S 1070

Elder Justice Act of 2008

Congress: 110 (2007–2009, Ended)
Chamber: Senate
Policy Area: Social Welfare
Introduced: Mar 29, 2007
Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 1029.
Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 1029. (Sep 18, 2008)
Official Text: https://www.congress.gov/bill/110th-congress/senate-bill/1070

Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]
Party: Republican • **State:** UT • **Chamber:** Senate

Cosponsors (33 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kohl, Herb [D-WI]	D · WI		Mar 29, 2007
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Mar 29, 2007
Sen. Smith, Gordon H. [R-OR]	R · OR		Mar 29, 2007
Sen. Bond, Christopher S. [R-MO]	R · MO		Apr 25, 2007
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Apr 25, 2007
Sen. Specter, Arlen [R-PA]	R · PA		Apr 30, 2007
Sen. Brown, Sherrod [D-OH]	D · OH		May 17, 2007
Sen. Collins, Susan M. [R-ME]	R · ME		May 21, 2007
Sen. Boxer, Barbara [D-CA]	D · CA		Jun 7, 2007
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Jun 20, 2007
Sen. Bayh, Evan [D-IN]	D · IN		Jul 9, 2007
Sen. Salazar, Ken [D-CO]	D · CO		Jul 10, 2007
Sen. Nelson, Bill [D-FL]	D · FL		Jul 17, 2007
Sen. Stabenow, Debbie [D-MI]	D · MI		Jul 23, 2007
Sen. Biden, Joseph R., Jr. [D-DE]	D · DE		Jul 26, 2007
Sen. Reed, Jack [D-RI]	D · RI		Jul 31, 2007
Sen. Kerry, John F. [D-MA]	D · MA		Oct 1, 2007
Sen. Obama, Barack [D-IL]	D · IL		Oct 15, 2007
Sen. Schumer, Charles E. [D-NY]	D · NY		Dec 3, 2007
Sen. Chambliss, Saxby [R-GA]	R · GA		Jan 30, 2008
Sen. Enzi, Michael B. [R-WY]	R · WY		Jan 30, 2008
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Feb 11, 2008
Sen. Snowe, Olympia J. [R-ME]	R · ME		Feb 28, 2008
Sen. Wyden, Ron [D-OR]	D · OR		Mar 3, 2008
Sen. Bingaman, Jeff [D-NM]	D · NM		Apr 16, 2008
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 16, 2008
Sen. Murray, Patty [D-WA]	D · WA		May 1, 2008
Sen. Cantwell, Maria [D-WA]	D · WA		May 2, 2008
Sen. Dole, Elizabeth [R-NC]	R · NC		Aug 1, 2008
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Sep 9, 2008
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Sep 11, 2008
Sen. Johnson, Tim [D-SD]	D · SD		Sep 22, 2008
Sen. Coleman, Norm [R-MN]	R · MN		Nov 17, 2008

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Reported By	Sep 18, 2008

Subjects & Policy Tags

Policy Area:

Social Welfare

Related Bills

Bill	Relationship	Last Action
110 HR 1783	Related bill	**Jun 11, 2008:** Ordered to be Reported (Amended) by Voice Vote.

Summary (as of Sep 18, 2008)

Elder Justice Act of 2008 - (Sec. 5) Amends the Social Security Act (SSA) to establish an Elder Justice program under title XX (Block Grants to States for Social Services).

Establishes within the Office of the Secretary of Health and Human Services (HHS) an Elder Justice Coordinating Council (EJCC).

Establishes the Advisory Board on Elder Abuse, Neglect, and Exploitation.

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 protection.

Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to make grants to eligible entities to establish stationary and mobile forensic centers, to develop forensic expertise regarding, and provide services relating to, elder abuse, neglect, and exploitation. Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care (LTC) facility.

Directs the Secretary to make grants to LTC facilities to: (1) offer continuing training and varying levels of certification to employees who provide direct care to LTC facility residents; and (2) provide bonuses or other benefits to employees who achieve certification.

Authorizes the Secretary to make grants to assist LTC facilities in offsetting the costs for 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 develop accountability measures to ensure that the activities conducted using funds made available under this Act help improve patient safety and reduce adverse events and health care complications resulting from medication errors.

Directs the Secretary to ensure that the Department of HHS, as part of the information provided for comparison of nursing facilities on the Nursing Home Compare Medicare website, includes: (1) the number of adjudicated instances of criminal violations by a nursing facility or crimes committed by an employee both inside and outside a nursing facility, particularly specified violations or crimes of elder abuse, neglect, and exploitation; and (2) a consumer rights information page.

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

Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to ensure that HHS: (1) provides funding to state and local adult protective services offices that investigate reports of elder abuse, neglect, and exploitation; and (2) collects and disseminates related data in coordination with the Department of Justice. Authorizes appropriations for FY2009-FY2012.

Establishes a program of annual adult protective services grants to states. Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to award grants to states to conduct demonstration programs that test: (1) training modules developed for the purpose of detecting or preventing elder abuse; (2) methods to detect or prevent financial exploitation of elders; (3) methods to detect elder abuse; or (4) whether training on elder abuse forensics enhances the detection of elder abuse by employees of the state or local unit of government. Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to make grants to eligible entities to: (1) improve the capacity of state LTC ombudsman programs to respond to and resolve abuse and neglect complaints; and (2) conduct pilot programs with state or local LTC ombudsman offices. Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to establish programs to provide and improve ombudsman training for national organizations and state LTC ombudsman programs. Authorizes appropriations for FY2009-FY2012.

Directs the Secretary report to the EJCC and specified congressional committees, with legislative recommendations, on the information in state reports on the adult protective services grant program and the related state demonstration programs.

Amends part A (Temporary Assistance for Needy Families) (TANF) of SSA title IV to require the state TANF plan to indicate whether the state intends to assist individuals to train for, seek, and maintain employment providing direct care in an LTC facility or in other appropriate occupations related to elder care for which the state identifies an unmet need for service personnel.

Directs the Secretary to contract with an entity to establish and operate a National Training Institute for federal and state surveyors who shall investigate allegations of abuse, neglect, and misappropriation of property in programs and LTC facilities that receive payments under SSA title XVIII (Medicare) or XIX (Medicaid). Authorizes appropriations for FY2009-FY2012.

Directs the Secretary to make grants to state agencies that perform surveys of skilled nursing facilities (SNFs) or nursing facilities under SSA titles XVIII or XIX. Authorizes appropriations for FY2009-FY2012.

Amends part A of SSA title XI to require each individual owner or operator of an LTC facility receiving certain federal support to report to the Secretary and local law enforcement entities any reasonable suspicion of crimes occurring in such facility. Establishes additional civil penalties for employer retaliation against whistle-blowing employees of such facilities.

Requires the owner or operator of an LTC facility to: (1) notify the Secretary and the appropriate state regulatory agency of a facility's impending closure; and (2) include a plan for the transfer and adequate relocation of facility residents.

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

- **Sep 18, 2008:** Committee on Finance. Reported by Senator Baucus with an amendment in the nature of a substitute. With written report No. 110-470.
- **Sep 18, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 1029.
- **Sep 10, 2008:** Committee on Finance. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 29, 2007:** Introduced in Senate
- **Mar 29, 2007:** Sponsor introductory remarks on measure. (CR S4209)
- **Mar 29, 2007:** Read twice and referred to the Committee on Finance.

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