

## S 2010

Elder Justice Act

**Congress:** 109 (2005–2007, Ended)

**Chamber:** Senate

**Policy Area:** Social Welfare

**Introduced:** Nov 15, 2005

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 617.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 617. (Sep 19, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/senate-bill/2010>

### Sponsor

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**Name:** Sen. Hatch, Orrin G. [R-UT]

**Party:** Republican • **State:** UT • **Chamber:** Senate

Cosponsors (30 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kohl, Herb [D-WI]	D · WI		Nov 15, 2005
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Nov 15, 2005
Sen. Smith, Gordon H. [R-OR]	R · OR		Nov 15, 2005
Sen. Landrieu, Mary L. [D-LA]	D · LA		Dec 12, 2005
Sen. Chambliss, Saxby [R-GA]	R · GA		Dec 19, 2005
Sen. Bunning, Jim [R-KY]	R · KY		Feb 8, 2006
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Feb 8, 2006
Sen. Santorum, Rick [R-PA]	R · PA		Feb 8, 2006
Sen. Schumer, Charles E. [D-NY]	D · NY		Feb 8, 2006
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Mar 27, 2006
Sen. Pryor, Mark L. [D-AR]	D · AR		Mar 27, 2006
Sen. Lieberman, Joseph I. [D-CT]	D · CT		Apr 25, 2006
Sen. Enzi, Michael B. [R-WY]	R · WY		Apr 27, 2006
Sen. Collins, Susan M. [R-ME]	R · ME		May 4, 2006
Sen. Snowe, Olympia J. [R-ME]	R · ME		May 16, 2006
Sen. Stabenow, Debbie [D-MI]	D · MI		May 17, 2006
Sen. Bingaman, Jeff [D-NM]	D · NM		Jun 12, 2006
Sen. Boxer, Barbara [D-CA]	D · CA		Jun 21, 2006
Sen. Bayh, Evan [D-IN]	D · IN		Aug 2, 2006
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Aug 2, 2006
Sen. Murkowski, Lisa [R-AK]	R · AK		Aug 3, 2006
Sen. Salazar, Ken [D-CO]	D · CO		Sep 6, 2006
Sen. Nelson, Bill [D-FL]	D · FL		Sep 8, 2006
Sen. Johnson, Tim [D-SD]	D · SD		Sep 11, 2006
Sen. Menendez, Robert [D-NJ]	D · NJ		Sep 13, 2006
Sen. Reed, Jack [D-RI]	D · RI		Sep 13, 2006
Sen. Specter, Arlen [R-PA]	R · PA		Sep 14, 2006
Sen. DeWine, Mike [R-OH]	R · OH		Sep 21, 2006
Sen. Kerry, John F. [D-MA]	D · MA		Sep 28, 2006
Sen. Inouye, Daniel K. [D-HI]	D · HI		Nov 13, 2006

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Reported By	Sep 19, 2006

Subjects & Policy Tags

Policy Area:

Social Welfare

Related Bills

Bill	Relationship	Last Action
109 HR 4993	Related bill	May 1, 2006: Referred to the Subcommittee on Select Education.

Elder Justice Act - (Sec. 5) Amends the Social Security Act (SSA) to include an Elder Justice program under title XX (Block Grants to States for Social Services) of that Act.

Requires the Secretary of Health and Human Services (HHS), in pursuing activities under this program, to ensure the protection of individual health privacy consistent with regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPA) and applicable state and local privacy regulations.

Establishes within the Office of the Secretary an Elder Justice Coordinating Council (EJCC) to make recommendations for coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant federal, state, local, and private agencies and entities relating to elder abuse, neglect, and exploitation and other crimes against elders.

Establishes the Advisory Board on Elder Abuse, Neglect, and Exploitation to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the EJCC. Requires the Advisory Board to: (1) develop collaborative and innovative approaches to improve the quality of long-term care, including prevention of abuse and neglect; and (2) establish multidisciplinary panels to address and develop consensus on subjects relating to improving the quality of long-term care.

Directs the Secretary to promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation with issues relating to human subject protections.

Authorizes appropriations for FY2007-FY2010 to carry out the Elder Justice program.

Directs the Secretary to make grants to eligible entities to establish and operate stationary and mobile forensic centers, to develop forensic expertise regarding, and provide services relating to, elder abuse, neglect, and exploitation.

Directs the Secretary to make: (1) four grants for stationary centers to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation; and (2) six grants for mobile centers to appropriate entities.

Requires a grant recipient to use such funds to assist in determining whether abuse, neglect, or exploitation occurred and whether a crime was committed, and to conduct research to describe and disseminate information on: (1) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and (2) methodologies for determining, in such a case, when and how health care emergency services, social and protective services, and legal services providers should intervene, and when the providers should report the case to law enforcement authorities.

Requires a grant recipient to use such funds to develop forensic expertise regarding elder abuse, neglect, and exploitation in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

Directs the Secretary to use data made available by grant recipients to develop the capacity of geriatric health care professionals and law enforcement to collect forensic evidence, including any relating to a potential determination of elder abuse, neglect, or exploitation.

Authorizes appropriations for such grants for FY2007-FY2010.

Directs the Secretary to carry out activities to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care (LTC) facility. Includes among such activities those related to specific programs to enhance training, recruitment, and retention of long-term care staff and specific programs to improve management practices at LTC facilities.

Directs the Secretary to coordinate staff recruitment and training activities with the Secretary of Labor and the Assistant Secretary for the Administration for Children and Families in order to provide incentives to participants in programs under part A (Temporary Assistance for Needy Families) (TANF) of SSA title IV to train and seek employment providing direct care in an LTC facility.

Directs the Secretary to make grants to LTC facilities to carry out programs through which they: (1) offer continuing training and varying levels of certification to employees who provide direct care to residents of an LTC facility; and (2) provide or arrange to provide bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

Directs the Secretary to make grants to enable LTC facilities to provide training and technical assistance to eligible employees. Requires such a grant recipient to provide such training and technical assistance about management practices, using methods demonstrated to promote retention of individuals giving direct care to residents of such facilities.

Authorizes the Secretary to make grants to assist LTC facilities in offsetting the costs related to purchasing, leasing, developing, and implementing standardized clinical health care informatics systems designed to improve patient safety and reduce adverse events and health care complications resulting from medication errors.

Directs the Secretary to ensure that HHS includes a consumer rights page as part of the information provided for comparison of nursing facilities on the Nursing Home Compare Medicare website, as well as the number of adjudicated instances of criminal violations by a nursing facility, or crimes committed by a nursing facility employee, involving elder abuse (including criminal sexual abuse), neglect, or exploitation.

Directs the Secretary to develop and adopt uniform open electronic standards for transactions involving clinical data by LTC facilities.

Requires the Secretary within 10 years to have procedures in place to accept the optional electronic submission of clinical data by LTC facilities pursuant to such standards.

Authorizes appropriations for such training grants for FY2007-FY2010.

Directs the Secretary to ensure that HHS: (1) provides funding to state and local adult protective services offices that investigate reports of abuse, neglect, and exploitation of elders; (2) collects and disseminates related data in coordination with the Department of Justice; (3) develops and disseminates information on best practices regarding, and provides training on, adult protective services; (4) conducts related research; and (5) provides technical assistance to states and other entities providing or funding adult protective services. Authorizes appropriations for FY2007-FY2010.

Establishes a program of annual adult protective services grants to states to enhance state and local adult protective services. Authorizes appropriations for FY2007-FY2010.

Directs the Secretary to award grants to states for demonstration programs that test modules and methods for detection or prevention of elder abuse. Authorizes appropriations for FY2007-FY2010.

Directs the Secretary to make grants to eligible entities to: (1) improve the capacity of state long-term care ombudsman programs to respond to and resolve complaints about abuse and neglect; (2) conduct pilot programs with state or local long-term care ombudsman offices; and (3) support all such programs. Authorizes appropriations for FY2007-FY2010.

Directs the Secretary to establish programs to provide and improve ombudsman training for national organizations and state long-term care ombudsman programs. Authorizes appropriations for FY2007-FY2010.

Directs the Secretary to develop: (1) a method for collecting national data regarding elder abuse, neglect, and exploitation; and (2) uniform national data reporting forms adapted to each relevant entity or discipline.

Requires the Secretary to ensure that the reporting forms and data collection methods developed are pilot tested in six states.

Authorizes the Secretary to award grants to states to improve data collection activities relating to elder abuse, neglect, and exploitation. Authorizes appropriations for FY2007-FY2010.

Directs the Secretary to establish a long-term care consumer clearinghouse to provide comprehensive detailed information, in a consumer-friendly form, to consumers about choices relating to long-term care providers. Authorizes appropriations for FY2007-FY2010.

Directs the Secretary, directly or through a grant, to study consumer concerns relating to residential LTC facilities other than nursing facilities. Authorizes appropriations for FY2007-FY2010.

Provides for evaluation of elder justice programs.

Amends part A of SSA title XI to require each individual LTC facility owner, operator, employee, manager, agent, or contractor to report to the Secretary and local law enforcement entities any reasonable suspicion of crimes occurring in LTC facilities that received at least \$10,000 in federal funds during the preceding calendar year. Establishes penalties for violations and for retaliation against reporting individuals.

Requires the owner or operator of an LTC facility that received at least \$10,000 in federal funds under this Act during the preceding year to: (1) notify the Secretary and the appropriate state regulatory agency of an impending closure of the facility not later than 60 days before such closure; (2) include in the notice a plan for the transfer and adequate relocation of facility residents before closure, including assurances that they will be transferred to the most appropriate facility in terms of quality, services, and location; and (3) not later than 10 days after the facility closes identify to the Secretary and the appropriate state agency information where and when they were transferred. Establishes penalties for violation of these requirements.

Directs the Secretary to study and report to the EJCC and appropriate congressional committees on establishing a national nurse aide registry. Authorizes appropriations.

## Actions Timeline

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- **Sep 19, 2006:** Committee on Finance. Reported by Senator Grassley with an amendment in the nature of a substitute. With written report No. 109-337.
- **Sep 19, 2006:** Committee on Finance. Reported by Senator Grassley with an amendment in the nature of a substitute. With written report No. 109-337.
- **Sep 19, 2006:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 617.
- **Aug 3, 2006:** Committee on Finance. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 15, 2005:** Introduced in Senate
- **Nov 15, 2005:** Sponsor introductory remarks on measure. (CR S12847-12848)
- **Nov 15, 2005:** Read twice and referred to the Committee on Finance.