

MEMORANDUM

February 4, 2010

To: Senate Special Committee on Aging
Attention: Ashley Carson

From: Kirsten Colello, Specialist in Health and Aging Policy, 7-7839
Lyn Stoesen, Presidential Management Fellow, 7-2514

Subject: **A Compendium of Statutory Authorities that Address the Prevention, Detection, or Treatment of Elder Abuse**

This memorandum responds to your request for information about provisions in federal law, including federal programs, grants, and other initiatives that address the prevention, detection, or treatment of elder abuse. We have identified and summarized these provisions in **Table 1**. The following “Scope and Methodology” section provides detailed information regarding the identification of the entries in the table. The next section describes the table content and layout.

Scope and Methodology

Table 1 lists and briefly describes federal statutory provisions regarding the prevention, detection, and treatment of elder abuse. Provisions were included if they explicitly reference elder abuse or explicitly target grants, funding, or services to older individuals, among other vulnerable groups. The table includes general authorities for legal assistance programs and services for older individuals, authorities for long-term care ombudsman programs, and provisions that address financial exploitation and abuse of older individuals. It also includes various protections under the Medicare and Medicaid programs for residents in long-term care facilities, many of whom are elderly. The Crime Victims Fund (CVF) authorized under the Victims of Crime Act (VOCA) is also included, at your request. Provisions were excluded if they were definitions or referenced “elder abuse” in sections of law that focused on Congressional findings.

Several approaches were used to identify provisions listed in **Table 1**, as follows:

- The Lexis.com U.S. Code database was searched for elder abuse and variants of keywords related to elder abuse (for example, elder abuse, violence against elders, elder neglect, elder exploitation, elder justice, nursing home crimes, domestic violence and seniors, and adult protection).
- The following popular-named laws were reviewed for relevant provisions by scanning provision headings and by reviewing searches for the term “abuse”: Older Americans Act (OAA), Public

Health Service Act (PHSA), and Social Security Act (SSA).¹ The U.S. Code was referenced to identify the current language of provisions identified in this manner.

- The following public laws were reviewed, and the U.S. Code was referenced, as above: Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203); Patient Protection and Affordable Care Act (P.L. 111-148, as amended); Tax Relief and Health Care Act of 2006 (P.L. 109-432); Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162); Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386); Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), and Victims of Crime Act (VOCA, P.L. 98-473, as amended).
- Information on any appropriations or funding for FY2010 was either obtained from the agency's FY2011 Budget Justification documents or through consultations with agency staff.²
- Relevant CRS products were reviewed to identify additional provisions.

Please note that in some cases the provisions CRS identified are not focused exclusively on activities that address prevention, detection, or treatment of elder abuse, but rather include such activities among other authorized activities. Also, provisions CRS identified may not target abused elders exclusively. Instead, these provisions may target abused individuals of any age, but reference elders among other vulnerable groups. Because this search is limited to provisions that explicitly reference elder abuse or various related keywords, the compendium only includes provisions with these search terms. General laws authorizing programs or activities to assist victims of abuse or crime, but do not specifically reference the elderly, are not included. These provisions are beyond the scope of this memorandum. Although CRS sought to be complete in our identification of provisions for this memorandum, we cannot assure that the information provided is comprehensive.

Compendium of Statutory Authorities that Address the Prevention, Detection, or Treatment of Elder Abuse

Table 1 summarizes those provisions identified by the searches outlined above in “Scope and Methodology” as related to elder abuse prevention, detection, or treatment. To improve the usefulness of this analysis for authorizing committees, provisions are presented according to the popular names of major laws. We have also included a separate section for those provisions enacted under the Patient

¹ The following versions of the laws searched are: (1) for the OAA, a compilation prepared by the Administration on Aging, current as amended in 2006, published at http://www.aoa.gov/aoaroot/aoa_programs/oa/index.aspx; (2) for the PHSA, a compilation from May 19, 2010, provided by House Legislative Counsel; and (3) for the SSA, a compilation from September 16, 2010, provided by House Legislative Counsel.

² Department of Health and Human Services (HHS), Administration on Aging (AoA), *Fiscal Year 2011 Justification of Estimates for Appropriations Committees*, http://www.aoa.gov/AoAroot/About/Budget/DOCS/AoA_CJ_FY_2011.pdf; HHS, Centers for Disease Control and Prevention (CDC), *FY2011 Budget Justification of Estimates for Appropriations Committees*, http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations_budget_form_pdf/FY2011_CDC_CJ_Final.pdf; HHS, Health Resources and Services Administration (HRSA), *FY2011 Budget Justification of Estimates for Appropriations Committees*, <http://www.hrsa.gov/about/budgetjustification/budgetjustification11.pdf>; Personal communications with congressional liaison offices from the following agencies: AoA, CDC, HHS, and HRSA between January 21, 2011 and February 1, 2011.

Protection and Affordable Care Act (PPACA) that did not amend a popular-named law. Other provisions found in various public laws are summarized in a “Miscellaneous” section.

Each row in **Table 1** displays the provision’s section number, the U.S. Code citation for the provision³, a brief description of the provision, information about any authorization of appropriations, and the actual FY2010 appropriation or funding level, if applicable. Brief descriptions in **Table 1** are not intended to provide comprehensive information about the provisions presented. Descriptions include the administering agency in “[]”, where known. For some entries, implementation may be contingent on funding and thus the agency responsible for administering the authorized program or activities is not known at this time. Finally, an “Additional Information” column may refer to a public law(s) in which a provision was first enacted or most recently reauthorized, provide implementation information, or refer to relevant agency or CRS reports.

CRS included authorizations of appropriations only if the statute provided an authorization of appropriation for that specified activity. Many provisions in **Table 1** do not have an applicable authorization of appropriations. This is often the case with regulatory authorities, for example. For these provisions, the authorization of appropriations and actual appropriation or funding level are intentionally left blank in the table. In addition, several provisions were newly enacted in the 111th Congress with authorizations of appropriations beginning in FY2011. Thus, for these provisions actual appropriations are also intentionally left blank in the table. At this time, Congress has passed continuing appropriations legislation that continues funding for most federal programs at FY2010 levels through March 4, 2011.⁴ Also, some provisions have an undetermined authorization of appropriations (“such sums as may be necessary,” abbreviated as SSAN in the table), and/or an unspecified time frame. It is important to note that unless a provision’s authority is subject to sunset on a specified date, an authority remains in effect despite an expired authorization of appropriations to carry out the authority. Congress may provide or restore funding to carry out authorized directives or other activities. In fact, Congress may, and often does, through annual appropriations acts, continue to fund provisions in authorizing legislation for which the authorization of appropriations has expired.⁵

The following is a list of acronyms used in **Table 1**:

ACF	Administration for Children and Families
AHRQ	Agency for Healthcare Research and Quality
AoA	Administration on Aging
APS	Adult Protective Services
ASPE	Assistant Secretary for Planning and Evaluation, Health and Human Services
CDC	Centers for Disease Control and Prevention
CMS	Centers for Medicare and Medicaid Services

³ The U.S. Code includes federal statutes that are of a general and permanent nature; for some table entries there is not a U.S. Code citation. These provisions are typically reports or studies that are temporary activities occurring only once, and are not expected to be ongoing activities.

⁴ Continuing Appropriations and Surface Transportation Extensions Act, 2011 (P.L. 111-322). For additional information see, CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter.

⁵ With respect to CDC activities, many of CDC’s activities are not specifically authorized, but are based in broad, permanent authorities of the HHS Secretary, in Title III of the PHS Act. Thus, activities funded under injury prevention, including elder mistreatment, may be supported and funded among CDC’s general authorities. For further information see, CRS Congressional Distribution memorandum, *Selected Statutory Authorities of the Centers for Disease Control and Prevention*, by Sarah A. Lister.

DoJ	Department of Justice
EHR	electronic health records
FRS	Federal Reserve System
HHS	Department of Health and Human Services
HRSA	Health Resources and Services Administration
LTC	long term care
NF	nursing facility
NIA	National Institute on Aging
OAA	Older Americans Act
OS	Office of the Secretary, Health and Human Services
PHSA	Public Health Service Act
PPACA	Patient Protection and Affordable Care Act
SNF	skilled nursing facility
SSA	Social Security Act
SSAN	such sums as may be necessary
TANF	Temporary Assistance for Needy Families
VAWA	Violence Against Women Act
VOCA	Victims of Crime Act

Information in this memorandum is of general interest to the Congress. As such, this information may be, or may have been, provided to other congressional requesters, and may be published in CRS products for general distribution to the Congress at a later date. Your confidentiality as a requester would be preserved in any case.

Angela Napili, Information Research Specialist, and Sarah Lister, Specialist in Public Health and Epidemiology, provided assistance with this memorandum.

Table I. Compendium of Statutory Authorities that Address the Prevention, Detection, or Treatment of Elder Abuse

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
AUTHORITIES IN THE OLDER AMERICANS ACT (OAA, 42 U.S.C. 3001 et seq.)					
OAA Title II: Administration on Aging					
§ 201(e)	42 USC 3011	Responsibility for elder abuse prevention and services: Authorizes the AoA Assistant Secretary to designate a person to have responsibility for elder abuse prevention and services including the development of objectives, priorities, and long-term plans for elder justice; supporting state elder abuse prevention activities; and supporting research, data collection, and information dissemination related to elder abuse. [AoA]			Older Americans Act Amendments of 2006 (P.L. 109-365).
§ 202(a)	42 USC 3012	National Ombudsman Resource Center: Requires the AoA Assistant Secretary to establish and operate a National Ombudsman Resource Center under the administration of the Director of the Office of LTC Ombudsman Programs. The Center provides assistance and support for State LTC Ombudsman programs (see OAA § 712). [AoA]	SSAN for each of FY2007 through FY2011.	Total of \$547,000 for a 3-year grant for the period of FY2008 through FY2010	Funds made available to the Center must be no less than FY2000 funding levels. CRS Report RS21297, <i>Older Americans Act: Long-Term Care Ombudsman Program</i> , by Kirsten J. Colello.
§ 202(d)	42 USC 3012	National Center on Elder Abuse: Requires the AoA Assistant Secretary, through grants or contracts, to establish and operate the National Center on Elder Abuse to compile research and provide a clearinghouse for information on elder abuse; provide training materials and technical assistance to state agencies and other organizations; and conduct research and demonstration projects related to elder abuse. [AoA]	SSAN for each of FY2007 through FY2011.	\$811,000	Funds made available to the Center must be no less than FY2000 funding levels.
OAA Title III: Grants for State and Community Programs on Aging					
§ 307(a)	42 USC 3027a	State Plans: Requires states to submit to the AoA Assistant Secretary a state plan for grant eligibility. If a state desires services for the prevention of elder abuse, the plan must contain assurances that an Area Agency on Aging's programs will be consistent with relevant state law and coordinated with existing state adult protective services activities, as specified. [AoA]			

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 321(a)	42 USC 3030d	Grants for supportive services: Requires the AoA Assistant Secretary to make grants to states for supportive services including legal assistance and other counseling services; LTC ombudsman services; services for the prevention of abuse of older individuals; and crime prevention and victim assistance programs for older individuals, among other services. [AoA]	SSAN for each of FY2007 through FY2011.	\$368.3 million	
OAA Title IV: Activities for Health, Independence, and Longevity					
§ 413	42 USC 3032b	Older individuals' protection from violence projects: Requires the AoA Assistant Secretary to make grants to eligible entities for projects in local communities concerning elder abuse, neglect, and exploitation; outreach programs to assist older individuals who are victims of elder abuse, neglect, and exploitation; expansion of access to family violence and sexual assault programs; and promotion of research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs. [AoA]			
§ 418	42 USC 3032g	Resource Centers on Native American Elders: Requires the AoA Assistant Secretary to make grants to eligible entities to establish and operate Resource Centers on Native American Elders that focus on priority areas including elder abuse. [AoA]		\$684,000	Funds are provided to the National Resource Center on Native American Aging at the University of North Dakota, the National Resource Center on American Indian, Alaska Native and Native Hawaiian Elders at the University of Alaska – Anchorage, and the Ha Kupuna Center for Native Hawaiian Elders at the University of Hawaii.
§ 420	42 USC 3032i	Demonstration and support projects for legal assistance for older individuals: Requires the AoA Assistant Secretary to make grants to eligible entities to provide a national legal assistance support system for state and area agencies on aging, including assistance with case consultations; training; provision of substantive legal advice and assistance; and assistance in the design, implementation, and administration of legal assistance delivery systems. Also requires the Assistant Secretary to make grants to support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs. [AoA]		\$2.7 million	FY2010 funding is for the following activities: \$736,000 for the National Legal Resource Center; \$1.97 million for demonstration projects.

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 421	42 USC 3032j	Ombudsman and advocacy demonstration projects: Requires the AoA Assistant Secretary to make grants to conduct demonstrations and evaluate cooperative projects between the State LTC Ombudsman Program, legal assistance agencies, and state protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness. [AoA]			
OAA Title VII: Vulnerable Elder Rights Protection Activities					
§ 712	42 USC 3058g	State LTC Ombudsman Program: Requires the AoA Assistant Secretary to provide funds to state agencies to establish an Office of the State LTC Ombudsman and State LTC Ombudsman programs to identify, investigate, and resolve complaints from residents of LTC facilities regarding issues that may adversely affect the health, safety, welfare, or rights of the residents. [AoA]	SSAN for FY2007 and for subsequent fiscal years.	\$16.8 million	CRS Report RS21297, <i>Older Americans Act: Long-Term Care Ombudsman Program.</i>
§ 721	42 USC 3058i	Prevention of elder abuse, neglect, and exploitation: Requires the AoA Assistant Secretary to provide funds to state agencies to develop and enhance programs to address elder abuse, neglect, and exploitation. State allotments are authorized to be used for public education and outreach, coordination of state services, training of professionals and caregivers, and promotion of state laws to prevent elder abuse, among other activities. [AoA]	SSAN for FY2007 and for subsequent fiscal years.	\$5.1 million	Older Americans Act Amendments of 2006 (P.L. 109-365). Amendments include additional activities for the use of state allotments including prevention of financial exploitation; examination and testing of shelter (“safe haven”) models; support for multidisciplinary elder justice activities; recognition of underserved populations of older individuals; and accountability, evaluation, and compliance provisions.
§ 731	42 USC 3058j	State legal assistance development: Requires state agencies to establish a State Legal Assistance Developer to coordinate provision of legal services, provide assistance to legal service providers, promote financial management services for older adults, assist older adults in understanding their legal rights and choices, and improve the quality and quantity of legal services provided. [AoA]	SSAN for FY2007 and for subsequent fiscal years.	\$0	

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 751	42 USC 3058aa	Native American Program: Requires the AoA Assistant Secretary to provide grants to eligible entities to carry out vulnerable elder rights protection activities, including enabling the support of multidisciplinary elder justice activities such as the establishment of a coordinating council, training and technical support for Native American groups, and elder fatality and serious injury review teams. [AoA]	SSAN for FY2007 and for subsequent fiscal years.	\$0	Older Americans Act Amendments of 2006 (P.L. 109-365) included support for multidisciplinary elder justice activities.
§ 752	42 USC 3058aa-1	Grants to promote comprehensive state elder justice systems: Requires the AoA Assistant Secretary to make grants to promote and develop state comprehensive elder justice systems to provide access to information, coordinate efforts to diminish duplication and gaps in service systems, and standardize the collection of data. [AoA]	SSAN for FY2007 and for subsequent fiscal years.	\$0	Older Americans Act Amendments of 2006 (P.L. 109-365).
AUTHORITIES IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (PPACA)					
§ 6201	42 USC 1320a-7l	Background check program: Requires the HHS Secretary to establish a nationwide program for background checks on direct patient access employees of long-term care facilities or providers, and to provide federal matching funds to states to conduct these activities. [CMS]	Requires the Treasury Secretary to transfer to HHS an amount, not to exceed \$160 million, that is specified by the HHS Secretary as necessary to carry out the program for FY2010 through FY2012.	\$14 million	For information on an initial round of grant awards totaling \$14 million to 6 states, see http://aging.senate.gov/record.cfm?id=32816 . I. CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> , coordinated by C. Stephen Redhead and Erin D. Williams.
§ 6703(b)	42 USC 1395i-3a	Protecting residents of LTC facilities–National Training Institute for surveyors: Requires the HHS Secretary to enter into a contract with an entity to establish and operate a National Training Institute for federal and state surveyors to provide and improve training of surveyors investigating allegations of abuse in programs and LTC facilities that receive payments under Medicare or Medicaid.	\$12 million for the period of FY2011 through FY2014.		Elder Justice Act, enacted as part of PPACA. CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 6703(b)	42 USC 1395i-3a	Protecting residents of LTC facilities—Grants to state survey agencies: Requires the HHS Secretary to award grants to state survey agencies that perform surveys of Medicare or Medicaid participating nursing facilities to design and implement complaint investigation systems.	\$5 million for each of FY2011 through FY2014.		Elder Justice Act, enacted as part of PPACA. CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 6703(c)		National Nurse Aide Registry study and report: Requires the HHS Secretary to conduct a study on establishing a national nurse aide registry. No later than 18 months after the date of enactment, requires the Secretary to submit a report to the Elder Justice Coordinating Council (EJCC) and appropriate congressional committees containing the study's findings and recommendations.	SSAN (no years specified) to carry out these activities, with funding not to exceed \$500,000.		Elder Justice Act, enacted as part of PPACA. See SSA §§ 1819(e) and 1919(e) below regarding state-based Nurse Aide Registries. CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
AUTHORITIES IN THE PUBLIC HEALTH SERVICE ACT (PHSA, 42 U.S.C. 201 et seq.)					
§ 393	42 USC 280b-1	Interpersonal violence within families and among acquaintances: Requires the HHS Secretary to carry out specified activities with respect to interpersonal violence within families and among acquaintances, including domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, elder abuse, and acquaintance rape. [CDC]			For more information see issues under violence prevention, including elder mistreatment, at the CDC National Center for Injury Prevention and Control, at http://www.cdc.gov/injury/ . The Center also funds the National Center for Safe Aging, at http://www.safeaging.org/about.asp .
§ 399P	42 USC 280g-4	Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking: Requires the HHS Secretary to award grants to eligible entities to strengthen response to domestic violence, dating violence, sexual assault, and stalking. Strategies may include the development of training modules and policies that address the overlap of these areas including child abuse and elder abuse as well as childhood exposure to domestic violence. [CDC]	\$5 million for each of FY2007 through FY2011.	\$0	Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). This section, enacted as § 399O, was redesignated § 399P by P.L. 109-450.
§ 758	42 USC 294h	Interdisciplinary training and education on domestic violence and other types of violence and abuse: Requires the HHS Secretary to award grants to eligible entities to develop interdisciplinary training and education programs that provide medical, nursing, and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence. Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant. [HRSA]	\$3 million for each of FY2007 through FY2011.	\$0	Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162).

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 916(d)	42 USC 299b-5	Medical examination of certain victims: Requires the AHRQ Director to develop and disseminate a report on evidence-based clinical practices for: (1) the examination and treatment by health professionals of individuals who are victims of sexual assault or attempted sexual assault; and (2) the training of health professionals on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence. [AHRQ]			Healthcare Research and Quality Act of 1999 (P.L. 106-129). The report <i>Medical Examination and Treatment for Victims of Sexual Assault: Evidence-based Clinical Practice and Provider Training</i> , Report to Congress, Sept. 2003, AHRQ Pub. No. 03-R210, can be accessed at http://www.ahrq.gov/research/victsexual/
AUTHORITIES IN THE SOCIAL SECURITY ACT (SSA, 42 U.S.C. 301 et seq.)					
SSA Title XI: General Provisions, Peer Review, and Administrative Simplification					
§ 1150B	42 USC 1320b-25	Reporting to law enforcement of crimes occurring in LTC facilities: Requires the owner or operator of a federally funded LTC facilities that receive at least \$10,000 during the preceding year to annually notify covered individuals (e.g., owner, operator, or employee) of a long-term care facility that they are required to report any reasonable suspicion of a crime against a resident or individual receiving care from the facility. Failure to report suspicion of a crime would result in a civil money penalty of up to \$200,000 and may exclude the covered individual from participation in any federal health care program. [CMS]			§ 6703(b) of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
SSA Title XVIII: Medicare					
§ 1819(c)	42 USC 1395i-3	Requirements for, and assuring quality of care in, SNFs—Residents' Rights: A SNF must protect and promote the rights of each resident, including the right to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms. Establishes certain conditions for the use of restraints. [CMS]			
§ 1819(e)	42 USC 1395i-3	Requirements for, and assuring quality of care in, SNFs—Nurse Aide Registry: Require state-based Nurse Aide Registries to include specific documented findings by a state of resident neglect or abuse or misappropriation of resident property involving an individual listed in the registry. [CMS]			

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 1819(f)	42 USC 1395i-3	Requirements for, and assuring quality of care in, SNFs–Dementia and abuse prevention training: Effective March 23, 2011, requires nursing homes to include dementia and abuse prevention training as part of pre-employment initial training for staff and, if determined appropriate by the Secretary, as part of ongoing in-service training. [CMS]			§ 6121 of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 1819(g)	42 USC 1395i-3	Requirements for, and assuring quality of care in, SNFs–Survey and certification process: Sets forth requirements for state and federal responsibility regarding certifying, in accordance with surveys, SNF compliance. Requires states to provide a process for the review and investigation of allegations of resident neglect and abuse and misappropriation of resident property. [CMS]			
§ 1819(i)	42 USC 1395i-3	Requirements for, and assuring quality of care in, SNFs–Nursing Home Compare website: Requires the HHS Secretary to ensure that HHS includes certain specified information on the Nursing Home Compare website, such as the number of adjudicated instances of criminal violations by a SNF or its employees, including violations or crimes of abuse, neglect, and exploitation, criminal sexual abuse, or other violations or crimes resulting in serious bodily injury committed inside the facility. [CMS]			§ 6103 of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
Title XIX: Medicaid					
§ 1915(k)	42 USC 1396n	Community First Choice Option: Beginning October 1, 2011, authorizes states to provide through a state plan amendment the provision of medical assistance for home and community-based attendant services and supports for eligible individuals. In doing so, requires states to establish and maintain a quality assurance system that monitors each individual who receives attendant services and supports, including a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports. [CMS]			§ 2401 of PPACA (P.L. 111-148). CRS Report R41210, <i>Medicaid and the State Children’s Health Insurance Program (CHIP) Provisions in PPACA: Summary and Timeline,</i> coordinated by Julie Stone.

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 1919(c)	42 USC 1396r	Requirements for NFs–Residents’ Rights: A NF must protect and promote the rights of each resident, including the right to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident’s medical symptoms. Establishes certain conditions for the use of restraints. [CMS]			
§1919(e)	42 USC 1396r	Requirements for NFs–Nurse Aide Registry: Require state-based Nurse Aide Registries to include specific documented findings by a state of resident neglect or abuse or misappropriation of resident property involving an individual listed in the registry. [CMS]			
§ 1919(f)	42 USC 1396r	Requirements for NFs–Dementia and abuse prevention training: Effective March 23, 2011, requires nursing homes to include dementia and abuse prevention training as part of pre-employment initial training for staff and, if determined appropriate by the Secretary, as part of ongoing in-service training. [CMS]			§ 6121 of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 1919(g)	42 USC 1396r	Requirements for NFs–Survey and certification process: Sets forth requirements for state and federal responsibility regarding certifying, in accordance with surveys, NF compliance. Requires states to provide a process for the review and investigation of allegations of resident neglect and abuse and misappropriation of resident property. [CMS]			
§ 1919(i)	42 USC 1396r	Requirements for NFs–Nursing Home Compare website: Requires the HHS Secretary to ensure HHS includes certain specified information on the Nursing Home Compare website, such as the number of adjudicated instances of criminal violations by a NF or its employees that were committed inside of the facility and, with respect to violations or crimes committed outside of the facility, those that resulted in the serious bodily injury of an elder. [CMS]			§ 6103 of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
§ 1929(f)	42 USC 1396t	Home and Community Care for Functionally Disabled Elderly Individuals–Minimum Requirements: Home and community care must meet certain requirements for individuals' rights and quality as determined by the Secretary, including the right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints imposed for purposes of discipline or convenience and not included in an individual's Individual Community Care Plan. [CMS]			
§ 1929(i)	42 USC 1396t	Home and Community Care for Functionally Disabled Elderly Individuals–Survey and Certification Process: Sets forth requirements for state responsibility regarding certifying the compliance of providers of home and community care and community care settings. Requires states to provide a process for the review and investigation of allegations by care providers of neglect and abuse and misappropriation of individual property. [CMS]			
§ 1929(k)	42 USC 1396t	Home and Community Care for Functionally Disabled Elderly Individuals–Secretarial responsibilities: Requires the HHS Secretary to publish interim and final regulations that assure, through methods other than reliance on state licensure processes, that individuals receiving care are protected from neglect, physical and sexual abuse, financial exploitation, inappropriate involuntary restraint, and the provision of health care services by unqualified personnel in community care settings. [CMS]			
§ 1930(h)	42 USC 1396u	Community supported living arrangements services–Minimum protections: Requires the HHS Secretary to publish interim and final regulations that set forth requirements to protect the health, safety, and welfare of individuals receiving such services, including assurances that individuals are protected from neglect, physical and sexual abuse, and financial exploitation and that providers may not use individuals who have been convicted of child or client abuse, neglect, or mistreatment or of a felony involving physical harm to an individual, among other things. [CMS]			42 CFR § 441.404; interim final rule published by Department of Health and Human Services, "Medicaid Program; Community Supported Living Arrangement Services," 56 <i>Federal Register</i> 48112, September 24, 1991.

Act Section	U.S.C. Cite	Brief Description	Authorization of Appropriations (if applicable)	FY2010 Appropriation/ Funding level (if applicable)	Additional Information
SSA Title XX: Block Grants to States for Social Services and Elder Justice					
§ 2001	42 USC 1397	Social Services Block Grant (SSBG): Authorizes funding for a wide array of social services to states, including adult protective services (APS) and adult foster care. Among its stated purpose and goals, the grant program includes the goal of preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families. [ACF]	\$1.7 billion for FY2001 and each FY thereafter.	\$1.7 billion	In FY2008 (the most recent year for which data are available) states reported spending \$152.4 million on APS and \$50.7 million on adult foster care. For more information see, HHS, <i>Social Services Block Grant Program Annual Report 2008</i> , accessed at http://www.acf.hhs.gov/programs/ocs/ssbg/reports/reports.html . CRS Report 94-953, <i>Social Services Block Grant: Background and Funding</i> , by Karen E. Lynch.
§ 2021	42 USC 1397k	Elder Justice Coordinating Council: Establishes an Elder Justice Coordinating Council to include the Secretary as chair and the U.S. Attorney General, as well as the head of each federal department or agency, identified by the chair, as having administrative responsibility or administering programs related to elder abuse, neglect, and exploitation.	SSAN (no years specified). See also SSA Sec. 2024 below.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2022	42 USC 1397k-1	Advisory Board on Elder Abuse, Neglect, and Exploitation: Establishes an advisory board to create a short- and long-term multidisciplinary plan for development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council.	SSAN (no years specified). See also SSA Sec. 2024 below.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2023	42 USC 1397k-2	Human subject protection guidelines for researchers: Requires the HHS Secretary to promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections. Defines legally authorized representative for purposes of application of regulations.	See SSA Sec. 2024 below.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2024	42 USC 1397k-3	Authorization of appropriations: Authorizes funding for SSA Secs. 2021 (Coordinating Council), 2022 (Advisory Board), and 2023 (human subject protection guidelines for researchers).	\$6.5 million for FY2011, and \$7.0 million for each of FY2012 through FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .

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§ 2031	42 USC 1397l	Establishment and support of elder abuse, neglect, and exploitation forensic centers: Requires the HHS Secretary to award grants to eligible entities to establish and operate stationary and mobile forensic centers and to develop forensic expertise pertaining to elder abuse, neglect, and exploitation.	\$4 million for FY2011, \$6 million for FY2012, and \$8 million for each of FY2013 and FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2041(a)	42 USC 1397m	Enhancement of LTC–Incentives for LTC staffing: Requires the HHS Secretary to award grants to carry out activities for individuals to train for, seek, and maintain employment providing direct care in LTC; and to award grants to conduct programs that offer direct care employees continuing training and varying levels of certification.	For SSA Sec. 2041: \$20 million for FY2011, \$17.5 million for FY2012, and \$15 million for each of FY2013 and FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2041(b)	42 USC 1397m	Enhancement of LTC–Certified EHR technology grant program: Authorizes grants to LTC facilities for specified activities that would assist such entities in offsetting costs related to purchasing, leasing, developing, and implementing certified electronic health record technology.	See above authorization of appropriations for SSA Sec. 2041.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2041(c)	42 USC 1397m	Enhancement of LTC–Standards for transactions involving clinical data by LTC facilities: Requires the HHS Secretary to adopt electronic standards for the exchange of clinical data by LTC facilities and, within 10 years, to have in place procedures to accept the optional electronic submission of clinical data by LTC facilities pursuant to such standards.	See above authorization of appropriations for SSA Sec. 2041.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .
§ 2042(a)	42 USC 1397m-1	Adult protective services functions and grants–Functions: Requires the HHS Secretary to undertake various activities with respect to adult protective services, including providing funding, collecting and disseminating data on elder abuse, disseminating information on best practices and training, conducting research, and providing technical assistance to states and other entities.	\$3 million for FY2011, and \$4 million for each of FY2012 through FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline</i> .

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§ 2042(b)	42 USC 1397m-1	Adult protective services functions and grants—Grants to enhance provision of adult protective services: Requires the HHS Secretary to award formula grants to enhance adult protective services programs provided by states and local governments.	\$100 million for each of FY2011 through FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 2042(c)	42 USC 1397m-1	Adult protective services functions and grants—Demonstration grants: Requires the HHS Secretary to fund state demonstration programs for adult protective services that test methods to prevent and detect elder abuse.	\$25 million for each of FY2011 through FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 2043(a)	42 USC 1397m-2	LTC Ombudsman Program grants and training—LTC Ombudsman Program grants: Requires the HHS Secretary to award grants to improve the capacity of state LTC ombudsman programs to address abuse and neglect complaints, conduct pilot programs, and provide support for such programs.	\$5 million for FY2011, \$7.5 million for FY2012, and \$10 million for each of FY2013 and FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 2043(b)	42 USC 1397m-2	LTC Ombudsman Program grants and training—Ombudsman training programs: Requires the HHS Secretary to establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and state LTC ombudsman programs.	\$10 million for each of FY2011 through FY2014.		§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
§ 2044	42 USC 1397m-3	Provision of information regarding, and evaluations of, elder justice programs: Requires the HHS Secretary to reserve no less than 2% of the funds appropriated in each program under Secs. 2041-2043 to be used to provide assistance to eligible entities to conduct validated evaluations of the effectiveness of funded activities. This does not apply to the certified EHR technology grant program; instead, the Secretary is required to conduct an evaluation of the activities funded under this grant program and appropriate grant audits.			§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>

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§ 2045	42 USC 1397m-4	Report: Requires the HHS Secretary to submit a report to the Elder Justice Coordinating Council and the appropriate committees of Congress, no later than October 1, 2014, compiling, summarizing, and analyzing state reports submitted under the Adult Protective Services grant programs and recommendations for legislative or administrative action, as the Secretary determines appropriate.			§ 6703(a), Elder Justice Act, enacted as part of PPACA (P.L. 111-148). CRS Report R41278, <i>Public Health, Workforce, Quality, and Related Provisions in PPACA: Summary and Timeline.</i>
VICTIMS OF CRIME ACT (VOCA, 42 U.S.C. 10601 et seq.)					
	42 USC 10601	Crime Victims Fund: Establishes a Crime Victims Fund in the Treasury to provide funding to state victim compensation and assistance programs, among other purposes. Deposits to the Fund come from criminal fines, forfeited bail bonds, penalties, and special assessments collected by the U.S. Attorneys' Offices, federal U.S. courts and the Federal Bureau of Prisons from offenders convicted of federal crimes. Gifts, bequests, or donations from private entities may also be deposited to the Fund. The Fund must be used for the following purposes: child abuse prevention and treatment grants; funding for the U.S. Attorneys Offices and the Federal Bureau of Investigation to improve services for the benefit of crime victims in the federal criminal justice system, and for a Victim Notification System; an anti-terrorism emergency reserve fund; and victim compensation assistance distributed in 3 grant programs: (1) Victim Compensation Formula Grants; (2) Victim Assistance Formula Grants; and (3) Victim Discretionary Grants. [DoJ]		\$705 million	Section 1402 of the Victims of Crime Act (VOCA, P.L. 98-473, as amended). There is an annual cap on funds available for distribution. For FY2010 the annual cap was \$705 million. CRS Report RL32579, <i>Victims of Crime Compensation and Assistance: Background and Funding</i> , by Celinda Franco.
VIOLENCE AGAINST WOMEN ACT (VAWA, 42 U.S.C. 13701 et seq.)					
	42 USC 14041a	Enhanced training and services to end violence against and abuse of women later in life: Authorizes the Attorney General to award grants to certain entities for various activities that address elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older. Activities include training programs, services for victims, multidisciplinary collaborative community responses, and cross-training among victim service organizations and other entities. [DoJ]	\$10 million for each of FYs 2007 through 2011.	\$4.2 million	Section 40802 of the Violence Against Women Act, enacted under Section 1209(a) of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). CRS Report RL30871, <i>Violence Against Women Act: History and Federal Funding</i> , by Garrine P. Laney.

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MISCELLANEOUS PROVISIONS					
	12 USC 5493	Office of Financial Protection for Older Americans: Requires the Director of the Bureau of Consumer and Financial Protection to establish the Office of Financial Protection for Older Americans within the newly established Bureau of Consumer and Financial Protection, an independent Bureau within the Federal Reserve System. The functions of the Office must include activities designed to facilitate the financial literacy of individuals age 62 years or older on protection from unfair, deceptive, and abusive practices and on current and future financial choices, including disseminating of materials to seniors on such topics. [FRS]			Section 1013(g) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203). CRS Report R41338, <i>The Dodd-Frank Wall Street Reform and Consumer Protection Act: Title X, The Consumer Financial Protection Bureau</i> , by David H. Carpenter.
	12 USC 5537	Senior investor protections: Requires the newly established Bureau of Consumer Financial Protection to establish a program to provide grants of up to \$500,000 per fiscal year to individual states to investigate and prosecute misleading and fraudulent marketing practices or to develop educational materials and training to reduce misleading and fraudulent marketing of financial products toward seniors. [FRS]	\$8 million for each of FY2011 through FY2015.		Section 989A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203). CRS Report R41503, <i>The Dodd-Frank Wall Street Reform and Consumer Protection Act: Title IX, Investor Protection</i> , by Mark Jickling.
	42 USC 3732	Bureau of Justice Statistics—Crimes against the elderly: Authorizes the Bureau of Justice Statistics to collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes, among other things. [DoJ]			Title XXIV—Protections for the Elderly, Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).
	42 USC 3796gg	Grants to combat violent crimes against women: Establishes grants to assist eligible entities to develop and strengthen effective law enforcement and prosecution strategies and strengthen victim services in cases involving violent crimes against women. Grants must provide personnel, training, technical assistance, data collection, and other equipment for the apprehension, prosecution, and adjudication of persons committing violent crimes against women, and may include programs to assist certain entities address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault. [DoJ]	\$225 million for each of FYs 2007 through 2011.	\$187.5 million	Title I, Part U, Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351, as amended by Section 1209(c) of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).

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	42 USC 3796hh	Grants to encourage arrest policies and enforcement of protection orders: Authorizes the Attorney General to make grants to eligible entities to develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals and individuals with disabilities, among other things. [DoJ]	\$75 million for each of FYs 2007 through 2011.	\$47.5 million	Title I, Part U, Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351), as amended by Section 1209(b) of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).
	42 USC 5119a	Background checks: Authorizes states to have procedures that require qualified entities designated by the state to contact an authorized state agency to request a nationwide background check for the purpose of determining whether a provider has been convicted of a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.			Section 3(a) of the National Child Protection Act of 1993 (P.L. 103-209), as amended by Section 320928 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).
		Study on establishing a uniform national database on elder abuse: Requires the HHS Secretary to conduct a study on establishing a uniform national database on elder abuse. The study may consider: current methods used for collecting data on elder abuse; reporting and implementation process for national standards on elder abuse; potential conflicts with federal, state, and local laws that may occur as a result of the creation of a national database on elder abuse; and variation among existing definitions used by federal, state, and local agencies with respect to elder abuse. Requires the study to be conducted within two years. Requires the Secretary to submit a report to Congress containing study findings and recommendations on implementation of a uniform national database on elder abuse. [HHS, ASPE]	\$500,000 for each of FYs 2007 and 2008.	\$0	Title IV, Section 405 of the Tax Relief and Health Care Act of 2006 (P.L. 109-432). While Congress did not appropriate funds for this study in FY2007 or FY2008, the Secretary awarded a contract to conduct the feasibility study. In March 2010, the Secretary submitted the <i>Congressional Report on the Feasibility of Establishing a Uniform National Database On Elder Abuse</i> , see http://aspe.hhs.gov/daltcp/reports/2010/elderCR.pdf

Source: Compiled by CRS as discussed in the section on “Scope and Methodology.”