

Introduction: The Older Americans Act was amended during the fall of 2000 by the enactment of HR 782. As of March 2001, an official compilation of the Act as amended had still not been printed. To assist a variety of organizations who would find it useful to have a complete version of the OAA which includes the amendments adopted by Congress in 2000, The Center for Social Gerontology has begun to put together an unofficial compilation of the changes to the Older Americans Act. As we complete each Title of the Act, we will be putting it on our web site; for convenience in downloading the documents, we are putting each Title of the OAA in a separate pdf file. Because this is an unofficial copy of the amended OAA, it is possible that there will be some mistakes in it; The Center for Social Gerontology takes no responsibility for any problems these errors may cause. If you should find something which you feel to be an error, please contact us, and we will make any necessary changes.

TITLE I--DECLARATION OF OBJECTIVES; DEFINITIONS DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SECTION 101 (42 U.S.C. 3001)

The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States, of the several States and their political subdivisions, and of Indian tribes to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

- (1) An adequate income in retirement in accordance with the American standard of living.
- (2) The best possible physical and mental health which science can make available and without regard to economic status.
- (3) Obtaining and maintaining suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.
- (4) Full restorative services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes, including support to family members and other persons providing voluntary care to older individuals needing long-term care services.
- (5) Opportunity for employment with no discriminatory personnel practices because of age.
- (6) Retirement in health, honor, dignity--after years of contribution to the economy.
- (7) Participating in and contributing to meaningful activity within the widest range of civic, cultural, educational and training and recreational opportunities.
- (8) Efficient community services, including access to low-cost transportation, which provide a choice in supported living arrangements and social assistance in a coordinated

manner and which are readily available when needed, with emphasis on maintaining a continuum of care for vulnerable older individuals.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives, full participation in the planning and operation of community-based services and programs provided for their benefit, and protection against abuse, neglect, and exploitation.

SECTION 102 (42 U.S.C. 3001) DEFINITIONS

For the purposes of this Act--

(1) The term "Secretary" means the Secretary of Health and Human Services, except that for purposes of title V such term means the Secretary of Labor.

(2) The term "Assistant Secretary" means the Assistant Secretary for Aging.

(3) The term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, *and the Commonwealth of the Northern Mariana Islands*.

(4) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(5) The term "Indian" means a person who is a member of an Indian tribe.

(6) Except for the purposes of title VI of this Act, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92-09203; 85 Stat. 688) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

(7) Except for the purposes of title VI of this Act, the term "tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

(8) The term "disability" means (except when such term is used in the phrase "severe disability", "developmental disabilities", "physical or mental disability", "physical and mental disabilities", or "physical disabilities") a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.

- (9) The term ``severe disability'' means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that--
- (A) is likely to continue indefinitely; and
 - (B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8).
- (10) The term ``assistive technology'' means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.
- (11) The term ``information and referral'' includes information relating to assistive technology.
- (12) *The term "disease prevention and health promotion services' means—*
- (A) *health risk assessments;*
 - (B) *routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;*
 - (C) *nutritional counseling and educational services for individuals and their primary caregivers;*
 - (D) *health promotion programs, including but not limited to programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;*
 - (E) *programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by--*
 - (i) *an institution of higher education;*
 - (ii) *a local educational agency, as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); or*
 - (iii) *a community-based organization;*
 - (F) *home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;*
 - (G) *screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;*
 - (H) *educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);*
 - (I) *medication management screening and education to prevent incorrect medication and adverse drug reactions;*
 - (J) *information concerning diagnosis, prevention, treatment, and rehabilitation of diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;*
 - (K) *gerontological counseling; and*

(L) counseling regarding social services and follow-up health services based on any of the services described in paragraphs (A) through (K).

The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.)

(13) The term ``abuse" means the willful--

- (A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or
- (B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(14) The term ``Administration" means the Administration on Aging.

(15) The term ``adult child with a disability" means a child who--

- (A) is 18 years of age or older;
- (B) is financially dependent on an older individual who is a parent of the child; and
- (C) has a disability.

(16) The term ``aging network" means the network of--

(A) State agencies, area agencies on aging, title VI grantees, and the Administration; and

(B) organizations that--

- (i) (I) are providers of direct services to older individuals; or
 - (II) are institutions of higher education; and
- (ii) receive funding under this Act.

(17) The term ``area agency on aging" means an area agency on aging designated under section 305(a)(2)(A) or a State agency performing the functions of an area agency on aging under section 305(b)(5).

(18) The term ``board and care facility" means an institution regulated by a State pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)).

(19) *The term 'in-home services' includes—*

- (A) *services of homemakers and home health aides;*
- (B) *visiting and telephone reassurance;*
- (C) *chore maintenance;*
- (D) *in-home respite care for families, and adult day care as a respite service for families;*
- (E) *minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another programs (other than a program carried out under this Act);*
- (F) *personal care services; and*
- (G) *other in-home services as defined--*
 - (i) *by the State agency in the State plan submitted in accordance with section 307; and*
 - (ii) *by the area agency on aging in the area plan submitted in accordance with section 306.*

(20) *The term 'Native American' means—*

- (A) *an Indian as defined in paragraph (5); and*

(B) a native Hawaiian, as defined in section 625.

(21) The term ``case management service''--

(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual--

(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

(B) includes services and coordination such as--

(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services--

(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

(II) with the information and assistance services provided under

this Act;

(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

(iv) periodic reassessment and revision of the status of the older individual

with--

(I) the older individual; or

(II) if necessary, a primary caregiver or family member of the older individual; and

(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

(22) The term ``elder abuse'' means abuse of an older individual.

(23) The term ``elder abuse, neglect, and exploitation'' means abuse, neglect, and exploitation, of an older individual.

(24) The term ``exploitation'' means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

(25) The term ``focal point'' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

(26) The term ``frail'' means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual--

(A) (i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

- (ii) at the option of the State, is unable to perform at least three such activities without such assistance; or
 - (B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.
- (27) The term ``greatest economic need'' means the need resulting from an income level at or below the poverty line.
- (28) The term ``greatest social need'' means the need caused by noneconomic factors, which include--
- (A) physical and mental disabilities;
 - (B) language barriers; and
 - (C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that--
 - (i) restricts the ability of an individual to perform normal daily tasks; or
 - (ii) threatens the capacity of the individual to live independently.
- (29) The term ``information and assistance service'' means a service for older individuals that--
- (A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;
 - (B) assesses the problems and capacities of the individuals;
 - (C) links the individuals to the opportunities and services that are available;
 - (D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and
 - (E) serves the entire community of older individuals, particularly--
 - (i) older individuals with greatest social need; and
 - (ii) older individuals with greatest economic need.
- (30) The term ``institution of higher education'' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).
- (31) The term ``legal assistance''--
- (A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and
 - (B) includes--
 - (i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and
 - (ii) counseling or representation by a nonlawyer where permitted by law.
- (32) The term ``long-term care facility'' means--
- (A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i093(a));
 - (B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));
 - (C) for purposes of sections 307(a)(9) and 712, a board and care facility; and

- (D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).
- (33) The term ``multipurpose senior center'' means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.
- (34) The term ``neglect'' means--
- (A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or
- (B) the failure of a caregiver to provide the goods or services.
- (35) The term ``older individual'' means an individual who is 60 years of age or older.
- (36) The term ``physical harm'' means bodily injury, impairment, or disease.
- (37) The term ``planning and service area'' means an area designated by a State agency under section 305(a)(1)(E), including a single planning and service area described in section 305(b)(5)(A).
- (38) The term ``poverty line'' means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
- (39) The term ``representative payee'' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.
- (40) The term ``State agency'' means the agency designated under section 305(a)(1).
- (41) The term ``supportive service'' means a service described in section 321(a).
- (42) *The term 'family violence' has the same meaning given the term in the Family Violence Prevention and Services Act (42 U.S.C. 10408).*
- (43) *The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime control and Safe Streets Act of 1968 (42 U.S. C. 3796gg-2).*