

## S 192

Older Americans Act Reauthorization Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Health

**Introduced:** Jan 20, 2015

**Current Status:** Became Public Law No: 114-144.

**Latest Action:** Became Public Law No: 114-144. (Apr 19, 2016)

**Law:** 114-144 (Enacted Apr 19, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/192>

### Sponsor

**Name:** Sen. Alexander, Lamar [R-TN]

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

## Cosponsors (27 total)

| Cosponsor                          | Party / State | Role | Date Joined  |
|------------------------------------|---------------|------|--------------|
| Sen. Burr, Richard [R-NC]          | R · NC        |      | Jan 20, 2015 |
| Sen. Murray, Patty [D-WA]          | D · WA        |      | Jan 20, 2015 |
| Sen. Sanders, Bernard [I-VT]       | I · VT        |      | Jan 20, 2015 |
| Sen. Hatch, Orrin G. [R-UT]        | R · UT        |      | Jan 21, 2015 |
| Sen. Isakson, Johnny [R-GA]        | R · GA        |      | Jan 21, 2015 |
| Sen. Murkowski, Lisa [R-AK]        | R · AK        |      | Jan 21, 2015 |
| Sen. Collins, Susan M. [R-ME]      | R · ME        |      | Jan 28, 2015 |
| Sen. Coons, Christopher A. [D-DE]  | D · DE        |      | Jan 28, 2015 |
| Sen. Leahy, Patrick J. [D-VT]      | D · VT        |      | Jan 29, 2015 |
| Sen. Grassley, Chuck [R-IA]        | R · IA        |      | Feb 5, 2015  |
| Sen. Schatz, Brian [D-HI]          | D · HI        |      | Feb 9, 2015  |
| Sen. Ayotte, Kelly [R-NH]          | R · NH        |      | Feb 10, 2015 |
| Sen. Nelson, Bill [D-FL]           | D · FL        |      | Feb 10, 2015 |
| Sen. Tester, Jon [D-MT]            | D · MT        |      | Apr 16, 2015 |
| Sen. Shaheen, Jeanne [D-NH]        | D · NH        |      | Apr 29, 2015 |
| Sen. Warner, Mark R. [D-VA]        | D · VA        |      | Apr 29, 2015 |
| Sen. Kaine, Tim [D-VA]             | D · VA        |      | Apr 30, 2015 |
| Sen. Klobuchar, Amy [D-MN]         | D · MN        |      | May 5, 2015  |
| Sen. Moran, Jerry [R-KS]           | R · KS        |      | May 7, 2015  |
| Sen. Merkley, Jeff [D-OR]          | D · OR        |      | May 22, 2015 |
| Sen. Kirk, Mark Steven [R-IL]      | R · IL        |      | Jun 10, 2015 |
| Sen. Bennet, Michael F. [D-CO]     | D · CO        |      | Jul 13, 2015 |
| Sen. Gillibrand, Kirsten E. [D-NY] | D · NY        |      | Jul 13, 2015 |
| Sen. McCaskill, Claire [D-MO]      | D · MO        |      | Jul 14, 2015 |
| Sen. Hirono, Mazie K. [D-HI]       | D · HI        |      | Jul 15, 2015 |
| Sen. Wyden, Ron [D-OR]             | D · OR        |      | Jul 15, 2015 |
| Sen. Franken, Al [D-MN]            | D · MN        |      | Apr 4, 2016  |

## Committee Activity

| Committee  | Chamber | Activity    | Date         |
|--|---------|-------------|--------------|
| Education and Workforce Committee                | House   | Referred To | Jul 20, 2015 |
| Health, Education, Labor, and Pensions Committee | Senate  | Reported By | Feb 3, 2015  |

## Subjects & Policy Tags

### Policy Area:

Health

## Related Bills

No related bills are listed.

## **Older Americans Act Reauthorization Act of 2016**

(Sec. 3) This bill amends the Older Americans Act of 1965 (OAA), with respect to the Administration on Aging, to require the Office of Long-Term Care Ombudsman Programs to collect and analyze best practices related to responding to elder abuse, neglect, and exploitation in long-term care facilities, and publish a report on them.

The Administration shall have a duty and function to:

- provide information and technical assistance to states, area agencies on aging, and service providers, in collaboration with relevant federal agencies, on delivering efficient person-centered transportation services, including across geographic boundaries;
- identify model programs and provide information and technical assistance to the same entities to support modernization of multipurpose senior centers; and
- provide technical assistance to and share best practices with states, area agencies on again, and Aging and Disability Resource Centers (ADRCs) on how to collaborate and coordinate services with health care entities in order to improve care coordination for individuals with multiple chronic illnesses.

The Administration shall also:

- develop, when feasible, a consumer-friendly tool to assist older individuals and their families in choosing home and community-based long-term care services, with a particular focus on ways for consumers to assess how providers protect the health, safety, welfare, and rights of older individuals; and
- ensure that programs authorized under the OAA include training in the prevention of abuse, neglect, and exploitation and provision of services that address elder justice and exploitation of older individuals.

ADRCs shall provide information and referrals regarding available home and community-based services for individuals who are at risk for residing in, or who reside in, institutional settings, so that the individuals have the choice to remain in or to return to the community.

The bill repeals the permanent authorization of appropriations to the Administration for the provision of consultative services, technical assistance to public or nonprofit private agencies and organizations, short-term training, technical instruction, and research and demonstrations.

The bill also:

- reauthorizes the Administration generally through FY2019, including the National Eldercare Locator Service and pension counseling and information programs; and
- authorizes through FY2019 Elder Rights Support Activities and ADRCs.

(Sec. 4) The bill reauthorizes through FY2019: (1) specified supportive services, (2) congregate nutrition services, (3) home delivered nutrition services, (4) disease prevention and health promotion services, (5) family caregiver support, and (6) the Nutrition Services Incentive Program.

No state shall be allotted less than: (1) 99% of the allotment for the previous year for each of FY2017-FY2019; or (2) 100% of the FY2019 allotment for FY2020 and each subsequent fiscal year.

An area agency on aging plan shall: (1) support modernization of multipurpose senior centers (including a plan to use the skills and services of older individuals in paid and unpaid work, including multigenerational and older individual to older individual work); and (2) arrange to increase public awareness of elder abuse, neglect, and exploitation, and remove barriers to education, prevention, investigation, and treatment of elder abuse, neglect, and exploitation.

The Administration shall make grants to states for supportive services that include chronic condition self-care management and falls prevention services. Health screening services shall include: (1) behavioral health screening and falls prevention screening; as well as (2) screening for elder abuse, neglect, and exploitation.

State nutritional projects shall: (1) encourage the use of locally grown foods in meal preparations, and (2) identify potential partnerships and contracts with local producers and providers of locally grown foods.

All disease prevention and health promotion services grants must be evidence-based.

The bill modifies National Family Caregiver Support Program elements, making permanent the funding for the caregiver allotment.

(Sec. 5) The Administration may make grants for continuing support for program integrity initiatives concerning the Medicare program that train senior volunteers to prevent and identify health care fraud and abuse.

The bill reauthorizes for FY2017-FY2019 aging network support activities.

The annual national meeting to train directors of Indian aging programs shall be replaced by national trainings for such directors.

The restriction to national nonprofit organizations of certain grants is repealed, and eligibility for legal assistance for older Americans grants shall extend to any nonprofit organization experienced in providing nationwide support and technical assistance to entities interested in the legal rights of older individuals.

The bill repeals authorities for grants for:

- multidisciplinary centers of gerontology and related multidisciplinary systems;
- computer training and enhanced Internet access for older individuals; and
- cooperative projects between a state long-term care ombudsman program, legal assistance agencies, and the state protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness.

(Sec. 6) The Community Service Senior Opportunities Act (CSSOA) is revised, among other changes, to require grantees carrying out Older American community service employment program demonstration projects to consult with the local workforce development board.

A state may develop a combined state plan under the Workforce Innovation and Opportunity Act in lieu of a plan under the CSSOA.

The bill revises:

- requirements for any agreement between grantees and the Department of Health and Human Service (HHS) on expected levels of performance for the third and fourth program years of CSSOA projects, as well as the factors taken into account in reaching agreement and adjustments to levels based on economic conditions and individuals

- served; and
- the core indicators of performance, especially regarding project participants in unsubsidized employment.

Annual publication of performance reviews shall be eliminated.

The OAA is amended to reauthorize community service senior opportunities programs through FY2019.

Appropriations for any fiscal year shall be available for federal obligation from April 1 (currently, July 1) of the calendar year immediately following the beginning of such fiscal year through June 30 of the following calendar year; but amounts obligated to grantees shall continue to be available only from July 1 through June 30.

(Sec. 7) The bill reauthorizes through FY2019 grants for the delivery of supportive services, including nutrition services, to older American Indians, Alaskan Natives, and Native Hawaiians.

(Sec. 8) The bill reauthorizes through FY2019 the ombudsman program, funding for state agencies on aging, healthcare service in rural areas, computer training, civic engagement, and Native American programs, and prevention of elder abuse, neglect, and exploitation.

The authorization for the Legal Assistance Development Program is repealed.

The bill extends a State Long-Term Care Ombudsman's responsibility to any resident of a long-term care facility regardless of age.

An Office of the State Long-Term Care Ombudsman shall be responsible for its management, including fiscal management.

A State Long-Term Care Ombudsman shall:

- continue to carry out certain functions, when feasible, on behalf of residents transitioning from a long-term care facility to a home care setting; and
- identify, investigate, and resolve complaints of any residents of a long-term care facility, including residents with limited or no decisionmaking capacity and who have no known legal representative, taking specified actions with respect to residents unable to communicate consent.

A state shall ensure that the access of Office representatives to long-term care facilities and residents be private and unimpeded, as well as appropriate to review all files, records, and other information concerning a resident, not just the medical and social records.

The Ombudsman and an Office representative shall be considered a "health oversight agency" under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), so that release to the Ombudsman or representative of residents' individually identifiable health information shall not be precluded in cases in which specified requirements are otherwise met.

The bill revises conflict of interest requirements for an Ombudsman and any situation in a state organization in which the Office is placed, including procedures for identifying, removing, and remedying any organizational conflict.

A state agency on aging shall: (1) promote the submission of data on elder abuse, neglect, and exploitation for appropriate Administration or other designated databases; and (2) support and study innovative practices in communities to develop elder justice partnerships across disciplines for the prevention, investigation, and prosecution of abuse,

neglect, and exploitation.

(Sec. 9) Behavioral health shall be included in programs for mental health.

(Sec. 10) The Administration shall issue guidance to states on serving Holocaust survivors.

## **Actions Timeline**

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- **Apr 19, 2016:** Signed by President.
- **Apr 19, 2016:** Became Public Law No: 114-144.
- **Apr 13, 2016:** Presented to President.
- **Apr 7, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S1794-1795)
- **Apr 7, 2016:** Resolving differences -- Senate actions: Senate agreed to the House amendment to the Senate bill by Voice Vote.(text as Senate agree to the House amendment: CR S1794)
- **Apr 7, 2016:** Senate agreed to the House amendment to the Senate bill by Voice Vote. (text as Senate agree to the House amendment: CR S1794)
- **Apr 7, 2016:** Message on Senate action sent to the House.
- **Mar 22, 2016:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Mar 21, 2016:** Mr. Curbelo (FL) moved to suspend the rules and pass the bill, as amended.
- **Mar 21, 2016:** Considered under suspension of the rules. (consideration: CR H1472-1480)
- **Mar 21, 2016:** DEBATE - The House proceeded with forty minutes of debate on S. 192.
- **Mar 21, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H1472-1477)
- **Mar 21, 2016:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H1472-1477)
- **Mar 21, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 20, 2015:** Received in the House.
- **Jul 20, 2015:** Referred to the House Committee on Education and the Workforce.
- **Jul 17, 2015:** Message on Senate action sent to the House.
- **Jul 16, 2015:** Passed/agreed to in Senate: Passed Senate without amendment by Voice Vote.(consideration: CR S5158-5163; text as passed Senate: CR S5158-5162)
- **Jul 16, 2015:** Passed Senate without amendment by Voice Vote. (consideration: CR S5158-5163; text as passed Senate: CR S5158-5162)
- **Feb 3, 2015:** Committee on Health, Education, Labor, and Pensions. Reported by Senator Alexander without amendment. Without written report.
- **Feb 3, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 12.
- **Jan 28, 2015:** Committee on Health, Education, Labor, and Pensions. Ordered to be reported without amendment favorably.
- **Jan 20, 2015:** Introduced in Senate
- **Jan 20, 2015:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.