

114TH CONGRESS  
2D SESSION

# H. R. 5694

To direct the Attorney General to establish guidelines for a model elder abuse registry and to provide grants to States for establishing and operating such a registry, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2016

Ms. GRAHAM (for herself, Mr. KING of New York, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To direct the Attorney General to establish guidelines for a model elder abuse registry and to provide grants to States for establishing and operating such a registry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Citizen Protec-  
5 tion Act of 2016”.

6 **SEC. 2. MODEL ELDER ABUSE REGISTRY.**

7 (a) IN GENERAL.—Not later than one year after the  
8 date of the enactment of this Act, the Attorney General

1 shall establish guidelines for States to design and imple-  
2 ment elder abuse registries.

3 (b) CONTENTS.—The guidelines established under  
4 subsection (a) shall be designed to provide guidance to  
5 States to do the following:

6 (1) Identify which types of individuals to place  
7 on an elder abuse registry, including—

8 (A) individuals convicted of a crime involv-  
9 ing elder abuse; and

10 (B) individuals found by a State agency to  
11 have committed elder abuse.

12 (2) Provide, for each individual placed on the  
13 registry, the information to be included for such in-  
14 dividual in the elder abuse registry, including—

15 (A) the circumstances surrounding the  
16 elder abuse;

17 (B) the type of abuse committed; and

18 (C) the relationship of the individual to the  
19 victim.

20 (3) Prior to placement on the registry, notify  
21 each individual to be placed on the registry of such  
22 individual's placement on the registry.

23 (4) Provide, for each individual to be placed on  
24 the registry, the opportunity to appeal placement on

1 the registry within a reasonable period of time be-  
2 fore such individual's placement on the registry.

3 (5) Provide the duration of placement on the  
4 registry.

5 (6) Provide for the removal of individuals who  
6 should no longer be placed on the registry.

7 (7) Make elder abuse registries readily acces-  
8 sible to the public, including by—

9 (A) posting the information contained in  
10 the registry onto the Internet; and

11 (B) making the registry readily searchable.

12 (c) CONSULTATION.—In developing such guidelines  
13 under subsection (a), the Attorney General shall consult  
14 with the Secretary of Health and Human Services and the  
15 appropriate public and private entities.

16 **SEC. 3. GRANTS.**

17 (a) IN GENERAL.—The Attorney General may make  
18 grants to States for establishing and operating elder abuse  
19 registries.

20 (b) APPLICATION.—A State may apply for a grant  
21 under this section at such time and in such form as the  
22 Attorney General may require.

23 (c) USE OF FUNDS.—The recipient of a grant under  
24 this section shall use the funds to—

1           (1) establish an elder abuse registry that sub-  
2           stantially conforms to the guidelines established pur-  
3           suant to section 2; and

4           (2) enact legislation requiring entities that pro-  
5           vide health care services or long-term care to elders  
6           in the State to check the State elder abuse registry  
7           before hiring individuals for such services to ensure  
8           that such individuals have not been found by a State  
9           agency to have committed elder abuse.

10 **SEC. 4. NATIONAL ELDER ABUSE REGISTRY.**

11           Beginning, not less than two years after the date of  
12           the enactment of this Act, the Attorney General shall es-  
13           tablish and maintain a national database of content from  
14           State elder abuse registries that substantially conforms to  
15           the guidelines established pursuant to section 2.

16 **SEC. 5. DEFINITIONS.**

17           In this Act:

18           (1) The term “abuse” means the knowing in-  
19           fliction of physical or psychological harm or the  
20           knowing deprivation of goods or services that are  
21           necessary to meet essential needs or to avoid phys-  
22           ical or psychological harm.

23           (2) The term “caregiver” means an individual  
24           who has the responsibility for the care of an elder,  
25           either voluntarily, by contract, by receipt of payment

1 for care, or as a result of the operation of law, and  
2 means a family member or other individual who pro-  
3 vides (on behalf of such individual or of a public or  
4 private agency, organization, or institution) com-  
5 pensated or uncompensated care to an elder who  
6 needs supportive services in any setting.

7 (3) The term “elder” means an individual age  
8 60 or older.

9 (4) The term “elder abuse” means the abuse,  
10 neglect, mistreatment, or exploitation of an elder.

11 (5) The term “exploitation” means the fraudu-  
12 lent or otherwise illegal, unauthorized, or improper  
13 act or process of an individual, including a caregiver  
14 or fiduciary, that uses the resources of an elder for  
15 monetary or personal benefit, profit, or gain, or that  
16 results in depriving an elder of rightful access to, or  
17 use of, benefits, resources, belongings, or assets.

18 (6) The term “fiduciary”—

19 (A) means a person or entity with the legal  
20 responsibility—

21 (i) to make decisions on behalf of and  
22 for the benefit of another person; and

23 (ii) to act in good faith and with fair-  
24 ness; and

1           (B) includes a trustee, a guardian, a con-  
2           servator, an executor, an agent under a finan-  
3           cial power of attorney or health care power of  
4           attorney, or a representative payee.

5           (7) The term “neglect” means the knowing fail-  
6           ure of a caregiver or fiduciary to provide the goods  
7           or services that are necessary to maintain the health  
8           or safety of an elder.

9           (8) The term “mistreatment” means the inap-  
10          propriate use of medications, isolation, or physical or  
11          chemical restraints.

12          (9) The term “State” means any of the 50  
13          States, or the District of Columbia.

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