

**(B) Criminal sexual abuse**

Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18 or any similar offense under State law.

**(20) Social**

The term “social”, when used with respect to a service, includes adult protective services.

**(21) State legal assistance developer**

The term “State legal assistance developer” means an individual described in section 3058j of this title.

**(22) State Long-Term Care Ombudsman**

The term “State Long-Term Care Ombudsman” means the State Long-Term Care Ombudsman described in section 3058g(a)(2) of this title.

(Aug. 14, 1935, ch. 531, title XX, §2011, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 782.)

**§ 1397j-1. General provisions****(a) Protection of privacy**

In pursuing activities under this division, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and applicable State and local privacy regulations.

**(b) Rule of construction**

Nothing in this division shall be construed to interfere with or abridge an elder’s right to practice his or her religion through reliance on prayer alone for healing when this choice—

(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

(3) may be unambiguously deduced from the elder’s life history.

(Aug. 14, 1935, ch. 531, title XX, §2012, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 785.)

## REFERENCES IN TEXT

Section 264(c) of the Health Insurance Portability and Accountability Act of 1996, referred to in subsec. (a), is section 264(c) of Pub. L. 104-191, which is set out as a note under section 1320d-2 of this title.

## PART I—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH

## SUBPART A—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION

**§ 1397k. Elder Justice Coordinating Council****(a) Establishment**

There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the “Council”).

**(b) Membership****(1) In general**

The Council shall be composed of the following members:

(A) The Secretary (or the Secretary’s designee).

(B) The Attorney General (or the Attorney General’s designee).

(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.

**(2) Requirement**

Each member of the Council shall be an officer or employee of the Federal Government.

**(c) Vacancies**

Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

**(d) Chair**

The member described in subsection (b)(1)(A) shall be Chair of the Council.

**(e) Meetings**

The Council shall meet at least 2 times per year, as determined by the Chair.

**(f) Duties****(1) In general**

The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

**(2) Report**

Not later than the date that is 2 years after March 23, 2010, and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) describes the activities and accomplishments of, and challenges faced by—

(i) the Council; and

(ii) the entities represented on the Council; and

(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

**(g) Powers of the Council****(1) Information from Federal agencies**

Subject to the requirements of section 1397j-1(a) of this title, the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

**(2) Postal services**

The Council may use the United States mails in the same manner and under the same