

111TH CONGRESS
1ST SESSION

S. 1257

To amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence-based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2009

Ms. CANTWELL (for herself and Ms. STABENOW) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence-based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

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 “Project 2020: Building
5 on the Promise of Home- and Community-Based Services
6 Act of 2009”.

1 **SEC. 2. LONG-TERM SERVICES AND SUPPORTS.**

2 The Social Security Act (42 U.S.C. 301 et seq.) is
3 amended by adding at the end the following:

4 **“TITLE XXII—LONG-TERM**
5 **SERVICES AND SUPPORTS**

6 **“SEC. 2201. DEFINITIONS.**

7 “Except as otherwise provided, the terms used in this
8 title have the meanings given the terms in section 102 of
9 the Older Americans Act of 1965 (42 U.S.C. 3002).

10 **“Subtitle A—Single-Entry Point**
11 **System Program**

12 **“SEC. 2211. STATE SINGLE-ENTRY POINT SYSTEMS.**

13 “(a) DEFINITIONS.—In this title:

14 “(1) LONG-TERM SERVICES AND SUPPORTS.—

15 The term ‘long-term services and supports’ means
16 any service (including a disease prevention and
17 health promotion service, an in-home service, or a
18 case management service), care, or item (including
19 an assistive device) that is—

20 “(A) intended to assist individuals in cop-
21 ing with, and, to the extent practicable, com-
22 pensating for, functional impairment in car-
23 rying out activities of daily living;

24 “(B) furnished at home, in a community
25 care setting, including a small community care
26 setting (as defined in section 1929(g)(1)) and a

1 large community care setting (as defined in sec-
2 tion 1929(h)(1)), or in a long-term care facility;
3 and

4 “(C) not furnished to diagnose, treat, or
5 cure a medical disease or condition.

6 “(2) SINGLE-ENTRY POINT SYSTEM.—The term
7 ‘single-entry point system’ means any coordinated
8 system for providing—

9 “(A) comprehensive information to con-
10 sumers and caregivers on the full range of
11 available public and private long-term services
12 and supports, options, service providers, and re-
13 sources, including information on the avail-
14 ability of integrated long-term care, including
15 consumer directed care options;

16 “(B) personal counseling to assist individ-
17 uals in assessing their existing or anticipated
18 long-term care needs, and developing and imple-
19 menting a plan for long-term care designed to
20 meet their specific needs and circumstances;
21 and

22 “(C) consumers and caregivers access to
23 the range of publicly supported and privately
24 supported long-term services and supports that
25 are available.

1 “(b) PROGRAM.—The Secretary shall establish and
 2 carry out a single-entry point system program. In carrying
 3 out the program, the Secretary shall make grants to
 4 States, from allotments described in subsection (c), to pay
 5 for the Federal share of the cost of establishing State sin-
 6 gle-entry point systems.

7 “(c) ALLOTMENTS.—

8 “(1) ALLOTMENTS TO INDIAN TRIBES AND
 9 TERRITORIES.—

10 “(A) RESERVATION.—The Secretary shall
 11 reserve from the funds made available under
 12 subsection (g)—

13 “(i) for fiscal year 2010, \$1,962,456;
 14 and

15 “(ii) for each subsequent fiscal year,
 16 \$1,962,456, increased by the percentage
 17 increase in the Consumer Price Index for
 18 All Urban Consumers, between October of
 19 the fiscal year preceding the subsequent
 20 fiscal year and October, 2007.

21 “(B) ALLOTMENTS.—The Secretary shall
 22 use the funds reserved under subparagraph (A)
 23 to make allotments to—

24 “(i) Indian tribes; and

1 “(ii) Guam, American Samoa, the
2 Commonwealth of the Northern Mariana
3 Islands, the Commonwealth of Puerto
4 Rico, and the United States Virgin Islands.

5 “(2) ALLOTMENTS TO STATES.—

6 “(A) IN GENERAL.—

7 “(i) AMOUNT.—The Secretary shall
8 allot to each eligible State for a fiscal year
9 the sum of the fixed amount determined
10 under subparagraph (B), and the alloca-
11 tion determined under subparagraph (C),
12 for the State.

13 “(ii) SUBGRANTS TO AREA AGENCIES
14 ON AGING.—

15 “(I) IN GENERAL.—Each State
16 agency receiving an allotment under
17 clause (i) shall use such allotment to
18 make subgrants to area agencies on
19 aging that can demonstrate perform-
20 ance capacity to carry out activities
21 described in this section whether such
22 area agency on aging carries out the
23 activities directly or through contract
24 with an aging network or disability
25 entity. An area agency on agency de-

siring a subgrant shall establish or designate a collaborative board to ensure meaningful involvement of stakeholders in the development, planning, implementation, and evaluation of a single-entry point system consistent with the following:

“(aa) The collaborative board shall be composed of—

“(AA) individuals representing all populations served by the agency’s single-entry point system, including older adults and individuals from diverse backgrounds who have a disability or a chronic condition requiring long-term support;

“(BB) a representative from the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), and representatives from other or-

1 organizations that provide
 2 services to the individuals
 3 served by the system and
 4 those who advocate on be-
 5 half of such individuals; and
 6 “(CC) representatives
 7 of the government and non-
 8 governmental agencies that
 9 are affected by the system.

10 “(bb) The agency shall work
 11 in conjunction with the collabo-
 12 rative board on—

13 “(AA) the design and
 14 operations of the single-
 15 entry point system;

16 “(BB) stakeholder
 17 input; and

18 “(CC) other program
 19 and policy development
 20 issues related to the single-
 21 entry point system.

22 “(cc) An advisory board es-
 23 tablished under the Real Choice
 24 Systems Change Program or for
 25 an existing single-entry point sys-

tem may be used to carry out the activities of a collaborative board under this subclause if such advisory board meets the requirements under item (aa).

“(II) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in subclause (I) to other qualified aging network or disability entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(III) SUBGRANTEE RECIPIENT SUBGRANTS.—An administrator of a single-entry point system established by a State receiving an allotment under clause (i) shall make any necessary subgrants to key partners involved in developing, planning, or implementing the single-entry point system. Such partners may include centers for independent living (as defined

1 in section 702 of the Rehabilitation
2 Act of 1973 (29 U.S.C. 796a)).

3 “(B) FIXED AMOUNTS FOR STATES.—

4 “(i) RESERVATION.—The Secretary
5 shall reserve from the funds made available
6 under subsection (g)—

7 “(I) for fiscal year 2010,
8 \$15,759,000; and

9 “(II) for each subsequent fiscal
10 year, \$15,759,000, increased by the
11 percentage increase in the Consumer
12 Price Index for All Urban Consumers,
13 between October of the fiscal year
14 preceding the subsequent fiscal year
15 and October, 2007.

16 “(ii) FIXED AMOUNTS.—The Sec-
17 retary shall use the funds reserved under
18 clause (i) to provide equal fixed amounts to
19 the States.

20 “(C) ALLOCATION FOR STATES.—The Sec-
21 retary shall allocate to each eligible State for a
22 fiscal year an amount that bears the same rela-
23 tionship to the funds made available under sub-
24 section (g) (and not reserved under paragraph
25 (1) or subparagraph (B)) for that fiscal year as

1 the number of persons who are either older in-
 2 dividuals or individuals with disabilities in that
 3 State bears to the number of such persons or
 4 individuals in all the States.

5 “(D) DETERMINATION OF NUMBER OF
 6 PERSONS.—

7 “(i) OLDER INDIVIDUALS.—The num-
 8 ber of older individuals in any State and in
 9 all States shall be determined by the Sec-
 10 retary on the basis of the most recent data
 11 available from the Bureau of the Census,
 12 and other reliable demographic data satis-
 13 factory to the Secretary.

14 “(ii) INDIVIDUALS WITH DISABIL-
 15 ITIES.—The number of individuals with
 16 disabilities in any State and in all States
 17 shall be determined by the Secretary on
 18 the basis of the most recent data available
 19 from the American Community Survey,
 20 and other reliable demographic data satis-
 21 factory to the Secretary, on individuals
 22 who have a sensory disability, physical dis-
 23 ability, mental disability, self-care dis-
 24 ability, go-outside-home disability, or em-
 25 ployment disability.

1 “(3) ELIGIBILITY.—In addition to the States
 2 determined by the Secretary to be eligible for a
 3 grant under this section, a State that receives a
 4 Federal grant for an aging and disability resource
 5 center is eligible for a grant under this section.

6 “(4) DEFINITION.—In this subsection, the term
 7 ‘State’ shall not include any jurisdiction described in
 8 paragraph (1)(B)(ii).

9 “(d) APPLICATIONS.—

10 “(1) IN GENERAL.—To be eligible to receive an
 11 initial grant under this section, a State agency shall,
 12 after consulting and coordinating with consumers,
 13 other stakeholders, centers for independent living in
 14 the State, if any, and area agencies on aging in the
 15 State, if any, submit an application to the Secretary
 16 at such time, in such manner, and containing the
 17 following information:

18 “(A) Evidence of substantial involvement
 19 of stakeholders and agencies in the State that
 20 are administering programs that will be the
 21 subject of referrals.

22 “(B) The applicant’s plan for providing—
 23 “(i) comprehensive information on the
 24 full range of available public and private
 25 long-term services and supports options,

1 providers, and resources, including building
2 awareness of the single-entry point system
3 as a resource;

4 “(ii) objective, neutral, and personal
5 information, counseling, and assistance to
6 individuals and their caregivers in assess-
7 ing their existing or anticipated long-term
8 care needs, and developing and imple-
9 menting a plan for long-term care to meet
10 their needs;

11 “(iii) for eligibility screening and re-
12 ferral for services;

13 “(iv) for stakeholder input;

14 “(v) for a management information
15 system; and

16 “(vi) for an evaluation of the effective-
17 ness of the single-entry point system.

18 “(C) A specification of the period of the
19 grant request, which shall include not less than
20 3 consecutive fiscal years in the 5-fiscal-year
21 period beginning with fiscal year 2010.

22 “(D) Such other information as the Sec-
23 retary determines appropriate.

24 “(2) APPLICATION FOR CONTINUATION.—

1 “(A) IN GENERAL.—A State that receives
2 an initial grant under this section shall apply,
3 after consulting and coordinating with the area
4 agencies on aging, for a continuation of the ini-
5 tial grant, which includes a description of any
6 significant changes to the information provided
7 in the initial application and such data con-
8 cerning performance measures related to the re-
9 quirements in the initial application as the Sec-
10 retary shall require.

11 “(B) EFFECT.—The requirement under
12 subparagraph (A) shall be in effect through fis-
13 cal year 2020.

14 “(e) USE OF FUNDS.—

15 “(1) IN GENERAL.—A State that receives a
16 grant under this section shall use the funds made
17 available through the grant to—

18 “(A) establish a State single-entry point
19 system, to enable older individuals and individ-
20 uals with disabilities and their caregivers to ob-
21 tain resources concerning long-term services
22 and supports options; and

23 “(B) provide information on, access to,
24 and assistance regarding long-term services and
25 supports.

1 “(2) SERVICES.—In particular, the State sin-
2 gle-entry point system shall be the referral source
3 to—

4 “(A) provide information about long-term
5 care planning and available long-term services
6 and supports through a variety of media (such
7 as websites, seminars, and pamphlets);

8 “(B) provide assistance with making deci-
9 sions about long-term services and supports and
10 determining the most appropriate services
11 through options counseling, future financial
12 planning, and case management;

13 “(C) provide streamlined access to and as-
14 sistance with applying for federally funded long-
15 term care benefits (including medical assistance
16 under title XIX, Medicare skilled nursing facil-
17 ity services, services under title III of the Older
18 Americans Act of 1965 (42 U.S.C. 3021 et
19 seq.), the services of Aging and Disability Re-
20 source Centers), and State-funded and privately
21 funded long-term care benefits, through efforts
22 to shorten and simplify the eligibility processes
23 for older individuals and individuals with dis-
24 abilities;

1 “(D) provide referrals to the State evi-
 2 dence-based disease prevention and health pro-
 3 motion programs under subtitle B;

4 “(E) allocate the State funds available
 5 under subtitle C and carry out the State en-
 6 hanced nursing home diversion program under
 7 subtitle C; and

8 “(F) and provide information about, other
 9 services available in the State that may assist
 10 an individual to remain in the community, in-
 11 cluding the Medicare and Medicaid programs,
 12 the State health insurance assistance program,
 13 the supplemental nutrition assistance program
 14 established under the Food and Nutrition Act
 15 of 2008 (7 U.S.C. 2011 et seq.), and the Low-
 16 Income Home Energy Assistance Program
 17 under the Low-Income Home Energy Assist-
 18 ance Act of 1981 (42 U.S.C. 8621 et seq.), and
 19 such other services, as the State shall include.

20 “(3) COLLABORATIVE ARRANGEMENTS.—

21 “(A) CENTER FOR INDEPENDENT LIV-
 22 ING.—Each entity receiving an allotment under
 23 subsection (c) shall involve in the planning and
 24 implementation of the single-entry point system
 25 the local center for independent living (as de-

1 fined in section 702 of the Rehabilitation Act of
2 1973 (29 U.S.C. 796a)), which provides infor-
3 mation, referral, assistance, or services to indi-
4 viduals with disabilities.

5 “(B) OTHER ENTITIES.—To the extent
6 practicable, the State single-entry point system
7 shall enter into collaborative arrangements with
8 aging and disability programs, service pro-
9 viders, agencies, the direct care work force, and
10 other entities in order to ensure that informa-
11 tion about such services may be made available
12 to individuals accessing the State single-entry
13 point system.

14 “(f) FEDERAL SHARE.—

15 “(1) IN GENERAL.—The Federal share of the
16 cost described in subsection (b) shall be 75 percent.

17 “(2) NON-FEDERAL SHARE.—The State may
18 provide the non-Federal share of the cost in cash or
19 in-kind, fairly evaluated, including plant, equipment,
20 or services. The State may provide the non-Federal
21 share from State, local, or private sources.

22 “(g) FUNDING.—

23 “(1) IN GENERAL.—The Secretary shall use
24 amounts made available under paragraph (2) to
25 make the grants described in subsection (b).

1 “(2) FUNDING.—There are authorized to be ap-
2 propriated to carry out this section—

3 “(A) \$30,900,000 for fiscal year 2010;

4 “(B) \$38,264,000 for fiscal year 2011;

5 “(C) \$48,410,000 for fiscal year 2012;

6 “(D) \$53,560,000 for fiscal year 2013;

7 “(E) \$63,860,000 for fiscal year 2014;

8 “(F) \$69,010,000 for fiscal year 2015;

9 “(G) \$74,160,000 for fiscal year 2016;

10 “(H) \$79,310,000 for fiscal year 2017;

11 “(I) \$84,460,000 for fiscal year 2018;

12 “(J) \$89,610,000 for fiscal year 2019; and

13 “(K) \$95,790,000 for fiscal year 2020.

14 “(3) AVAILABILITY.—Funds appropriated
15 under paragraph (2) shall remain available until ex-
16 pended.

17 **“Subtitle B—Healthy Living** 18 **Program**

19 **“SEC. 2221. EVIDENCE-BASED DISEASE PREVENTION AND** 20 **HEALTH PROMOTION PROGRAMS.**

21 “(a) PROGRAM.—The Secretary shall establish and
22 carry out a healthy living program. In carrying out the
23 program, the Secretary shall make grants to State agen-
24 cies, from allotments described in subsection (b), to pay

1 for the Federal share of the cost of carrying out evidence-
 2 based disease prevention and health promotion programs.

3 “(b) ALLOTMENTS.—

4 “(1) ALLOTMENTS TO INDIAN TRIBES AND
 5 TERRITORIES.—

6 “(A) RESERVATION.—The Secretary shall
 7 reserve from the funds made available under
 8 subsection (g)—

9 “(i) for fiscal year 2010, \$1,500,952;
 10 and

11 “(ii) for each subsequent fiscal year,
 12 \$1,500,952, increased by the percentage
 13 increase in the Consumer Price Index for
 14 All Urban Consumers, between October of
 15 the fiscal year preceding the subsequent
 16 fiscal year and October, 2007.

17 “(B) ALLOTMENTS.—The Secretary shall
 18 use the reserved funds under subparagraph (A)
 19 to make allotments to—

20 “(i) Indian tribes; and

21 “(ii) Guam, American Samoa, the
 22 Commonwealth of the Northern Mariana
 23 Islands, the Commonwealth of Puerto
 24 Rico, and the United States Virgin Islands.

25 “(2) IN GENERAL.—

1 “(A) AMOUNTS.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in paragraph (3), the Secretary shall
4 allot to each eligible State for a fiscal year
5 an amount that bears the same relation-
6 ship to the funds made available under this
7 section and not reserved under paragraph
8 (1) for that fiscal year as the number of
9 older individuals in the State bears to the
10 number of older individuals in all the
11 States.

12 “(ii) OLDER INDIVIDUALS.—The
13 number of older individuals in any State
14 and in all States shall be determined by
15 the Secretary on the basis of the most re-
16 cent data available from the Bureau of the
17 Census, and other reliable demographic
18 data satisfactory to the Secretary.

19 “(B) SUBGRANTS.—

20 “(i) IN GENERAL.—Each State agency
21 that receives an amount under subpara-
22 graph (A) shall award subgrants to area
23 agencies on aging that can demonstrate
24 performance capacity to carry out activities
25 under this section whether such area agen-

cy on aging carries out the activities directly or through contract with an aging network entity.

“(ii) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in clause (i) to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

“(3) MINIMUM ALLOTMENT.—No State shall receive an allotment under this section for a fiscal year that is less than 0.5 percent of the funds made available to carry out this section for that fiscal year and not reserved under paragraph (1).

“(4) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for evidence-based disease prevention is eligible for a grant under this section.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an ap-

1 plication to the Secretary at such time, in such manner,
 2 and containing the following information:

3 “(1) A description of the evidence-based disease
 4 prevention and health promotion program.

5 “(2) Sufficient information to demonstrate that
 6 the infrastructure exists to support the program.

7 “(3) A specification of the period of the grant
 8 request, which shall include not less than 3 consecu-
 9 tive fiscal years in the 5-fiscal-year period beginning
 10 with fiscal year 2010.

11 “(4) Such other information as the Secretary
 12 determines appropriate.

13 “(d) APPLICATION FOR CONTINUATION.—

14 “(1) IN GENERAL.—A State that receives an
 15 initial grant under this section shall apply, after con-
 16 sulting and coordinating with the area agencies on
 17 aging, for a continuation of the initial grant, which
 18 application shall include—

19 “(A) a description of any significant
 20 changes to the information provided in the ini-
 21 tial application; and

22 “(B) such data concerning performance
 23 measures related to the requirements in the ini-
 24 tial application as the Secretary shall require.

1 “(2) EFFECT.—The requirement under para-
2 graph (1) shall be in effect through fiscal year 2020.

3 “(e) USE OF FUNDS.—A State that receives a grant
4 under this section shall use the funds made available
5 through the grant to carry out—

6 “(1) an evidence-based chronic disease self-
7 management program;

8 “(2) an evidence-based falls prevention pro-
9 gram; or

10 “(3) another evidence-based disease prevention
11 and health promotion program.

12 “(f) FEDERAL SHARE.—

13 “(1) IN GENERAL.—The Federal share of the
14 cost described in subsection (a) shall be 85 percent.

15 “(2) NON-FEDERAL SHARE.—The State may
16 provide the non-Federal share of the cost in cash or
17 in-kind, fairly evaluated, including plant, equipment,
18 or services. The State may provide the non-Federal
19 share from State, local, or private sources.

20 “(g) FUNDING.—

21 “(1) IN GENERAL.—The Secretary shall use
22 amounts made available under paragraph (2) to
23 make the grants described in subsection (a).

24 “(2) FUNDING.—There are authorized to be ap-
25 propriated to carry out this section—

1 “(A) \$36,050,000 for fiscal year 2010;
 2 “(B) \$41,200,000 for fiscal year 2011;
 3 “(C) \$56,650,000 for fiscal year 2012;
 4 “(D) \$77,250,000 for fiscal year 2013;
 5 “(E) \$92,700,000 for fiscal year 2014;
 6 “(F) \$103,000,000 for fiscal year 2015;
 7 “(G) \$118,450,000 for fiscal year 2016;
 8 “(H) \$133,900,000 for fiscal year 2017;
 9 “(I) \$149,350,000 for fiscal year 2018;
 10 “(J) \$157,590,000 for fiscal year 2019;

11 and

12 “(K) \$173,040,000 for fiscal year 2020.

13 “(3) AVAILABILITY.—Funds appropriated
 14 under paragraph (2) shall remain available until ex-
 15 pended.

16 **“Subtitle C—Diversion Programs**

17 **“SEC. 2231. ENHANCED NURSING HOME DIVERSION PRO-** 18 **GRAMS.**

19 “(a) DEFINITION.—In this section:

20 “(1) LOW-INCOME SENIOR.—The term ‘low-in-
 21 come senior’ means an individual who—

22 “(A) is age 75 or older; and

23 “(B) is from a household with a household
 24 income that is not less than 150 percent, and
 25 not more than 300 percent, of the poverty line.

1 “(2) NURSING HOME.—The term ‘nursing
2 home’ means—

3 “(A) a skilled nursing facility, as defined
4 in section 1819(a); or

5 “(B) a nursing facility, as defined in sec-
6 tion 1919(a).

7 “(b) PROGRAM.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish and carry out a diversion program. In carrying
10 out the program, the Secretary shall make grants to
11 States, from allotments described in subsection (c),
12 to pay for the Federal share of the cost of carrying
13 out enhanced nursing home diversion programs.

14 “(2) COHORTS.—The Secretary shall make the
15 grants to—

16 “(A) a first year cohort consisting of one
17 third of the States, for fiscal year 2010;

18 “(B) a second year cohort consisting of the
19 cohort described in subparagraph (A) and an
20 additional one third of the States, for fiscal
21 year 2011; and

22 “(C) a third year cohort consisting of all
23 the eligible States, for fiscal year 2012 and
24 each subsequent fiscal year.

1 “(3) READINESS.—In determining whether to
2 include an eligible State in the first year, second
3 year, or third year and subsequent year cohort, the
4 Secretary shall consider the readiness of the State to
5 carry out an enhanced nursing home diversion pro-
6 gram under this section. Readiness shall be deter-
7 mined based on a consideration of the following fac-
8 tors:

9 “(A) Availability of a comprehensive array
10 of home- and community-based services.

11 “(B) Sufficient home- and community-
12 based services provider capacity.

13 “(C) Availability of housing.

14 “(D) Availability of supports for consumer-
15 directed services, including whether a fiscal
16 intermediary is in place.

17 “(E) Ability to perform timely eligibility
18 determinations and assessment for services.

19 “(F) Existence of a quality assessment and
20 improvement program for home- and commu-
21 nity-based services.

22 “(G) Such other factors as the Secretary
23 determines appropriate.

24 “(c) ALLOTMENTS.—

25 “(1) IN GENERAL.—

1 “(A) AMOUNT.—The Secretary shall allot
2 to an eligible State (within the applicable co-
3 hort) for a fiscal year an amount that bears the
4 same relationship to the funds made available
5 under subsection (i) for that fiscal year as the
6 number of low-income seniors in the State bears
7 to the number of low-income seniors within
8 States in the applicable cohort for that fiscal
9 year.

10 “(B) LOW-INCOME SENIORS.—The number
11 of low-income seniors in any State and in all
12 States shall be determined by the Secretary on
13 the basis of the most recent data available from
14 the American Community Survey, and other re-
15 liable demographic data satisfactory to the Sec-
16 retary.

17 “(2) ELIGIBILITY.—In addition to the States
18 determined by the Secretary to be eligible for a
19 grant under this section, a State that receives a
20 Federal grant for a nursing home diversion is eligi-
21 ble for a grant under this section.

22 “(d) APPLICATIONS.—To be eligible to receive a
23 grant under this section, a State agency shall, after con-
24 sulting and coordinating with consumers, other stake-
25 holders, and area agencies on aging in the State, if any,

1 submit an application to the Secretary at such time, in
 2 such manner, and containing such information as the Sec-
 3 retary may require, including a specification of the period
 4 of the grant request, which shall include not less than 3
 5 consecutive fiscal years in the 5-fiscal-year period begin-
 6 ning with the fiscal year prior to the year of application.

7 “(e) APPLICATION FOR CONTINUATION.—

8 “(1) IN GENERAL.—A State that receives an
 9 initial grant under this section shall apply, after con-
 10 sulting and coordinating with the area agencies on
 11 aging, for a continuation of the initial grant, which
 12 application shall include—

13 “(A) a description of any significant
 14 changes to the information provided in the ini-
 15 tial application; and

16 “(B) such data concerning performance
 17 measures related to the requirements in the ini-
 18 tial application as the Secretary shall require.

19 “(2) EFFECT.—The requirement under para-
 20 graph (1) shall be in effect through fiscal year 2020.

21 “(f) USE OF FUNDS.—

22 “(1) IN GENERAL.—A State that receives a
 23 grant under this section shall carry out the fol-
 24 lowing:

1 “(A) Use the funds made available through
2 the grant to carry out an enhanced nursing
3 home diversion program that enables eligible in-
4 dividuals to avoid admission into nursing homes
5 by enabling the individuals to obtain alternative
6 long-term services and supports and remain in
7 their communities.

8 “(B) Award subgrants to area agencies on
9 aging that can demonstrate performance capac-
10 ity to carry out activities under this section
11 whether such area agency on aging carries out
12 the activities directly or through contract with
13 an aging network entity. A State may make
14 subgrants to other qualified aging network enti-
15 ties only if the area agency on aging chooses
16 not to apply for a subgrant or is not able to
17 demonstrate performance capacity to carry out
18 the activities described in this section.

19 “(2) CASE MANAGEMENT.—

20 “(A) IN GENERAL.—The State, through
21 the State single-entry point system established
22 under subtitle A, shall provide for case manage-
23 ment services to the eligible individuals.

24 “(B) USE OF EXISTING SERVICES.—In
25 carrying out subparagraph (A), the State agen-

cy or area agency on aging may utilize existing
 case management services delivery networks
 if—

“(i) the networks have adequate safeguards against potential conflicts of interest; and

“(ii) the State agency or area agency on aging includes a description of such safeguards in the grant application.

“(C) CARE PLAN.—The State shall provide for development of a care plan for each eligible individual served, in consultation with the eligible individual and their caregiver, as appropriate. In developing the care plan, the State shall explain the option of consumer directed care and assist an individual, who so requests, with developing a consumer-directed care plan that shall include arranging for support services and funding. Such assistance shall include providing information and outreach to individuals in the hospital, in a nursing home for post-acute care, or undergoing changes in their health status or caregiver situation.

“(g) ELIGIBLE INDIVIDUALS.—In this section, the term ‘eligible individual’ means an individual—

1 “(1) who has been determined by the State to
 2 be at high functional risk of nursing home place-
 3 ment, as defined by the State agency in the State
 4 agency’s grant application;

5 “(2) who is not eligible for medical assistance
 6 under title XIX; and

7 “(3) who meets the income and asset eligibility
 8 requirements established by the State and included
 9 in such State’s grant application for approval by the
 10 Secretary.

11 “(h) FEDERAL SHARE.—

12 “(1) IN GENERAL.—The Federal share of the
 13 cost described in subsection (b) shall be, for a State
 14 and for a fiscal year, the sum of—

15 “(A) the Federal medical assistance per-
 16 centage applicable to the State for the year
 17 under section 1905(b); and

18 “(B) 5 percentage points.

19 “(2) NON-FEDERAL SHARE.—The State may
 20 provide the non-Federal share of the cost in cash or
 21 in-kind, fairly evaluated, including plant, equipment,
 22 or services. The State may provide the non-Federal
 23 share from State, local, or private sources.

24 “(i) FUNDING.—

1 “(1) IN GENERAL.—The Secretary shall use
2 amounts made available under paragraph (2) to
3 make the grants described in subsection (b).

4 “(2) FUNDING.—There are authorized to be ap-
5 propriated to carry out this section—

6 “(A) \$111,825,137 for fiscal year 2010;

7 “(B) \$337,525,753 for fiscal year 2011;

8 “(C) \$650,098,349 for fiscal year 2012;

9 “(D) \$865,801,631 for fiscal year 2013;

10 “(E) \$988,504,887 for fiscal year 2014;

11 “(F) \$1,124,547,250 for fiscal year 2015;

12 “(G) \$1,276,750,865 for fiscal year 2016;

13 “(H) \$1,364,488,901 for fiscal year 2017;

14 “(I) \$1,466,769,052 for fiscal year 2018;

15 “(J) \$1,712,755,702 for fiscal year 2019;

16 and

17 “(K) \$1,712,755,702 for fiscal year 2020.

18 “(3) AVAILABILITY.—Funds appropriated
19 under paragraph (2) shall remain available until ex-
20 pended.

1 **“Subtitle D—Administration, Eval-**
 2 **uation, and Technical Assist-**
 3 **ance**

4 **“SEC. 2241. ADMINISTRATION, EVALUATION, AND TECH-**
 5 **NICAL ASSISTANCE.**

6 “(a) ADMINISTRATION AND EXPENSES.—For pur-
 7 poses of carrying out this title, there are authorized to
 8 be appropriated for administration and expenses—

9 “(1) of the area agencies on aging—

10 “(A) \$16,825,895 for fiscal year 2010;

11 “(B) \$39,246,141 for fiscal year 2011;

12 “(C) \$50,766,948 for fiscal year 2012;

13 “(D) \$66,999,101 for fiscal year 2013;

14 “(E) \$76,979,152 for fiscal year 2014;

15 “(F) \$87,163,513 for fiscal year 2015;

16 “(G) \$98,780,562 for fiscal year 2016;

17 “(H) \$106,063,792 for fiscal year 2017;

18 “(I) \$114,324,642 for fiscal year 2018;

19 “(J) \$123,312,948 for fiscal year 2019;

20 and

21 “(K) \$133,215,845 for fiscal year 2020;

22 “(2) of the State agencies—

23 “(A) \$8,412,948 for fiscal year 2010;

24 “(B) \$19,623,071 for fiscal year 2011;

25 “(C) \$25,383,474 for fiscal year 2012;

1 “(D) \$33,499,551 for fiscal year 2013;
 2 “(E) \$38,489,576 for fiscal year 2014;
 3 “(F) \$43,581,756 for fiscal year 2015;
 4 “(G) \$49,390,281 for fiscal year 2016;
 5 “(H) \$53,031,896 for fiscal year 2017;
 6 “(I) \$57,162,321 for fiscal year 2018;
 7 “(J) \$61,656,474 for fiscal year 2019; and
 8 “(K) \$66,607,923 for fiscal year 2020;

9 and

10 “(3) of the Administration—

11 “(A) \$2,103,237 for fiscal year 2010;
 12 “(B) \$4,905,768 for fiscal year 2011;
 13 “(C) \$6,345,868 for fiscal year 2012;
 14 “(D) \$8,374,888 for fiscal year 2013;
 15 “(E) \$9,622,394 for fiscal year 2014;
 16 “(F) \$10,895,439 for fiscal year 2015;
 17 “(G) \$12,347,570 for fiscal year 2016;
 18 “(H) \$13,257,974 for fiscal year 2017;
 19 “(I) \$14,290,580 for fiscal year 2018;
 20 “(J) \$15,414,118 for fiscal year 2019; and
 21 “(K) \$16,651,981 for fiscal year 2020.

22 “(b) EVALUATION AND TECHNICAL ASSISTANCE.—

23 “(1) CONDITIONS TO RECEIPT OF GRANT.—In
 24 awarding grants under this title, the Secretary shall
 25 condition receipt of the grant for the second and

1 subsequent grant years on a satisfactory determina-
2 tion that the State agency is meeting benchmarks
3 specified in the grant agreement for each grant
4 awarded under this title.

5 “(2) EVALUATIONS.—The Secretary shall meas-
6 ure and evaluate, either directly or through grants
7 or contracts, the impact of the programs authorized
8 under this title. Not later than June 1 of the year
9 that is 6 years after the year of the date of enact-
10 ment of the Project 2020: Building on the Promise
11 of Home- and Community-Based Services Act of
12 2009 and every 2 years thereafter, the Secretary
13 shall—

14 “(A) compile the reports of the measures
15 and evaluations of the grantees;

16 “(B) establish benchmarks to show
17 progress toward savings; and

18 “(C) present a compilation of the informa-
19 tion under this paragraph to Congress.

20 “(3) TECHNICAL ASSISTANCE GRANTS.—The
21 Secretary shall award technical assistance grants, in-
22 cluding State specific grants whenever practicable,
23 to carry out the programs authorized under this
24 title.

1 “(4) TRANSFER.—There are authorized to be
2 appropriated for such evaluation and technical as-
3 sistance under this subsection—

4 “(A) \$4,206,474 for fiscal year 2010;

5 “(B) \$9,811,535 for fiscal year 2011;

6 “(C) \$8,461,158 for fiscal year 2012;

7 “(D) \$11,166,517 for fiscal year 2013;

8 “(E) \$12,829,859 for fiscal year 2014;

9 “(F) \$14,527,252 for fiscal year 2015;

10 “(G) \$16,463,427 for fiscal year 2016;

11 “(H) \$17,677,299 for fiscal year 2017;

12 “(I) \$19,054,107 for fiscal year 2018;

13 “(J) \$20,552,158 for fiscal year 2019; and

14 “(K) \$22,202,641 for fiscal year 2020.

15 “(c) AVAILABILITY.—Funds appropriated under this
16 section shall remain available until expended.”.

○