

THE ELDER JUSTICE COALITION

A NATIONAL ADVOCACY VOICE FOR ELDER JUSTICE IN AMERICA
JOHN B. BREAU, HONORARY CHAIR ♦ ROBERT B. BLANCATO, NATIONAL COORDINATOR

ELDER JUSTICE ACT SUMMARY

The Elder Justice Act (EJA), was passed by both the Senate and the House in the health care reform bill, H.R.3590 and signed into law by President Obama.

The main provisions are listed below:

Authorizes \$777 million over 4 years for the Elder Justice Act.

Establishes an Elder Justice Coordinating Council to make recommendations to the Secretary of HHS on the coordination of activities of federal, state, local and private agencies and entities relating to elder abuse, neglect and exploitation. Recommendations contained in report are due in 2 years.

Establishes a 27-member Advisory Board on Elder Abuse, Neglect and Exploitation. They are to submit a report within 18 months to create a short and long-term multidisciplinary strategic plan for the developing field of elder justice.

Adult Protective Services (APS) funding. Provides \$400 million (\$100 million per year) in first-time dedicated funding for adult protective services. Provides \$100 million (\$25 million annually) for state demonstration grants to test a variety of methods to improve APS.

Provides \$26 million for establishment and support of Elder Abuse, Neglect and Exploitation Forensic Centers to develop forensic expertise regarding and providing services relating to, elder abuse, neglect and exploitation.

Provides \$32.5 million (over 4 years) in grants to support the Long-Term Care Ombudsman Program and an additional \$40 million (\$10 million annually) in training programs for national organizations and State long-term care ombudsman programs.

Authorizes \$67.5 million (over 4 years) in grants to enhance long-term care staffing through training and recruitment and incentives for individuals seeking or maintaining employment in long-term care, either in a facility or a community-based long-term care entity.

Authorizes \$48 million (\$12 million annually) for a National Training Institute for Surveyors.

Requires the immediate reporting to law enforcement of crimes in a long-term care facility and establishes civil monetary penalties for failure to report.

Provides for penalties for long-term care facilities that retaliate against an employee for filing a complaint against or reporting a long-term care facility that violates reporting requirements.

Authorizes a \$500,000 study on establishing a national nurse aide registry.

Authorizes \$15 million (over 4 years) for the Department of Health and Human Services to improve data collection and dissemination, develop and disseminate information related to best practices related to adult protective services and to conduct research related to APS.

Authorizes the Secretary to make grants to long-term care facilities for the purpose of assisting such entities in off-setting the costs related to purchasing, leasing, developing and implementing certified EHR technology.

Related Provisions

Provisions in S.795 related to additional reporting of data on CMS's Nursing Home Compare (e.g. crimes in facilities) were moved to the section of the bill dealing with nursing home transparency requirements (S.647.) These provisions appear in the health care reform bill.

Provisions in S.631, to create a national program of criminal background checks for nursing home employees (a part of the original Elder Justice Act) were also included in the health care reform bill.

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History and Status of the Elder Justice Act

- The bill grew out of hearings and related work of Senate Special Committee on Aging. EJA subject of numerous hearings in Senate and House. It passed in Senate Finance Committee on 3 different occasions.
- **Finally in 2010 as an amendment to the Affordable Care Act it became law.**
- Since then process has involved securing funding for the 13 authorizations in bill, implementing the law and working to pass parts of the original bill not included such as the Elder Abuse Victims Act.
- In fiscal year 2012, the Administration released \$6 million for Adult Protective Services from the ACA's Prevention and Public Health Fund. HHS released a further \$2 million from the Fund for data collection activities in 2013.
- The Elder Justice Coordinating Council convened in October 2012, May 2013, September 2013 and May 2014 and reviewed recommendations from inter-agency working groups to improve elder justice efforts across government agencies.
- In 2014, the Administration proposed a \$25 million Elder Justice Initiative for data collection and research for fiscal year 2015. The Senate Appropriations Committee included \$10 million for the Initiative in its funding bill. The status of the Initiative is unclear as of early November 2014 as the government is currently operating under a Continuing Resolution for fiscal year 2015 and deliberations have not yet begun on funding for the rest of the year.
- **The bill's authorization expired at the end of fiscal year 2014.**

Selected Resources

- EJC: www.elderjusticecoalition.com
- Administration on Aging: <http://aoa.gov>
- CFPB: www.consumerfinance.gov/older-americans
- NCEA: www.ncea.aoa.gov
- Ageless Alliance: www.agelessalliance.org
- Center of Excellence on Elder Abuse and Neglect: www.centeronelderabuse.org
- NCPEA: www.preventelderabuse.org
- NAPSA: www.napsa-now.org
- Legislation: congress.gov
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