

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

(no.) _____

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Act

5 Reauthorization Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 Section 102 of the Older Americans Act of 1965 (42

8 U.S.C. 3002) is amended—

9 (1) by striking paragraph (1) and inserting the

10 following:

11 “(1) The term ‘abuse’ means the knowing in-

12 fliction of physical or psychological harm or the

1 knowing deprivation of goods or services that are
2 necessary to meet essential needs or to avoid phys-
3 ical or psychological harm.”;

4 (2) by striking paragraph (4) and inserting the
5 following:

6 “(4) The term ‘Aging and Disability Resource
7 Center’ means an entity, network, or consortium es-
8 tablished by a State as part of the State system of
9 long-term care, to provide a coordinated and inte-
10 grated system for older individuals and individuals
11 with disabilities (as defined in section 3 of the Amer-
12 icans with Disabilities Act of 1990 (42 U.S.C.
13 12102)), and the caregivers of older individuals and
14 individuals with disabilities, that provides—

15 “(A) comprehensive information on the full
16 range of available public and private long-term
17 care programs, options, service providers, and
18 resources within a community, including infor-
19 mation on the availability of integrated long-
20 term care services, and Federal or State pro-
21 grams that provide long-term care services and
22 supports through home and community-based
23 service programs;

24 “(B) person-centered counseling to assist
25 individuals in assessing their existing or antici-

1 pated long-term care needs and goals, and de-
2 veloping and implementing a person-centered
3 plan for long-term care that is consistent with
4 the desires of such an individual and designed
5 to meet the individual’s specific needs, goals,
6 and circumstances;

7 “(C) access for individuals to the full
8 range of publicly-supported long-term care serv-
9 ices and supports for which the individuals may
10 be eligible, including home and community-
11 based service options, by serving as a conven-
12 ient point of entry for such programs and sup-
13 ports; and

14 “(D) in cooperation with area agencies on
15 aging, centers for independent living described
16 in part C of title VII of the Rehabilitation Act
17 of 1973 (29 U.S.C. 796f et seq.), and other
18 community-based entities, information and re-
19 ferrals regarding available home and commu-
20 nity-based services for individuals who are at
21 risk for residing in, or who reside in, institu-
22 tional settings, so that the individuals have the
23 choice to remain in or to return to the commu-
24 nity.”;

1 (3) in paragraph (14)(B), by inserting “oral
2 health,” after “bone density,”;

3 (4) by striking paragraph (17) and inserting
4 the following:

5 “(17) The term ‘elder justice’ means—

6 “(A) from a societal perspective, efforts
7 to—

8 “(i) prevent, detect, treat, intervene
9 in, and prosecute elder abuse, neglect, and
10 exploitation; and

11 “(ii) protect older individuals with di-
12 minished capacity while maximizing their
13 autonomy; and

14 “(B) from an individual perspective, the
15 recognition of an older individual’s rights, in-
16 cluding the right to be free of abuse, neglect,
17 and exploitation.”;

18 (5) in paragraph (18)(A), by striking “term ‘ex-
19 ploitation’ means” and inserting “terms ‘exploit-
20 ation’ and ‘financial exploitation’ mean”; and

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

22 “(55) The term ‘adult protective services’
23 means such services provided to adults as the Sec-
24 retary may specify and includes services such as—

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

3 “(B) investigating the reports described in
4 subparagraph (A);

5 “(C) case planning, monitoring, evaluation,
6 and other casework and services; and

7 “(D) providing, arranging for, or facili-
8 tating the provision of medical, social service,
9 economic, legal, housing, law enforcement, or
10 other protective, emergency, or support serv-
11 ices.”.

12 **SEC. 3. ADMINISTRATION ON AGING.**

13 (a) **BEST PRACTICES.**—Section 201 of the Older
14 Americans Act of 1965 (42 U.S.C. 3011) is amended—

15 (1) in subsection (d)(3)—

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

18 (B) in subparagraph (L)—

19 (i) by striking “Older Americans Act
20 Amendments of 1992” and inserting
21 “Older Americans Act Reauthorization Act
22 of 2013”; and

23 (ii) by striking “712(h)(4).” and in-
24 serting “712(h)(5); and”; and

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

1 “(M) collect and analyze best practices related
2 to responding to elder abuse, neglect, and exploi-
3 tation in long-term care facilities, and publish a re-
4 port of such best practices.”; and

5 (2) in subsection (e)(2), in the matter preceding
6 subparagraph (A), by inserting “, and in coordina-
7 tion with the heads of State adult protective services
8 programs and the Director of the Office of Long-
9 Term Care Ombudsman Programs” after “and serv-
10 ices”.

11 (b) TRAINING.—Section 202 of the Older Americans
12 Act of 1965 (42 U.S.C. 3012) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (5), by inserting “health
15 and economic” before “needs of older individ-
16 uals”;

17 (B) in paragraph (7), by inserting “health
18 and economic” before “welfare”;

19 (C) in paragraph (14), by inserting “(in-
20 cluding the Health Resources and Services Ad-
21 ministration)” after “other agencies”;

22 (D) in paragraph (27), by striking “and”
23 at the end;

24 (E) in paragraph (28), by striking the pe-
25 riod and inserting a semicolon; and

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

2 “(29) provide information and technical assist-
3 ance to States, area agencies on aging, and service
4 providers, in collaboration with relevant Federal
5 agencies, on providing efficient, person-centered
6 transportation services, including across geographic
7 boundaries;

8 “(30) identify model programs and provide in-
9 formation and technical assistance to States, area
10 agencies on aging, and service providers (including
11 providers operating multipurpose senior centers), to
12 support the modernization of multipurpose senior
13 centers; and

14 “(31) provide technical assistance to and share
15 best practices with States, area agencies on aging,
16 and Aging and Disability Resource Centers, on how
17 to collaborate and coordinate services with health
18 care entities, such as Federally-qualified health cen-
19 ters, as defined in section 1905(l)(2)(B) of the So-
20 cial Security Act (42 U.S.C. 1396d(l)(2)(B)), in
21 order to improve care coordination for individuals
22 with multiple chronic illnesses.”;

23 (2) in subsection (b)—

24 (A) in paragraph (5)—

1 (i) in subparagraph (B), by striking
2 “and” after the semicolon;

3 (ii) in subparagraph (C), by inserting
4 “and” after the semicolon; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(D) when feasible, developing, in con-
8 sultation with States and national organiza-
9 tions, a consumer-friendly tool to assist older
10 individuals and their families in choosing home
11 and community-based services, with a particular
12 focus on ways for consumers to assess how pro-
13 viders protect the health, safety, welfare, and
14 rights, including the rights provided under sec-
15 tion 314, of older individuals;”;

16 (B) in paragraph (8)—

17 (i) in subparagraph (B), by inserting
18 “to identify and articulate goals of care
19 and” after “individuals”;

20 (ii) in subparagraph (D)—

21 (I) by inserting “respond to or”
22 before “plan”; and

23 (II) by striking “future long-term
24 care needs; and” and inserting “long-
25 term care needs;”;

1 (iii) in subparagraph (E), by adding

2 “and” at the end; and

3 (iv) by adding at the end the fol-

4 lowing:

5 “(F) to provide information and referrals

6 regarding available home and community-based

7 services for individuals who are at risk for re-

8 siding in, or who reside in, institutional set-

9 tings, so that the individuals have the choice to

10 remain in or to return to the community.”; and

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

12 “(g) The Assistant Secretary shall, as appropriate,

13 ensure that programs authorized under this Act include

14 appropriate training in the prevention of abuse, neglect,

15 and exploitation and provision of services that address

16 elder justice and the exploitation of older individuals.”.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section

18 216 of the Older Americans Act of 1965 (42 U.S.C.

19 3020f) is amended—

20 (1) in subsection (a), by striking “2007, 2008,

21 2009, 2010, and 2011” and inserting “2014, 2015,

22 2016, 2017, and 2018”;

23 (2) in subsection (b)—

24 (A) by striking “202(a)(24)” and inserting

25 “202(a)(21)”;

1 (B) by striking “2007, 2008, 2009, 2010,
2 and 2011” and inserting “2014, 2015, 2016,
3 2017, and 2018”; and

4 (3) in subsection (c), by striking “2007, 2008,
5 2009, 2010, and 2011” and inserting “2014, 2015,
6 2016, 2017, and 2018”.

7 **SEC. 4. STATE AND COMMUNITY PROGRAMS ON AGING.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
9 303 of the Older Americans Act of 1965 (42 U.S.C. 3023)
10 is amended—

11 (1) in subsection (a)(1), by striking “fiscal
12 years 2007” and all that follows and inserting “each
13 of fiscal years 2014 through 2018.”;

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “fiscal
16 years 2007” and all that follows and inserting
17 “each of fiscal years 2014 through 2018.”; and

18 (B) in paragraph (2), by striking “fiscal
19 years 2007” and all that follows and inserting
20 “each of fiscal years 2014 through 2018.”;

21 (3) in subsection (d), by striking “fiscal years
22 2007” and all that follows and inserting “each of
23 fiscal years 2014 through 2018.”; and

1 (4) in subsection (e)(2), by striking “2011” and
2 inserting “2011 and each of fiscal years 2014
3 through 2018”.

4 (b) CONFORMING AMENDMENT.—Section 304(b) of
5 the Older Americans Act of 1965 (42 U.S.C. 3024(b) is
6 amended by striking “subpart 1 of”.

7 (c) PLANNING AND SERVICE AREAS.—Section
8 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965
9 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking
10 “planning and services areas” and inserting “planning
11 and service areas”.

12 (d) AREA PLANS.—Section 306 of the Older Ameri-
13 cans Act of 1965 (42 U.S.C. 3026) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1), by striking “estab-
16 lishment, maintenance, or construction of multi-
17 purpose senior centers,” and inserting “estab-
18 lishment, maintenance, modernization, or con-
19 struction of multipurpose senior centers (includ-
20 ing a plan to use the skills and services of older
21 individuals in paid and unpaid work, including
22 multigenerational and older individual to older
23 individual work),”; and

24 (B) in paragraph (6)—

1 (i) in subparagraph (G), by adding
2 “and” at the end; and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(H) in coordination with the State agency
6 and with the State agency responsible for elder
7 abuse prevention services, increase public
8 awareness of elder abuse, neglect, and exploi-
9 tation, and remove barriers to education, pre-
10 vention, investigation, and treatment of elder
11 abuse neglect, and exploitation education, as
12 appropriate;”; and

13 (2) in subsection (b)(3)—

14 (A) in subparagraph (J), by striking “and”
15 at the end;

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

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

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

22 (e) NUTRITION SERVICES INCENTIVE PROGRAM.—
23 Section 311(e) of the Older Americans Act of 1965 (42
24 U.S.C. 3030a(e)) is amended by striking “fiscal year

1 2007” and all that follows and inserting “each of fiscal
2 years 2014 through 2018.”.

3 (f) SUPPORTIVE SERVICES.—Section 321 of the
4 Older Americans Act of 1965 (42 U.S.C. 3030d) is
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “or refer-
8 ral services” and inserting “referral, chronic
9 condition self-care management, or falls preven-
10 tion services”;

11 (B) in paragraph (8), by striking “(includ-
12 ing” and all that follows and inserting the fol-
13 lowing: “(including mental and behavioral
14 health screening and falls prevention services
15 screening) to detect or prevent (or both) ill-
16 nesses and injuries that occur most frequently
17 in older individuals;” and

18 (C) in paragraph (15), by inserting before
19 the semicolon the following: “, and screening
20 for elder abuse, neglect, and exploitation”;

21 (2) in subsection (b)(1), by inserting “or mod-
22 ernization” after “construction”; and

23 (3) in subsection (c), by inserting before the pe-
24 riod the following: “, and pursue opportunities for
25 the development of intergenerational shared site

1 models for programs or projects, consistent with the
2 purposes of this Act”.

3 (g) HOME DELIVERED NUTRITION SERVICES PRO-
4 GRAM.—Section 336(a)(1) of the Older Americans Act of
5 1965 (42 U.S.C. 3030f(a)(1)) is amended by striking
6 “canned” and all that follows through “meals” and insert-
7 ing “canned, or fresh foods and, as appropriate, supple-
8 mental foods, and any additional meals”.

9 (h) NUTRITION SERVICES.—Section 339 of the Older
10 Americans Act of 1965 (42 U.S.C. 3030g–21) is amended

11 (1) in paragraph (1), by striking “solicit” and
12 inserting “utilize”; and

13 (2) in paragraph (2)—

14 (A) in subparagraph (J), by striking “and”
15 at the end;

16 (B) in subparagraph (K), by striking the
17 period and inserting “; and”; and

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

19 “(L) where feasible, encourages the use of
20 locally grown foods in meal programs and iden-
21 tifies potential partnerships and contracts with
22 local producers and providers of locally grown
23 foods.”.

24 (i) EVIDENCE-BASED DISEASE PREVENTION AND
25 HEALTH PROMOTION SERVICES PROGRAM.—Part D of

1 title III of the Older Americans Act of 1965 (42 U.S.C.
2 3030m et seq.) is amended—

3 (1) in the part heading, by inserting “EVI-
4 DENCE-BASED” before “DISEASE”; and

5 (2) in section 361(a), by inserting “evidence-
6 based” after “to provide”.

7 (j) OLDER RELATIVE CAREGIVERS.—

8 (1) TECHNICAL AMENDMENT.—Part E of title
9 III of the Older Americans Act of 1965 (42 U.S.C.
10 3030s et seq.) is amended by striking the subpart
11 heading for subpart 1.

12 (2) DEFINITIONS.—Section 372 of such Act (42
13 U.S.C. 3030s) is amended—

14 (A) in subsection (a)—

15 (i) in paragraph (1), by striking “or
16 who is an individual with a disability”; and

17 (ii) by striking paragraph (2) and in-
18 serting the following:

19 “(2) INDIVIDUAL WITH A DISABILITY.—The
20 term ‘individual with a disability’ means an indi-
21 vidual with a disability, as defined in section 3 of the
22 Americans with Disabilities Act of 1990 (42 U.S.C.
23 12102), who is not less than 18 and not more than
24 59 years of age.

1 “(3) OLDER RELATIVE CAREGIVER.—The term
2 ‘older relative caregiver’ means a caregiver who—

3 “(A)(i) is 55 years of age or older; and

4 “(ii) lives with, is the informal provider of
5 in-home and community care to, and is the pri-
6 mary caregiver for, a child or an individual with
7 a disability;

8 “(B) in the case of a caregiver for a
9 child—

10 “(i) is the grandparent,
11 stepgrandparent, or other relative (other
12 than the parent) by blood, marriage, or
13 adoption, of the child;

14 “(ii) is the primary caregiver of the
15 child because the biological or adoptive
16 parents are unable or unwilling to serve as
17 the primary caregivers of the child; and

18 “(iii) has a legal relationship to the
19 child, such as legal custody, adoption, or
20 guardianship, or is raising the child infor-
21 mally; and

22 “(C) in the case of a caregiver for an indi-
23 vidual with a disability, is the parent, grand-
24 parent, or other relative by blood, marriage, or

1 adoption, of the individual with a disability.”;
2 and

3 (B) in subsection (b)—

4 (i) by striking “subpart” and all that
5 follows through “family caregivers” and in-
6 serting “part, for family caregivers”;

7 (ii) by striking “; and” and inserting
8 a period; and

9 (iii) by striking paragraph (2).

10 (k) NATIONAL FAMILY CAREGIVER SUPPORT PRO-
11 GRAM.—Section 373 of the Older Americans Act of 1965
12 (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) in subsection (c)—

17 (A) in paragraph (1), in the matter pre-
18 ceding subparagraph (A), by striking “grand-
19 parents and older individuals who are relative
20 caregivers, and who” and inserting “older rel-
21 ative caregivers, who”; and

22 (B) in paragraph (2)(B), by striking “to
23 older individuals providing care to individuals
24 with severe disabilities, including children with
25 severe disabilities” and inserting “to older rel-

1 (C) by inserting after paragraph (12) the
2 following:

3 “(13) continuing support for program integrity
4 initiatives concerning the Medicare program under
5 title XVIII of the Social Security Act (42 U.S.C.
6 1395 et seq.) that train senior volunteers to prevent
7 and identify health care fraud and abuse; and”;

8 (2) in subsection (b), by striking “for fiscal
9 years 2007” and all that follows through “2011”
10 and inserting “for each of fiscal years 2014 through
11 2018”.

12 (b) NATIVE AMERICAN PROGRAMS.—Section 418(b)
13 of the Older Americans Act of 1965 (42 U.S.C. 3032g(b))
14 is amended by striking “a national meeting to train” and
15 inserting “national trainings for”.

16 (c) LEGAL ASSISTANCE FOR OLDER AMERICANS.—
17 Section 420(c) of the Older Americans Act of 1965 (42
18 U.S.C. 3032i(c)) is amended by striking “national”.

19 (d) REPEALS.—Sections 415, 419, and 421 of the
20 Older Americans Act of 1965 (42 U.S.C. 3032d, 3032h,
21 3032j) is repealed.

22 (e) CONFORMING AMENDMENT.—Section 417(a)(1)
23 of the Older Americans Act of 1965 (42 U.S.C.
24 3032f(a)(1)) is amended by striking “grandparents and
25 other older individuals who are relative caregivers” and

1 inserting “older relative caregivers (as defined in section
2 372)”.

3 **SEC. 6. COMMUNITY SERVICE SENIOR OPPORTUNITIES.**

4 Section 517(a) of the Older Americans Act of 1965
5 (42 U.S.C. 3056o(a)) is amended by striking “fiscal years
6 2007, 2008, 2009, 2010, and 2011” and inserting “each
7 of fiscal years 2014 through 2018”.

8 **SEC. 7. GRANTS FOR NATIVE AMERICANS.**

9 Section 643(2) of the Older Americans Act of 1965
10 (42 U.S.C. 3057n(2)) is amended by striking “fiscal year
11 2011” and inserting “each of fiscal years 2014 through
12 2018”.

13 **SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**
14 **TIES.**

15 (a) OMBUDSMAN DEFINITIONS.—Section 711(6) of
16 the Older Americans Act of 1965 (42 U.S.C. 3058f(6))
17 is amended by striking “older”.

18 (b) OMBUDSMAN PROGRAMS.—Section 712 of the
19 Older Americans Act of 1965 (42 U.S.C. 3058g) is
20 amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2), by adding at the end
23 the following: “The Ombudsman shall be re-
24 sponsible for the management, including the fis-
25 cal management, of the Office.”;

1 (B) in paragraph (3)—

2 (i) in subparagraph (A), by striking
3 clause (i) and inserting the following:

4 “(i) are made by, or on behalf of, resi-
5 dents, including residents with limited or
6 no decision-making capacity and who have
7 no known legal representative, and if such
8 a resident is unable to communicate con-
9 sent for an Ombudsman to work on a com-
10 plaint directly involving the resident, the
11 Ombudsman shall seek evidence to indicate
12 what outcome the resident would have
13 communicated (and, in the absence of evi-
14 dence to the contrary, shall assume that
15 the resident wishes to have the resident’s
16 health, safety, welfare, and rights pro-
17 tected) and shall work to accomplish that
18 outcome; and”;

19 (ii) in subparagraph (D), by striking
20 “regular and timely” and inserting “reg-
21 ular, timely, private, and unimpeded”;

22 (iii) in subparagraph (H)(iii)—

23 (I) by inserting “, actively en-
24 courage, and assist in” after “provide
25 technical support for”; and

1 (II) by striking “and” after the
2 semicolon;

3 (iv) by redesignating subparagraph (I)
4 as subparagraph (J); and

5 (v) by inserting after subparagraph
6 (H) the following:

7 “(I) when feasible, continue to carry out
8 the functions described in this section on behalf
9 of residents transitioning from a long-term care
10 facility to a home care setting; and”;

11 (C) in paragraph (5)(B)—

12 (i) in clause (vi)—

13 (I) by inserting “, actively en-
14 courage, and assist in” after “sup-
15 port”; and

16 (II) by striking “and” after the
17 semicolon;

18 (ii) by redesignating clause (vii) as
19 clause (viii); and

20 (iii) by inserting after clause (vi) the
21 following:

22 “(vii) identify, investigate, and resolve
23 complaints described in clause (iii) that are
24 made by or on behalf of residents with lim-
25 ited or no decision-making capacity and

1 who have no known legal representative,
2 and if such a resident is unable to commu-
3 nicate consent for an Ombudsman to work
4 on a complaint directly involving the resi-
5 dent, the Ombudsman shall seek evidence
6 to indicate what outcome the resident
7 would have communicated (and, in the ab-
8 sence of evidence to the contrary, shall as-
9 sume that the resident wishes to have the
10 resident’s health, safety, welfare, and
11 rights protected) and shall work to accom-
12 plish that outcome; and”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
16 “access” and inserting “private and
17 unimpeded access”; and

18 (ii) in subparagraph (B)—

19 (I) in clause (i)—

20 (aa) in the matter preceding
21 subclause (I), by striking “the
22 medical and social records of a”
23 and inserting “all files, records,
24 and other information concerning
25 a”; and

1 (bb) in subclause (II), by
2 striking “to consent” and insert-
3 ing “to communicate consent”;
4 and

5 (II) in clause (ii), in the matter
6 before subclause (I), by striking “the
7 records” and inserting “the files,
8 records, and information”; and

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

10 “(3) HEALTH OVERSIGHT AGENCY.—For pur-
11 poses of section 264(c) of the Health Insurance
12 Portability and Accountability Act of 1996 (includ-
13 ing regulations issued under that section) (42 U.S.C.
14 1320d–2 note), the Ombudsman and a representa-
15 tive of the Office shall be considered a ‘health over-
16 sight agency,’ so that release of residents’ individ-
17 ually identifiable health information to the Ombuds-
18 man or representative is not precluded in cases in
19 which the requirements of clause (i) or (ii) of para-
20 graph (1)(B), or the requirements of paragraph
21 (1)(D), are otherwise met.”;

22 (3) in subsection (d)—

23 (A) in paragraph (1), by striking “files”
24 and inserting “files, records, and other informa-
25 tion”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (A)—

3 (I) by striking “files and
4 records” each place such term appears
5 and inserting “files, records, and
6 other information”; and

7 (II) by striking “and” after the
8 semicolon;

9 (ii) in subparagraph (B)—

10 (I) by striking “files or records”
11 and inserting “files, records, or other
12 information”; and

13 (II) in clause (iii), by striking the
14 period at the end and inserting “;
15 and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) notwithstanding subparagraph (B),
19 ensure that the Ombudsman may disclose infor-
20 mation as needed in order to best serve resi-
21 dents with limited or no decision-making capac-
22 ity who have no known legal representative and
23 are unable to communicate consent, in order for
24 the Ombudsman to carry out the functions and

1 duties described in paragraphs (3)(A)(i) and
2 (5)(B)(vi) of subsection (a).”; and

3 (4) by striking subsection (f) and inserting the
4 following:

5 “(f) CONFLICT OF INTEREST.—

6 “(1) INDIVIDUAL CONFLICT OF INTEREST.—

7 The State agency shall—

8 “(A) ensure that no individual, or member
9 of the immediate family of an individual, in-
10 volved in the designation of the Ombudsman
11 (whether by appointment or otherwise) or the
12 designation of an entity designated under sub-
13 section (a)(5), is subject to a conflict of inter-
14 est;

15 “(B) ensure that no officer or employee of
16 the Office, representative of a local Ombudsman
17 entity, or member of the immediate family of
18 the officer, employee, or representative, is sub-
19 ject to a conflict of interest; and

20 “(C) ensure that the Ombudsman—

21 “(i) does not have a direct involve-
22 ment in the licensing or certification of a
23 long-term care facility or of a provider of
24 a long-term care service;

1 “(ii) does not have an ownership or
2 investment interest (represented by equity,
3 debt, or other financial relationship) in a
4 long-term care facility or a long-term care
5 service;

6 “(iii) is not employed by, or partici-
7 pating in the management of, a long-term
8 care facility or a related organization, and
9 has not been employed by such a facility or
10 organization within 1 year before the date
11 of the determination involved;

12 “(iv) does not receive, or have the
13 right to receive, directly or indirectly, re-
14 muneration (in cash or in kind) under a
15 compensation arrangement with an owner
16 or operator of a long-term care facility;

17 “(v) does not have management re-
18 sponsibility for, or operate under the su-
19 pervision of an individual with manage-
20 ment responsibility for, adult protective
21 services; and

22 “(vi) does not serve as a guardian or
23 in another fiduciary capacity for residents
24 of long-term care facilities in an official ca-
25 pacity (as opposed to serving as a guardian

1 or fiduciary for a family member, in a per-
2 sonal capacity).

3 “(2) ORGANIZATIONAL CONFLICT OF INTER-
4 EST.—

5 “(A) IN GENERAL.—The State agency
6 shall comply with subparagraph (B)(i) in a case
7 in which the Office poses an organizational con-
8 flict of interest, including a situation in which
9 the Office is placed in an organization that—

10 “(i) is responsible for licensing, certi-
11 fying or surveying long-term care services
12 in the State;

13 “(ii) is an association (or an affiliate
14 of such an association) of long-term care
15 facilities, or of any other residential facili-
16 ties for older individuals;

17 “(iii) provides long-term care services,
18 including programs carried out under a
19 Medicaid waiver approved under section
20 1115 of the Social Security Act (42 U.S.C.
21 1315) or under subsection (c) or (b) of
22 section 1915 of the Social Security Act (42
23 U.S.C. 1396n), or under a Medicaid State
24 plan amendment under subsection (i), (j),

1 or (k) of section 1915 of the Social Secu-
2 rity Act (42 U.S.C. 1396n);

3 “(iv) provides long-term care case
4 management;

5 “(v) sets rates for long-term care
6 services;

7 “(vi) provides adult protective serv-
8 ices;

9 “(vii) is responsible for eligibility de-
10 terminations for the Medicaid program
11 carried out under title XIX, of the Social
12 Security Act (42 U.S.C. 1395 et seq., 1396
13 et seq.);

14 “(viii) conducts preadmission screen-
15 ing for placements in facilities described in
16 clause (ii); or

17 “(ix) makes decisions regarding ad-
18 mission or discharge of individuals to or
19 from such facilities.

20 “(B) IDENTIFYING, REMOVING, AND REM-
21 EDYING ORGANIZATIONAL CONFLICT.—

22 “(i) IN GENERAL.—The State agency
23 may not operate the Office or carry out the
24 program, directly, or by contract or other
25 arrangement with any public agency or

1 nonprofit private organization, in a case in
2 which there is an organizational conflict of
3 interest (within the meaning of subpara-
4 graph (A)) unless such conflict of interest
5 has been—

6 “(I) identified by the State agen-
7 cy;

8 “(II) disclosed by the State agen-
9 cy to the Assistant Secretary in writ-
10 ing; and

11 “(III) remedied in accordance
12 with this subparagraph.

13 “(ii) ACTION BY ASSISTANT SEC-
14 RETARY.—In a case in which a potential or
15 actual organizational conflict of interest
16 (within the meaning of subparagraph (A))
17 involving the Office is disclosed or reported
18 to the Assistant Secretary by any person
19 or entity, the Assistant Secretary shall re-
20 quire that the State agency, in accordance
21 with the policies and procedures estab-
22 lished by the State agency under section
23 705(a)(5)(D)(iii)—

24 “(I) remove the conflict; or

1 “(II) submit, and obtain the ap-
2 proval of the Assistant Secretary for,
3 an adequate remedial plan that indi-
4 cates how the Ombudsman will be
5 unencumbered in fulfilling all of the
6 functions specified in subsection
7 (a)(3).”; and

8 (5) in subsection (h)—

9 (A) in paragraph (3)(A)(i), by striking
10 “older”;

11 (B) in paragraph (4), by striking all that
12 precedes “procedures” and inserting the fol-
13 lowing:

14 “(4) strengthen and update”;

15 (C) by redesignating paragraphs (4)
16 through (9) as paragraphs (5) through (10), re-
17 spectively;

18 (D) by inserting after paragraph (3) the
19 following:

20 “(4) ensure that the Ombudsman or a designee
21 participates in training provided by the National
22 Ombudsman Resource Center established in section
23 202(a)(18);”;

24 (E) in paragraph (6)(A), as redesignated
25 by subparagraph (B) of this paragraph, by

1 striking “paragraph (4)” and inserting “para-
2 graph (5)”;

3 (F) in paragraph (7)(A), as redesignated
4 by subparagraph (B) of this paragraph, by
5 striking “subtitle C of the” and inserting “sub-
6 title C of title I of the”; and

7 (G) in paragraph (10), as redesignated by
8 subparagraph (B) of this paragraph, by striking
9 “(6), or (7)” and inserting “(7), or (8)”.

10 (c) OMBUDSMAN REGULATIONS.—Section 713 of the
11 Older Americans Act of 1965 (42 U.S.C. 3058h) is
12 amended—

13 (1) in paragraph (1), by striking “paragraphs
14 (1) and (2) of section 712(f)” and inserting “sub-
15 paragraphs (A) and (B) of section 712(f)(1)”;

16 (2) in paragraph (2), by striking “subpara-
17 graphs (A) through (D) of section 712(f)(3)” and
18 inserting “clauses (i) through (vi) of section
19 712(f)(1)(C)”.

20 (d) PREVENTION OF ELDER ABUSE, NEGLECT, AND
21 EXPLOITATION.—Section 721 of the Older Americans Act
22 of 1965 (42 U.S.C. 3058i) is amended—

23 (1) in subsection (b)—

1 (A) by redesignating paragraphs (5)
2 through (12) as paragraphs (6) through (13),
3 respectively;

4 (B) by inserting after paragraph (4) the
5 following:

6 “(5) promoting the submission of data on elder
7 abuse, neglect, and exploitation for the appropriate
8 database of the Administration or another database
9 specified by the Assistant Secretary;”;

10 (C) in paragraph (10)(C), as redesignated
11 by paragraph (1) of this subsection—

12 (i) in clause (ii), by inserting “, such
13 as forensic specialists,” after “such per-
14 sonnel”; and

15 (ii) in clause (v), by inserting before
16 the comma the following: “, including pro-
17 grams and arrangements that protect
18 against financial exploitation”; and

19 (D) in paragraph (12), as redesignated by
20 paragraph (1) of this subsection—

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

23 (ii) by adding at the end the fol-
24 lowing:

1 “(F) supporting and studying innovative
2 practices in communities to develop partner-
3 ships across disciplines for the prevention, in-
4 vestigation, and prosecution of abuse, neglect,
5 and exploitation; and”;

6 (2) in subsection (e)(2), in the matter preceding
7 subparagraph (A)—

8 (A) by striking “subsection (b)(9)(B)(i)”
9 and inserting “subsection (b)(10)(B)(i)”;

10 (B) by striking “subsection (b)(9)(B)(ii)”
11 and inserting “subsection (b)(10)(B)(ii)”.

12 **SEC. 9. BEHAVIORAL HEALTH.**

13 The Older Americans Act of 1965 is amended—

14 (1) in section 102 (42 U.S.C. 3002)—

15 (A) in paragraph (14)(G), by inserting
16 “and behavioral” after “mental”;

17 (B) in paragraph (36), by inserting “and
18 behavioral” after “mental”; and

19 (C) in paragraph (47)(B), by inserting
20 “and behavioral” after “mental”;

21 (2) in section 201(f)(1) (42 U.S.C. 3011(f)(1)),
22 by inserting “and behavioral” after “mental”;

23 (3) in section 202(a)(5) (42 U.S.C.
24 3012(a)(5)), by inserting “and behavioral” after
25 “mental”;

1 (4) in section 306(a) (42 U.S.C. 3026(a))—

2 (A) in paragraph (2)(A), by inserting “and
3 behavioral” after “mental”; and

4 (B) in paragraph (6)(F), by striking “men-
5 tal health services” each place such term ap-
6 pears and inserting “mental and behavioral
7 health services”; and

8 (5) in section 321(a) (42 U.S.C. 3030d)—

9 (A) in paragraph (1), as amended by sec-
10 tion 4(f), by inserting “and behavioral” after
11 “mental”;

12 (B) in paragraph (8), as amended by sec-
13 tion 4(f), by inserting “and behavioral” after
14 “mental”;

15 (C) in paragraph (14)(B), by inserting
16 “and behavioral” after “mental”; and

17 (D) in paragraph (23), by inserting “and
18 behavioral” after “mental”.

19 **SEC. 10. STUDY ON TRANSPORTATION SERVICES.**

20 (a) STUDY.—

21 (1) IN GENERAL.—Because access to transpor-
22 tation services is critical for millions of older individ-
23 uals in the United States, to allow them to maintain
24 independence, health, and quality of life, the Comp-

1 troller General of the United States shall conduct a
2 study of transportation services for older individuals.

3 (2) CONTENTS.—In conducting the study, the
4 Comptroller General—

5 (A) shall identify challenges and barriers
6 affecting the aging network in providing, ac-
7 cessing, or coordinating efficient and effective
8 transportation services, including challenges
9 and barriers in coordinating services with Fed-
10 eral agencies and programs such as the Depart-
11 ment of Transportation and Medicaid program
12 under title XIX of the Social Security Act (42
13 U.S.C. 1396 et seq.); and

14 (B) shall examine any Federal program re-
15 quirements that may result in challenges or
16 barriers to the coordination of transportation
17 services within the aging network at the local
18 level.

19 (b) REPORT.—Not later than 18 months after the
20 date of enactment of this Act, the Comptroller General
21 shall issue a report. The report shall contain a detailed
22 description of the findings and conclusions of the study,
23 including any recommendations for administrative and
24 other changes to enhance transportation services provided
25 by the aging network. The Comptroller General shall sub-

1 mit the report to the Committee on Education and the
2 Workforce of the House of Representatives and the Com-
3 mittee on Health, Education, Labor, and Pensions of the
4 Senate.

5 **SEC. 11. GUIDANCE ON SERVING HOLOCAUST SURVIVORS.**

6 (a) IN GENERAL.—Because the services under the
7 Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)
8 are critical to meeting the urgent needs of Holocaust sur-
9 vivors to age in place with dignity, comfort, security, and
10 quality of life, the Assistant Secretary for Aging shall
11 issue guidance to States, that shall be applicable to States,
12 area agencies on aging, and providers of services for older
13 individuals, with respect to serving Holocaust survivors,
14 including guidance on promising practices for conducting
15 outreach to that population. In developing the guidance,
16 the Assistant Secretary for Aging shall consult with ex-
17 perts and organizations serving Holocaust survivors, and
18 shall take into account the possibility that the needs of
19 Holocaust survivors may differ based on geography.

20 (b) CONTENTS.—The guidance shall include the fol-
21 lowing:

22 (1) How nutrition service providers may meet
23 the special health-related or other dietary needs of
24 participants in programs under the Older Americans

1 Act of 1965, including needs based on religious, cul-
2 tural, or ethnic requirements.

3 (2) How transportation service providers may
4 address the urgent transportation needs of Holo-
5 caust survivors.

6 (3) How State long-term care ombudsmen may
7 address the unique needs of residents of long-term
8 care facilities for whom institutional settings may
9 produce sights, sounds, smells, emotions, and rou-
10 tines, that can induce panic, anxiety, and retrauma-
11 tization as a result of experiences from the Holo-
12 caust.

13 (4) How supportive services providers may con-
14 sider the unique needs of Holocaust survivors.

15 (5) How other services provided under that Act,
16 as determined by the Assistant Secretary for Aging,
17 may serve Holocaust survivors.

18 (c) DATE OF ISSUANCE.—The guidance described in
19 subsection (a) shall be issued not later than 180 days after
20 the date of enactment of this Act.