



The Older Americans Act: Reauthorization Issues in 2012 ***Updated October 2012***

Overview

First enacted in 1965, the Older Americans Act (OAA) funds critical services for older adults and their caregivers, including meals, job training, senior centers, caregiver support, transportation, health promotion, benefits enrollment, and more. Title III-E of the OAA, known as the National Family Caregiver Support Program (NFCSP), was added to the law in 2000 and has the most direct impact on family caregivers. Administered at the state and local levels, the NFCSP provides information and assistance to family caregivers, counseling and support, caregiver training and education, respite care, and limited supplemental services to compliment the care provided by family caregivers.

The OAA has been reauthorized with updates and improvements several times in the last four decades, and we have this opportunity once again.* In the fall of 2011, the National Alliance for Caregiving presented our priorities for OAA reauthorization to Congress. A summary of those priorities is provided below.

Over the last year, several Senators introduced bills with their priorities for OAA reauthorization. Most likely, Congress will not address these bills or take up reauthorization this year, waiting instead for a new Congress to come into place after the fall elections. At that time, it is most likely that the Senate Health, Education, Labor and Pensions (HELP) Committee will debate and vote on a reauthorization bill. Once a bill passes the HELP Committee and then the full Senate, the House of Representatives will address OAA reauthorization, bringing forth their own priorities and ideas. A summary of OAA reauthorization bills is provided below.

National Alliance for Caregiving OAA Reauthorization Priorities

To read the full statement presented by Gail Hunt, President and CEO of the National Alliance for Caregiving, to the Senate Health, Education, Labor and Pensions (HELP) Subcommittee on Primary Health and Aging on September 9, 2011, click [here](#).

- (1) **Caregiver Assessment.** The Alliance strongly recommends that the provision of caregiver assessment be added as an allowable service under the National Family Caregiver Support Program (NFCSP). Caregiver assessments are critical in order to understand the caregiver's and care receiver's situation, the pressures facing the caregiver and how he or she is coping with them. Ultimately, assessments help to identify those services and supports that can help caregivers stay physically and emotionally healthy, as well as provide training and education to help them become better caregivers. Any such caregiver assessment provision should require that assessments include referrals to appropriate services and follow-up, as well as data collection and reporting requirements to the Assistant Secretary on Aging.

* The Older Americans Act was up for reauthorization in 2011 but Congress did not act, pushing the process into 2012 and possibly into 2013 if Congress doesn't act before the end of the year.

- (2) **Increase authorized funding levels.** In order to strengthen the National Family Caregiver Support Program, we recommend increasing its authorization to \$250 million a year. The NFCSP has been woefully underfunded for years and the authorized funding levels set in this OAA Reauthorization will serve as a funding guide for years to come. Furthermore, the number of family caregivers in the U.S. continues to grow as the population ages and increasingly relies on family members and friends for care. For the NFCSP to achieve its goals of supporting and serving all qualified family caregivers, adequate funding is crucial.

- (3) **Clarify definition of qualified caregiver.** Currently, conflicting definitions of “family caregiver” within the OAA have effectively prevented some family caregivers from accessing NFCSP services, specifically older caregivers who are parents of adult children with disabilities. We recommend amending all relevant sections to clarify the definition of family caregiver to include that group of caregivers. Furthermore, we recommend expanding the definition of family caregiver to be inclusive of all variety of family and care structures of all racial, ethnic, and LGBT communities – which include partners and families of choice, as well as spouses and biological families.

Legislation

Below is a short summary of the key Senate bills focused on OAA Reauthorization. With some minor exceptions[†], few bills amending the OAA have been introduced in the House of Representatives.

Older Americans Act Amendments of 2012 (S. 3562)

On September 19, 2012, Senator Bernie Sanders (I-VT), Chairman of Subcommittee on Primary Health and Aging (within the Senate Health, Education, Labor and Pensions (HELP) Committee), along with 16 cosponsors, introduced the Older Americans Act Amendments of 2012 (S. 3562). The comprehensive bill includes the language from Sen. Sanders’ previous OAA legislation (S.2037)), as well as provisions from several other reauthorization bills (many of which are highlighted below).

Regarding family caregivers, the bill:

- (1) Clarifies the definition of “child” and “eligible care recipient,” and it defines the term “older relative caregiver” to include caregiver to a child and caregiver to an individual with a disability, including a parent or other relative.
- (2) Creates a voluntary caregiver assessment program in which states would apply for funding from the Administration on Aging (AoA) to implement caregiver assessments. This provision is adopted from Sen. Kohl’s bill, *Strengthening Services for America’s Seniors Act* (see below for more detail on this provision).
- (3) Allows Ombudsmen to use funds to proactively encourage and assist in the development of resident and family councils in long-term care settings.
- (4) Creates a grant to help establish a National Resource Center on Family Caregiving, whose purpose is to identify and disseminate information on best practices in family caregiver support, convene education programs on family caregiving issues, and provide a comprehensive website

[†] The Expanding Opportunities for Older Americans Act (H.R. 3749) would expand the Senior Community Services Employment Program, and the Holocaust Survivors Assistance Act (H.R. 2786) would amend the OAA to include specifically within its purview older Americans who are Holocaust survivors.

with a national searchable database on family caregiving programs and resources. The bill authorizes \$12 million for FY 2013 through 2017.

Other provisions of the bill are:

- (1) Increased funding for meal programs, the Senior Community Service Employment Program (SCSEP), supportive services, and health promotion and disease prevention.
- (2) Improvements and streamlining of meals programs to maintain the integrity of each the congregate meals program and home-delivered meals.
- (3) Enhanced preventive health care through innovative models and access to primary care.
- (4) Supporting seniors through the Senior Community Service Employment Program (SCSEP).
- (5) Updating the Consumer Price Index for Americans 62 years and older (CPI-E) based on GAO's recommendations for expanding and improving its future use in determining the cost of living adjustment (COLA).
- (6) Updating the legislation's definition of "greatest economic need" and economic security.
- (7) Strengthening the independence of the Ombudsman program and updating legal services provisions. The bill would allow some National Family Caregiver Support Program dollars to be used to support family and resident councils in nursing homes.
- (8) Modernizing senior centers and community planning for an aging population, including a new Community Planning grant program to be administered by AoA and implemented by states.
- (9) Re-defining "greatest social need" to include Lesbian, Gay, Bisexual, Transgender, HIV positive older individuals, as well as persons with Alzheimer's disease.
- (10) Encourages states to develop a Home Care Consumer Bill of Rights and a Plan for Enforcement. (Adapted from Sen. Franken's bill, see below.)

The National Alliance for Caregiving strongly supports the bill, particularly the family caregiving provisions, as they align specifically with our recommendations for reauthorization (as described above).

Strengthening Services for America's Seniors Act (S. 1819)

On November 8, 2011, Senators Herb Kohl (D-WI), Chairman of the Senate Special Committee on Aging, and Barbara Mikulski (D-MD) introduced the Strengthening Services for America's Seniors Act (S. 1819), which includes their priorities for Older Americans Act reauthorization. The main provisions of the bill are:

- (1) **Caregiver Assessment:** The bill creates a voluntary caregiver assessment program in which states would apply for funding from the Administration on Aging (AoA) to implement caregiver assessments. The assessments would be focused on identifying caregivers' needs and would require referrals to support and services provided by local, state or private providers, as well as follow up with the caregiver after a period of time. The bill also requires participating states to report back the data collected from the assessments to AoA.
- (2) **Long-Term Care Ombudsman Program:** This section of the bill expands and strengthens the National Ombudsman Resource Center's (NORC) training capacity, enhances their access to information, increases the public's access to ombudsmen, and ensures that ombudsmen proactively encourage and assist in the development of resident and family councils in long-term care settings.

- (3) **Creates Advisory Council to Coordinate and Streamline Senior Benefits and Legal Services Programs:** The provision tasks the nine-member advisory council with developing recommendations for improving coordination of legal assistance services across OAA programs, and it requires the Assistant Secretary on Aging to issue regulations, guidance, or both, that are informed by the advisory council's recommendations.

The National Alliance for Caregiving supports this bill and sent a letter to Senator Kohl publicly stating its support (click [here](#) to read the letter). In particular, providing states the option to provide caregiver assessment as a component of NFSCP services is critical in order to identify those services and supports that can help caregivers stay physically and emotionally healthy, as well as provide training and education to help them become better caregivers. By requiring that assessments include referrals to appropriate services and follow-up, this bill has the potential to improve the lives of thousands of family caregivers in different states. In addition, the data collected and aggregated from the assessments will be invaluable for further understanding how to meet the diverse needs of family caregivers.

Home Care Consumer Bill of Rights Act (S. 1750)

On October 20, 2011, Senator Al Franken (D-MN) introduced the Home Care Consumer Bill of Rights Act (S. 1750). The bill would amend the Older Americans Act (OAA) by:

- (1) Requiring states to develop a Home Care Consumer Bill of Rights to protect older adults who receive services in their homes, along with a plan for enforcement. The bills of rights must address consumers' rights to basic safety, access to information, choice, dignity and individuality, and redress of grievances.
- (2) Requiring the Administration on Aging to assist states in developing a Bill of Rights and enforcement plans and to develop a process for reviewing and approving them.
- (3) Providing funding to support states that choose to have a Home Care Ombudsman Program, which provides ombudsman services beyond nursing homes to older adults who receive home and community-based services.
- (4) Establishing a National Adult Protective Resource Center that will improve the capacity of state and local adult protective services.
- (5) Requires the Assistant Secretary of Aging to identify quality assurance standards for home and community-based long-term care programs, service providers and referral resources and to work with ADRCs and AAAs to develop consumer-friendly methods to let consumers know which services and providers meet those standards.

The National Alliance for Caregiving supports this bill because family caregivers, as well as older adults, are consumers of OAA services. All consumers deserve high quality services and to have their rights and access to information respected.

Elder Protection and Abuse Prevention Act (S. 2077)

On February 7, 2012, Sen. Richard Blumenthal (D-CT) introduced the Elder Protection and Abuse Prevention Act (S. 2077). The bill would amend the Older Americans Act (OAA) by:

- (1) Adopting new definitions of elder abuse, neglect, and exploitation.
- (2) Establishing new training requirements for staff working in OAA-funded programs in the prevention and provision of services that address elder justice and exploitation.

- (3) Enhancing coordination between State Directors of the Adult Protective Services Programs and State Directors of the Office of Long-Term Care Ombudsman Programs.
- (4) Codifying the National Adult Protective Resource Center at AoA.

The National Alliance on Caregiving does not have an official position on this bill because it does not relate specifically to family caregivers.

Lifespan Respite

The ***Lifespan Respite Reauthorization Act (H.R. 3266)*** was introduced in the House of Representatives on October 26, 2011, by Representatives Jim Langevin (D-RI) and Catherine McMorris Rodgers (R-WA). Similar to the Older Americans Act, the Lifespan Respite Program was up for reauthorization in 2011. This bill reauthorizes the program at a funding level of \$50 million over five years, yet makes no other substantive changes to the original program, which has only been funded since 2009. The federal Lifespan Respite Program helps sustain state respite coalitions, allowing for program flexibility and ensuring access to respite services and information for people of all ages and all disabilities.

The National Alliance for Caregiving supports this legislation because respite is a critical service for family caregivers.

What You Can Do

Congress has been delaying action on OAA Reauthorization for two years – pushing it further down the priority list – to the detriment of those who depend on the program’s services. That is why it is critical that legislators hear from their constituents now that reauthorization of the Older Americans Act must be a priority. There are several ways in which individuals and organizations can voice their support (or opposition) to the OAA bills and their various and specific provisions:

- (1) Write a letter or call to thank the Member(s) of Congress who sponsored the bill(s) you support.
- (2) Write a letter or call the Senators from your state to express your support for – and ask them to support – a particular OAA reauthorization bill or provision(s). Be sure to explain the population you represent – their constituents.
- (3) Write a letter or call the members of the Senate HELP Committee asking them to support a particular OAA reauthorization bill, stating clearly the provisions in reauthorization that are priorities for your organization and constituency.
- (4) Once the OAA reauthorization debate moves to the House of Representatives (after it passes the Senate), contact your Representative and members of the House Education and Workforce Committee to express your priorities for OAA reauthorization.

<p>To find your Senators and members of Senate Committees, see: http://www.senate.gov/</p>	<p>For additional information on the Older Americans Act, see: U.S. Administration on Aging http://www.aoa.gov/AoARoot/AoA_Programs/OAA/Reauthorization/index.aspx</p>
<p>To find your Representative and members of House Committees, see: http://www.house.gov/</p>	<p>National Council on Aging http://www.ncoa.org/public-policy-action/older-americans-act/</p>