivities described under paragraph (1) shall in-
22 clude—

23 “(A) training of all care team members in
24 accordance with the design of the demonstra-
25 tion project; and

1 “(B) evaluating the competency of all staff
2 based on project design.

3 “(3) EVALUATION AND REPORT.—

4 “(A) EVALUATION.—Each recipient of a
5 grant under paragraph (1), in consultation with
6 an independent evaluation contractor, shall—

7 “(i) evaluate the impact of training
8 and deployment of direct-care workers in
9 advanced roles, as described in this section,
10 within each participating entity on out-
11 comes, such as direct-care worker job satis-
12 faction and turnover, beneficiary and fam-
13 ily caregiver satisfaction with services, rate
14 of hospitalization of beneficiaries, and ad-
15 ditional measures determined by the Sec-
16 retary;

17 “(ii) evaluate the impact of such
18 training and deployment on the long-term
19 services and supports delivery system and
20 resources;

21 “(iii) issue a statement of the poten-
22 tial of the use of direct-care workers in ad-
23 vanced roles to lower cost and improve
24 quality of care in the Medicaid program;
25 and

1 “(iv) evaluate the long-term financial
2 sustainability of the model used under the
3 grant and the impact of such model on
4 quality of care.

5 “(B) REPORTS.—Not later than 180 days
6 after completion of the demonstration program
7 under this section, each recipient of a grant
8 under paragraph (1) shall submit to the Sec-
9 retary a report on the implementation of activi-
10 ties conducted under the demonstration project,
11 including—

12 “(i) the outcomes, performance bench-
13 marks, and lessons learned from the
14 project;

15 “(ii) a statement of cost savings
16 gained from implementation of the project
17 and how the cost savings have been rein-
18 vested to improve direct-care job quality
19 and quality of care; and

20 “(iii) results of the evaluation con-
21 ducted under subparagraph (A), and the
22 statement of potential issued under sub-
23 paragraph (A)(iii), with respect to such ac-
24 tivities, together with such recommenda-
25 tions for legislation or administrative ac-

1 tion for expansion of the demonstration
2 program on a broader scale as the Sec-
3 retary determines appropriate.

4 “(4) AMOUNT AND TERM.—

5 “(A) TOTAL AMOUNT.—The amount
6 awarded under paragraph (1) for all grants
7 shall not exceed \$2,900,000.

8 “(B) TERM.—Activities carried out under
9 a grant awarded under paragraph (1) shall be
10 completed not later than 2 years after the grant
11 is awarded.”.

12 **SEC. 407. LIVABLE COMMUNITIES GRANT PROGRAM.**

13 Part A of title IV of the Older Americans Act of 1965
14 (42 U.S.C. 3032 et seq.), as amended by section 406, is
15 further amended by adding at the end the following:

16 **“SEC. 425. LIVABLE COMMUNITIES GRANT PROGRAM.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a State;

21 “(B) an area agency on aging; or

22 “(C) a tribal or Native Hawaiian organiza-
23 tion.

1 “(2) LIVABLE COMMUNITY.—The term ‘livable
2 community’ means a metropolitan, urban, suburban,
3 or rural community in which—

4 “(A) safe, reliable, and accessible transpor-
5 tation choices exist;

6 “(B) long-term, affordable, accessible, en-
7 ergy-efficient, and conveniently located housing
8 choices exist for people of all ages, incomes,
9 races, and ethnicities;

10 “(C) the growth of neighborhoods is sup-
11 ported, revitalized, and encouraged, and the
12 cost-effectiveness of infrastructure is maxi-
13 mized;

14 “(D) economic development and economic
15 competitiveness are promoted;

16 “(E) the environment and natural re-
17 sources are preserved;

18 “(F) agricultural land, rural land, and
19 green space are protected; and

20 “(G) public health is supported, improving
21 the quality of life for residents of, and workers
22 in, the community.

23 “(3) TRIBAL OR NATIVE HAWAIIAN ORGANIZA-
24 TION.—The term ‘tribal or Native Hawaiian organi-

1 zation' means an organization that is eligible to re-
2 ceive a grant under title VI.

3 “(b) IN GENERAL.—The Assistant Secretary shall
4 award grants, from allotments made under subsection
5 (c)(1) and as described in subsection (c)(2), to eligible en-
6 tities to pay for the Federal share of the cost of assisting
7 communities in preparing for the aging of the population,
8 through activities described in subsection (e).

9 “(c) AVAILABILITY OF FUNDS.—

10 “(1) STATES AND AREA AGENCIES ON AGING.—
11 Subject to paragraph (4), from the sums appro-
12 priated under subsection (h) for each of fiscal years
13 2013, 2014, 2015, 2016, and 2017, the Assistant
14 Secretary shall allot funds under this section in the
15 amount of—

16 “(A) \$30,000 to each State; and

17 “(B) \$30,000 to each area agency on
18 aging.

19 “(2) TRIBAL OR NATIVE HAWAIIAN ORGANIZA-
20 TIONS.—Subject to paragraph (4), from the sums
21 appropriated under subsection (h) for each of fiscal
22 years 2013, 2014, 2015, 2016, and 2017, the As-
23 sistant Secretary shall reserve \$1,500,000, and use
24 the reserved funds for grants to tribal or Native Ha-
25 waiian organizations.

1 “(3) NATIONAL RESOURCE CENTER.—Subject
2 to paragraph (4), from the sums appropriated under
3 subsection (h) for each of fiscal years 2013, 2014,
4 2015, 2016, and 2017, the Assistant Secretary shall
5 reserve \$3,000,000, and use the reserved funds for
6 a grant to the national organization selected under
7 subsection (f)(1).

8 “(4) INSUFFICIENT APPROPRIATIONS.—Not-
9 withstanding paragraphs (1), (2), and (3), if the
10 amount appropriated under subsection (h) for a fis-
11 cal year is insufficient for the Assistant Secretary to
12 provide all the allotments described in paragraph
13 (1), and to reserve the amounts described in para-
14 graphs (2) and (3), for that fiscal year, the Sec-
15 retary shall proportionately reduce the number of al-
16 lotments made under paragraph (1), and the amount
17 of each reservation described in paragraph (2) or (3)
18 for that fiscal year.

19 “(d) APPLICATION.—An eligible entity desiring a
20 grant under this section shall submit an application to the
21 Assistant Secretary at such time, in such manner, and ac-
22 companied by such information as the Assistant Secretary
23 may require.

24 “(e) USE OF GRANT FUNDS.—An eligible entity may
25 use the funds made available through a grant—

1 “(1) to hire a professional planner to help State
2 agencies, local elected officials, local government
3 agencies, tribal or Native Hawaiian organizations,
4 and private and nonprofit organizations to develop
5 policies, programs, and services to foster livable com-
6 munities for people of all ages;

7 “(2) to assess the aging population; and

8 “(3) to coordinate the activities of State and
9 local agencies in order to meet the needs of older in-
10 dividuals.

11 “(f) NATIONAL RESOURCE CENTER.—

12 “(1) IN GENERAL.—The Assistant Secretary
13 shall make a grant to a national organization, as de-
14 scribed in subsection (c)(3), to establish a National
15 Resource Center on Livable Communities for All
16 Ages to provide technical assistance to eligible enti-
17 ties awarded grants under subsection (b).

18 “(2) CRITERIA FOR SELECTION.—The national
19 organization selected under paragraph (1) shall have
20 a proven capacity to provide training and technical
21 assistance to support States, area agencies on aging,
22 and tribal or Native Hawaiian organizations, in en-
23 gaging in community planning activities.

24 “(3) APPLICATION.—A national organization
25 desiring the grant under this subsection shall submit

1 an application to the Assistant Secretary at such
2 time, in such manner, and accompanied by such in-
3 formation as the Assistant Secretary may require.

4 “(g) FEDERAL SHARE.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the Federal share of the cost described in
7 subsection (b) shall be 75 percent.

8 “(2) EXCEPTIONS.—

9 “(A) SMALL AND RURAL COMMUNITIES.—

10 In the case of an eligible entity that is an area
11 agency on aging that serves an area with less
12 than 200,000 in population, the Federal share
13 of the cost described in subsection (b) may be
14 80 percent.

15 “(B) TRIBAL OR NATIVE HAWAIIAN ORGA-

16 NIZATIONS.—In the case of an eligible entity
17 that is a tribal or Native Hawaiian organiza-
18 tion, the Federal share of the cost described in
19 subsection (b) shall be 100 percent.

20 “(3) NON-FEDERAL SHARE.—

21 “(A) IN-KIND CONTRIBUTIONS.—For the

22 purpose of this section, the non-Federal share
23 of the cost may be provided in cash or in-kind,
24 fairly evaluated.

1 “(B) OTHER FEDERAL FUNDING.—An eli-
2 gible entity may use Federal funds appropriated
3 under this Act and available to carry out sec-
4 tion 306, 307, 614, or 624, as the case may be,
5 towards providing the non-Federal share of the
6 cost.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to carry out this section such sums as
10 may be necessary for fiscal years 2013, 2014, 2015,
11 2016, and 2017.

12 “(2) SENSE OF THE SENATE.—It is the sense
13 of the Senate that the amount appropriated under
14 paragraph (1) should be not less than \$25,000,000
15 for fiscal year 2013.”.

16 **SEC. 408. INNOVATION TO IMPROVE TRANSPORTATION FOR**
17 **OLDER INDIVIDUALS WHO ARE HOLOCAUST**
18 **SURVIVORS.**

19 Part A of title IV of the Older Americans Act of 1965
20 (42 U.S.C. 3032 et seq.), as amended by section 407, is
21 further amended by adding at the end the following:

1 **“SEC. 426. INNOVATION TO IMPROVE TRANSPORTATION**
2 **FOR OLDER INDIVIDUALS WHO ARE HOLO-**
3 **CAUST SURVIVORS.**

4 “(a) IN GENERAL.—The Assistant Secretary shall
5 award grants or contracts to eligible entities to increase
6 and improve transportation services, including affordable
7 non-emergency transportation to medical appointments
8 and shopping for food and other essential items, to enable
9 older individuals to remain in the community, with a pref-
10 erence for those older individuals who are Holocaust sur-
11 vivors. The Assistant Secretary shall make grants or enter
12 into such contracts for a period of not less than 5 years.

13 “(b) USE OF FUNDS.—

14 “(1) IN GENERAL.—An eligible entity receiving
15 a grant or contract under subsection (a)—

16 “(A) shall use funds received through such
17 grant or contract to carry out a demonstration
18 project, or to provide technical assistance to as-
19 sist local transit providers, area agencies on
20 aging, senior centers, and local senior support
21 groups, to encourage and facilitate coordination
22 of Federal, State, and local transportation serv-
23 ices and resources for older individuals who are
24 Holocaust survivors; and

25 “(B) may use funds received through such
26 grant or contract to provide such technical as-

1 sistance on behalf of, or carry out such a dem-
2 onstration project for, older individuals.

3 “(2) SPECIFIC ACTIVITIES.—In carrying out a
4 demonstration project or providing technical assist-
5 ance under paragraph (1) the eligible entity may
6 carry out activities that include—

7 “(A) developing innovative approaches for
8 improving access by older individuals to trans-
9 portation services, including volunteer driver
10 programs, economically sustainable transpor-
11 tation programs, and programs that allow older
12 individuals to transfer their automobiles to a
13 provider of transportation services in exchange
14 for the services;

15 “(B) preparing information on transpor-
16 tation options and resources for older individ-
17 uals and organizations serving such individuals,
18 and disseminating the information by estab-
19 lishing and operating a toll-free telephone num-
20 ber;

21 “(C) developing models and best practices
22 for providing comprehensive integrated trans-
23 portation services for older individuals, includ-
24 ing services administered by the Secretary of
25 Transportation, by providing ongoing technical

1 assistance to agencies providing services under
2 title III and by assisting in coordination of pub-
3 lic and community transportation services; and

4 “(D) providing special services to link
5 older individuals to transportation services not
6 provided under title III.

7 “(c) PREFERENCE.—In awarding grants and enter-
8 ing into contracts under subsection (a), the Assistant Sec-
9 retary shall give preference to eligible entities that have
10 previous extensive experience working with and conducting
11 assessments of the needs of Holocaust survivors who are
12 older individuals.

13 “(d) CONSULTATION.—In selecting grantees under
14 this section, the Assistant Secretary shall consult with the
15 individual designated under section 210(a) of the Older
16 Americans Act Amendments of 2012 and with national or-
17 ganizations with special expertise in serving Holocaust
18 survivors who are older individuals.

19 “(e) ELIGIBLE ENTITY.—In this section, the term
20 ‘eligible entity’ means an entity that has previous exten-
21 sive experience working with and conducting assessments
22 of the needs of older individuals.”.

1 **SEC. 409. GRANTS OR CONTRACTS TO FACILITATE LOW-IN-**
 2 **COME ACCESS TO DENTAL CARE.**

3 Part A of title IV of the Older Americans Act of
 4 1965, as amended by section 408, is further amended by
 5 adding at the end the following:

6 **“SEC. 427. GRANTS OR CONTRACTS TO FACILITATE LOW-IN-**
 7 **COME ACCESS TO DENTAL CARE.**

8 “(a) DEFINITION.—In this section, the term ‘medi-
 9 cally recommended dental care’ means treatment of an
 10 oral disease or other oral condition, on the referral of a
 11 physician or other health care professional, to sustain or
 12 improve overall health, prevent exacerbation of a co-mor-
 13 bid condition, or as a prerequisite to a required medical
 14 therapy.

15 “(b) GRANTS.—The Secretary shall award competi-
 16 tive grants to, or enter into contracts with, eligible entities
 17 to fund the employment costs of professionals who will use
 18 grant or contract funds to—

19 “(1) coordinate the provision of medically rec-
 20 ommended dental care to eligible individuals by vol-
 21 unteer dentists in a manner consistent with State li-
 22 censing laws; and

23 “(2) verify the medical, dental, and financial
 24 needs of eligible individuals who may be eligible for
 25 free medically recommended dental care.

26 “(c) ELIGIBILITY.—

1 “(1) ELIGIBLE ENTITY.—To be eligible to re-
2 ceive a grant or contract under subsection (b), an
3 entity shall—

4 “(A) be an entity that is exempt from tax
5 under section 501(c) of the Internal Revenue
6 Code of 1986;

7 “(B) provide for the participation of eligi-
8 ble individuals in a free dental services program
9 on a national basis; and

10 “(C) submit to the Secretary an applica-
11 tion at such time, in such manner, and con-
12 taining such information as the Secretary may
13 require.

14 “(2) ELIGIBLE INDIVIDUAL.—To be eligible to
15 participate in a program described in paragraph
16 (1)(B), an individual shall be—

17 “(A) an older individual with greatest eco-
18 nomic need;

19 “(B) an older individual or adult individual
20 entitled to benefits under part A, or an indi-
21 vidual enrolled in part B, of title XVIII of the
22 Social Security Act (42 U.S.C. 1395 et seq.); or

23 “(C) an individual enrolled in a State plan
24 under title XIX, or a health plan under title
25 XXI, of such Act (42 U.S.C. 1396 et seq.,

1 1397aa et seq.), or under an approved waiver of
2 either such plan.

3 “(d) USE OF FUNDS.—An entity shall use amounts
4 received under a grant or contract under this section to
5 establish, expand, or operate a program to coordinate the
6 provision of free medically recommended dental care
7 through volunteer dentists to eligible individuals.

8 “(e) EVALUATION AND REPORT.—

9 “(1) EVALUATION.—Each entity that receives a
10 grant or contract under this section shall evaluate
11 the number of patients served under the grant or
12 contract, and the effectiveness of the program de-
13 scribed in subsection (d) in reducing medical ex-
14 penses associated with the disease or condition for
15 which care described in subsection (d) was provided.

16 “(2) REPORT.—The entity shall submit a re-
17 port containing the results of the evaluation to the
18 Assistant Secretary, not later than 6 months after
19 the end of the period of the grant or contract.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section,
22 \$2,000,000 for each of fiscal years 2013 through 2017.”.

1 **SEC. 410. NATIONAL RESOURCE CENTER ON FAMILY**
 2 **CAREGIVING.**

3 (a) IN GENERAL.—Part A of title IV of the Older
 4 Americans Act of 1965 (42 U.S.C. 3032 et seq.), as
 5 amended by section 409, is further amended by adding
 6 at the end the following:

7 **“SEC. 428. NATIONAL RESOURCE CENTER ON FAMILY**
 8 **CAREGIVING.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) PUBLIC OR PRIVATE NONPROFIT ENTI-
 11 TY.—The term ‘public or private nonprofit entity’
 12 means—

13 “(A) a State, a political subdivision of a
 14 State, or an agency or instrumentality of such
 15 a State or political subdivision; or

16 “(B) a nonprofit entity that is described in
 17 section 501(c)(3) of the Internal Revenue Code
 18 of 1986 and exempt from taxation under sec-
 19 tion 501(a) of such Code.

20 “(2) STATE.—The term ‘State’ means 1 of the
 21 50 States.

22 “(b) ESTABLISHMENT.—The Secretary of Health
 23 and Human Services shall award a grant to or enter into
 24 a cooperative agreement with a public or private nonprofit
 25 entity to establish a National Resource Center on Family
 26 Caregiving (referred to in this section as the ‘Center’).

1 “(c) PURPOSES OF NATIONAL RESOURCE CENTER.—

2 The Center shall—

3 “(1) identify, develop, and disseminate informa-
4 tion on best practices for and evidence-based models
5 of family caregiver support programs;

6 “(2) provide timely information on policy and
7 program updates relating to family caregivers;

8 “(3) partner with related organizations to dis-
9 seminate practical strategies and tools to support
10 families in their caregiving roles;

11 “(4) convene educational programs and web-
12 based seminars on family caregiver issues and pro-
13 gram development; and

14 “(5) provide a comprehensive Internet website
15 with a national searchable database on family care-
16 giver programs and resources in the States.

17 “(d) AUTHORIZATION.—There is authorized to be ap-
18 propriated to carry out this section \$12,000,000 for the
19 period of fiscal years 2013 through 2017.”.

20 (b) TECHNICAL AMENDMENTS.—

21 (1) Section 431(a) of such Act (42 U.S.C.
22 3033(a)) is amended by striking “or contract” the
23 first place it appears and inserting “or contract (in-
24 cluding a cooperative agreement)”.

1 (2) Section 432(a) of such Act (42 U.S.C.
2 3033a(a)) is amended by striking “and contracts”
3 and inserting “and contracts (including cooperative
4 agreements)”.

5 **TITLE V—COMMUNITY SERVICE**
6 **SENIOR OPPORTUNITIES**

7 **SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EM-**
8 **PLOYMENT PROGRAM.**

9 Section 502 of the Older Americans Act of 1965 (42
10 U.S.C. 3056) is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “To foster individual eco-
13 nomic self-sufficiency and” and inserting “To
14 further the goal of economic security, foster in-
15 dividual economic self-sufficiency, grow local
16 economies, improve the quality of life in local
17 communities, and”; and

18 (B) by striking “persons who are age 55”
19 and inserting “persons who are not economi-
20 cally secure and who are age 55”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), in the first sentence, by insert-
25 ing after “nonprofit private agencies and

1 organizations” the following: “(which non-
2 profit organizations may include eligible
3 technology organizations)”;

4 (ii) in subparagraph (E)—

5 (I) by striking “support for chil-
6 dren,” and inserting “support for
7 adults, children,”; and

8 (II) by inserting “, and which
9 may include support for the health
10 and safety of older adults and the pre-
11 vention and detection of elder abuse”
12 after “families”;

13 (iii) in subparagraph (Q), by striking
14 “and” at the end;

15 (iv) in subparagraph (R), by striking
16 the period and inserting “; and”; and

17 (v) by adding at the end the following:

18 “(S) will, to the maximum extent prac-
19 ticable, achieve the goal described in paragraph
20 (4).”; and

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

22 “(4) PLACEMENT GOAL.—

23 “(A) GOAL.—In order to maximize the
24 number of older individuals being served, each
25 grantee under this title shall, to the maximum

1 extent practicable, achieve a goal, referred to
2 paragraph (1)(S), of placing not less than 50
3 percent of the participants in the grantee's
4 project in positions with organizations that as-
5 sist older adults or in positions with duties that
6 positively impact the lives of older adults.

7 “(B) CONTRACTS WITH SERVICE PRO-
8 VIDERS.—In order to achieve the goal described
9 in subparagraph (A), each such grantee shall
10 enter into a contract or memorandum of under-
11 standing with—

12 “(i) entities from 2 or more categories
13 of entities, which categories shall consist
14 of—

15 “(I) the State Long-Term Care
16 Ombudsman selected in accordance in
17 section 712;

18 “(II) an area agency on aging;

19 “(III) a multipurpose senior cen-
20 ter;

21 “(IV) a contractor providing sup-
22 port services under part B, C, D, or
23 E of title III; and

24 “(V) a transportation service pro-
25 vider; or

1 “(ii) an entity approved by the Assist-
2 ant Secretary, and the Secretary of
3 Labor.”; and

4 (3) in subsection (e)(2)—

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

7 (B) in subparagraph (F), by striking the
8 period and inserting “; and”; and

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

10 “(G) a project carried, out by an eligible
11 technology organization, that will focus on the
12 provision to eligible individuals of—

13 “(i) basic and intermediate computer
14 skills;

15 “(ii) Internet skills;

16 “(iii) e-mail skills;

17 “(iv) word processing and spreadsheet
18 skills;

19 “(v) presentation software skills; and

20 “(vi) any other key skills appropriate
21 for assisting eligible individuals in entering
22 or re-entering the workforce.”.

1 **SEC. 502. STATE PLAN.**

2 Section 503(a)(4)(C) of the Older Americans Act of
3 1965 (42 U.S.C. 3056a(a)(4)(C)) is amended by striking
4 clauses (i) through (iv) and inserting the following:

5 “(i) minority and Indian eligible indi-
6 viduals;

7 “(ii) eligible individuals with limited
8 English proficiency;

9 “(iii) eligible individuals with disabil-
10 ities;

11 “(iv) eligible individuals with greatest
12 economic need; and

13 “(v) eligible individuals with greatest
14 social need;”.

15 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 517(a) of the Older Americans Act of 1965
17 (42 U.S.C. 3056o(a)) is amended to read as follows:

18 “(a) AUTHORIZATION.—

19 “(1) IN GENERAL.—There are authorized to be
20 appropriated to carry out this title such sums as
21 may be necessary for fiscal years 2013, 2014, 2015,
22 2016, and 2017.

23 “(2) SENSE OF CONGRESS.—It is the sense of
24 Congress that the amount appropriated under para-
25 graph (1) should not be less than \$660,000,000 for
26 fiscal year 2013.”.

1 **SEC. 504. DEFINITIONS.**

2 Section 518(a) of the Older Americans Act of 1965
3 (42 U.S.C. 3056p(a)) is amended—

4 (1) by redesignating paragraphs (4) through
5 (8) as paragraphs (5) through (9), respectively; and

6 (2) by inserting after paragraph (3) the fol-
7 lowing:

8 “(4) **ELIGIBLE TECHNOLOGY ORGANIZATION.**—

9 The term ‘eligible technology organization’ includes
10 a nonprofit organization that—

11 “(A) has developed a research-based cur-
12 riculum specifically designated to help older
13 adults improve their technology skills, such as
14 a curriculum developed through a Broadband
15 Technology Opportunities Program or a Tech-
16 nology Opportunities Program of the Depart-
17 ment of Commerce; or

18 “(B) is an eligible provider of training
19 services identified under section 122 of the
20 Workforce Investment Act of 1998 (29 U.S.C.
21 2842).”.

22 **SEC. 505. STUDY ON FEASIBILITY OF TRANSFER OF PRO-**
23 **GRAM.**

24 (a) **STUDY.**—The Assistant Secretary for Aging of
25 the Department of Health and Human Services, and the
26 Secretary of Labor, shall study the feasibility of transfer-

1 ring the program carried out under title V of the Older
2 Americans Act of 1965 (42 U.S.C. 3056 et seq.) to the
3 Administration on Aging.

4 (b) REPORT.—Not later than 2 years after the date
5 of enactment of this Act, the Assistant Secretary and the
6 Secretary shall submit a report containing the results of
7 the study to the appropriate committees of Congress.

8 **TITLE VI—GRANTS FOR NATIVE** 9 **AMERICANS**

10 **SEC. 601. TECHNICAL AMENDMENT.**

11 Section 611 of such Act (42 U.S.C. 3057b) is amend-
12 ed by striking “(a)” in the matter preceding paragraph
13 (1).

14 **SEC. 602. CONFORMING AMENDMENT.**

15 Section 631(b) of the Older Americans Act of 1965
16 (42 U.S.C. 3057k–11(b)) is amended by striking “sub-
17 sections (c), (d), and (e)” and inserting “subsections (d),
18 (e), and (f)”.

19 **SEC. 603. REAUTHORIZATION OF FUNDING FOR GRANTS** 20 **FOR NATIVE AMERICANS.**

21 Section 643(2) of the Older Americans Act of 1965
22 (42 U.S.C. 3057n(2)) is amended by striking “part C,”
23 and all that follows and inserting “part C, \$11,000,000
24 for each of fiscal years 2013 through 2017.”.

1 **TITLE VII—VULNERABLE ELDER**
2 **RIGHTS PROTECTION ACTIVI-**
3 **TIES**

4 **SEC. 701. ESTABLISHMENT.**

5 Section 701 of the Older Americans Act of 1965 (42
6 U.S.C. 3058) is amended—

7 (1) by inserting “and grants” after “allot-
8 ments”; and

9 (2) by adding at the end the following: “The
10 Assistant Secretary, to the maximum extent prac-
11 ticable, shall ensure that education and public
12 awareness activities under this title are fully inte-
13 grated with all service programs under title III (with
14 special emphasis on the nutrition programs, legal
15 services, and information and referral assistance ac-
16 tivities), the work of Aging and Disability Resource
17 Centers, and the long-term care ombudsman pro-
18 grams, including programs carried out under title
19 VI.”.

20 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR OM-**
21 **BUDSMAN PROGRAM.**

22 (a) STATE LONG-TERM CARE OMBUDSMAN PRO-
23 GRAM.—Section 702 of the Older Americans Act of 1965
24 (42 U.S.C. 3058a) is amended—

1 (1) in subsection (a), by striking “, such sums”
 2 and all that follows and inserting “, such sums as
 3 may be necessary for fiscal years 2013, 2014, 2015,
 4 2016, and 2017.”; and

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

6 “(d) SENSE OF CONGRESS.—It is the sense of Con-
 7 gress that, in order to carry out chapter 2 (relating to
 8 State Long-Term Care Ombudsman programs), the
 9 amount appropriated under subsection (a) should be not
 10 less than \$25,500,000 for fiscal year 2013.”.

11 (b) STATE HOME CARE OMBUDSMAN PROGRAMS.—
 12 Chapter 1 of subtitle A of title VII of the Older Americans
 13 Act of 1965 is amended by inserting after section 702 (42
 14 U.S.C. 3058a) the following:

15 **“SEC. 702A. AUTHORIZATION OF APPROPRIATIONS FOR**
 16 **STATE HOME CARE OMBUDSMAN PROGRAM.**

17 “There are authorized to be appropriated to carry out
 18 chapter 5 such sums as may be necessary for fiscal year
 19 2013 and each subsequent fiscal year.”.

20 **SEC. 703. GRANTS.**

21 Section 703 of the Older Americans Act of 1965 (42
 22 U.S.C. 3058b) is amended by adding at the end the fol-
 23 lowing:

24 “(d) GRANTS FOR STATE HOME CARE OMBUDSMAN
 25 PROGRAMS.—

1 “(1) IN GENERAL.—The Assistant Secretary
2 shall use funds made available under section 702A
3 to award grants, on a competitive basis, to States
4 for State Home Care Ombudsman Programs.

5 “(2) CONSIDERATIONS.—In selecting States to
6 receive the grants, the Assistant Secretary shall con-
7 sider—

8 “(A) a State’s current financial support
9 (as of the date of consideration) for home care
10 ombudsman services;

11 “(B) a State’s commitment to preventing
12 conflict of interest between providers of home
13 care services and providers of home care om-
14 budsman services; and

15 “(C) other criteria determined by the As-
16 sistant Secretary.

17 “(3) PRIORITIES.—In selecting States to receive
18 the grants, the Assistant Secretary may give first
19 priority to States that are providing home care om-
20 budsman services to home care consumers on the
21 date of enactment of section 737, and seek to en-
22 hance the home care ombudsman programs through
23 which the States provide those services.”.

1 **SEC. 704. ELIGIBILITY.**

2 Section 704 of the Older Americans Act of 1965 (42
3 U.S.C. 3058c) is amended, in the matter preceding para-
4 graph (1), by inserting “or grants” after “allotments”.

5 **SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.**

6 (a) IN GENERAL.—Section 705 of the Older Ameri-
7 cans Act of 1965 (42 U.S.C. 3058d) is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by inserting “or grant” after “allotment”;

11 (B) in paragraph (1), by striking “require-
12 ments of the chapter and this chapter” and in-
13 sserting “requirements of this chapter and this
14 subtitle”;

15 (C) in paragraph (2), by inserting “family
16 caregivers,” after “title VI,”;

17 (D) in paragraph (4), by striking “enact-
18 ment of this subtitle” and inserting “enactment
19 of the chapter”;

20 (E) in paragraph (6), by striking “and” at
21 the end;

22 (F) in paragraph (7), by striking the pe-
23 riod and inserting “; and”; and

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

1 “(8) subject to section 705(b) of the Older
2 Americans Act Amendments of 2012, an assur-
3 ance—

4 “(A) that the State has a Home Care Con-
5 sumer Bill of Rights and a Plan for Enforce-
6 ment of such a Bill, developed in accordance
7 with the procedures described under paragraph
8 (2) and as approved by the Assistant Secretary,
9 and the State shall include a copy of the Bill
10 and Plan; or

11 “(B) at the discretion of the Assistant Sec-
12 retary, in the event the State does not have an
13 approved Home Care Consumer Bill of Rights
14 and Plan for Enforcement, that the State has
15 an alternative such as a proposal for developing
16 and submitting for approval a Home Care Con-
17 sumer Bill of Rights and Plan for Enforce-
18 ment.”;

19 (2) by redesignating subsection (b) as sub-
20 section (d);

21 (3) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) HOME CARE CONSUMER BILL OF RIGHTS.—

24 The Home Care Consumer Bill of Rights referred to in
25 subsection (a)(8) shall, at a minimum—

1 “(1) address a home care consumer’s right to
2 basic safety by—

3 “(A) affirming that home care consumers
4 are protected from physical, sexual, mental, and
5 verbal abuse, neglect, and exploitation;

6 “(B) affirming that home care consumers
7 are served by providers who are properly
8 trained and are providing home care services
9 within their scope of practice and the scope of
10 their certification or licensure (if such a certifi-
11 cation or licensure is required by the applicable
12 State);

13 “(C) affirming that such providers main-
14 tain the confidentiality of all personal, financial,
15 and medical information of home care con-
16 sumers; and

17 “(D) affirming that providers respect the
18 personal property of home care consumers, and
19 in the event of consumer reports of theft or
20 loss, that providers will investigate and report
21 back to the consumer the results of the inves-
22 tigation;

23 “(2) address a home care consumer’s right to
24 access information by—

1 “(A) affirming that home care consumers
2 are informed of their rights under this sub-
3 section and subsection (c) within 2 weeks after
4 the start of home care services, and about the
5 entities the consumers may contact if their
6 rights are violated, including the name and con-
7 tact information for State and local agencies re-
8 sponsible for enforcing the Home Care Con-
9 sumer Bill of Rights;

10 “(B) affirming that home care con-
11 sumers—

12 “(i) are informed of the cost of home
13 care services prior to receiving those serv-
14 ices, whether the cost of those services are
15 covered under health insurance, long-term
16 care insurance, or other private and public
17 programs, and any charges the consumer
18 will be expected to pay; and

19 “(ii) are given advance notice of any
20 changes to those costs or services; and

21 “(C) affirming that home care consumers
22 have access to information about the availability
23 of the home care services provided in the com-
24 munity involved and have the ability to choose

1 among home care services and providers of
2 home care services available in the community;

3 “(3) address a home care consumer’s right to
4 choice, participation, and self-determination by—

5 “(A) affirming that home care consumers
6 can participate in the planning of their home
7 care services, including making choices about
8 aspects of their care and services that are im-
9 portant to them, choosing providers and sched-
10 ules to the extent practicable, receiving reason-
11 able accommodation of their needs and pref-
12 erences, and involving anyone they chose to par-
13 ticipate with them in that planning;

14 “(B) affirming that home care consumers
15 are provided with sufficient information to
16 make informed decisions, are fully informed in
17 advance about any proposed changes in care
18 and services, and are involved in the decision-
19 making process regarding those changes; and

20 “(C) affirming that home care consumers
21 can refuse services and receive an explanation
22 of the consequences of doing so;

23 “(4) address a home care consumer’s right to
24 receive care and services provided in a way that pro-
25 motes each consumer’s dignity and individuality;

1 “(5) address a home care consumer’s right to
2 redress grievances by—

3 “(A) affirming that home care consumers
4 are able to voice grievances about the quality of
5 their home care services, the number of hours
6 of service, and violations of their rights, receive
7 prompt responses to those concerns, and are in-
8 formed about the entities the consumers may
9 contact to state those grievances in order to
10 have the grievances addressed in an appropriate
11 and timely manner, and without retaliation; and

12 “(B) affirming that home care consumers
13 are able to assert their rights under this sub-
14 section and subsection (c) without retaliation;

15 “(6) address the role and responsibilities that
16 fiduciaries may have in securing the rights of home
17 care consumers affirmed under the Home Care Con-
18 sumer Bill of Rights; and

19 “(7) meet any other guidelines determined to be
20 appropriate by the Assistant Secretary.

21 “(c) PLAN FOR ENFORCEMENT.—In developing the
22 Plan for Enforcement referred to in subsection (a)(8), the
23 State shall take into account the best practices established
24 under section 201(e)(2)(C). The Plan shall include a de-
25 scription of how State entities with a role in protecting

1 older individuals, such as home care services licensing
2 agencies, adult protective services agencies, the Office of
3 the State Long-Term Care Ombudsman (if the office has
4 jurisdiction over home and community-based long-term
5 care), local law enforcement agencies, and other entities
6 determined to be appropriate by the Assistant Secretary,
7 will coordinate activities to enforce the Home Care Con-
8 sumer Bill of Rights.”; and

9 (4) by adding at the end the following:

10 “(e) DEFINITION.—In this section, the term ‘home
11 care consumer’ and ‘home care services’ have the mean-
12 ings given the terms in section 736.”.

13 (b) APPLICATION OF REQUIREMENT TO SUBMIT
14 STATE HOME CARE CONSUMER BILL OF RIGHTS AND
15 PLAN FOR ENFORCEMENT.—

16 (1) IN GENERAL.—The requirement for a State
17 to provide an assurance, and either a Home Care
18 Consumer Bill of Rights and a Plan for Enforce-
19 ment of such Bill or an alternative, under paragraph
20 (8) of section 705(a) of the Older Americans Act of
21 1965 (as added by subsection (a)) shall apply to
22 States beginning on the date (referred to in this sub-
23 section as the “application date”) that is 1 year
24 after the date of the establishment of best practices

1 under section 201(e)(2)(C) of such Act (as added by
2 section 201).

3 (2) FIRST SUBMISSION AFTER APPLICATION
4 DATE.—A State shall comply with paragraph (8) of
5 section 705(a) of the Older Americans Act of 1965
6 (as added by subsection (a)) in whichever of the fol-
7 lowing 2 submissions occurs first with respect to
8 such State after the application date described under
9 paragraph (1):

10 (A) The submission of a new State plan
11 under section 307 of the Older Americans Act
12 of 1965 (42 U.S.C. 3027).

13 (B) The submission of an annual revision
14 to a State plan submitted under such section
15 307.

16 (3) ONGOING SUBMISSIONS.—After complying
17 with paragraph (8) of section 705(a) of the Older
18 Americans Act of 1965 (as added by subsection (a))
19 in a submission in accordance with paragraph (2) of
20 this subsection, a State shall comply with such para-
21 graph (8) in each new State plan submitted under
22 section 307 of the Older Americans Act of 1965 (42
23 U.S.C. 3027).

1 **SEC. 706. DEFINITIONS.**

2 Section 711(6) of the Older Americans Act of 1965
3 (42 U.S.C. 3058f(6)) is amended by striking “older indi-
4 vidual” and inserting “individual”.

5 **SEC. 707. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

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

8 (1) in subsection (a)—

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

13 (B) in paragraph (3)—

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

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

1 resident wishes to have the resident's
2 health, safety, welfare, and rights pro-
3 tected and shall work to accomplish the de-
4 sired outcome;”;

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

8 (iii) by redesignating subparagraphs
9 (F) through (I) as subparagraphs (G)
10 through (J);

11 (iv) by inserting after subparagraph
12 (E) the following:

13 “(F) collect and analyze data, relating to
14 discrimination against LGBT older individuals
15 on the basis of actual or perceived sexual ori-
16 entation or gender identity in the admission to,
17 transfer or discharge from, or lack of adequate
18 care provided in long term care settings, and
19 shall include the analyses in the reports;”;

20 (v) in subparagraph (I), as redesign-
21 ated by clause (iii) of this subpara-
22 graph—

23 (I) in clauses (ii) and (iii), by
24 striking “and” at the end;

1 (II) in clause (iii), by striking
2 “provide technical support for” and
3 inserting “actively encourage and as-
4 sist in”; and

5 (III) by adding at the end the
6 following:

7 “(iv) identify interventions or devices
8 that affect the rights and safety of resi-
9 dents, including the use of chemical and
10 physical restraints; and

11 “(v) educate providers, residents, and
12 families about the danger of those inter-
13 ventions and devices; and”;

14 (C) in paragraph (4)—

15 (i) in the paragraph header, by strik-
16 ing “CONTRACTS AND ARRANGEMENTS”
17 and inserting “ORGANIZATIONAL PLACE-
18 MENT”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) IDENTIFYING, REMOVING, AND REM-
22 EDYING ORGANIZATIONAL CONFLICT.—

23 “(i) IN GENERAL.—The State agency
24 may not operate the Office or carry out the
25 program, directly, or by contract or other

1 arrangement with any public agency or
2 nonprofit private organization, in a case in
3 which there is an organizational conflict of
4 interest unless such conflict has been—

5 “(I) identified by the State agen-
6 cy;

7 “(II) disclosed by the State agen-
8 cy to the Assistant Secretary in writ-
9 ing; and

10 “(III) remedied in accordance
11 with this subparagraph.

12 “(ii) REPORTING BY ANY PERSON OR
13 ENTITY.—Any person or entity may iden-
14 tify any potential or actual organizational
15 conflict of interest involving the Office and
16 report the conflict to the Assistant Sec-
17 retary for review and action under clause
18 (iii).

19 “(iii) ACTION BY ADMINISTRATION.—
20 In a case in which a potential or actual or-
21 ganizational conflict of interest involving
22 the Office is disclosed or reported to the
23 Assistant Secretary, the Assistant Sec-
24 retary shall require that the State agen-
25 cy—

1 “(I) remove the conflict; or

2 “(II) submit, and obtain the ap-
3 proval of the Assistant Secretary for,
4 an adequate remedial plan that indi-
5 cates how the Ombudsman will be
6 unencumbered in fulfilling all of the
7 functions specified in paragraph (3).

8 “(C) ORGANIZATIONAL CONFLICT OF IN-
9 TEREST.—In this paragraph, the term ‘organi-
10 zational conflict of interest’ includes a situation
11 in which the Office is placed in an organization
12 that—

13 “(i) is responsible for licensing or cer-
14 tifying long-term care services in the State;

15 “(ii) is an association (or an affiliate
16 of such an association) of long-term care
17 facilities, or of any other residential facili-
18 ties for older individuals;

19 “(iii) provides long-term care services,
20 including programs carried out under a
21 Medicaid waiver approved under section
22 1115 of the Social Security Act (42 U.S.C.
23 1315) or under subsection (c) or (b) of
24 1915 of the Social Security Act (42 U.S.C.
25 1396n), or under a Medicaid State plan

1 amendment under subsection (i) of section
2 1915 of the Social Security Act (42 U.S.C.
3 1396n(i));

4 “(iv) provides long-term care case
5 management;

6 “(v) sets rates for long-term care
7 services;

8 “(vi) provides adult protective serv-
9 ices;

10 “(vii) is responsible for eligibility de-
11 terminations for the Medicare program
12 carried out under title XVIII, or the Med-
13 icaid program carried out under title XIX,
14 of the Social Security Act (42 U.S.C. 1395
15 et seq., 1396 et seq.);

16 “(viii) conducts preadmission screen-
17 ing for placements in facilities described in
18 clause (ii); or

19 “(ix) makes decisions regarding ad-
20 mission of individuals to such facilities.”;
21 and

22 (D) in paragraph (5)—

23 (i) in subparagraph (A)—

24 (I) by striking “In carrying” and
25 inserting the following:

1 “(i) IN GENERAL.—In carrying”; and
2 (II) by adding at the end the fol-
3 lowing:

4 “(ii) RELATIONSHIP WITH THE OF-
5 FICE.—The program shall be a unified
6 program under the Office. Local Ombuds-
7 man entities and representatives shall re-
8 port to the Ombudsman on all functions,
9 duties, and programmatic issues related to
10 the program that are carried out or ad-
11 dressed by the entities or representatives.
12 Case and other programmatic records
13 maintained by representatives, employees,
14 or volunteers of the local Ombudsman enti-
15 ty shall be considered to be the property of
16 the Ombudsman.”; and

17 (ii) in subparagraph (B)(vi), by strik-
18 ing “support” and inserting “actively en-
19 courage and assist in”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), by striking
23 “access” and inserting “private and
24 unimpeded access”;

1 (ii) in subparagraph (B)(i), by strik-
2 ing “the medical and social records of a”
3 and inserting “all records concerning a”;

4 (iii) by redesignating subparagraphs
5 (C) and (D) as subparagraphs (E) and
6 (F), respectively; and

7 (iv) by inserting after subparagraph
8 (B) the following:

9 “(C) such access as is necessary to advo-
10 cate for a resident’s desired outcome to the ex-
11 tent that the resident can express the outcome
12 desired, even if the resident has limited deci-
13 sionmaking capacity;

14 “(D) access to the records of a resident
15 with limited decisionmaking capacity in a case
16 in which—

17 “(i) the access is necessary to inves-
18 tigate and resolve a complaint described in
19 subsection (a)(3);

20 “(ii) a legal guardian of the resident
21 refuses to give permission for the access;

22 “(iii) such a representative of the Of-
23 fice has reasonable cause to believe that
24 the guardian is not acting in the best in-
25 terests of the resident by refusing;

1 “(iv) the resident has no other known
2 legal representative; and

3 “(v) the representative of the Office
4 obtains the approval of the Ombudsman;”;
5 and

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

7 “(3) HEALTH OVERSIGHT AGENCY.—For pur-
8 poses of section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (includ-
10 ing regulations issued under that section) (42 U.S.C.
11 1320d–2 note), the Ombudsman and a representa-
12 tive of the Office shall be considered a ‘health over-
13 sight agency,’ so that release of residents’ individ-
14 ually identifiable health information to the Ombuds-
15 man or representative is not precluded in cases in
16 which the requirements of clause (i) or (ii) of para-
17 graph (1)(B) are otherwise met.”;

18 (3) in subsection (c)(2)(D), by striking “section
19 202(a)(21)” and inserting “section 202(a)(18)”;

20 (4) in subsection (d)—

21 (A) in paragraph (1), by striking “files”
22 and inserting “information”; and

23 (B) in paragraph (2)—

1 (i) in the paragraph heading, by strik-
2 ing “IDENTITY OF COMPLAINANT OR RESI-
3 DENT” and inserting “PROCEDURES”;

4 (ii) in subparagraph (A)—

5 (I) by striking “files and
6 records” the first place it appears and
7 inserting “information (including files
8 or records)”;

9 (II) by striking “disclose” and all
10 that follows and inserting “disclose
11 such information);”; and

12 (III) by striking “and” at the
13 end;

14 (iii) in subparagraph (B)—

15 (I) in the matter preceding clause
16 (i), by striking “files or records” and
17 inserting “information”;

18 (II) in clause (ii), by striking
19 “or” at the end;

20 (III) by redesignating clause (iii)
21 as clause (iv);

22 (IV) by inserting after clause (ii)
23 the following:

24 “(iii) in a case in which a resident has
25 limited decisionmaking capacity—

1 “(I) disclosure of the identity of
2 the resident is necessary to investigate
3 and resolve a complaint described in
4 subsection (a)(3);

5 “(II) a legal guardian of the resi-
6 dent refuses to give permission for the
7 disclosure;

8 “(III) a representative of the Of-
9 fice has reasonable cause to believe
10 that the guardian is not acting in the
11 best interests of the resident by refus-
12 ing;

13 “(IV) the resident has no other
14 known legal representative; and

15 “(V) the representative of the Of-
16 fice obtains the approval of the Om-
17 budsman; or”; and

18 (V) in clause (iv), as redesignated
19 by subclause (III), by striking the pe-
20 riod and inserting “; and”; and

21 (iv) by adding at the end the fol-
22 lowing:

23 “(C) require that the Ombudsman and
24 representatives of the Office hold all commu-
25 nications with a complainant or resident who is

1 seeking assistance in strict confidence and take
2 all reasonable steps to safeguard the confiden-
3 tiality of information provided by the complain-
4 ant or resident.”;

5 (5) in subsection (f)(3)—

6 (A) in subparagraph (C), by striking “fa-
7 cility; and” and inserting “facility or a related
8 organization, and has not been employed by
9 such a facility or organization within 2 years
10 before the date of the determination involved;”;

11 (B) in subparagraph (D), by striking
12 “and” at the end; and

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

14 “(E) does not have management responsi-
15 bility for, nor operate under the supervision of,
16 an agency with responsibility for adult protec-
17 tive services; and

18 “(F) does not serve as a guardian or in
19 another fiduciary capacity for residents of long-
20 term care facilities in an official capacity (as
21 opposed to serving as a guardian or fiduciary,
22 for a family member, in a personal capacity);
23 and”;

24 (6) in subsection (h)—

1 (A) in paragraph (4), by striking all that
2 precedes “procedures” and inserting the fol-
3 lowing:

4 “(4) strengthen and update”;

5 (B) by redesignating paragraphs (4)
6 through (9) as paragraphs (5) through (10), re-
7 spectively;

8 (C) by inserting after paragraph (3) the
9 following:

10 “(4) ensure that the Ombudsman attends train-
11 ing provided by the Administration through the Na-
12 tional Ombudsman Resource Center established in
13 section 202(a)(18);”;

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

18 (E) in paragraph (10), as redesignated by
19 subparagraph (B) of this paragraph, by striking
20 “(6), or (7)” and inserting “(7), or (8)”; and
21 (7) by adding at the end the following:

22 “(k) ENSURING EFFECTIVE PROGRAMS AND RESI-
23 DENTS’ RIGHTS.—The State agency shall ensure the Of-
24 fice—

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

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

6 **SEC. 708. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
7 **EXPLOITATION.**

8 Section 721 of the Older Americans Act of 1965 (42
9 U.S.C. 3058i(b)) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (2), by striking the semi-
12 colon and inserting the following: “, including
13 education and outreach to professionals includ-
14 ing postal carriers, employees of financial insti-
15 tutions, firefighters, meter readers, and other
16 community professionals who are in a position
17 to observe an older individual on a daily or reg-
18 ular basis;”;

19 (B) in paragraph (4), by inserting before
20 the semicolon the following: “and submit data
21 on the prevalence of elder abuse, neglect, and
22 exploitation for the appropriate database of the
23 Administration or another database specified by
24 the Assistant Secretary”;

1 (C) by redesignating paragraphs (7), (8),
2 (9), (10), (11), and (12), as paragraphs (8),
3 (10), (11), (12), (13), and (14), respectively;

4 (D) by striking paragraph (6) and insert-
5 ing the following:

6 “(6) conducting specialized abuse sensitivity
7 training for caregivers described in part E of title
8 III;

9 “(7) conducting training for professionals and
10 paraprofessionals, including trainers, in relevant
11 fields on the identification, prevention, and treat-
12 ment of elder abuse, neglect, and exploitation, with
13 particular focus on prevention and enhancement of
14 self-determination and autonomy;”;

15 (E) in paragraph (8), as redesignated by
16 subparagraph (C) of this paragraph, by insert-
17 ing before the semicolon the following: “, in-
18 cluding providing intake workers or hotlines
19 that are able to take information or calls di-
20 rectly from older individuals, their family mem-
21 bers, and community professionals in the plan-
22 ning and service areas of the older individuals,
23 about elder abuse, neglect, and exploitation”;

1 (F) by inserting after paragraph (8), as re-
2 designated by subparagraph (C) of this para-
3 graph, the following:

4 “(9) conducting appropriate training to ensure
5 cultural sensitivity in the provision of elder rights
6 services, including training in cultural issues associ-
7 ated with abuse;”;

8 (G) in subparagraph (C) of paragraph
9 (11), as redesignated by subparagraph (C) of
10 this paragraph—

11 (i) in clause (ii), by inserting “, such
12 as forensic accountants,” after “such per-
13 sonnel”; and

14 (ii) in clause (v), by striking the
15 comma at the end and inserting “, includ-
16 ing programs and arrangements that will
17 safeguard victims’ or potential victims’ fi-
18 nances, such as daily money management
19 programs and conservatorships,”;

20 (H) in paragraph (13), as redesignated by
21 subparagraph (C) of this paragraph—

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

24 (ii) by adding at the end the fol-
25 lowing:

1 “(F) supporting and studying innovative
2 practices in local communities, to develop part-
3 nerships across disciplines for the prevention,
4 investigation, and prosecution of exploitation;”;

5 (I) in paragraph (14), as redesignated by
6 subparagraph (C) of this paragraph—

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

9 (ii) in subparagraph (C), by striking
10 the period at the end and inserting “; or”;
11 and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(D) older individuals who are Holocaust
15 survivors; and”; and

16 (J) by adding at the end the following:

17 “(15) developing a State Home Care Consumer
18 Bill of Rights and Plan for Enforcement (as de-
19 scribed in section 705) to protect home care con-
20 sumers (as defined in section 736) from abuse, ne-
21 glect, and exploitation.”.

22 **SEC. 709. STATE LEGAL ASSISTANCE DEVELOPMENT.**

23 Section 731 of the Older Americans Act of 1965 (42
24 U.S.C. 3058j) is amended by striking “A State agency”

1 and all that follows through “to ensure—” and inserting
2 the following:

3 “(a) STATE LEGAL SERVICES DEVELOPER.—A State
4 agency shall provide the services of an individual who shall
5 be known as a State legal services developer, who shall
6 promote, and may facilitate, the development and oper-
7 ation of an integrated legal assistance delivery system for
8 the State. To the maximum extent practicable, the indi-
9 vidual selected to serve as the developer shall—

10 “(1) agree to serve as the developer on a full-
11 time basis;

12 “(2) have a law degree from an accredited law
13 school or have been admitted to practice law in any
14 jurisdiction in the United States; and

15 “(3) possess other knowledge, skills, training,
16 and education that reflect a comprehensive under-
17 standing of legal services for older individuals.

18 “(b) OTHER PERSONNEL.—In addition to the State
19 legal services developer, the State agency shall provide the
20 services of other personnel, sufficient to ensure—”.

21 **SEC. 710. STATE HOME CARE OMBUDSMAN PROGRAMS.**

22 Subtitle A of title VII of the Older Americans Act
23 of 1965 (42 U.S.C. 3058 et seq.) is amended by adding
24 at the end the following:

1 **“CHAPTER 5—STATE HOME CARE**
2 **OMBUDSMAN PROGRAMS**

3 **“SEC. 736. DEFINITIONS.**

4 “In this chapter:

5 “(1) HOME CARE CONSUMER.—The term ‘home
6 care consumer’ means a person who receives services
7 in the person’s home or community to promote inde-
8 pendence and reduce the necessity for residence in
9 a long-term care facility, which may include—

10 “(A) home care services provided through
11 this Act, the Medicare program under title
12 XVIII of the Social Security Act (42 U.S.C.
13 1395 et seq.), the Medicaid program under title
14 XIX of the Social Security Act (42 U.S.C. 1396
15 et seq.), or another public or private funding
16 source; or

17 “(B) home care services determined to be
18 appropriate by a State operating a State Home
19 Care Ombudsman Program.

20 “(2) HOME CARE OMBUDSMAN PROGRAM.—The
21 term ‘home care ombudsman program’ means a
22 State Home Care Ombudsman Program described in
23 section 737(a)(1).

24 “(3) HOME CARE OMBUDSMAN REPRESENTA-
25 TIVE.—The term ‘home care ombudsman represent-

1 ative’ includes an employee or volunteer who rep-
2 resents an entity designated under section
3 737(a)(5)(A) and who is individually designated by
4 the Ombudsman.

5 “(4) HOME CARE SERVICES.—The term ‘home
6 care services’ means home and community-based
7 services to promote independence and reduce the ne-
8 cessity for residence in a long-term care facility, in-
9 cluding personal care services designed to assist an
10 individual in the activities of daily living such as
11 bathing, exercising, personal grooming, and getting
12 in and out of bed.

13 “(5) LOCAL HOME CARE OMBUDSMAN ENTI-
14 TY.—The term ‘local home care Ombudsman entity’
15 means an entity designated under section
16 737(a)(5)(A) to carry out the duties described in
17 section 737(a)(5)(B) with respect to a planning and
18 service area or other substate area.

19 “(6) OFFICE; OMBUDSMAN.—The terms ‘Office’
20 and ‘Ombudsman’, used without further modifica-
21 tion, have the meanings given the terms in section
22 711.

23 **“SEC. 737. PROGRAM.**

24 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—In order to be eligible to
2 receive a grant under section 703(d) from funds ap-
3 propriated under section 702A and made available to
4 carry out this chapter, a State agency shall, in ac-
5 cordance with this section, agree to carry out a
6 State Home Care Ombudsman Program within the
7 Office of the State Long-Term Care Ombudsman.

8 “(2) HOME CARE OMBUDSMAN PROGRAM.—The
9 home care ombudsman program shall be carried out
10 by the Ombudsman.

11 “(3) FUNCTIONS.—In carrying out the home
12 care ombudsman program, the Ombudsman, person-
13 ally or through representatives of the home care om-
14 budsman program—

15 “(A) shall identify, investigate, and resolve
16 complaints that—

17 “(i) are made by, or on behalf of,
18 home care consumers;

19 “(ii) relate to action, inaction, or deci-
20 sions, that may adversely affect the health,
21 safety, welfare, or rights of home care con-
22 sumers (including the welfare and rights of
23 home care consumers with respect to the
24 appointment and activities of guardians
25 and representative payees), of—

1 “(I) entities responsible for de-
2 termining eligibility for home care
3 services, such as State and local gov-
4 ernments; and

5 “(II) entities responsible for de-
6 termining availability of home care
7 services, such as managed care orga-
8 nizations; or

9 “(iii) relate to action, inaction, or de-
10 cisions, regarding informing home care
11 consumers about their eligibility for, or the
12 availability of, home care services, of—

13 “(I) providers, or representatives
14 of providers, of home care services;

15 “(II) public agencies;

16 “(III) health and social service
17 agencies; and

18 “(IV) entities providing con-
19 sumer-directed services under a con-
20 sumer-directed program;

21 “(B) shall provide services to protect the
22 health, safety, welfare, and rights of home care
23 consumers;

24 “(C) shall inform home care consumers
25 about means of obtaining services provided by

1 providers or agencies described in subparagraph
2 (A)(ii) or services described in subparagraph
3 (B);

4 “(D) shall, in conjunction with other enti-
5 ties, such as area agencies on aging, conduct
6 public education about the home care ombuds-
7 man program and its services, including the
8 rights of home care workers to report concerns
9 to the Ombudsman in order to protect the
10 health, safety, welfare, and rights of home care
11 consumers;

12 “(E) shall ensure that home care con-
13 sumers and complainants receive timely re-
14 sponses from representatives of the home care
15 ombudsman program to complaints;

16 “(F) shall represent the interests of home
17 care consumers before governmental agencies
18 and seek administrative, legal, and other rem-
19 edies to protect the health, safety, welfare, and
20 rights of the home care consumers, including
21 issues related to the sufficiency of the home
22 care workforce and its availability to meet the
23 needs of home care consumers;

24 “(G) shall provide administrative and tech-
25 nical assistance to entities designated under

1 paragraph (5) to assist the entities in partici-
2 pating in the home care ombudsman program;

3 “(H) shall provide for training representa-
4 tives of the home care ombudsman program;

5 “(I) shall—

6 “(i) promote the development of citi-
7 zen organizations, to participate in the
8 home care ombudsman program;

9 “(ii) analyze, comment on, and mon-
10 itor the development and implementation
11 of Federal, State, and local laws, regula-
12 tions, and other governmental policies and
13 actions, that pertain to the health, safety,
14 welfare, and rights of home care con-
15 sumers, with respect to the adequacy of
16 home care services in the State, including
17 issues related to the sufficiency of the
18 home care workforce and its availability to
19 meet the needs of home care consumers;

20 “(iii) recommend any changes in such
21 laws, regulations, policies, and actions as
22 the Ombudsman determines to be appro-
23 priate; and

24 “(iv) facilitate public comment on the
25 laws, regulations, policies, and actions; and

1 “(J) shall carry out other activities as the
2 Assistant Secretary determines to be appro-
3 priate.

4 “(4) CONTRACTS AND ARRANGEMENTS.—

5 “(A) IN GENERAL.—

6 “(i) AGENCIES AND ORGANIZA-
7 TIONS.—Except as provided in subpara-
8 graph (B), the State agency shall carry out
9 the home care ombudsman program, di-
10 rectly, or by contract or other arrangement
11 with any public agency or nonprofit private
12 organization.

13 “(ii) AREA AGENCIES ON AGING.—The
14 State agency shall determine whether to
15 enter into contracts or arrangements with
16 area agencies on aging to carry out the
17 home care ombudsman program, based on
18 the structure of the State’s existing (as of
19 the date of the determination) long-term
20 care ombudsman program and the poten-
21 tial for conflicts of interest in the home
22 and community-based services system in
23 the State. A State agency may carry out a
24 home care ombudsman program through

1 area agencies on aging in the State, if the
2 area agencies on aging—

3 “(I) have existing (as of the date
4 of the determination) consumer pro-
5 tection systems in place to prevent
6 such conflicts of interest; or

7 “(II) establish adequate proce-
8 dures to prevent conflicts of interest
9 under the program.

10 “(B) LICENSING AND CERTIFICATION OR-
11 GANIZATIONS; ASSOCIATIONS.—The State agen-
12 cy may not enter into the contract or other ar-
13 rangement described in subparagraph (A)
14 with—

15 “(i) an agency or organization that is
16 responsible for licensing or certifying home
17 care services in the State; or

18 “(ii) an association (or an affiliate of
19 such an association) of providers of home
20 care services.

21 “(5) DESIGNATION OF LOCAL HOME CARE OM-
22 BUDSMAN ENTITIES AND HOME CARE OMBUDSMAN
23 REPRESENTATIVES.—

24 “(A) DESIGNATION.—In carrying out the
25 duties of the Office, the Ombudsman may des-

1 designate an entity as a local home care Ombuds-
2 man entity (and, in doing so, the Ombudsman
3 shall, if a local Ombudsman entity has already
4 been designated, designate such local Ombuds-
5 man entity as the local home care Ombudsman
6 entity), and may designate an employee or vol-
7 unteer to represent the entity.

8 “(B) DUTIES.—An individual so des-
9 igned, in accordance with the policies and
10 procedures established by the Ombudsman and
11 the State agency—

12 “(i) shall provide services to protect
13 the health, safety, welfare, and rights of
14 home care consumers;

15 “(ii) shall ensure that home care con-
16 sumers in the service area of the entity
17 have timely responses to complaints and
18 requests for assistance;

19 “(iii) shall identify, investigate, and
20 resolve complaints made by or on behalf of
21 home care consumers that relate to action,
22 inaction, or decisions, that may adversely
23 affect the health, safety, welfare, or rights
24 of home care consumers;

1 “(iv) shall represent the interests of
2 home care consumers before government
3 agencies and seek administrative, legal,
4 and other remedies to protect the health,
5 safety, welfare, and rights of home care
6 consumers;

7 “(v) shall—

8 “(I) review, and if necessary,
9 comment on any existing and pro-
10 posed laws, regulations, and other
11 government policies and actions, that
12 pertain to the rights and well-being of
13 home care consumers; and

14 “(II) facilitate the ability of the
15 public to comment on the laws, regu-
16 lations, policies, and actions;

17 “(vi) shall make referrals for services
18 to protect and provide for the health, safe-
19 ty, educational needs, welfare, and rights
20 of family or household members (including
21 children) of home care consumers; and

22 “(vii) shall carry out other activities
23 that the Ombudsman determines to be ap-
24 propriate.

1 “(C) ELIGIBILITY FOR DESIGNATION.—
2 Entities eligible to be designated as local home
3 care Ombudsman entities, and individuals eligi-
4 ble to be designated as home care ombudsman
5 representatives of such entities, shall—

6 “(i) have demonstrated capability to
7 carry out the duties established in section
8 712(a)(5)(B);

9 “(ii) be free of conflicts of interest
10 and not stand to gain financially through
11 an action or potential action brought on
12 behalf of individuals the Ombudsman
13 serves; and

14 “(iii) meet such additional require-
15 ments as the Ombudsman may specify.

16 “(D) POLICIES AND PROCEDURES.—

17 “(i) IN GENERAL.—The State agency
18 shall establish, in accordance with the Om-
19 budsman, policies and procedures for moni-
20 toring local home care Ombudsman entities
21 designated to carry out the duties estab-
22 lished in section 712(a)(5)(B).

23 “(ii) POLICIES.—In a case in which
24 the entities are grantees or the home care
25 ombudsman representatives are employees,

1 of area agencies on aging, the State agency
2 shall develop the policies in consultation
3 with the area agencies on aging. The poli-
4 cies shall provide for participation and
5 comment by the agencies and for resolu-
6 tion of concerns with respect to case activ-
7 ity.

8 “(iii) CONFIDENTIALITY AND DISCLO-
9 SURE.—The State agency shall develop the
10 policies and procedures in accordance with
11 all provisions of this subtitle regarding
12 confidentiality and conflict of interest for
13 providers of home care services.

14 “(b) PROCEDURES FOR ACCESS.—

15 “(1) IN GENERAL.—The State shall ensure that
16 representatives of the home care ombudsman pro-
17 gram shall have—

18 “(A) access to home care consumers and
19 their homes with permission of the home care
20 consumer involved or a legal representative;

21 “(B)(i) appropriate access to review all
22 records of a home care consumer, if—

23 “(I) the representative of the home
24 care ombudsman program has the permis-
25 sion of the home care consumer, or the

1 legal representative of the home care con-
2 sumer; or

3 “(II) the home care consumer is un-
4 able to consent to the review and has no
5 legal representative; or

6 “(ii) such access to the records as is nec-
7 essary to investigate a complaint if—

8 “(I) a legal guardian of the home care
9 consumer refuses to give the permission;

10 “(II) a representative of the home
11 care ombudsman program has reasonable
12 cause to believe that the guardian is not
13 acting in the best interests of the home
14 care consumer; and

15 “(III) the representative obtains the
16 approval of the Ombudsman;

17 “(C) access to the administrative records,
18 policies, and documents, to which home care
19 consumers have, or the general public has ac-
20 cess, of the provider of home care services; and

21 “(D) access to and, on request, copies of
22 all licensing and certification records main-
23 tained by the State with respect to the provider
24 of home care services.

1 “(2) PROCEDURES.—The State agency shall es-
2 tablish procedures to ensure the access described in
3 paragraph (1).

4 “(c) REPORTING SYSTEM.—The State agency shall
5 ensure that the reporting system established in section
6 712(c) is equipped to—

7 “(1) collect and analyze data relating to com-
8 plaints and conditions concerning home care services
9 and to home care consumers for the purpose of iden-
10 tifying and resolving significant problems, including
11 complaints concerning—

12 “(A) quality of services;

13 “(B) quantity of services;

14 “(C) availability of services; and

15 “(D) denial, reduction, and termination of
16 services; and

17 “(2) submit the data, on a regular basis, to—

18 “(A) the agency of the State responsible
19 for licensing or certifying providers of home
20 care services in the State;

21 “(B) other State and Federal entities that
22 the Ombudsman determines to be appropriate;

23 “(C) the Assistant Secretary; and

24 “(D) the National Ombudsman Resource
25 Center established in section 202(a)(18)(A).

1 “(d) DISCLOSURE.—

2 “(1) IN GENERAL.—The State agency shall es-
3 tablish procedures for the disclosure by the Ombuds-
4 man or local home care Ombudsman entities of in-
5 formation maintained by the home care ombudsman
6 program, including records described in subsection
7 (b)(1) or (c).

8 “(2) IDENTITY OF COMPLAINANT OR HOME
9 CARE CONSUMER.—The procedures described in
10 paragraph (1) shall—

11 “(A) provide that, subject to subparagraph
12 (B), the information (including files or records)
13 described in paragraph (1) may be disclosed
14 only at the discretion of the Ombudsman (or
15 the person designated by the Ombudsman to
16 disclose such information); and

17 “(B) prohibit the disclosure of the identity
18 of any complainant or home care consumer with
19 respect to whom the Office maintains such in-
20 formation unless—

21 “(i) the complainant or home care
22 consumer, or the legal representative of the
23 complainant or home care consumer, con-
24 sents to the disclosure and the consent is
25 given in writing;

1 “(ii)(I) the complainant or home care
2 consumer gives consent orally; and

3 “(II) the consent is documented con-
4 temporaneously in a writing made by a
5 representative of the home care ombuds-
6 man program in accordance with such re-
7 quirements as the State agency shall estab-
8 lish; or

9 “(iii) the disclosure is required by
10 court order.

11 “(e) CONSULTATION.—In planning and carrying out
12 the home care ombudsman program, the State agency
13 shall consider the views of area agencies on aging, older
14 individuals, and providers of home care services and dem-
15 onstrate how the State agency has taken their views into
16 consideration.

17 “(f) CONFLICT OF INTEREST.—The State agency
18 shall—

19 “(1) ensure that no individual, or member of
20 the immediate family of an individual, involved in
21 the designation of the Ombudsman (whether by ap-
22 pointment or otherwise) or the designation of an en-
23 tity designated under subsection (a)(5), is subject to
24 a conflict of interest;

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

7 “(3) ensure that the Ombudsman—

8 “(A) does not have a direct involvement in
9 the licensing or certification of a provider of
10 home care services;

11 “(B) does not have an ownership or invest-
12 ment interest (represented by equity, debt, con-
13 tract, or other financial relationship) in a pro-
14 vider of home care services;

15 “(C) is not employed by, or participating
16 in the management of, a provider of home care
17 services; and

18 “(D) does not receive, or have the right to
19 receive, directly or indirectly, remuneration (in
20 cash or in-kind) under a compensation arrange-
21 ment with an owner or operator of a provider
22 of home care services; and

23 “(4) establish, and specify in writing, mecha-
24 nisms to identify and remove conflicts of interest re-
25 ferred to in paragraphs (1) and (2), and to identify

1 and eliminate the relationships described in subpara-
2 graphs (A) through (D) of paragraph (3), including
3 such mechanisms as—

4 “(A) the methods by which the State agen-
5 cy will examine individuals, and immediate fam-
6 ily members, to identify the conflicts; and

7 “(B) the actions that the State agency will
8 require the individuals and such family mem-
9 bers to take to remove such conflicts.

10 “(g) LEGAL COUNSEL.—The State agency shall en-
11 sure that—

12 “(1)(A) adequate legal counsel is available, and
13 is able, without conflict of interest, to—

14 “(i) provide advice and consultation needed
15 to protect the health, safety, welfare, and rights
16 of home care consumers; and

17 “(ii) assist the Ombudsman and represent-
18 atives of the home care ombudsman program in
19 the performance of the official duties of the
20 Ombudsman and representatives; and

21 “(B) legal representation is provided to any
22 representative of the home care ombudsman pro-
23 gram against whom suit or other legal action is
24 brought or threatened to be brought in connection

1 with the performance of the official duties of the
2 Ombudsman or such a representative; and

3 “(2) the Ombudsman pursues administrative,
4 legal, and other appropriate remedies on behalf of
5 home care consumers.

6 “(h) ADMINISTRATION.—

7 “(1) REQUIREMENTS.—The State agency shall
8 require the Office to—

9 “(A) include in its annual report required
10 in section 712(h)(1)—

11 “(i) a description of the activities car-
12 ried out by the Office as they related to
13 the home care ombudsman program in the
14 year for which the report is prepared;

15 “(ii) the data and an analysis of the
16 data collected under subsection (c);

17 “(iii) an evaluation of the problems
18 experienced by, and the complaints made
19 by or on behalf of, home care consumers;

20 “(iv) recommendations for—

21 “(I) improving quality of the care
22 and life of the home care consumers;
23 and

1 “(II) protecting the health, safe-
2 ty, welfare, and rights of the home
3 care consumers;

4 “(v)(I) an analysis of the success of
5 the home care ombudsman program includ-
6 ing success in providing services to home
7 care consumers in communities with high
8 percentages of racial or ethnic minorities;
9 and

10 “(II) identification of barriers that
11 prevent the optimal operation of the home
12 care ombudsman program; and

13 “(vi) policy, regulatory, and legislative
14 recommendations to solve identified prob-
15 lems, to resolve the complaints, to improve
16 the quality of care and life of home care
17 consumers, to protect the health, safety,
18 welfare, and rights of home care con-
19 sumers, and to remove the barriers;

20 “(B) not later than 2 years after the date
21 of the enactment of this chapter, establish pro-
22 cedures for the training of the representatives
23 of the home care ombudsman program, includ-
24 ing unpaid volunteers, based on best practices
25 outlined by the Assistant Secretary in the most

1 recent report submitted under subsection
2 (m)(1), in consultation with representatives of
3 citizen groups, providers of home care services,
4 and the home care ombudsman program, that—

5 “(i) specify a minimum number of
6 hours of initial training;

7 “(ii) specify the content of the train-
8 ing, including training relating to—

9 “(I) Federal, State, and local
10 laws, regulations, and policies, with
11 respect to providers of home care
12 services in the State;

13 “(II) investigative techniques;
14 and

15 “(III) such other matters as the
16 State determines to be appropriate;
17 and

18 “(iii) specify an annual number of
19 hours of in-service training for all des-
20 ignated representatives;

21 “(C) prohibit any representative of the
22 home care ombudsman program (other than the
23 Ombudsman) from carrying out any activity de-
24 scribed in subparagraphs (A) through (H) of
25 subsection (a)(3) unless the representative—

1 “(i) has received the training required
2 under subparagraph (B); and

3 “(ii) has been approved by the Om-
4 budsman as qualified to carry out the ac-
5 tivity on behalf of the Office;

6 “(D) coordinate home care ombudsman
7 services with the protection and advocacy sys-
8 tems for individuals with developmental disabil-
9 ities and mental illnesses established under—

10 “(i) subtitle C of the Developmental
11 Disabilities Assistance and Bill of Rights
12 Act of 2000 (42 U.S.C. 15041 et seq.);
13 and

14 “(ii) the Protection and Advocacy for
15 Individuals with Mental Illness Act (42
16 U.S.C. 10801 et seq.);

17 “(E) coordinate, to the greatest extent pos-
18 sible, home care ombudsman services with legal
19 assistance provided under section 306(a)(2)(C),
20 through adoption of memoranda of under-
21 standing and other means;

22 “(F) coordinate services with State and
23 local law enforcement agencies and courts of
24 competent jurisdiction; and

1 “(G) permit any local home care Ombuds-
2 man entity to carry out the responsibilities de-
3 scribed in subparagraph (A), (D), or (E).

4 “(2) AUTHORITIES.—The State agency shall re-
5 quire the Office to—

6 “(A) analyze, comment on, and monitor
7 the development and implementation of Fed-
8 eral, State, and local laws, regulations, and
9 other government policies and actions that per-
10 tain to providers of home care services and
11 those services, and to the health, safety, wel-
12 fare, and rights of home care consumers, in the
13 State, and recommend any changes in such
14 laws, regulations, and policies as the Ombuds-
15 man determines to be appropriate;

16 “(B)(i) provide such information as the
17 Ombudsman determines to be necessary to pub-
18 lic and private agencies, legislators, and other
19 persons, regarding—

20 “(I) the problems and concerns of
21 older individuals receiving home care serv-
22 ices; and

23 “(II) recommendations related to the
24 problems and concerns; and

1 “(ii) make available to the public, and sub-
2 mit to the Assistant Secretary, the chief execu-
3 tive officer of the State, the State legislature,
4 the State agency responsible for licensing or
5 certifying providers of home care services, and
6 other appropriate governmental entities, each
7 report prepared under paragraph (1)(A); and

8 “(C) permit any local home care Ombuds-
9 man entity to carry out the responsibilities de-
10 scribed in subparagraph (A) or (B).

11 “(i) LIABILITY.—The State shall ensure that no rep-
12 resentative of the home care ombudsman program will be
13 liable under State law for the good faith performance of
14 official duties.

15 “(j) NONINTERFERENCE.—The State shall—

16 “(1) ensure that willful interference with rep-
17 representatives of the home care ombudsman program
18 in the performance of the official duties of the rep-
19 representatives (as defined by the Assistant Secretary)
20 shall be unlawful;

21 “(2) prohibit retaliation and reprisals by a pro-
22 vider of home care services or other entity with re-
23 spect to any recipient of home and community-based
24 services, employee, exclusive representative of an em-
25 ployee, or other person for filing a complaint with,

1 providing information to, or otherwise cooperating
2 with any representative of, the home care ombuds-
3 man program; and

4 “(3) provide for appropriate sanctions with re-
5 spect to the interference, retaliation, and reprisals.

6 “(k) COORDINATION WITH ADULT PROTECTIVE
7 SERVICES.—

8 “(1) IN GENERAL.—The Ombudsman, in car-
9 rying out the State Home Care Ombudsman Pro-
10 gram, shall coordinate activities with the National
11 Adult Protective Services Resource Center and the
12 head of the State’s adult protective services program
13 in a manner that is consistent with the State’s exist-
14 ing (as of the date of the coordination) protocols for
15 coordination of activities between the Ombudsman,
16 in carrying out the State Long-Term Care Ombuds-
17 man Program.

18 “(2) ESTABLISHMENT OF PROTOCOLS.—If the
19 protocols described in paragraph (1) do not exist in
20 the State, the Ombudsman, in conjunction with the
21 head of the State’s adult protective services pro-
22 gram, shall establish protocols to coordinate activi-
23 ties with the intent of better serving vulnerable
24 adults, which protocols shall—

25 “(A) clarify the roles of each program;

1 “(B) establish procedures for maintaining
2 a working relationship;

3 “(C) outline mutual expectations; and

4 “(D) establish procedures for coordinating
5 activities with law enforcement.

6 “(l) MAINTENANCE OF EFFORT.—A State, in using
7 the funds made available for a fiscal year through a grant
8 received under section 703(d), shall maintain the expendi-
9 tures of the State for home care ombudsman services at
10 a level that is not less than the level of such expenditures
11 maintained by the State for the preceding fiscal year.

12 “(m) EVALUATION.—The Assistant Secretary shall—

13 “(1) in conjunction with the Director of the Of-
14 fice of Long-Term Care Ombudsman Programs and
15 the heads of other entities determined to be nec-
16 essary by the Assistant Secretary, collect and ana-
17 lyze the data required to be submitted under sub-
18 section (c) by the States and within 1 year after re-
19 ceipt of the data, submit a report to Congress out-
20 lining best practices for carrying out a home care
21 ombudsman program; and

22 “(2) make the report available to States.”.

1 **SEC. 711. ESTABLISHMENT OF SENIOR MEDICARE PATROL**
2 **PROGRAM AS PERMANENT PROGRAM.**

3 Title VII of the Older Americans Act of 1965 is
4 amended—

5 (1) by redesignating subtitle C as subtitle D;

6 (2) by redesignating sections 761 through 765
7 as sections 771 through 775, respectively; and

8 (3) by adding after subtitle B the following:

9 **“Subtitle C—Senior Medicare**
10 **Patrol Program**

11 **“SEC. 761. FINDINGS.**

12 “Congress finds the following:

13 “(1) At least 3 percent of all health care spend-
14 ing is lost to fraud each year.

15 “(2) The Medicare Fraud Strike Forces have
16 charged with fraud over 1,000 individuals, who col-
17 lectively have falsely billed the Centers for Medicare
18 & Medicaid Services for over \$2,300,000,000 in
19 Medicare benefits.

20 “(3) Approximately \$1.55 is saved for every 1
21 dollar the government spends on fraud prevention in
22 the Medicare program and Medicaid program.

23 “(4) Due to the SMP program, between the in-
24 ception of the SMP program in 1996, and 2010—

1 “(A) 25,300,000 Medicare and Medicaid
2 beneficiaries have been reached through com-
3 munity education programs;

4 “(B) a total of 72 SMP projects have edu-
5 cated Medicare and Medicaid beneficiaries in
6 82,968 group sessions and 1,112,887 individual
7 sessions;

8 “(C) 1,321,222 media airings have oc-
9 curred and 75,062 community outreach edu-
10 cation events have been conducted;

11 “(D) savings to and costs avoided by Medi-
12 care, Medicaid, and other programs, and bene-
13 ficiaries, total over \$114,000,000; and

14 “(E) over 24,000 volunteers have been ac-
15 tive in educating Medicare and Medicaid bene-
16 ficiaries.

17 “(5) Many Medicare and Medicaid beneficiaries
18 who receive help from the SMP program to avoid
19 fraud cannot be tracked by the Office of the Inspec-
20 tor General of the Department of Health and
21 Human Services, so the figures described in para-
22 graphs (1) through (4) are most likely much higher.

23 **“SEC. 762. DEFINITIONS.**

24 “In this subtitle:

1 “(1) BENEFICIARY.—Except as provided in sec-
2 tion 761, the term ‘beneficiary’ means an individual
3 entitled to, or enrolled for, benefits under part A of
4 the Medicare program or enrolled for benefits under
5 part B of the Medicare program, including such an
6 individual who is also eligible for medical assistance
7 under the Medicaid program.

8 “(2) FRAUD.—The term ‘fraud’ means fraud,
9 waste, and abuse within the meaning of section
10 1128J of the Social Security Act (42 U.S.C. 1320a-
11 7k).

12 “(3) MEDICARE PROGRAM; MEDICAID PRO-
13 GRAM.—The terms ‘Medicare program’ and ‘Med-
14 icaid program’ mean the programs carried out under
15 titles XVIII and XIX, respectively, of the Social Se-
16 curity Act (42 U.S.C. 1395 et seq., 1396 et seq.).

17 “(4) SMP.—The term ‘SMP’ means Senior
18 Medicare Patrol.

19 **“SEC. 763. PROGRAM AUTHORIZED.**

20 “(a) IN GENERAL.—The Assistant Secretary shall
21 carry out a program for making grants to States with
22 State plans approved under section 307. The grants shall
23 enable the States to establish and operate State SMP pro-
24 grams, in accordance with this section, to assist partici-
25 pants in the SMP programs in empowering and assisting

1 beneficiaries, and their families and caregivers, through
2 outreach, counseling, and education, to prevent, detect,
3 and report health care fraud, errors, and abuse.

4 “(b) GRANT AMOUNTS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), each grant made under subsection (a)
7 shall be for an amount equal to \$180,000.

8 “(2) TERRITORIES.—In the case of the Virgin
9 Islands of the United States, Guam, American
10 Samoa, and the Commonwealth of the Northern
11 Mariana Islands, each such grant shall be for an
12 amount equal to the amount the State received for
13 fiscal year 2012 under the SMP program carried out
14 under titles II and IV.

15 “(3) STUDY.—The Assistant Secretary shall
16 conduct a study on the benefits and drawbacks of al-
17 lotting funds to States under a formula, for grants
18 made under subsection (a). The study shall address
19 a formula under which the Assistant Secretary
20 would allot funds to a State based on the number
21 of beneficiaries in the State, or based on the per-
22 centage of individuals in the State who are bene-
23 ficiaries. The Assistant Secretary shall submit to the
24 appropriate committees of Congress a report con-
25 taining the results of the study.

1 “(c) USE OF FUNDS.—

2 “(1) IN GENERAL.—Each State that receives
3 such a grant shall use the grant funds to establish
4 and operate a State SMP program.

5 “(2) ACTIVITIES.—In establishing and oper-
6 ating the program, the State shall—

7 “(A) provide, directly or by grant or con-
8 tract, for the services of a State SMP Director
9 and staff sufficient to—

10 “(i) play a leadership role in State ef-
11 forts to prevent, detect, and report fraud
12 under the Medicare program and Medicaid
13 program;

14 “(ii) report to the Assistant Secretary
15 on State SMP activities described in clause
16 (i), in such manner as the Assistant Sec-
17 retary determines to be appropriate to fa-
18 cilitate evaluation of the effectiveness of
19 such activities in achieving such SMP pro-
20 gram goals and standards as the Assistant
21 Secretary shall issue; and

22 “(iii) coordinate with the Secretary,
23 the State Attorney General, State Medicaid
24 fraud control unit, law enforcement, and
25 consumer protection entities with respect

1 to efforts to prevent fraud under the Medi-
2 care program and Medicaid program;

3 “(B) empower older individuals, through
4 increased awareness and understanding of
5 health care programs, to protect themselves
6 from the economic and health-related con-
7 sequences of fraud under the Medicare program
8 and Medicaid program;

9 “(C) work to resolve complaints by bene-
10 ficiaries of potential fraud in partnership with
11 national and State fraud control or consumer
12 protection entities, including Medicare program
13 contractors, State Medicaid fraud control units,
14 State Attorneys General, the Inspector General
15 of the Department of Health and Human Serv-
16 ices, and the Administrator of the Centers for
17 Medicare & Medicaid Services;

18 “(D) undertake the training of older indi-
19 viduals and other volunteers, so that the train-
20 ees are able to conduct outreach to bene-
21 ficiaries—

22 “(i) in their communities through con-
23 ducting group presentations, exhibiting at
24 community events, answering calls to SMP

1 help lines, and providing one-on-one coun-
2 seling; and

3 “(ii) in order to teach beneficiaries
4 how to protect their personal identities,
5 identify and report errors on their health
6 care bills, and identify deceptive health
7 care practices, such as illegal marketing,
8 providing unnecessary or inappropriate
9 services, and charging for services that
10 were never provided; and

11 “(E) provide any additional activities the
12 State wishes to provide through the State SMP
13 program that will contribute to the overall pur-
14 pose of empowering and assisting beneficiaries
15 and their families and caregivers, to prevent,
16 detect, and report health care fraud, errors, and
17 abuse.

18 “(3) ELIGIBLE ENTITIES; PRIORITY IN SELEC-
19 TION.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), to be eligible to receive a grant or
22 contract under paragraph (2)(A), an entity
23 shall be a State or local government agency, an
24 area agency on aging, a private nonprofit orga-
25 nization, a faith-based organization, or such

1 other entity as the Assistant Secretary deter-
 2 mines to be appropriate.

3 “(B) PRIORITY.—In selecting eligible enti-
 4 ties to receive such grants or contracts, a State
 5 shall give priority to those entities with dem-
 6 onstrated experience in conducting health care
 7 fraud prevention programs.

8 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 9 is authorized to be appropriated to carry out this subtitle,
 10 such sums as may be necessary for each of fiscal years
 11 2013 through 2017.”.

12 **TITLE VIII—GERIATRICS AND** 13 **GERONTOLOGY**

14 **SEC. 801. PRIMARY HEALTH SERVICES.**

15 Section 331(a)(3)(D) of the Public Health Service
 16 Act (42 U.S.C. 254d(a)(3)(D)) is amended by inserting
 17 “geriatrics, gerontology,” after “pediatrics,”.

18 **TITLE IX—CONFORMING** 19 **AMENDMENTS**

20 **SEC. 901. GREATEST ECONOMIC NEED; GREATEST SOCIAL** 21 **NEED.**

22 (a) DEFINITIONS.—Section 102 of the Older Ameri-
 23 cans Act of 1965 (42 U.S.C. 3002) is amended in sub-
 24 paragraph (E)(i) of paragraph (30), as redesignated by
 25 section 102(a)(2), by inserting after “social need” the fol-

1 lowing: “(with particular attention to individuals with fac-
2 tors listed in paragraph (26)(B))”.

3 (b) FEDERAL AGENCY CONSULTATION.—Section
4 203(a)(3)(A) of the Older Americans Act of 1965 (42
5 U.S.C. 3013(a)(3)(A)) is amended by striking “older indi-
6 viduals (with particular attention to low-income older indi-
7 viduals, including low-income minority older individuals,
8 older individuals with limited English proficiency, and
9 older individuals residing in rural areas)” and inserting
10 “older individuals, older individuals with greatest eco-
11 nomic need, older individuals with greatest social need
12 (with particular attention to individuals with factors listed
13 in section 102(26)(B)),”.

14 (c) EVALUATION.—Section 206(a) of the Older
15 Americans Act of 1965 (42 U.S.C. 3017(a)) is amended
16 by striking “greatest economic need” and all that follows
17 through “areas),” and inserting “greatest economic need
18 and unserved older individuals with greatest social need
19 (with particular attention to individuals with factors listed
20 in section 102(26)(B)),”.

21 (d) REPORTS.—Section 207(c) of the Older Ameri-
22 cans Act of 1965 (42 U.S.C. 3018(c)) is amended in para-
23 graph (6), as redesignated by section 205(3)(B)—

24 (1) by striking “economic need (including low-
25 income minority individuals and older individuals re-

1 siding in rural areas)” and inserting “economic
2 need”; and

3 (2) by striking “social need (including low-in-
4 come minority individuals and older individuals re-
5 siding in rural areas)” and inserting “social need
6 (with particular attention to individuals with factors
7 listed in section 102(26)(B))”.

8 (e) APPROPRIATE USE OF FUNDS.—Section
9 212(b)(3) of the Older Americans Act of 1965 (42 U.S.C.
10 3020c(b)(3)) is amended—

11 (1) by striking “social need,” and inserting “so-
12 cial need (with particular attention to individuals
13 with factors listed in section 102(26)(B)) or”; and

14 (2) by striking “, or an older” and all that fol-
15 lows through “placement”.

16 (f) ORGANIZATION.—Section 305 of the Older Ameri-
17 cans Act of 1965 (42 U.S.C. 3025) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)(E)—

20 (i) by striking “greatest economic
21 need” and all that follows through “rural
22 areas)” the first place it appears and in-
23 serting “greatest economic need”; and

24 (ii) by striking “greatest social need”
25 and all that follows through “rural areas)”

1 and inserting “greatest social need (with
2 particular attention to individuals with fac-
3 tors listed in section 102(26)(B))”; and
4 (B) in paragraph (2)—

5 (i) in subparagraph (C)(ii), as amend-
6 ed by section 305(1)(A)(i) of this Act, by
7 striking “areas” and all that follows and
8 inserting “areas of older individuals with
9 greatest economic need and older individ-
10 uals with greatest social need (with par-
11 ticular attention to individuals with factors
12 listed in section 102(26)(B)); and”; and

13 (ii) in subparagraph (E), by striking
14 “services to” and all that follows through
15 “rural areas)” and inserting “services to
16 older individuals with greatest economic
17 need and older individuals with greatest
18 social need (with particular attention to in-
19 dividuals with factors listed in section
20 102(26)(B), including such individuals who
21 are or are alleged victims of elder abuse,
22 neglect, or exploitation)”; and

23 (2) in subsection (d)(1), by striking “greatest
24 economic or social need” and inserting “greatest
25 economic need and greatest social need (with par-

1 ticular attention to individuals with factors listed in
2 section 102(26)(B))”.

3 (g) AREA PLANS.—Section 306 of the Older Ameri-
4 cans Act of 1965 (42 U.S.C. 3026) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by striking “greatest economic
8 need” and all that follows through “rural
9 areas)” the first place it appears and in-
10 sserting “greatest economic need”; and

11 (ii) by striking “greatest social need”
12 and all that follows through “rural areas)
13 residing in such area,” and inserting
14 “greatest social need (with particular at-
15 tention to individuals with factors listed in
16 section 102(26)(B)) residing in such
17 area,”; and

18 (B) in paragraph (4)—

19 (i) in subparagraph (A)—

20 (I) in clause (i)(I), by striking
21 “will—” and all that follows and in-
22 sserting “will set specific objectives,
23 consistent with State policy, for pro-
24 viding services to older individuals
25 with greatest economic need, older in-

1 individuals with greatest social need
2 (with particular attention to individ-
3 uals with factors listed in section
4 102(26)(B)), and older individuals at
5 risk for institutional placement; and”;

6 (II) in clause (i)(II), by striking
7 “items (aa) and (bb) of”; and

8 (III) in subclauses (I), (II), and
9 (III) of clause (ii), by striking “low-
10 income” and all that follows through
11 “rural areas” and inserting “individ-
12 uals with greatest economic need and
13 individuals with greatest social need
14 (with particular attention to individ-
15 uals with factors listed in section
16 102(26)(B))”; and

17 (ii) in subparagraph (B)(i)—

18 (I) in subclause (II), by striking
19 “economic need” and all that follows
20 through “rural areas)” and inserting
21 “economic need”; and

22 (II) in subclause (III), by strik-
23 ing “social need” and all that follows
24 through “rural areas)” and inserting
25 “social need (with particular attention

1 to individuals with factors listed in
2 section 102(26)(B))”; and

3 (2) in subsection (b)(2)(B), by striking “includ-
4 ing individuals” and all that follows and inserting
5 “including older individuals with greatest economic
6 need and older individuals with greatest social need
7 (with particular attention to individuals with factors
8 listed in section 102(26)(B))”.

9 (h) STATE PLANS.—Section 307(a) of the Older
10 Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

11 (1) in paragraph (4), by striking “provided to
12 individuals” and all that follows and inserting “pro-
13 vided to individuals with greatest economic need and
14 individuals with greatest social need (with particular
15 attention to individuals with factors listed in section
16 102(26)(B)).”;

17 (2) in paragraph (11)(B), by striking “individ-
18 uals with the greatest such need;” and inserting “in-
19 dividuals with greatest economic need and individ-
20 uals with greatest social need (with particular atten-
21 tion to individuals with factors listed in section
22 102(26)(B)),”; and

23 (3) in paragraph (28)(B)(ii), by striking “in-
24 cluding individuals” and all that follows and insert-
25 ing “including older individuals with greatest eco-

1 nomic need and older individuals with greatest social
2 need (with particular attention to individuals with
3 factors listed in section 102(26)(B));”.

4 (i) CONSUMER CONTRIBUTIONS.—Section 315 of the
5 Older Americans Act of 1965 (42 U.S.C. 3030c–2) is
6 amended—

7 (1) in subsection (c)(2), by striking “participa-
8 tion of” and all that follows through “rural areas)”
9 and inserting “participation of older individuals with
10 greatest economic need and older individuals with
11 greatest social need (with particular attention to in-
12 dividuals with factors listed in section 102(26)(B))”;
13 and

14 (2) in subsection (d), by striking “(with par-
15 ticular” and all that follows through “rural areas)”
16 and inserting “, including participation rates for in-
17 dividuals with greatest economic need and individ-
18 uals with greatest social need (with particular atten-
19 tion to individuals with factors listed in section
20 102(26)(B))”.

21 (j) DEMONSTRATION, SUPPORT, AND RESEARCH
22 PROJECTS.—Section 417(c)(2) of the Older Americans
23 Act of 1965 (42 U.S.C. 3032f(c)(2)) is amended by strik-
24 ing “older individuals and communities” and all that fol-
25 lows and inserting “communities with greatest need, older

1 individuals with greatest economic need, and older individ-
2 uals with greatest social need (with particular attention
3 to individuals with factors listed in section 102(26)(B));”.

4 (k) OLDER AMERICAN COMMUNITY SERVICE EM-
5 PLOYMENT PROGRAM.—Section 502(b)(1)(M) of the
6 Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(M))
7 is amended by striking “and eligible individuals with
8 greatest economic need” and inserting “eligible individuals
9 with disabilities, eligible individuals with greatest eco-
10 nomic need, and eligible individuals with greatest social
11 need”.

12 (l) INTERAGENCY COOPERATION.—Section 514 of the
13 Older Americans Act of 1965 (42 U.S.C. 3056l) is amend-
14 ed—

15 (1) in subsection (c)(1), by striking “individuals
16 with greatest economic need, individuals with great-
17 est social need,” and inserting “individuals with
18 greatest economic need, individuals with greatest so-
19 cial need (with particular attention to individuals
20 with factors listed in section 102(26)(B));” and

21 (2) in subsection (e)(1), by striking “minority”
22 and all that follows through “economic need,” and
23 inserting “individuals with greatest economic need,
24 individuals with greatest social need,”.

○