

States, in the case of demonstration programs described in subparagraph (E)) to conduct demonstration programs that test—

(A) training modules developed for the purpose of detecting or preventing elder abuse;

(B) methods to detect or prevent financial exploitation of elders;

(C) methods to detect elder abuse;

(D) whether training on elder abuse forensics enhances the detection of elder abuse by employees of the State or local unit of government;

(E) subject to paragraph (3), programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons; or

(F) other matters relating to the detection or prevention of elder abuse.

**(3) Requirements for court-appointed guardianship oversight demonstration programs**

**(A) Award of grants**

In awarding grants to the highest courts of States for demonstration programs described in paragraph (2)(E), the Secretary shall consider the recommendations of the Attorney General and the State Justice Institute, as established by section 10702 of this title.

**(B) Collaboration**

The highest court of a State awarded a grant to conduct a demonstration program described in paragraph (2)(E) shall collaborate with the State Unit on Aging for the State and the Adult Protective Services agency for the State in conducting the demonstration program.

**(4) Application**

To be eligible to receive a grant under this subsection, a State (and, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**(5) State reports**

Each State (or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State) that receives funds under this subsection shall submit to the Secretary a report at such time, in such manner, and containing such information as the Secretary may require on the results of the dem-

onstration program conducted by the State (or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State) using funds made available under this subsection.

**(6) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection, \$25,000,000 for each of fiscal years 2011 through 2014.

(Aug. 14, 1935, ch. 531, title XX, § 2042, as added Pub. L. 111-148, title VI, § 6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 794; amended Pub. L. 115-70, title V, § 501, Oct. 18, 2017, 131 Stat. 1215.)

AMENDMENTS

2017—Subsec. (c)(1). Pub. L. 115-70, § 501(1), inserted “(and, in the case of demonstration programs described in paragraph (2)(E), to the highest courts of States)” after “States”.

Subsec. (c)(2). Pub. L. 115-70, § 501(2)(A), inserted “(and the highest courts of States, in the case of demonstration programs described in subparagraph (E))” after “local units of government” in introductory provisions.

Subsec. (c)(2)(E), (F). Pub. L. 115-70, § 501(2)(B)–(D), inserted subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (c)(3). Pub. L. 115-70, § 501(4), added par. (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 115-70, § 501(3), (5), redesignated par. (3) as (4) and inserted “(and, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)” after “a State”. Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 115-70, § 501(3), (6), redesignated par. (4) as (5) and inserted “(or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)” after “State” in two places. Former par. (5) redesignated (6).

Subsec. (c)(6). Pub. L. 115-70, § 501(3), redesignated par. (5) as (6).

**§ 1397m-2. Long-term care ombudsman program grants and training**

**(a) Grants to support the long-term care ombudsman program**

**(1) In general**

The Secretary shall make grants to eligible entities with relevant expertise and experience in abuse and neglect in long-term care facilities or long-term care ombudsman programs and responsibilities, for the purpose of—

(A) improving the capacity of State long-term care ombudsman programs to respond to and resolve complaints about abuse and neglect;

(B) conducting pilot programs with State long-term care ombudsman offices or local ombudsman entities; and

(C) providing support for such State long-term care ombudsman programs and such pilot programs (such as through the establishment of a national long-term care ombudsman resource center).

**(2) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection—

(A) for fiscal year 2011, \$5,000,000;

(B) for fiscal year 2012, \$7,500,000; and

(C) for each of fiscal years 2013 and 2014, \$10,000,000.

**(b) Ombudsman training programs****(1) In general**

The Secretary shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and State long-term care ombudsman programs.

**(2) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection, for each of fiscal years 2011 through 2014, \$10,000,000.

(Aug. 14, 1935, ch. 531, title XX, §2043, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 796.)

**§ 1397m-3. Provision of information regarding, and evaluations of, elder justice programs****(a) Provision of information**

To be eligible to receive a grant under this part, an applicant shall agree—

(1) except as provided in paragraph (2), to provide the eligible entity conducting an evaluation under subsection (b) of the activities funded through the grant with such information as the eligible entity may require in order to conduct such evaluation; or

(2) in the case of an applicant for a grant under section 1397m(b) of this title, to provide the Secretary with such information as the Secretary may require to conduct an evaluation or audit under subsection (c).

**(b) Use of eligible entities to conduct evaluations****(1) Evaluations required**

Except as provided in paragraph (2), the Secretary shall—

(A) reserve a portion (not less than 2 percent) of the funds appropriated with respect to each program carried out under this part; and

(B) use the funds reserved under subparagraph (A) to provide assistance to eligible entities to conduct evaluations of the activities funded under each program carried out under this part.

**(2) Certified EHR technology grant program not included**

The provisions of this subsection shall not apply to the certified EHR technology grant program under section 1397m(b) of this title.

**(3) Authorized activities**

A recipient of assistance described in paragraph (1)(B) shall use the funds made available through the assistance to conduct a validated evaluation of the effectiveness of the activities funded under a program carried out under this part.

**(4) Applications**

To be eligible to receive assistance under paragraph (1)(B), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a proposal for the evaluation.

**(5) Reports**

Not later than a date specified by the Secretary, an eligible entity receiving assistance

under paragraph (1)(B) shall submit to the Secretary, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report containing the results of the evaluation conducted using such assistance together with such recommendations as the entity determines to be appropriate.

**(c) Evaluations and audits of certified EHR technology grant program by the Secretary****(1) Evaluations**

The Secretary shall conduct an evaluation of the activities funded under the certified EHR technology grant program under section 1397m(b) of this title. Such evaluation shall include an evaluation of whether the funding provided under the grant is expended only for the purposes for which it is made.

**(2) Audits**

The Secretary shall conduct appropriate audits of grants made under section 1397m(b) of this title.

(Aug. 14, 1935, ch. 531, title XX, §2044, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 796.)

**§ 1397m-4. Report**

Not later than October 1, 2014, the Secretary shall submit to the Elder Justice Coordinating Council established under section 1397k of this title, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report—

(1) compiling, summarizing, and analyzing the information contained in the State reports submitted under subsections (b)(4) and (c)(4)<sup>1</sup> of section 1397m-1 of this title; and

(2) containing such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

(Aug. 14, 1935, ch. 531, title XX, §2045, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 797.)

## REFERENCES IN TEXT

Subsection (c)(4) of section 1397m-1 of this title, referred to in par. (1), was redesignated subsec. (c)(5) by Pub. L. 115-70, title V, §501(3), Oct. 18, 2017, 131 Stat. 1215.

**§ 1397m-5. Rule of construction**

Nothing in this division shall be construed as—

(1) limiting any cause of action or other relief related to obligations under this division that is available under the law of any State, or political subdivision thereof; or

(2) creating a private cause of action for a violation of this division.

(Aug. 14, 1935, ch. 531, title XX, §2046, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 798.)

<sup>1</sup> See References in Text note below.