

# *Elder Justice Reauthorization Act of 2020*

## Section-by-Section

### **Section 1. Short Title**

This act may be cited as the “Elder Justice Reauthorization Act of 2020.”

### **Section 2. Reauthorization of Funding for Programs to Prevent, Investigate, and Prosecute Elder Abuse, Neglect, and Exploitation**

#### **Funding Elder Abuse, Neglect, and Exploitation Forensic Centers**

Section 2031 of the Social Security Act (SSA) requires the Secretary of Health and Human Services (HHS), in consultation with the U.S. Attorney General, to award grants to establish and operate stationary and mobile elder abuse, neglect, and exploitation forensic centers and to develop forensic expertise pertaining to elder abuse, neglect, and exploitation. This provision would authorize to be appropriated \$12 million for Fiscal Year (FY) 2021, \$18 million for FY 2022, and \$24 million for each of FY 2023 and FY 2024 for this purpose.

#### **Providing Grants for Long-term Care Staffing and Technology**

Section 2041 of the SSA requires the HHS Secretary, in coordination with the Secretary of Labor, to award grants to conduct programs that offer training and certification to direct care employees of long-term care (LTC) facilities, with the goal of providing incentives for individuals to train for, seek out, and retain these positions. Section 2041 also authorizes the HHS Secretary to provide grants to LTC facilities to offset costs for certified electronic health records technology designed to improve patient safety and reduce adverse events and complications. It also requires the Secretary to adopt standards and procedures for the exchange and acceptance of clinical data by LTC facilities. This provision would authorize to be appropriated \$60 million for FY 2021, \$52.5 million for FY 2022, and \$45 million for each of FY 2023 and FY 2024 to carry out the activities under this section.

#### **Funding for Adult Protective Services Functions and Grant Programs**

Section 2041 of the SSA requires the HHS Secretary to provide funding to state and local Adult Protective Services (APS) offices that investigate reports of elder abuse, neglect, and exploitation; work with the Department of Justice to collect and disseminate data; develop and disseminate best practices and training on APS; conduct research related to the provision of APS; and provide technical assistance to states and other entities that provide or fund APS. To carry out these functions, this provision would authorize to be appropriated \$12 million for each of FY 2021 through FY 2024.

This provision would also require the HHS Secretary to establish two grant programs. The first would award grants to enhance state and local APS services. For each of FY 2021 through FY 2024, this provision would authorize to be appropriated \$300 million for purposes of these grants. The second grant program would award funds to states to conduct APS demonstration programs. States may use grant funds for a range of activities, such as detecting or preventing elder abuse, focusing on financial exploitation, and guardianship and conservatorship

proceedings. For each of FY 2021 through FY 2024, this provision would authorize to be appropriated \$75 million for APS demonstration grants.

### **Funding for Long-term Care Ombudsman Program Grants and Training**

Section 2043 of the SSA requires the HHS Secretary to award grants to eligible entities with relevant expertise and experience in abuse and neglect in LTC facilities or LTC ombudsman programs and responsibilities. Grants may be used to increase the capacity of state LTC ombudsman programs to respond to and resolve abuse and neglect complaints as well as to conduct and support pilot programs with state or local LTC ombudsman offices. This provision would authorize to be appropriated \$15 million for FY 2021, \$22.5 million for FY 2022, and \$30 million for each of FY 2023 and FY 2024 for these grants.

Section 2043 also requires the Secretary to establish programs that provide and improve ombudsman training for national organizations and state LTC ombudsman programs, with a focus on elder abuse, neglect, and exploitation. This provision would authorize to be appropriated \$30 million for each of FY 2021 through FY 2024 for this purpose.

### **Funding for Investigation Systems and Training**

Section 6703(b) of the Patient Protection and Affordable Care Act requires the Secretary of HHS to establish the National Training Institute for Surveyors, which would train surveyors who investigate allegations of abuse, neglect, and misappropriation of property in programs and LTC facilities that receive payments under Medicare or Medicaid. This provision would authorize to be appropriated \$36 million for each of FY 2021 through FY 2024 for this purpose. Section 6703(b) also requires the Secretary to provide grants to state survey agencies to design and implement complaint investigation systems. This section would authorize to be appropriated \$15 million for each of FY 2021 through FY 2024 for these grants.

## **Section 3. Increased Funding for States and Indian Tribes for Adult Protective Services**

### **Increase in Funding for Social Services Block Grant Program**

This provision would appropriate \$200 million to the Social Services Block Grant (SSBG) for the sole purpose of supporting adult protective services.

This section would require HHS to distribute the funds to all 50 states, the District of Columbia, and all five U.S. Territories within 45 days. Funds would be distributed based on SSBG's population formula.

States and territories would be required to submit a revised pre-expenditure report for SSBG to describe how funds will be used. States and territories would be required to obligate the funds within 120 days of receipt and expend funds by December 31, 2021. Funds must supplement, not supplant, state general revenue funds for adult protective services.

### **Funding for Indian Tribes and Tribal Organizations**

This provision would set aside \$10 million of the SSBG appropriation for Tribal adult protective services.

This section would require HHS to make grants within 90 days to Indian Tribes and Tribal organizations eligible for the Community Services Block Grant (CSBG). Funds would be distributed based on the existing Tribal Low Income Home Energy Assistance Program (LIHEAP) and Community Services Block Grant (CSBG) formula. Funds must be obligated by September 30, 2021, and expended by December 31, 2021.

Indian Tribes and Tribal organizations would be required to submit a report to HHS describing the intended use of funds including information on the types of activities the funds will support and the categories and characteristics of individuals intended to be served. After funds are expended, Indian Tribes and Tribal organizations would be required to submit a report to HHS describing actual use of funds including information on the activities the funds supported.

#### **Section 4. Report to Congress on Elder Justice Programs and Activities**

This provision would require the Secretary to submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the programs, coordinating bodies, registries, and activities under the Elder Justice Act. Each report, issued every two years, would assess the extent to which such programs have improved access to and quality of resources for aging Americans and their caregivers to ultimately prevent, detect, and treat abuse, neglect, and exploitation. This provision would authorize to be appropriated \$5million for each of FY 2021 through FY 2024 to carry out these assessments.