

The Elder Justice Reauthorization and Modernization Act of 2023

Richard Neal (D-MA) and Suzanne Bonamici (D-OR)

Section-by-Section Summary

Section 1.

Short Title. This act may be cited as the *Elder Justice Reauthorization and Modernization Act of 2023*.

Section 2.

Reauthorization of Funding for Programs to Prevent and Investigate Elder Abuse, Neglect, and Exploitation. This section reauthorizes, and makes annual mandatory funding available for, programs in the *Elder Justice Act*, and adds new policies to further serve and support older adults and people with disabilities.

Subsection (a). Nursing home worker training grants. This subsection replaces the language in Section 2041 of Title XX of the Social Security Act (SSA) with new language regarding worker recruitment and retention. It provides direct appropriations for grants to states to support workers providing aide, nursing, and social work services in post-acute and long-term care (LTC) settings. The grants are provided to states and territories, based on their population of adults over 65 years of age and people with disabilities, and to tribes and tribal organizations.

The funds must be used to: assist with the cost of tuition and exam fees, transportation, and child care, as well as to subsidize wages. Funds may additionally be spent on: emergency financial and in-kind assistance, legal aid assistance, paid leave support, and other worker recruitment and retention activities.

States must obligate their funds within two years of receipt. States shall spend no more than 10 percent of funds on: subgrant administration, technical assistance, and other dissemination and supply activities.

Each state will also provide annually a report to the Secretary of the U.S. Department of Health and Human Services (HHS) describing its activities under this section. The Secretary must provide a Report to Congress at least every four years detailing the expenditures of grantees and an analysis of the data provided in the state reports.

This subsection directly appropriates \$400 million for each of fiscal years (FYs) 2024 to 2027, with two percent reserved for tribes and tribal organizations.

Subsection (b). Funding for Adult Protective Services (APS) functions and grant programs. This subsection reauthorizes Section 2042 of the SSA to improve upon and directly fund Adult Protective Services (APS) and associated grant programs.

The subsection provides dedicated federal funding for APS programs:

- \$8 million in mandatory funding for each of FYs 2024 through 2027 for the HHS Secretary to carry out the general secretarial responsibilities of administering APS and grant programs.
- \$400 million for each of FYs 2024 through 2027 to fund grants to states and territories to enhance the provision of standard APS programs including preventing and addressing abuse, neglect, and exploitation.
- \$75 million for each of FYs 2024 through 2027 to fund authorized APS demonstration programs, such as new training modules and methods for detecting and preventing abuse, neglect, financial exploitation, elder abuse forensics, and adult guardianship and conservatorship proceedings.

This subsection establishes a dedicated two percent set-aside to fund grants to tribes and tribal organizations for APS programs.

Subsection (c). Funding for long-term care (LTC) ombudsman program grants and training. This subsection reauthorizes Section 2043 of the SSA, which 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, and which further requires the Secretary to establish and improve upon LTC ombudsman training programs. This subsection directly appropriates \$22.5 million for FY 2024 and \$30 million for each of FYs 2025 through 2027 for LTC ombudsman program grants, and \$30 million for each of FYs 2024 through 2027 for establishing and improving LTC ombudsman training programs.

Subsection (d). Incentives for developing and sustaining structural competency in providing health and human services. This section creates a new Section 2047 in Title XX of the SSA with two new grant programs to address structural gaps in providing older adults and adults with disabilities the services and supports they need.

Grants to states to support linkages to legal services and medical-legal partnerships (MLPs).

This subsection creates a grant program for states to support the adoption of programs to establish, improve, or maintain linkages between health and human services and supports for older adults and adults with disabilities. States must use the funds to develop MLPs, multidisciplinary teams that combine clinical staff with social workers and lawyers at a single site of care to ensure patients' social and legal needs are met. States must also fund the development and expansion of legal assistance hotlines that help facilitate the identification of older adults and adults with disabilities who could benefit from linkages to available services. States must submit reports to the Secretary every two years, and the HHS Secretary must submit a Report to Congress every four years. This subsection directly appropriates \$125 million for each of FYs 2024 through 2027 to carry out the new MLP grants.

Grants and training to support area agencies on aging or other community-based organizations to address social isolation among older adults and adults with disabilities. This subsection requires the Secretary to make grants to eligible Area Agencies on Aging (AAAs) or other community-based organizations to conduct outreach to individuals at risk for social isolation or loneliness, develop community-based interventions to mitigate loneliness and social

isolation, connect at-risk individuals with social and clinical supports, and evaluate the effect of the programs developed and implemented in this section. The Secretary must establish programs to provide and improve training for AAAs or other community-based organizations to address and prevent social isolation and loneliness. The Secretary may prioritize models that incorporate training and service delivery with MLPs. The Secretary must evaluate the programs established under this section and submit a Report to Congress every three years after this section is enacted. This subsection directly appropriates \$62.5 million for each of FYs 2024 to 2027 to carry out the new social isolation grants.

The subsection requires coordination with *Older Americans Act* federal funding streams and clarifies that MLPs are authorized Adult Protective Services activities.

Section 3.

Assessment Reports. This section requires Secretary to submit a report to Congress through the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Special Committee on Aging. The report must include discussion and assessment of the programs, coordinating bodies, registries, and activities under the *Elder Justice Act*. Each report, issued every two years, must 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 section directly appropriates \$5 million for each of FYs 2024 through 2027 to carry out these assessments.