

The Elder Justice Reauthorization and Modernization Act of 2021

Section-by-Section

Section 1. Short Title. This act may be cited as the Elder Justice Reauthorization and Modernization Act of 2021.

Section 2. Reauthorization of Funding for Programs to Prevent, and Investigate Elder Abuse, Neglect, and Exploitation. This section reauthorizes and makes mandatory funding for programs in the Elder Justice Act and adds new policies to further serve and support older adults and people with disabilities.

Subsection (a). Post-acute and long-term care workforce development. 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 through a consultation process.

The funds must be used to:

- provide wage subsidies to employees in post-acute and LTC positions
- provide student loan repayment or tuition assistance to eligible individuals
- guarantee affordable and accessible child care for eligible individuals
- provide transportation assistance to eligible individuals

The funds may be used to:

- establish a reserve fund for emergency financial assistance
- provide in-kind resource donations, such as interview clothing and conference attendance fees
- provide assistance with activities designed to lower barriers to employment, including legal assistance
- support eligible employers in offering not less than two weeks of paid leave per year

Grantees must spend their funds within two years of obligation. Each grantee will also provide annually a report to the Secretary 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 the measurable outcomes of the spending, including changes in the number of persons employed in eligible job categories, average duration of employment, average worker wages, and average amount of paid time off allotted to workers by contract.

This section directly appropriates \$400 million for each of fiscal years (FYs) 2022 to 2025, with two percent reserved for Indian tribes and tribal organizations.

Subsection (b). Funding for adult protective services functions and grant programs. This section revises Section 2042 of the SSA, which requires the Secretary of the Department of

Health and Human Services (HHS) 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 provides \$8 million in mandatory funding for each of FYs 2023 through 2025.

This provision also requires the HHS Secretary to establish two grant programs. The first awards grants to enhance state and local APS services. For each of FYs 2023 through 2025, this provision directly appropriates \$400 million for purposes of these grants. The second grant program awards 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, addressing financial exploitation, and focusing on guardianship and conservatorship proceedings. For each of FYs 2023 through 2025, this provision directly appropriates \$75 million for APS demonstration grants.

Additionally, this section provides grants to Indian tribes and tribal organizations for APS through a consultation with Indian tribes and tribal organizations.

Subsection (c). Funding for long-term care ombudsman program grants and training. This section 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. 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 directly appropriates \$22.5 million for FY 2023 and \$30 million for each of FYs 2024 and 2025 for these grants.

The revised 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 directly appropriates \$30 million for each of FYs 2023 through 2025 for this purpose.

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 to address structural gaps in providing older adults and people with disabilities the services and supports they need.

Subsection (a). Grants to states to support linkages to legal services and medical-legal partnerships. This subsection creates a grant program for states to support the adoption of evidence-based approaches to establish, improve, or maintain linkages between health and social services and supports for vulnerable older adults. States must use the funds to develop medical-legal partnerships (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 – such as housing, food, education, and access to care – are met.

States must also fund the development and expansion of legal assistance hotlines that help facilitate the identification of older adults who could benefit from linkages to available services.

This section also requires state reports to the Secretary every two years, evaluation of the activities pursuant to this section by the Secretary, and a Report to Congress from the Secretary every four years.

This section directly appropriates \$125 million for each of FYs 2022 through 2025 to carry out these programs.

Subsection (b). Grants and training to support community-based organizations in addressing social isolation. 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.

Additionally, 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 at least every three years after this section is enacted.

This section directly appropriates \$62.5 million for each of FYs 2022 to 2025 to carry out these programs.

Section 3. Assessment Reports. This provision requires 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, assesses 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 directly appropriates \$5 million for each of FYs 2022 through 2025 to carry out these assessments.