



U.S. SENATE COMMITTEE ON

Finance

SENATOR CHUCK GRASSLEY, OF IOWA - CHAIRMAN

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Grassley Advances Elder Justice Bill Through Committee

WASHINGTON – Sen. Chuck Grassley, chairman of the Committee on Finance, today won unanimous committee approval of bipartisan legislation to help prevent elder abuse and give consumers more information to guide nursing home placement.

“As America ages, more people are vulnerable to elder abuse and neglect,” Grassley said. “It’s important to marshal resources and coordinate the services of experts equipped to protect the elderly. It’s also critical to make sure families are educated about their options before placing loved ones in a nursing home or other facility. This legislation will help in both areas.”

Following are Grassley’s statement from this morning’s committee session and a summary of the bill approved by the committee today. A more detailed description is available at finance.senate.gov under “legislation.”

Statement of Chairman Charles E. Grassley
Senate Finance Committee Executive Session
S. 2010 -- The Elder Justice Act
Thursday, August 3, 2006

I call the committee to order for the purpose of considering an amendment to S. 2010, the Elder Justice Act sponsored by Senators Hatch and Lincoln. Success, they say, has many fathers. I am very hopeful that we will enact the Elder Justice Act this Congress, so I want to establish my lineage with this bill early on. I am glad that several provisions in this bill are a result of the work I did as Chairman of the Senate Aging committee. While I was Chairman of that Committee, we did very important work on nursing home abuse and nursing home standards.

A number of the reforms included in the Elder Justice Act were developed as a byproduct of those oversight activities. We are very fortunate to have Senator John Breaux – the original sponsor of the Elder Justice Act with us here. The Elder Justice Act is his legacy. I want to commend the two current sponsors of the legislation, Senators Hatch and Lincoln. It is a direct result of their commitment to ensuring that every older person is free from abuse, neglect and exploitation that we are here today to consider this important piece of legislation. They have shown great tenacity in advocating for the advancement of this legislation. I am pleased to have worked with the sponsors of the legislation, Senator Hatch and Senator Lincoln, to incorporate some modifications to their bill. I appreciate their willingness to accommodate the committee’s concerns in developing their amendment to the bill they introduced earlier in the session.

The committee has a full agenda today, so in the interest of time, I would suggest that we allow the sponsors of the legislation a sufficient amount of time for their remarks. However, I would like to

comment briefly on a provision that the sponsors worked with me to incorporate as part of the legislation before the committee today. Placing a loved one in a nursing home is one of the most wrenching and emotional decisions a family must face. Children must assume the role of parents. Seniors are faced with relinquishing some of their freedoms and the comfort and security of their own homes. Families need the best and most accurate information available to help guide them through this difficult and draining decision-making process.

Unfortunately there is not a great deal of consumer friendly, accessible information available to consumers. A family wrestling with the decision about where to place a loved one may not know all of their rights and the types of information available to them. That is why I am pleased that the legislation the committee will consider today includes several improvements that will help consumers to understand the resources available to them and provide critical information about the quality of care in available nursing homes. I am hopeful that these improvements will contribute to better information being available about nursing homes and that this information will help ease what is a trying and emotional process.

S. 2010, Elder Justice Act Substitute

Section by Section Summary

Section 1: The title of the Act is the Elder Justice Act.

Section 2: Describes the findings of Congress, which include a clear need for a coordinated effort, led by the federal government, to help reduce elder abuse, neglect, and exploitation.

Section 3: Describes the purpose of the Act, which includes the need to raise the issue of elder abuse to the national level as well as provide a comprehensive approach to preventing and combating elder abuse, neglect, exploitation and self-neglect.

Section 4: Adopts the meaning of any term used in Section 2011 of the Social Security Act, unless specifically provided otherwise in the bill.

Section 5(a): Amends the Social Security Act by adding Elder Justice to an amended Title XX, entitled Block Grants to States for Social Services and Elder Justice and adding a new Subtitle 2 - Elder Justice. And adds the following sections to the Social Security Act:

Part A - National Coordination of Elder Justice Activities and Research

Subpart 1 – Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation

Section 2011: Defines the terms used in the Act.

Section 2012: Ensures the protection of individual health privacy consistent with the regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and adds a rule of construction that respects religious beliefs in health care when determining whether there is abuse for data collection purposes.

Section 2021: Establishes an Elder Justice Coordinating Council to foster coordination throughout the federal government on elder abuse topics.

Section 2022: Establishes an Advisory Board to the Coordinating Council of experts on elder abuse, neglect and exploitation.

Section 2023: Requires the issuance of regulations to guide researchers in the area of elder abuse relating to human research.

Section 2024: Authorizes a limit of \$6.5 million for FY 2007 and \$7 million for each of FYs 2008-2010 for the federal elder justice system.

Subpart 2 - Elder Abuse, Neglect, and Exploitation Forensic Centers

Section 2031: Awards grants to establish and operate both stationary and mobile forensic centers and to develop forensic expertise pertaining to elder abuse, neglect and exploitation. It authorizes \$4 million in FY 2007, \$6 million in FY 2008, and \$8 million for each of FYs 2009-2010.

Part B - Elder Justice Programs

Section 2041: Requires the Secretary to carry out activities that provide incentives for individuals to train for, seek, and maintain employment in long-term care facilities and authorizes \$20 million for FY 2007, \$17.5 for FY 2008, and \$15 million for FYs 2009-2010.

It addresses LTC staffing problems by establishing incentive grants to:

§ attract qualified staff - with new, creative approaches, such as encouraging welfare-to-work and TANF recipients to train and seek employment as direct care providers,

§ retain staff - through grants to develop innovative career ladders and wage and benefit programs,

§ train staff and management - to enhance the ability to retain staff,

§ create an informatics systems grant program - to off-set costs of purchasing, leasing, developing and implementing standardized clinical health care informatics systems to improve patient safety.

In addition, it requires all adjudications of criminal violations by nursing facilities or employees, as well as consumer rights information, on the official Nursing Home Compare Website.

Section 2042: Creates functions for Adult Protective Services within HHS that the Secretary will administer to provide leadership to the state programs. To carry out these functions, it authorizes \$3 million for FY 2007 and \$4 million for each of FYs 2008-2010. Authorizes \$100 million for each of FYs 2007-2010 for state formula grants to adult protective services.

It also authorizes \$25 million over four years for targeted demonstration grants that test training modules and detection & prevention of financial exploitation.

Section 2043: Provides grants to improve ombudsman capacity, conduct pilots, provide support and improve training. Authorizes \$5 million for FY 2007, \$7.5 million for FY 2008, and \$10 million for FYs 2009-2010.

Part C - Collection of Data, Dissemination of Information and Studies

Section 2051: Creates a method of promoting uniform collection, maintenance and dissemination of national data regarding elder abuse, neglect and exploitation to be implemented in 3 phases in the states.

§ Phase I - develops forms and screening tools (authorized at \$10 million in the 1st year)

§ Phase II - pilot tests the tools in six states (authorized at \$30 million in the 2nd year)

§ Phase III - provides incentive grants to the states to begin collecting the data (authorized at \$100 million annually for each of FYs 2009 and 2010) - each state would receive 50% of its allotment as determined by the Secretary and the rest when it properly reports the require data.

Section 2052: Establishes a long-term care consumer clearinghouse to provide comprehensive information about choices relating to long-term care providers. Authorizes \$2 million for FY 2007, \$3 million for FY 2008, and \$4 million for FYs 2009-2010.

§ options for residential long-term care facilities (e.g., nursing facilities, group homes and other residential facilities, including assisting living, board and care, congregate care, home health care provides and other long-term care providers)

§ benefits available through Medicare and Medicaid

§ links to other federal and state websites that describe care options

Section 2053: Requires a study on consumer concerns relating to residential long-term care facilities, other than nursing facilities. Authorizes \$3 million for each of FYs 2007-2010.

Section 2054: Requires the Secretary to reserve a portion of the funds appropriated under each program in Title XX to conduct validated evaluations of the effectiveness of the activities funded.

Section 2055: Requires a report to the Elder Justice Coordinating Council and appropriate committees summarizing specified findings.

Section 5(b): Requires reporting to law enforcement of crimes occurring in federally funded long-term care facilities and 60-day notice of closure of such facilities.

Section 5(c): Includes a report and study evaluating the establishment of a national nurse aide registry.