

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

Table of Contents

- I. INTRODUCTION
 - a. [Purpose](#)
 - b. [Background](#)
 - c. [Definitions](#)
 - d. [Use of this Manual](#)
- II. ASCOG AREA AGENCY ON AGING
 - a. [Designation of the Area Agency on Aging](#)
 - b. [Responsibilities of the Area Agency on Aging](#)
 - c. [Area Agency on Aging Advisory Council](#)
 - d. [Area Plan on Aging](#)
 - e. [Amendments to the Area Plan](#)
 - f. [Area Plan Management Plan](#)
 - g. [Area Plan Administration](#)
 - h. [Coordination and Resource Development](#)
 - i. [Targeting Resources to older persons with greatest economic or social need](#)
 - j. [Advocacy](#)
 - k. [Funding local sponsors for the provision of direct Title III services](#)
 - l. [Title III direct service waivers](#)
 - m. [Designation of community focal points](#)
 - n. [Monitoring and evaluation of Title III projects](#)
 - o. [Provision of technical assistance and training to Title III Projects](#)
 - p. [Area Agency on Aging disaster planning](#)
- III. FISCAL AND ADMINISTRATIVE POLICIES
 - a. [Title III-B priority supportive services](#)
 - b. [Area Agency on Aging funding formula for the allocation of Title III funds](#)
 - c. [Request for proposal procedures](#)
 - d. [Appeal procedures for Title III Services providers](#)
 - e. [Budget revisions for Title III Projects](#)
 - f. [Unexpended grant funds and carry-over policy](#)
 - g. [Commercial and contractual activities of Title III Projects](#)
 - h. [Audits for Title III Projects](#)
 - i. [Audits of grantees receiving state funds only](#)
 - j. [Audits of government entities and nonprofits receiving less than \\$25,000 in federal and state funds from all sources](#)
 - k. [Audits of profit-making grantees](#)
 - l. [Audits of local governments and nonprofit agencies expending \\$500,000 or more in federal funds from all sources](#)
 - m. [Audits of local governments and nonprofit agencies receiving between \\$25,000 and \\$500,000 in federal and state funds from all sources](#)
 - n. [Fraud, abuse, or illegal acts](#)
 - o. [Audit report and fiscal review report distribution](#)
 - p. [Resolution of findings](#)
 - q. [Financial management standards for Title III projects](#)

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- r. [Procurement standards for Title III projects](#)
- s. [Property Management standards for Title III projects](#)
- t. [Employment policies and procedures](#)
- u. [Title III Project job descriptions](#)
- v. [Title III Project salaries](#)
- w. [Fair labor practices for Title III projects](#)
- IV. GENERAL PROGRAM STANDARDS FOR TITLE III SERVICES
 - a. [Title III services taxonomy](#)
 - b. [General Title III service standards](#)
 - c. [Title III Project Advisory Council](#)
 - d. [Political and sales activities in Title III projects](#)
- V. [SUPPORTIVE SERVICES](#)
- VI. [SENIOR CENTERS](#)
- VII. [OUTREACH SERVICES](#)
 - a. [Outreach service standards](#)
 - b. [Outreach service eligibility](#)
 - c. [Outreach service assessment](#)
 - d. [Outreach methods](#)
- VIII. [INFORMATION AND ASSISTANCE SERVICES](#)
 - a. [Information and assistance services](#)
 - b. [Information and assistance eligibility](#)
 - c. [Information and assistance \(I&A\) methods](#)
- IX. [LEGAL SERVICES](#)
 - a. [Legal services](#)
 - b. [Legal services eligibility](#)
 - c. [Legal services methods](#)
- X. [NUTRITION PROJECTS](#)
 - a. [Congregate meals service standards](#)
 - b. [Congregate meals service eligibility](#)
 - c. [Congregate meals service assessment](#)
 - d. [Congregate meals service facilities](#)
 - e. [Congregate meals project staffing requirements](#)
 - f. [Congregate meals project advisory council](#)
 - g. [Nutrition education](#)
 - h. [Congregate meals planning](#)
 - i. [Congregate meals food procurement](#)
 - j. [Congregate meals food preparation and service](#)
 - k. [Food stamps benefit assistance for project participants](#)
 - l. [Nutrition Services Incentive Program \(NSIP\)](#)
 - m. [Supportive social services for nutrition projects](#)
 - n. [Home delivered meals service standards](#)
 - o. [Home delivered meals service eligibility](#)
 - p. [Home delivered meals planning](#)
 - q. [Home delivered meals packaging and delivery](#)
 - r. [Congregate and home delivered meals site change of status](#)

2016 ASCOG AAA Title III Services Policy and Procedures Manual
with draft changes

- XI. [DISEASE PREVENTION AND HEALTH PROMOTION SERVICES](#)
- XII. [NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM](#)
- XIII. [HOMEMAKER SERVICE STANDARDS](#)
- XIV. [CHORE SERVICE STANDARDS](#)
- XV. [PERSONAL CARE SERVICE STANDARDS](#)
- XVI. [STATE LONG-TERM CARE OMBUDSMAN PROGRAM](#)

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

I. INTRODUCTION

a. Purpose [OAC 340:105-10-1]

The purpose of this manual is to provide written policy for programs operating in the ASCOG area under Title III of the Older Americans Act of 1965, as amended. In the State of Oklahoma, Title III is administered by Aging Services Division of the Department of Human Services.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Background [OAC 340:105-10-2]

The Older Americans Act (OAA) was passed by Congress in 1965 to provide assistance to states in the development of comprehensive coordinated systems of services to older persons. These services are to maintain the dignity of older citizens while providing services to them in the least restrictive environment. The OAA provides for a network of organizations which assess the needs of older persons and provide services to meet those needs. In the state of Oklahoma, Aging Services Division (ASD) has been designated as the State Agency which acts as a focal point for all services related to older persons. ASD has designated 11 Area Agencies on Aging (AAAs) to assess the needs of older persons in each planning and service area of the state, and to develop and advocate for services to meet those needs. As part of this task, AAAs provide funding to local agencies and organizations for the provision of direct services. The rules in this Subchapter outline operating policy for each level of the network including ASD, the 11 AAAs, and the local Title III projects.

ASCOG's main work is to assist local governments and area citizens; consequently we work very closely with LOCAL elected officials. ASCOG has 39 Trustees (all volunteers) who have two main functions. . . they are responsible for setting ASCOG policy, and they comprise the ASCOG Resource Conservation & Development (RC&D) Council. Trustees are appointed for a one-year term with the Board reconstituted each year at our June meeting. All trustees take an oath of office administered by a local judge. There is a county commissioner, a conservation district director, a mayoral representative, and a citizen-at-large representative from each of our eight counties (Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman); four trustees representing minorities, two trustees representing Indian tribal groups; and the Mayor of Lawton. Over two-thirds of our Trustees are elected officials. There are six state senators and twelve state representatives whose districts are either in all or part of the ASCOG area. Our staff has built a good reputation of being responsive to area legislators' inquiries made on behalf of their constituents. Our legislators are always accessible, listen or read the information we pass to them, and are supportive of our mission. And, equally important, they are forthright in their discussions and provide valuable feedback. Their counsel and support enable us to do a better job.

The mission statement of ASCOG AAA is:

"To promote independence, quality of life and community improvement through education, support and advocacy."

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Definitions [OAC 340:105-10-3]

Revised 01/17/12

Definitions for this Manual are provided through OAC 340:105-10-3
[<http://www.okdhs.org/library/policy/oac340/105/10/0003000.htm>]

Definitions. The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Abuse" means the willful:

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

"Act" means the Older Americans Act (OAA) of 1965 as amended.

"Activities of daily living (ADL)" means:

- (A) eating;
- (B) dressing;
- (C) bathing;
- (D) toileting;
- (E) transferring in and out of bed or chair; and
- (F) walking.

"Aging and Disability Resource Center" means an entity established by the State as part of the state system of coordinated long-term care to provide:

- (A) comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care;
- (B) personal counseling to assist a person assess existing or anticipated long-term care needs; and
- (C) access to publicly-supported long-term care programs for which a person may be eligible, by serving as a convenient point of entry for such programs.

"Area Agency on Aging (AAA)" means a designated agency per Section 305(a)(2)(A) of the OAA, or the State Agency performing the functions of an AAA, per Section 305(b)(5) of the OAA.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

"Assistive device" means an assistive technology device that has the same meaning given in Section 3 of the Assistive Technology Act of 1998. [29 U.S.C. 3002]

"At risk for institutional placement" means that an older person is unable to perform at least two activities of daily living without substantial assistance such as verbal reminding, physical cuing, or supervision and is determined by the State to be in need of placement in a long-term care facility.

"CFR" means Code of Federal Regulations in the Federal Register published by the United States (U.S.) Department of Health and Human Services, Office of Human Development, and Administration on Aging (AoA).

"Caregiver" means an adult family member, or another person, who is an informal provider of in-home and community care to a person 60 years of age or older.

"Case management service" means a service provided to an older person, at the direction of the older person or a family member of the older person:

- (A) by a person who is trained or experienced in the case management skills required to deliver the services and coordination described in (B) of this paragraph;
- (B) to assess the needs, and arrange, coordinate, and monitor an optimum package of services to meet the needs of the older person; and
- (C) including services and coordination, such as:
 - (i) comprehensive assessment of the older person's physical, psychological, and social needs;
 - (ii) development and implementation of a service plan with the older person to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older person, including coordination of the resources and services with:
 - (I) other plans existing for various formal services, such as hospital discharge plans; and
 - (II) the information and assistance services funded by Title III of OAA;
 - (iii) monitoring formal and informal service delivery to ensure services specified in the plan are provided;
 - (iv) periodic reassessment and revision of the status of the older person with:
 - (I) the older person; or
 - (II) if necessary, a primary caregiver or family member of the older person; and
 - (v) advocacy on behalf of the older person for needed services or resources in accordance with the wishes of the older person.

"Child" means a person:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (A) with a grandparent or other relative as a caregiver; and
- (B) not older than 18 years of age; or
- (C) 19-59 years of age who has a severe disability.

"Civic engagement" means a person or a collective action designed to address a public concern or an unmet human, educational, health care, environmental, or public safety need. [1](#)

"Comprehensive and coordinated system" means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

- (A) facilitate accessibility to and utilization of all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization;
- (B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older persons;
- (C) use available resources efficiently and with a minimum of duplication; and
- (D) encourage and assist public and private entities having unrealized potential for meeting the service needs of older persons to assist the older persons on a voluntary basis.

"Construction" with respect to multipurpose senior centers, means building a new facility, including the costs of land acquisition and architectural and engineering fees or making modifications to or in connection with an existing facility in excess of double the square footage of the original facility and all physical improvements.

"Department" means United States Department of Health and Human Services (DHHS).

"Direct services" means any activity performed to provide services directly to an older person by the staff of a service provider, AAA, or State Agency in a single planning and service area.

"Disability" means a mental or physical impairment or a combination of mental and physical impairments, resulting in substantial functional limitations in one or more major life activity areas such as:

- (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; or
- (I) emotional adjustment.

"Disease prevention and health promotion services" means providing:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (A) health risk assessments;
- (B) routine health screening, such as hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, oral health, or nutrition screening;
- (C) nutritional counseling and educational services for an older person and his or her primary caregivers;
- (D) evidence-based health promotion programs, including programs related to prevention and mitigation of effects of chronic disease such as:
 - (i) osteoporosis;
 - (ii) hypertension;
 - (iii) obesity;
 - (iv) diabetes;
 - (v) cardiovascular disease;
 - (vi) oral or dental disease;
 - (vii) alcohol and substance abuse reduction;
 - (viii) smoking cessation;
 - (ix) weight loss and control;
 - (x) stress management;
 - (xi) falls prevention;
 - (xii) physical activity; and
 - (xiii) improved nutrition;
- (E) programs regarding physical fitness, group exercise, and music, art, and dance movement therapy, including programs for multigenerational participation 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; 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, such as fall and fracture prevention;
- (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;
- (I) medication management screening and education to prevent incorrect medication and adverse drug reactions;
- (J) information concerning diagnosis, prevention, treatment, and rehabilitation of age related diseases and chronic disabling conditions, including:
 - (i) osteoporosis;
 - (ii) cardiovascular disease;
 - (iii) diabetes; and
 - (iv) Alzheimer's disease and related disorders with neurological and organic brain dysfunction;
- (K) gerontological counseling; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

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

"Elder abuse" means abuse of an older person.

"Eldercare (National Campaign)" means the AoA sponsored program to establish and promote public and private partnerships addressing the needs of the growing population of older persons and their caregivers.

"Elder justice" means efforts to:

- (A) prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation;
- (B) protect older persons with diminished capacity while maximizing their autonomy; and
- (C) recognize a person's rights, including the right to be free of abuse, neglect, and exploitation.

"Elderly client" means a person:

- (A) eligible or receiving OAA services; and
- (B) 60 years of age or older; or
- (C) less than 60 years of age with a diagnosis of early onset dementia.

"Exploitation" means the fraudulent or otherwise illegal, unauthorized, or improper act or process of a person, including a caregiver or fiduciary, using the resources of an older person for monetary or personal benefit, profit, or gain, or that result in depriving an older person of rightful access to, or use of, benefits, resources, belongings, or assets. Within this definition, a caregiver is a person who has the responsibility for the care of an older person, either voluntarily, by contract, receipt of payment for care, or as a result of the operation of law and is a family member or other person providing, on behalf of the person or of a public or private agency, organization, or institution, compensated or uncompensated care to an older person.

"Fiduciary" means a person or entity with the legal responsibility to make decisions on behalf of and for the benefit of another person and to act in good faith and with fairness and includes a trustee, guardian, conservator, executor, agent under a financial power of attorney or health care power of attorney, or a representative payee.

"Focal point" means a facility established to encourage the maximum collocation and coordination of services for older persons.

"Frail" means a condition of functionally impaired determined because the older person:

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

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (B) due to a cognitive or other mental impairment, requires substantial supervision because the person behaves in a manner posing a serious health or safety hazard to self or another person.

"Grandparent or older person who is a relative caregiver" means a grandparent or a stepgrandparent of a child or a relative of a child by blood, marriage, or adoption who is 55 years of age or older and:

- (A) lives with the child;
- (B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
- (C) has a legal relationship to the child such as legal custody or guardianship or is raising the child informally.

"Grantee agency" means an agency that receives funds granted or awarded by the sponsoring agency. The AAAs are grantees of the State Agency and the service providers are grantees of the AAAs.

"Grantor agency" means an agency that grants or awards funds to another entity. The State Agency is the grantor agency for the AAAs and the AAAs are the grantor agencies for the service providers.

"Greatest economic need" means the need resulting from an income level at or below the poverty line.

"Greatest social need" means the need caused by non-economic factors, including physical and mental disabilities, language barriers, and cultural, geographical, or social isolation, including racial or ethnic status that restricts the person's ability to perform normal daily tasks or threatens the person's capacity to live independently.

"Hispanic-serving institution" means the same as in Section 502 of the Higher Education Act of 1965 [20 U.S.C. 1101a].

"Impairment in activities of daily living" means the inability to perform one or more of the six impairments in activities of daily living (ADL) without personal or stand-by assistance, supervision, or cues.

"Impairment in instrumental activities of daily living" means the inability to perform one or more of the eight instrumental activities of daily living (IADL) without personal or stand-by assistance, supervision, or cues.

"Informal care" means care not provided as part of a public or private formal service program.

"Information and assistance (I & A)" means a service for older persons that:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (A) provides older persons current information on services available within their communities including information relating to assistive technology;
- (B) links older persons with the opportunities and services available within their communities;
- (C) establishes adequate follow-up procedures to the maximum extent practicable; and
- (D) serves the entire community of older persons, particularly those with greatest social and economic need and those at risk for institutional placement.

"In-home service" means:

- (A) services of homemakers and home health aides;
- (B) visiting and telephone reassurance;
- (C) chore maintenance;
- (D) in-home respite care for families, including adult day care as a respite service for families;
- (E) minor modification of homes necessary to facilitate the ability of older persons to remain at home, and not available under other programs. Not more than \$250 per client may be expended annually for such modification; and
- (F) personal care services.

"Instrumental activities of daily living (IADL)" means:

- (A) preparing meals;
- (B) shopping for personal items;
- (C) managing medication;
- (D) managing money;
- (E) using the telephone;
- (F) doing heavy housework;
- (G) doing light housework; and
- (H) making use of available transportation without assistance.

"Integrated long-term care" means items and services:

- (A) with respect to long-term care:
 - (i) items or services provided under a State plan for medical assistance under the SoonerCare program established under Title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], including nursing facility services, home and community-based services, personal care services, and case management services provided under the plan; and
 - (ii) any other supports, items, or services that are available under any federally funded long-term care program;
- (B) with respect to other health care, items and services covered under:
 - (i) the Medicare program established under Title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.];

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (ii) the State plan for medical assistance under the SoonerCare program; or
- (iii) any other federally funded health care program; and
- (C) including such items or services that are provided under a public or private managed care plan or through any other service provider.

"Legal assistance" means legal advice and representation by an attorney to an older person who has economic or social needs and includes, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney and counseling or representation by a non-lawyer where permitted by law.

"Living alone" means a one person household, using the census definition of household, where the householder lives by himself or herself in an owned or rented place of residence in a non-institutional setting, including board and care facilities, assisted living units, and group homes.

"Low income minority elderly" means a minority older person with annual income at or below the federally established poverty line.

"Low income non-minority elderly" means an older person who is not a minority with an annual income at or below the federally established poverty line.

"Means testing" means the use of an older person's income or resource to deny or limit the person's receipt of services.

"Minority elderly" means a person age 60 years of age or older who is:

- (A) American Indian or Alaskan Native;
- (B) Asian;
- (C) Black or African American;
- (D) Hispanic or Latino; or
- (E) Native Hawaiian or other Pacific Islander.

"Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, including the provision of health, such as mental health, social, nutritional, and educational services and facilities for recreational activities for older persons.

"NAPIS" means the National Aging Program Information System.

"Neglect" means the failure of a caregiver or fiduciary to provide the goods or services necessary to maintain the health or safety of an older person or self-neglect.

"Nonprofit" means an agency, institution, or organization owned or operated by one or more corporations or associations having no part of the net earnings or benefit of any private shareholder or individual.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

"OAA" means the Older Americans Act of 1965, as amended.

"OKDHS" means Oklahoma Department of Human Services.

"Older person" or "older individual" means anyone 60 years of age or older.

"Periodic," as used in the OAA with respect to evaluations of and public hearings on activities carried out under state and area plans, means at a minimum, once each fiscal year.

"Planning and service area (PSA)" means an area designated by the State Agency under Section 305(a)(1)(E) of the OAA, as amended for the purposes of developing and coordinating service systems.

"Poverty" means the income level defined each year by the Office of Management and Budget (OMB) and adjusted by the DHHS Secretary in accordance with subsection 673(2) of the Community Services Block Grant Act. The annual DHHS Poverty Guidelines provide dollar thresholds representing poverty levels for various size households.

"Poverty line" means the official poverty line as defined by OMB per Section 673(2) of the Community Services Block Grant Act and per Section 9902(2) of Title 42 of the U.S. Code.

"Project" as used in Section 306(a)(1) of the OAA with respect to the provision of supportive and nutrition services, means an entity awarded a subgrant or contract from an AAA to provide services under the Area Plan.

"Race or ethnicity status" reflects the requirements of OMB for obtaining information from persons regarding their self-identification of race and ethnicity.

- (A) Race includes:
 - (i) American Indian or Alaskan Native: a person having origins in any of the original peoples of North America, including Central America, and who maintains tribal affiliation or community attachment;
 - (ii) Asian: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;
 - (iii) Black or African American: a person having origins in any of the black racial groups of Africa;
 - (iv) Native Hawaiian or Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and
 - (v) White: a person having origins in any of the peoples of Europe, the Middle East, or North Africa.
- (B) Ethnicity includes:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (i) Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, Central or South American, or other Spanish culture or origin, regardless of race; and
- (ii) Not Hispanic or Latino.

"Rural" means an area not defined as urban by AoA.

"Rural counties" means counties not considered urban as defined by AoA.

"Rural elderly" means older persons not considered living in urban counties as defined by AoA.

"SUOA" means Special Unit on Aging, a unit of Oklahoma Department of Human Services (OKDHS) Aging Services Division (ASD).

"Self-directed care" means an approach to providing services, including programs, benefits, supports, and technology under the OAA intended to assist a person with activities of daily living, in which:

- (A) services, including the amount, duration, scope, provider, and location of such services are planned, budgeted, and purchased under the direction and control of the person;
- (B) a person is provided with information and assistance as are necessary and appropriate to make informed decisions about care options;
- (C) the needs, capabilities, and preferences of a person with respect to such services are assessed by the AAA, or other agency designated by the AAA, involved;
- (D) based on the assessment, the AAA, or other agency designated by the AAA, develops together with the person and the person's family, caregiver, or legal representative:
 - (i) a plan of services for the person that specifies the services the person will be responsible for directing;
 - (ii) a determination of the role of family members, and others the person wants to participate, in providing services under the plan; and
 - (iii) a budget for such services; and
- (E) the AAA or State Agency provides for oversight of self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under the OAA.

"Self-neglect" means an adult's inability due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including:

- (A) obtaining essential food, clothing, shelter, and medical care;
- (B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (C) managing one's own financial affairs.

"Service provider" as used in Section 306(a)(1) of the OAA with respect to the provision of supportive and nutrition services, means an entity awarded a subgrant or contract from an AAA to provide services under the area plan.

"Severe disability" as used to carry out the provisions of the OAA, means a severe chronic disability attributable to mental or physical impairment of a person that:

- (A) is likely to continue indefinitely; and
- (B) results in substantial functional limitation in three or more of the major life activities of:
 - (i) self-care;
 - (ii) receptive and expressive language;
 - (iii) learning;
 - (iv) mobility;
 - (v) self-direction;
 - (vi) capacity for independent living; and
 - (vii) economic self-sufficiency.

"Sponsoring agency" means a multipurpose or umbrella organization of a grantee.

"State Agency" means the agency designated by the State under Section 305(a)(1) of the OAA, as amended. In Oklahoma, the State Agency is OKDHS ASD.

"State system of long-term care" means the federal, state, and local programs and activities administered by a state providing support, or facilitating access to long-term care for persons in the state.

"Subgrantee" means an agency that subcontracts with a grantee agency. Subgrantee usually refers to the service provider, but it is possible for a service provider to subcontract with another entity.

"Taxonomy" means the uniform set of service definitions and service unit measures adopted by AoA for national reporting on programs and activities under Title III of the OAA.

"Unit of general purpose local government" means:

- (A) a political subdivision of the state having general authority and not limited to only one function or combination of related functions; or
- (B) an Indian tribal organization.

"Urban" means areas defined by AoA comprised of an:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (A) urbanized area, a central place and its adjacent densely settled territories with a combined minimum population of 50,000; or
- (B) incorporated place or census designated place with 20,000 or more inhabitants.

"Urban counties" means urban areas as defined by AoA. Counties in Oklahoma considered urban are:

- (A) Canadian;
- (B) Cleveland;
- (C) Comanche;
- (D) Creek;
- (E) Garfield;
- (F) Logan;
- (G) McClain;
- (H) Oklahoma;
- (I) Osage;
- (J) Pottawatomie;
- (K) Rogers;
- (L) Sequoyah;
- (M) Tulsa; and
- (N) Wagoner.

[INSTRUCTIONS TO STAFF 340:105-10-3](#)

Revised 01/17/12

1. In the definition for "Civic engagement," the "person or a collective action" refers to the persons who receive Title III services and not the persons or entities providing these services.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

d. Use of this Manual

This manual is representative of the policies of ASCOG AAA. All Title III Project services are subject to SUOA policy in OAC 340:105-10. If there is a conflict in policies, the more restrictive should be followed. Policies are copied directly from SUOA Policy with some additions from ASCOG AAA.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

II. ASCOG AREA AGENCY ON AGING

a. Designation of the Area Agency on Aging [OAC 340:105-10-30]

Policy. ASCOG AAA is designated by the State Agency on Aging as an Area Agency on Aging. ASCOG is a separate organizational unit within the multipurpose agency ASCOG and functions for purposes of serving as the AAA. ASCOG AAA is responsible for providing adequate and qualified staff to perform all functions of the AAA as designated by the State Agency.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Responsibilities of the Area Agency on Aging [OAC 340:105-10-31]

Policy. ASCOG AAA is responsible for activities related to the development or enhancement of comprehensive and coordinated community-based systems of services in the ASCOG AAA planning and service areas (PSAs), including:

- (1) establishing and maintaining the ASCOG AAA advisory council;
- (2) developing the ASCOG AAA Area Plan on Aging as prescribed by the State Agency on Aging;
- (3) administering the Area Plan on Aging;
- (4) coordinating all area activities related to the purposes of the Older Americans Act, and actively pursuing resource development at the local and area levels;
- (5) targeting resources to older persons in greatest social and economic need;
- (6) developing, coordinating, and administering the ASCOG AAA Emergency Preparedness Plan;
- (7) serving as a visible and effective advocate for older persons in the PSA;
- (8) granting funding to local sponsors for the provision of direct Title III services;
- (9) designating one or more focal points on aging in each community for the maximum collocation and coordination of services for older persons;
- (10) monitoring and evaluating the local service projects; and
- (11) providing technical assistance and training to Title III project staff related to responsibilities under Title III of the Older Americans Act.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Area Agency on Aging Advisory Council [OAC 340:105-10-32]

Policy. The ASCOG Area Agency on Aging (AAA) establishes and maintains an advisory council. The council carries out advisory functions which further the AAA's mission of developing and coordinating community-based systems of services for all older persons in the planning and service area.

- (1) The advisory council is separate and distinct from the AAA governing board and composed of:
 - (A) more than 50 percent older persons, including minority persons who are participants or who are eligible to participate in Title III programs, and family caregivers of such persons;
 - (B) representatives of older persons;
 - (C) representatives of health care provider organizations, including providers of veterans' health care, if appropriate;
 - (D) representatives of supportive services providers;
 - (E) persons with leadership experience in the private and voluntary sectors;
 - (F) local elected officials; and
 - (G) the general public.
- (2) The advisory council may not be composed of:
 - (A) State Agency staff or governing board members;
 - (B) AAA staff or governing board members;
 - (C) Title III project staff or governing board members; or
 - (D) any other persons that may give an appearance of a potential conflict of interest.

Procedures.

- (1) The advisory council is responsible for advising the AAA in regard to:
 - (A) developing and administering the Area Plan;
 - (B) conducting public hearings;
 - (C) representing the interests of older persons; and
 - (D) reviewing and commenting on all community policies, programs, and actions which affect older persons with the intent of assuring maximum coordination and responsiveness to older persons.
- (2) ASCOG AAA is responsible for supporting the efforts of the advisory council. The AAA:
 - (A) schedules meetings of the full council at least quarterly and provides staff assistance to same;
 - (B) keeps the council informed of all matters relating to Area Plan development and administration;
 - (C) maintains close contact with advisory council officers;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (D) assists the council in developing bylaws. The bylaws, at a minimum, address the:
 - (i) size and composition of the council;
 - (ii) tenure and selection procedures for members;
 - (iii) frequency of meetings; and
 - (iv) functions of the council;
- (E) provides reimbursement for travel and other allowable expenses to council members, as appropriate;
- (F) submits the Area Plan and subsequent amendments to the council for review and comment before they are submitted to the State Agency for approval; and
- (G) conducts annual training for advisory council members to provide orientation to the rights and responsibilities of advisory council members.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

d. Area Plan on Aging [OAC 340:105-10-33]

Policy. In order to receive or continue Area Agency on Aging (AAA) designation, ASCOG AAA must develop an Area Plan for a two, three, or four year period as determined by the State Agency, with annual adjustments as may be necessary. The format for the Area Plan is predetermined by the State Agency and includes, at a minimum:

- (1) a mission statement of the AAA;
- (2) an overview of the Older Americans Act (OAA) and the aging network;
- (3) a listing of the AAA advisory council members and their responsibilities;
- (4) a summary of the needs and priorities of older persons in the planning and service area (PSA) and in each respective county within the PSA;
- (5) goals and measurable objectives that reflect the identified needs and priorities of older persons in the PSA and comply with state and federal mandates;
- (6) a financial management plan;
- (7) a description of emergency preparedness efforts in the PSA;
- (8) a listing of all designated focal points in the PSA;
- (9) all provisions and assurances required by the OAA, related regulations, and State Agency policy; and
- (10) a summary of the public hearing conducted on the proposed Area Plan.

Procedures. To implement the policy for the Area Plan development, the AAA staff:

- (1) obtains the Area Plan guide and format from State Agency;
- (2) outlines the Area Plan development timeline;
- (3) develops a data profile on older Oklahomans in the PSA through the use of census data and other appropriate information;
- (4) conducts needs assessment and service evaluation activities in the PSA, including an annual evaluation of outreach services and periodic evaluations of activities carried out under the Area Plan. Specific needs assessment and service evaluation methodologies include, but are not limited to:
 - (A) public hearings; or
 - (B) administration of survey instruments to older consumers, service providers, advocates, and other interested persons;
- (5) analyzes the results of needs assessment activities, and outlines identified priority needs in the PSA;
- (6) evaluates special targeting needs and program initiatives, considering all state and federal mandates;
- (7) designates and lists community focal points;
- (8) outlines and evaluates the existing service delivery system, including services, coordination, advocacy, and training activities;
- (9) presents a summary of needs and priorities to the AAA advisory council and solicits input for Area Plan goals and objectives;
- (10) develops the draft summary of the Area Plan, including:
 - (A) summary of the OAA of 1965, as amended;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (B) profile of older persons in the PSA;
- (C) listing of the identified priority needs of older persons in the PSA;
- (D) description and evaluation of the current service system;
- (E) Area Plan goals and objectives;
- (F) AAA advisory council membership and responsibilities; and
- (G) financial management plan that includes:
 - (i) a resource allocation plan that outlines the allotment of Title III funds for administration, direct services, and subgranted services as outlined in OAC 340:105-10-95;
 - (ii) an outline of the amount of funds expended for Title III-B priority services during the fiscal year most recently concluded as outlined in OAC 340:105-10-96;
 - (iii) a budget justification;
 - (iv) the AAA funding formula as outlined in OAC 340:105-10-100; and
 - (v) a summary of the process used to award funds as outlined in OAC 340:105-10-40, 340:105-10-100, and 340:105-10-101;
- (11) submits the Area Plan summary to State Agency, AAA advisory council, board of directors, and other interested entities at least two weeks prior to conducting a public hearing(s) on the Area Plan;
- (12) arranges to hold the public hearing(s) in a facility that is accessible to persons with disabilities, and secures the services of interpreters as needed for persons who are hearing impaired and for other languages spoken in the PSA;
- (13) publicizes the public hearing(s) at least two weeks prior to holding it, outlining dates, times, and locations, and ensures that older persons, public officials, and other interested persons have reasonable opportunities to participate. Publicity efforts must include:
 - (A) a variety of media utilized in order to reach all persons in the PSA, with particular emphasis on reaching minorities, rural residents, and persons with disabilities;
 - (B) media notices that are repeated, where feasible, to ensure that all persons in the PSA are reached;
 - (C) written notification posted in places frequented by older persons, such as nutrition sites, banks, post offices, grocery stores;
 - (D) media notices that include information concerning availability and location of the complete Area Plan for review by interested parties prior to the public hearing(s); and
 - (E) media notices that include information regarding the availability of interpreter services, upon request;
- (14) conducts the public hearing(s) in a manner that allows a reasonable number of persons, if not all, to comment on the proposed Area Plan verbally or in writing;
- (15) incorporates written and verbal comments from the hearing(s) into the revised Area Plan, as appropriate;
- (16) submits to the AAA advisory council for approval the revised and completed Area Plan, including all parts outlined in the Area Plan guide;
- (17) submits the revised and completed Area Plan to the AAA board of directors for approval and signatures; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (18) submits the final and completed Area Plan to State Agency for approval at least two months prior to its effective date.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

e. Amendments to the Area Plan [OAC 340:10-105-34]

Policy. ASCOG Area Agency on Aging (AAA) amends its Area Plan when circumstances include:

- (1) a new or amended state or federal statute or regulation requiring a new provision or conflicting with any existing plan provisions;
- (2) a United States Supreme Court decision changing the interpretation of a statute or regulation;
- (3) the AAA proposing to add, substantially modify, or delete any Area Plan objective(s);
- (4) the AAA proposing to substantially modify its budget;
- (5) new or amended State Agency policy requiring a new provision or conflicting with any existing plan provisions; or
- (6) annually revising information required by Section 307(a) of the Older Americans Act, as amended.

Procedures. Proposed amendments to the Area Plan must be documented on those Area Plan exhibits affected by the revision(s) and submitted with written rationale to the State Agency for approval. All Area Plan amendments must be subject to review and comment in accordance with the public hearing procedure outlined in OAC 340:105-10-33, except in cases where the State Agency requires technical revisions, or an objective is modified or deleted because it cannot be attained due to factors beyond the control of the AAA. The State Agency may waive the public hearing requirement only after considering the public interest relative to the amendment. All Area Plan amendments, including annual updates, must follow procedures outlined in OAC 340:105-10-33. The AAA follows additional State Agency guidance, as provided, regarding annual Area Plan updates.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

f. Area Plan Management Plan [OAC 340:10-105-35]

Policy. The ASCOG Area Agency will develop an annual Management Plan to outline the actions necessary to accomplish the Area Plan goals and objectives. A format for the Management Plan shall be provided by the State Agency.

Procedures. The Area Agency will consider each of its Area Plan objectives and will outline the specific actions necessary to complete them on a format provided or approved by the State Agency. The Area Agency must submit its completed Management Plan to the State Agency for review at least six weeks prior to its effective date. The Area Agency will include the following in the Management Plan:

- (1) Area Plan goals and objectives;
- (2) Specific action steps planned to carry out each objective;
- (3) Target dates for the completion of each action step; and
- (4) Staff person(s) responsible for accomplishing each action step.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

g. Area Plan Administration [OAC 340:105-10-36]

Policy. The ASCOG Area Agency on Aging (AAA) has responsibility for carrying out all activities under the Area Plan on Aging.

Procedures. The AAA:

- (1) develops and monitors a management plan for the Area Plan on Aging which includes:
 - (A) overall plan goals;
 - (B) measurable objectives which outline what will be done to reach the goal;
 - (C) action steps that describe how each objective will be accomplished, such as specific tasks;
 - (D) staff assignments of responsibility for each objective; and
 - (E) target dates for the completion of action steps;
- (2) submits all required program and fiscal reports related to Area Plan activities to the State Agency;
- (3) develops a Title III request for proposal (RFP) package and provide technical assistance on the applications to prospective grantees;
- (4) reviews and approves Title III RFPs, except for-profit applications that must be reviewed and approved by the State Agency;
- (5) monitors the program and fiscal reports of Title III projects in the planning and service area (PSA);
- (6) conducts on-site quarterly assessments with each Title III project and forwards follow-up written reports to each project;
- (7) provides technical assistance to the Title III projects as appropriate; and
- (8) develops a policy and procedures manual for Title III projects in the PSA.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

h. Coordination and Resource Development [OAC 340:105-10-37]

Policy. The ASCOG Area Agency on Aging (AAA) performs activities which maximize the availability of all services to older persons in the planning and service area (PSA), and reduce duplication of effort. Particular effort is made to coordinate with:

- (1) organizations providing child care services for children, assistance to older persons caring for relatives who are children, and respite for families to provide opportunities for older persons to aid or assist on a voluntary basis;
- (2) organizations established for the benefit of victims of Alzheimer's disease;
- (3) the State Agency and the Oklahoma Department of Mental Health and Substance Abuse Services to:
 - (A) increase public awareness of mental health disorders;
 - (B) remove barriers to diagnosis and treatment; and
 - (C) coordinate mental health services, including mental health screenings, provided with funds expended by the AAA with mental health services provided by community health centers and by other public agencies and nonprofit private organizations;
- (4) job training and partnership programs;
- (5) Title II programs of the Domestic Volunteer Service Act of 1973;
- (6) Titles XVI, XVIII, XIX, and XX programs of the Social Security Act;
- (7) federal housing programs, United States Housing Act of 1937 or Section 202 of the Housing Act of 1959;
- (8) Title I programs of the Housing and Community Development Act of 1974;
- (9) adult education programs, Title I of the Higher Education Act of 1965 or Adult Education Act;
- (10) transportation programs, Section 5310 of the Transportation Equity Act;
- (11) public health programs, Title XIX of the Public Health Service Act;
- (12) energy assistance programs, Low-Income Home Energy Assistance Act of 1981;
- (13) weatherization assistance for low income persons, Part A of the Energy Conservation in Existing Buildings Act of 1976;
- (14) programs funded by the Community Services Block Grant Act; and
- (15) trained volunteers providing direct services to older persons and persons with disabilities working when possible with organizations that have experience in providing training, placement, and stipends for volunteers or participants in community services settings such as organizations carrying out federal service programs administered by the Corporation for National and Community Service.

Procedures. The AAA ensures maximum availability of services to older persons in the PSA, and reduces duplication of effort for all agencies and organizations serving older persons. The AAA staff:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (1) identify federal, state, and local programs which impact or could impact the older persons in the PSA and provide information in order to justify the allocation of funds for aging programs;
- (2) make application for alternative sources of funding where appropriate, such as grant writing;
- (3) participate in interagency organizations developed for purposes of information sharing, joint planning, and service delivery;
- (4) establish public and private coalitions to address the growing needs of older persons in the PSA;
- (5) enter into cooperative written agreements with local agencies and organizations in order to clearly outline respective responsibilities and expected outcomes;
- (6) extend opportunities for participation in AAA sponsored training to:
 - (A) local health and social services agencies who serve or advocate for older persons;
 - (B) businesses; and
 - (C) other private entities; and
- (7) participate in training sponsored by other local agencies, organizations, and businesses which improve the skills of AAA staff or otherwise further the interests or needs of older persons in the PSA.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

i. Targeting Resources to older persons with greatest economic or social need [OAC 340:105-10-38]

Policy. The ASCOG Area Agency on Aging (AAA) takes a leadership role in assisting communities throughout the planning and service area (PSA) to target resources from all appropriate sources to meet the needs of older persons with greatest economic or social need, with particular attention to low income minority individuals. In addition to low income minority older persons, the groups of older persons targeted for special consideration under this Section include older:

- (1) persons residing in rural or isolated areas;
- (2) persons with severe disabilities;
- (3) persons with limited English proficiency;
- (4) persons at risk for institutional placement;
- (5) persons with Alzheimer's disease and related disorders with neurological and organic brain dysfunction and the caretakers of such persons; and
- (6) Native Americans.

Procedures. The ASCOG AAA carries out its mandate to target resources to older persons with greatest economic or social need, with particular emphasis on low income minority persons and older persons residing in rural areas. The AAA:

- (1) locates services in areas where older persons in greatest economic or social need reside or congregate;
- (2) funds and advocates for specialized services which meet the unique needs of those in greatest economic or social need;
- (3) includes representatives of older persons in greatest economic or social need in the planning of services for these groups. The AAA:
 - (A) appoints representatives from the target groups to the AAA advisory council;
 - (B) requires Title III projects to appoint representatives from the target groups to the project advisory councils;
 - (C) includes leaders of the targeted groups in the annual needs assessment process;
 - (D) includes sources of minority, disability, and bilingual professionals in recruitment efforts for AAA staff positions, such as recruitment announcements in publications with large minority and readership with disabilities, or recruitment announcements at minority colleges and universities; and
 - (E) maintains written agreements with minority and disability entities;
- (4) provides Title III services to low income minority older persons according to their need, to the maximum extent possible. At a minimum, the AAA must:
 - (A) determine the numbers and the specialized needs of low income minority older persons in the PSA through its annual needs assessment activities;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (B) require Title III grantees to outline specific objectives to serve the low income minority older persons in each PSA; and
- (C) monitor program reports to ensure that low income minority older persons are receiving services in at least as great a proportion as their numbers bear to the total population of older persons in the PSA;
- (5) provides sufficient outreach services to the targeted groups; and
- (6) provides appropriate training for AAA and Title III project staff to improve their ability to outreach and serve the targeted groups.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

j. Advocacy [OAC 340-105-10-39]

Policy. The ASCOG Area Agency on Aging (AAA) serves as the public advocate for the development or enhancement of comprehensive and coordinated community-based systems of services in each community throughout the planning and service area (PSA).

Procedures. In carrying out its advocacy responsibility, the AAA:

- (1) monitors, evaluates, and, when appropriate, comments on all policies, programs, hearings, levies, and community actions which affect older persons in the PSA;
- (2) solicits comments from the public on the needs of older persons;
- (3) represents the interests of older persons to local level and executive branch officials, public and private agencies or organizations;
- (4) consults with and supports the state's Long-Term Ombudsman Program; and
- (5) undertakes on a regular basis, activities designed to facilitate the coordination of plans and activities with all other public and private organizations, including units of general purpose local government, with responsibilities affecting older persons in the PSA to promote new or expanded benefits and opportunities for older persons.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

k. Funding local sponsors for the provision of direct Title III services [OAC 340:105-10-40]

Policy. The ASCOG Area Agency on Aging (AAA) awards all Title III of the Older Americans Act (OAA) of 1965 service funds by grant or contract to community services provider agencies and organizations, except where a direct service waiver(s) has been granted by the State Agency, per OAC [340:105-10-41](#), for the purpose of developing or enhancing a comprehensive and coordinated community-based system of services for older persons in the planning and service area (PSA). OAC [340:105-10-50.1](#) lists the services that may be funded under Title III.

Procedures. The AAA staff, advisory council, and board of directors follow the procedures in this Section prior to awarding Title III funds.

- (1) AAA staff:
 - (A) conducts a needs assessment and identifies priority needs in the PSA;
 - (B) evaluates the current service system and identifies any gaps in the system;
 - (C) establishes a funding formula that describes the systematic procedure the AAA follows in allocating funds for services within the PSA, per OAC [340:105-10-100](#);
 - (D) develops the request for proposal (RFP) packages for all Title III services to be funded, per OAC [340:105-10-101](#);
 - (E) publicly announces the RFP and distributes RFP packages to potential grantees;
 - (F) reviews proposals for required documents and provides feedback and technical assistance, as appropriate, to potential grantees; and
 - (G) rates each proposal using approved review criteria.
- (2) AAA advisory council evaluates and rates all proposals.
- (3) AAA board of directors, or a subcommittee:
 - (A) reviews and evaluates all proposals, except for-profit applications that must be reviewed and approved by the State Agency; and
 - (B) considers the ratings of the AAA staff and advisory council, and the review findings of the board of directors, and awards funds for the proposals that best meet RFP specifications.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

I. Title III direct service waivers [OAC 340:105-10-41]

Policy. Provisions under the Older Americans Act (OAA), including subsequent amendments, specify which Title III direct services are authorized or prohibited under the law. Direct services otherwise prohibited by OAA may be permitted by the State Agency if, in the judgment of the State Agency, provision of the services is:

- (1) necessary to ensure an adequate supply of the services;
- (2) related to the administrative functions of the Area Agency on Aging (AAA); or
- (3) more economical and of comparable quality.

Procedures. ASCOG is a recipient of a direct service waiver (DSW) for I&A Services as documented in the ASCOG AAA Area Plan.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

m. Designation of community focal points [OAC 340:105-10-42]

Policy. The ASCOG Area Agency shall designate, where feasible, a focal point for comprehensive service delivery in each community in the planning and service area, giving special consideration to designating multipurpose senior centers as such focal points. These focal points shall be established to encourage the maximum collocation and coordination of services for older persons. The Area Agency must undertake all necessary efforts to assure that services financed under the Older Americans Act, as amended, in, or on behalf of, each community will be either based at, linked to or coordinated with the designated focal point.

Procedures. The Area Agency will designate and implement community focal points by carrying out the following activities:

- (1) The Area Agency, with the approval of the State Agency, will define "community" for the purposes of this Section. Factors to be considered in the definition must include:
 - (A) The delivery pattern of services funded under the Older Americans Act and funded from other sources;
 - (B) The geographic boundaries of communities and neighborhoods;
 - (C) The location of multipurpose senior centers, nutrition sites, and other facilities suitable for designation; and
 - (D) The geographic areas with greatest economic and social need.
- (2) The Area Agency, in consultation with local elected officials, will designate one or more focal points (facilities) in each defined community, giving special consideration to multipurpose senior centers. The following factors must be considered for such designation:
 - (A) The facility's ability, current or potential, to accommodate the collocation of various services in the community;
 - (B) The facility's geographic accessibility to older persons in the community; and
 - (C) The facility's physical accessibility for disabled persons according to Americans With Disabilities Act (ADA) standards.
- (3) The Area Agency will implement the collocation and coordination of services at each focal point via the following activities:
 - (A) The Area Agency will work with each identified focal point to develop a work plan for achieving full capacity for collocation of services;
 - (B) The Area Agency will develop a work plan for assuring that all services funded under the Older Americans Act, as amended, in, or on behalf of each community, are either based at, linked to, or coordinated with that community's focal point(s);
 - (C) The Area Agency will work with each community's leadership to negotiate written agreements with other agencies/organizations serving the elderly which will outline each agency/organization's intent to either base its service(s) in, link its service(s) to, or coordinate its service(s) with the community's identified focal point(s); and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (D) The Area Agency will work with each community's leadership to establish operating schedules for focal point services which are convenient for the older persons in the community.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

n. Monitoring and evaluation of Title III projects [OAC 340:105-10-43]

Policy. ASCOG Area Agency on Aging (AAA) monitors and evaluates all funded Title III projects to ensure services are provided in accordance with federal and state policy and objectives of the service grant or contract are met.

Procedures. Except on specific projects where the State Agency has agreed with the AAA to provide a service, the AAA fulfills its responsibility to monitor and evaluate Title III projects by carrying out the activities described in this subsection. The AAA:

- (1) develops a policy and procedures manual for Title III projects that includes all federal and state mandates;
- (2) monitors the program and fiscal reports of Title III projects;
- (3) conducts quarterly on-site program assessments with each Title III project that include evaluation of the extent to which:
 - (A) the proposed service output, as outlined in the project grant or contract, is met, such as numbers of persons served, units of each service provided, and expenditures by source and service;
 - (B) each objective, and related action steps, are completed by the targeted dates as indicated in the grant or contract;
 - (C) provider responsibilities regarding general Title III service standards, outlined in OAC 340:105-10-51, are met;
 - (D) service specific standards are being met; and
 - (E) federal, state, and local laws and regulations, such as Civil Rights Act and Americans with Disabilities Act, are followed;
- (4) conducts semi-annual on-site fiscal assessments with each Title III project during the first year of operation, and annually thereafter if funding is continued. OAC 340:105-10-114 through 340:105-10-116 describe rules on financial management, procurement, and property management standards for Title III projects;
- (5) forwards written results of all assessments and monitoring visits to projects in a timely fashion, with remedial actions and due dates for compliance outlined;
- (6) follows up with projects on remedial action compliance; and
- (7) utilizes termination, suspension of funding, or other appropriate action when a project fails to achieve compliance with outlined requirements.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

o. Provision of technical assistance and training to Title III Projects [OAC 340:105-10-44]

Policy. ASCOG Area Agency on Aging (AAA) provides technical assistance and training to Title III projects related to all aspects of the project's responsibilities as Title III grantees. As funding permits, the AAA enters into grants and contracts with providers of education and training services that can demonstrate the capacity to provide such services.

Procedures. The AAA carries out its responsibility to provide technical assistance and training by:

- (1) providing and arranging for orientation of each Title III staff person on:
 - (A) the OAA and related regulations;
 - (B) the State of Oklahoma Title III Policies and Procedures Manual, including general Title III service standards, OAC 340:105-10-51, and service specific standards;
 - (C) AAA Title III policy and procedures manual;
 - (D) all program and fiscal reports, as appropriate;
 - (E) assessment procedures; and
 - (F) the aging network;
- (2) providing ongoing telephone, written, and on-site technical assistance to the projects, as needed and as requested; and
- (3) developing and implementing training objectives for Title III projects staff, and providing annual updates, as appropriate.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

p. Area Agency on Aging disaster planning [OAC 340:105-10-45]

Policy. ASCOG area agency on aging (AAA) makes arrangements for the availability of services to older persons, where feasible and appropriate, in weather related emergencies and other disasters, including local and national emergencies, such as terrorist acts and flu pandemics.

Procedures. In order to ensure the availability of needed services to older persons during weather related emergencies and other disasters, the AAA:

- (1) designates a staff person who is responsible for disaster related activities;
- (2) identifies the community persons responsible for disaster planning and services in the planning and service area (PSA), for example, Civil Defense officials, American Red Cross, Salvation Army, Mennonite Disaster Services, and Interfaith Task Forces, and informs these officials of the role of the AAA in disaster planning;
- (3) informs disaster officials of the aging services available throughout the PSA and transmits resource directories, as appropriate;
- (4) negotiates written agreements with Civil Defense officials or other appropriate officials, and outlines specific coordination efforts to be carried out prior to, during, and following a disaster;
- (5) develops a written disaster plan that incorporates the activities outlined in agreements with disaster officials and includes:
 - (A) the types of disasters most prevalent in the PSA;
 - (B) the capabilities and limitations of the AAA;
 - (C) the disaster plans and responsibilities of the State Agency and the Administration on Aging; and
 - (D) the need for the AAA to assume a greater responsibility for disaster plan implementation for non-federally declared disasters;
- (6) submits a copy of the disaster plan to the State Agency for review and approval;
- (7) annually reviews the disaster plan and written agreements with disaster officials for possible updating;
- (8) implements the disaster plan when notified by state or local officials that a disaster has occurred or has been officially declared, and follows the procedure in this paragraph. The AAA:
 - (A) determines the impact of the disaster on AAA facilities and utilities, including telephone service;
 - (B) makes immediate arrangements to handle incoming calls from disaster officials and older persons and their families;
 - (C) contacts appropriate disaster officials to determine the impact of the disaster on older persons in the PSA;
 - (D) reports to the Aging Services Division Special Unit on Aging by telephone or e-mail within 24 hours after a disaster, to include information on the:
 - (i) number of older persons affected;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (ii) number of nursing homes, assisted living facilities, and residential care homes affected;
 - (iii) number of fatalities of older persons;
 - (iv) number of older persons injured; and
 - (v) extent of damage to the property of older persons.
- (E) determines the special needs of older disaster victims and the resources available to meet those needs;
- (F) provides information and makes referrals to incoming inquiries, as appropriate;
- (G) provides outreach and transportation services, as appropriate;
- (H) consults with Civil Defense officials in cases of federally declared disasters to determine the need for on-site AAA staff assistance at disaster centers; and
- (I) provides follow-up to older disaster victims, as appropriate; and
- (9) submits a summary report to the State Agency on the disaster related activities.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

III. FISCAL AND ADMINISTRATIVE POLICIES

a. Title III-B priority supportive services [OAC 340:105-10-96]

Policy. The ASCOG Area Agency on Aging (AAA) ensures that an adequate proportion of its federal allotment for Title III-B services is expended for priority services unless the AAA has been granted a waiver on this rule by the State Agency per OAC [340:105-10-97](#). The Title III-B priority services include:

- (1) access services:
 - (A) transportation;
 - (B) outreach;
 - (C) information and assistance;
 - (D) assisted transportation;
 - (E) case management; and
 - (F) health services, including mental health services;
- (2) in-home services:
 - (A) homemaker;
 - (B) chore;
 - (C) personal care; and
 - (D) home repair; and
- (3) legal assistance services:
 - (A) legal counseling and representation;
 - (B) community education on legal matters; and
 - (C) information and assistance on legal matters.

Procedures. The ASCOG AAA develops its annual budget in consultation with the State Agency and incorporates the allocations listed in (1) - (3) of this subsection into the budget. The AAA:

- (1) expends at least 30 percent of its federal Title III-B funds overall for the three priority service categories, and not less than five percent of these funds for any single priority service;
- (2) expends at least as much federal funds in any given fiscal year for the priority services categories as the AAA expended for the priority services in the previous fiscal year; unless the AAA allocation of these funds is reduced, in which case, the AAA priority services expenditure is reduced proportional to the AAA reduction in Title III-B funds; and
- (3) allocates federal funds to legal assistance services in accordance with minimum funding levels established by the State Agency and issued annually under State memo.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. ASCOG Area Agency on Aging funding formula for the allocation of Title III funds [OAC 340:105-10-100]

Policy. The ASCOG Area Agency on Aging (AAA) establishes a funding formula for the allocation of all Title III funds. The formula must be included in the Area Plan and updated in the Area Plan if revised during the Area Plan year. The funding formula has a provision for allocating additional funds and for reprogramming funds awarded, but not utilized. The formula also outlines the process to be followed when there is a reduction in state or federal funding during the Area Plan year. The funding formula must be approved by the AAA Board of Directors. A mathematical formula is not required.

Procedures. ASCOG AAA implements this Section by:

- (1) drafting a formula which considers the:
 - (A) number of persons age 60 years of age and older;
 - (B) number of older persons in greatest economic need;
 - (C) number of older persons in greatest social need;
 - (D) number of low income minorities;
 - (E) need for and availability of priority services identified in the needs assessment process;
 - (F) availability of local resources, including volunteers;
 - (G) collocation of services and the development of community focal points; and
 - (H) state and federal mandates;
- (2) including in the formula provisions for the:
 - (A) allocation of additional funds received after the initial grant award from the State Agency;
 - (B) reprogramming of funds awarded by the AAA to Title III projects but not utilized; and
 - (C) reductions in state or federal funds during the Area Plan year;
- (3) submitting the draft funding formula to its advisory council for review;
- (4) submitting its draft funding formula to its board of directors for approval; and
- (5) publishing the funding formula in the Area Plan and updating the formula in the Area Plan, as appropriate.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Request for proposal procedures [OAC 340:105-10-101]

Policy. All Older Americans Act pass through funds are awarded in an open, competitive, and fair manner via the request for proposal (RFP) process. Awards are made to applicants whose proposals include all components of the service(s) outlined in the RFP and who best meet the specifications of the RFP.

- (1) The ASCOG Area Agency on Aging (AAA) board of directors:
 - (A) is directly responsible for reviewing proposals and awarding funds. This responsibility may not be delegated;
 - (B) may not award funds to the AAA or to another subdivision of the sponsoring agency under the auspices of the same board of directors; and
 - (C) may not award funds to board members or the agencies or organizations they represent.
- (2) Awarding funds through the RFP process during the plan year is required when:
 - (A) funds are allocated to the AAA at the beginning of the fiscal year;
 - (B) there is significant expansion of a service(s) already funded;
 - (C) funding a new service(s); or
 - (D) funding of an existing service is transferred from a defunct or terminated grantee.

Procedures. The requirements for implementing this Section are outlined in this subsection.

- (1) To initiate RFP, ASCOG AAA:
 - (A) develops specifications for each service to be procured that clearly define the service and how units of service are measured. The specifications include the minimum units of services to be provided, the minimum unduplicated number to be served, if required, and geographic service areas as appropriate;
 - (B) develops an RFP guide and grant application package;
 - (C) announces the availability of funds and documents the announcement in newspapers in the planning and service area (PSA), and concurrently sends a news release to the editor of at least three newspapers and to existing and potential service providers known to the AAA in the PSA.
 - (i) The announcement runs at least two times in daily papers or two weeks in weekly papers prior to the closing of the application period and in a sufficient number of papers to ensure complete coverage within the PSA.
 - (ii) The announcement begins at least 21 calendar days prior to the closing of the application period and is repeated at least once no less than five calendar days prior to the date of the proposers' conference.
 - (iii) All announcements include:
 - (I) a listing of services for which funding is available and the geographic areas that must be covered for each service;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (II) the address at which service specifications and proposal guide may be obtained;
 - (III) the closing date and time for application submittal;
 - (IV) the name and telephone number of a person to contact for additional information; and
 - (V) the date, time, and location of the proposers' conference, and notification that attendance at the conference is required in order to be considered for funding;
 - (D) mails copies of the RFP guide upon request;
 - (E) conducts a conference for proposers prior to the deadline for submitting applications and requires applicants to attend the conference in order to be considered for funding. At a minimum, the information discussed during the conference includes:
 - (i) the RFP guide and all requirements pertaining to submitting an application; and
 - (ii) all responsibilities associated with the acceptance of Title III funds, including applicable federal and state statute, policy, certifications, and assurances;
 - (F) provides other reasonable technical assistance to applicants who request assistance, in writing, no later than seven calendar days prior to the closing of the application period;
 - (G) informs the State Agency following the close of the proposers' conference if there are no applicants for a service; and
 - (H) at the close of the application period, evaluates and rates all proposals according to standard criteria based on requirements of the RFP guide. The AAA disqualifies incomplete proposals from evaluation and funding.
- (2) The ASCOG AAA advisory council reviews the proposals and makes recommendations on funding to the AAA board of directors. All decisions related to funding recommendations are conducted in accordance with applicable state and federal conflict of interest laws. The advisory council review is conducted during a scheduled meeting with a quorum present.
- (3) The ASCOG AAA board of directors:
 - (A) or a subcommittee of the board, reviews all proposals and the recommendations of the AAA staff and advisory council;
 - (B) approves funding of not for profit proposals that best meet or exceed the service specifications and the requirements of the RFP guide. The State Agency shall review and approve all profit-making proposals. All decisions related to granting awards are made in accordance with applicable state and federal conflict of interest laws, and documented through signed resolutions and minutes of meetings. All decisions are acted on as a board with at least a quorum present at a meeting. The AAA board of directors may not delegate its responsibilities related to granting awards;
 - (C) issues notification of grant awards (NGAs) to not for profit applicants who are approved for funding and to profit-making applicants with State Agency approval; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (D) provides an opportunity for appeal to applicants whose proposals for funding are denied, per OAC [340:105-10-102](#).
- (4) If no complete proposals are submitted for a service(s) or if the ASCOG AAA board of directors determines that no proposals for a service(s) meet the specifications of the RFP, the AAA, with State Agency approval, has the option of:
 - (A) reprogramming the funds and issuing a new RFP for a different service(s); or
 - (B) requesting authority to provide a direct service as provided in OAC [340:105-10-41](#); or
 - (C) revising the initial specifications for the same service(s) and reissuing a new RFP; and
 - (D) initiating community development activities to create a potential provider of the service(s) as specified in the RFP and, in the interim, requesting approval from the State Agency to temporarily provide the service as a direct service.
- (5) When an Older Americans Act Title III funded project elects to voluntarily terminate the contract before the end of a grant year, procedures must be followed as outlined on Form 02AG006E, Voluntary Withdrawal of Title III Project. Form 02AG006E must be acknowledged, signed, and included as part of the original grant application.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

d. Appeal procedures for Title III Services providers [OAC 340:105-10-102]

Policy. The ASCOG Area Agency on Aging (AAA) grants an opportunity for appeal to any existing or potential grantee or contractor when an application for Older Americans Act funds is denied or when a grant or contract is suspended or terminated prior to the end of an approved budget year.

Procedures. The requirements for implementing this Section are outlined in this subsection.

- (1) The complainant submits a written request for hearing to ASCOG AAA and its board of directors within 30 days of the complainant's receipt of notice of the adverse action. The written request includes a detailed explanation of the complainant's grievance.
- (2) ASCOG AAA:
 - (A) schedules the hearing and notifies the complainant of the date, time, and location of the hearing within 20 days of the AAA receipt of the request for hearing; and
 - (B) prepares written testimony for the hearing outlining the action being appealed and the data on which the action was based. A copy of this written testimony is provided to the complainant eight calendar days prior to the hearing and submitted as evidence during the hearing.
- (3) The ASCOG AAA board of directors, or a committee appointed by the board of directors, conducts the hearing within 30 days of AAA receipt of the complainant's request for hearing. The hearing includes:
 - (A) an opportunity for the complainant to:
 - (i) review all pertinent evidence relating to the appealed action;
 - (ii) present written and verbal testimony;
 - (iii) be represented by counsel;
 - (iv) present witnesses and documentary evidence; and
 - (v) cross-examine witnesses;
 - (B) a presiding officer appointed by the board of directors who conducts the hearing and has had no part in the appealed action; and
 - (C) a record of the hearing proceedings, taken by the presiding officer appointed by the board of directors, and maintained on file for public viewing.
- (4) The ASCOG AAA board of directors issues a written hearing decision to the complainant within 60 days of the completion of the hearing. The decision letter includes notice of the complainant's right to appeal the decision to Aging Services Division (ASD).
 - (A) The letter includes instructions to the complainant on how to initiate the appeal.
 - (B) The complainant submits a written request for a hearing to ASD within 30 days after the complainant receives notice of an adverse AAA decision.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (5) When the appeal process is not resolved prior to the start of the new project year, ASCOG AAA, through its board of directors, may enter into a temporary grant with a service provider for services affected by the appeal, to avoid cessation of services.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

e. Budget revisions for Title III Projects [OAC 340:105-10-103]

Policy. The following types of budget revisions will require the approval of the grantor agency by a revised notification of grant award (NGA), and a revised Title III Project budget:

- (1) A budget increase of more than ten percent in any single line approved line item;
- (2) A change in the cost sharing ratio;
- (3) A change in the project period and budget year dates;
- (4) A change in the recipient of award; and
- (5) Any change in the Personnel or Equipment line items.

Procedures. The procedures for implementing this Section are as follows:

- (1) The Title III Project submits a proposed budget (with any of the outlined revisions listed in (a) of this Section) and a copy of the minutes from the project's advisory council showing their review and comments, to the ASCOG Area Agency on Aging for approval;
- (2) If the revision(s) is approved, the ASCOG Area Agency on Aging issues a revised NGA; and
- (3) The Title III Project revises the budget as approved.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

f. Unexpended grant funds and carry-over policy [OAC 340:105-10-104]

Policy. ASCOG Area Agencies on Aging (AAAs) and their grantees are allowed to carry-over unexpended grant funds from the most recently completed budget year into the current program budget under prescribed circumstances. Unexpended funds are funds that are obligated and encumbered but not yet disbursed by the AAAs or their grantees at the end of the budget year, and remain unliquidated for more than 30 days after the end of the period for which they were granted.

Procedures. The requirements for implementing this Section are outlined in this subsection.

- (1) The grantee agency, the Title III project or the AAA, submits for approval to the grantor agency, the AAA or the State Agency, a final financial report for the most recently completed program or Area Plan year, which includes documentation of unexpended funds.
- (2) The grantee agency submits to the grantor agency, for approval, a budget amendment outlining the proposed disposition of the unexpended funds.
- (3) The grantor agency issues a notification of grant award (NGA) to the grantee agency authorizing the obligation, or carry-over, of the unexpended funds into the current program or Area Plan year.
- (4) Only Title III Older Americans Act (OAA) federal funds are eligible for carry-over.
- (5) Grantees may not carry-over Nutrition Services Incentive Program (NSIP) cash in lieu of commodities funds. Unexpended NSIP funds revert to the NSIP.
- (6) Grantees may not carry-over state funds. Unexpended state funds revert to the State of Oklahoma.
- (7) Unexpended AAA Title III-B administrative and direct service funds may not be carried over as direct service funds. Such funds may be reverted to Title III-B service funds, or passed through, which may be sub-granted by the AAA via the request for proposals process, per OAC 340:105-10-101.
- (8) The AAA may request a carry-over of no more than two percent of the AAA federal OAA allotments. Unexpended funds in excess of this amount result in a reduction of the current Area Plan state funds on a one dollar for one dollar ratio. This reduction in state funds may be waived if, in the judgment of the State Agency, the excessive unexpended funds are:
 - (A) directly attributable to greatly increased and unforeseen project income;
 - (B) directly attributable to factors beyond the reasonable control of the AAA or the Title III project; or
 - (C) otherwise explained to the satisfaction of the State Agency in a narrative justification.
- (9) In cases of repeated and unjustified unexpended Area Plan funds, the State Agency may elect to reduce the percentage of total state Title III-B funds available for use in the AAA's administration and direct service budgets.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

g. Commercial and contractual activities of Title III Projects [OAC 340:105-10-105.1]

Policy. Title III projects may engage in commercial and contractual activities compatible with the development or enhancement of comprehensive and coordinated service delivery systems for older persons. Commercial and contractual activities do not include activities the Title III project performs pursuant to the Older Americans Act (OAA) program. This Section applies to Title III projects only when Title III facilities and staff are utilized in the performance of commercial and contractual activities. The Title III project performing commercial or contractual activities provides assurances to:

- (1) demonstrate:
 - (A) a loss or diminution in the quantity or quality of OAA services provided, or to be provided, by the agency has not resulted and will not result from such contract or relationship; and
 - (B) the quantity or quality of OAA services to be provided will be enhanced as a result of such contract relationship;
- (2) disclose:
 - (A) the identity of each nongovernmental entity with which the agency has a contract or commercial relationship relating to providing services to older persons;
 - (B) the nature of such contract or relationship; and
 - (C) all sources and expenditures of funds the agency receives or expends to provide services to older persons for the purpose of monitoring compliance with the OAA, including conducting an audit;
- (3) maintain the integrity and public purpose of OAA services provided;
- (4) not use OAA funds received to pay any part of a cost, including an administrative cost, incurred to carry out a contract or commercial relationship.
 - (A) Final payment for non-OAA services may not be from OAA funds. Contract income above the computed cost, including the allocated administrative cost, of the non-OAA service does not fall under the provision of Section 315 of the OAA.
 - (B) ASCOG AAA requires OAA service providers to submit annual verification of the OAA and the non-OAA service cost computed in accordance with General Accepted Accounting Principles by a non-biased, qualified person, such as a certified public accountant (CPA). This includes the service and delivery cost for Advantage and other contract meals.
 - (C) ASCOG AAA will review the OAA and the non-OAA service cost methodology annually in accordance with General Accepted Accounting Principles using a qualified person, such as a CPA, to either approve it or disapprove it and work with the service provider to obtain suitable information. The final computation of the OAA and non-OAA service cost methodology, once approved by the AAA, is submitted to Aging Services Division annually in the AAA approved grants; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (5) not give preference in receiving OAA services to particular older persons as a result of a contract or commercial relationship.

h. Audits for Title III Projects [OAC 340:105-106]

Policy. The Assistant Secretary for Aging and the Comptroller General of the United States (U.S.), authorized personnel of the U.S. Department of Health and Human Services; State Auditor and Inspector; and other appropriate state entities or any of their duly authorized representatives have open and complete access to any books, documents, papers, records, and any other items of the Older Americans Act grantee pertinent to the performance or payments of grants or contracts received through the State Agency or the Area Agency on Aging. Grantees arrange for independent audits or fiscal reviews of Older Americans Act and state funds as required by federal and state law and State Agency rules.

Procedures. The procedures for implementing this Section are outlined in OAC 340:105-10-107 through 340:105-10-113.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

i. Audits of grantees receiving state funds only [OAC 340:105-107]

Policy. Audit and fiscal review policy for grantees receiving state funds only are the same as for grantees receiving federal funds except the State Agency reserves the right to modify such policy as appropriate. Factors considered in the modification of audit and fiscal review policies are:

- (1) source of state funding;
- (2) amount of funding award;
- (3) availability of other grantee audits of award funds;
- (4) purpose, scope, and duration of the Title III project or Area Agency on Aging (AAA) service;
- (5) number and nature of transactions involved in the Title III project or AAA service;
and
- (6) availability of audit funds.

Procedures. Procedures for implementing this Section are described in this subsection. The grantor:

- (1) considers the factors outlined in (a) of this Section; and
- (2) outlines audit policy for state funds in the grant or contract agreement.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

j. Audits of government entities and nonprofits receiving less than \$25,000 in federal and state funds from all sources [OAC 340:105-10-108]

Policy. Government entities and other nonprofits receiving less than \$25,000 in federal and state funds from all sources are monitored by the Area Agency on Aging (AAA) or pass through agency.

Procedures. Procedures to implement this Section are described in this subsection.

- (1) Agencies subject to this Part receive a monitoring visit from the AAA or pass through agency to include, at a minimum:
 - (A) testing of a minimum of ten percent of all project expenditures for the period under review;
 - (B) testing of items listed in the current fiscal assessment tool;
 - (C) preparation of a report to include a narrative description of project operations;
 - (D) verification of the scope and time frame of the review;
 - (E) a description of the findings regarding internal controls, accounting methods, and procedures;
 - (F) schedules of:
 - (i) balance sheet;
 - (ii) budget compared to actual revenue and costs; and
 - (iii) findings, questioned costs, and recommendations; and
 - (G) an account of the grantee's response to findings, questioned costs, and recommendations.
- (2) Monitoring visits are conducted within 30 days after each project year.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

k. Audits of profit-making grantees [OAC 340:105-10-109]

Policy. Each profit-making grantee of Older Americans Act (OAA) funds obtains an annual audit of OAA funds to meet the Office of Management and Budget (OMB) Circular A-133 standards for a program audit or limited scope audit.

Procedures. Procedures for implementing this Section are described in this subsection. The audit:

- (1) period is the same as the project's fiscal year;
- (2) report is specific to the grant-funded project, and is not a single audit of the entire grantee agency;
- (3) is conducted by a Certified Public Accountant according to generally accepted government auditing standards; and
- (4) cost is not charged to federal funds and is not used to meet match requirements.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

I. Audits of local governments and nonprofit agencies expending \$500,000 or more in federal funds from all sources [OAC 340:105-10-110]

Policy. Local governments and nonprofit organizations expending \$500,000 or more in federal funds from all sources in a year are required to obtain annual audits on such funds unless the grantee has a constitutional or statutory requirement for less frequent audits. All audits and accompanying reports must comply with the appropriate Federal Register Office of Management and Budget (OMB) Circular, as described in (c) of this Section.

Procedures. Audits:

- (1) are subject to the provisions of OMB Circular A-133 and the Single Audit Act Amendments of 1996. Each audit states it is made in accordance with the provisions of OMB Circular A-133;
- (2) meet the content and format requirements of Circular A-133;
- (3) are arranged by following the procurement standards of OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments or Circular A-110, Uniform Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations;
- (4) are made by a certified public accountant (CPA) who meets the independence standards specified in government auditing standards. Selected auditors are registered with the office of the Oklahoma Accountancy Board and have a current permit to practice;
- (5) are made in accordance with generally accepted government auditing standards covering financial and compliance audits;
- (6) encompass the grantee's fiscal year; and
- (7) are supported by working papers available for review by the Oklahoma Department of Human Services.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

m. Audits of local governments and nonprofit agencies receiving between \$25,000 and \$500,000 in federal and state funds from all sources [OAC 340:105-10-110.1]

Policy. Government entities and nonprofit agencies receiving more than \$25,000 in federal and state funds and less than \$500,000 in federal funds from all sources are required to obtain annual audits on such funds unless the grantee has a constitutional or statutory requirement for less frequent audits.

Procedures.

- (1) The audit:
 - (A) is a certified independent audit of the agency's entire operations conducted in accordance with generally accepted government auditing standards;
 - (B) includes financial statements prepared in accordance with generally accepted accounting principles;
 - (C) includes a Supplementary Schedule of State and Federal Awards listing all state and federal revenues and expenditures by contract;
 - (D) covers the period for which the contract was in effect;
 - (E) is performed by a certified public accountant or public accountant who has a valid and current permit to practice accountancy in Oklahoma; and
 - (F) is not charged to federal funds or to meet match requirements.
- (2) The Oklahoma Department of Human Services retains the right to examine and audit paperwork.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

n. Fraud, abuse, or illegal acts [OAC 340:105-10-111]

Policy. All fraud, abuse or illegal acts, including all questioned costs found as the result of these acts, shall be immediately reported to the appropriate officials.

Procedures. The procedures for implementing this Section are:

- (1) All fraud, abuse or illegal acts shall be documented in a written report separate from the audit report;
- (2) The report shall be submitted with the audit report according to the timetable described in OAC 340:105-10-112;
- (3) Prompt notice of illegal acts or other irregularities shall be given by the auditor to grantee management officials above the level of the involvement;
- (4) The grantee, in turn, shall promptly notify the cognizant agency;
- (5) Any illegal acts or irregularities involving grant programs either at the AAA or Title III Project level are to be reported in writing to the State Agency within ten days of the date on which the recipient becomes aware of such illegal acts or irregularities.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

o. Audit report and fiscal review report distribution [OAC 340-105-112]

Policy. Audit reports of ASCOG Area Agencies on Aging (AAAs) and audit and fiscal review reports of Title III projects are transmitted to the State Agency within 150 days after the end of the fiscal year being audited or within 30 days after the completion of the audit or fiscal review report, whichever comes first.

Procedures. The procedures for implementing this Section are described in this subsection.

- (1) Each audit or fiscal review report submitted to the State Agency is accompanied by completed Form 02AG026E, Audit Report Transmittal. This form is completed in a format prescribed by the State Agency.
- (2) Each audit report is accompanied by properly executed copies of equipment, food, and food supplies inventories, as appropriate.
- (3) Multiple copies of AAA and Title III project audit and fiscal review reports are submitted to the State Agency in quantities prescribed.
- (4) Audit and fiscal review reports are submitted by the auditor to the organization audited, and to those requiring or arranging for the audit or fiscal review.
- (5) Grantees submit copies of audit or fiscal review reports to their grantor agency.
- (6) Audit and fiscal review reports are made available for public inspection within 30 days after completion of the report.
- (7) A request for time extension is submitted to the State Agency when the audit report or fiscal review report cannot be submitted within 150 days after the fiscal year end.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

p. Resolution of findings [OAC 340:105-10-113]

Policy. Clearance of audit reports and resolution of audit findings on Area Agencies on Aging (AAAs) and Title III projects is the responsibility of the grantor agency.

Procedures. The procedures for implementing this Section are described in this subsection.

- (1) The AAA or Title III project submits audit and fiscal review reports as outlined in OAC 340:105-10-112.
- (2) The grantor agency provides written acknowledgement to the AAA or Title III project of the receipt of audit and fiscal review reports.
- (3) The grantor agency monitors the compliance of the grantee agency with audit and fiscal review findings or recommendations within six months of the completion of the audit or fiscal review.
- (4) The grantor agency monitors the compliance of the grantee with Office of Management and Budget Circular A-133.
- (5) The State Agency regularly reviews the audit clearance activities of each AAA.
- (6) The State Agency reserves the right to suspend funds or to effect de-designation of any AAA demonstrating unwillingness or inability to resolve reasonable audit or fiscal review recommendations concerning Title III projects within a six month period after the completion of the audit or fiscal review.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

q. Financial management standards for Title III projects [OAC 340:105-10-114]

Policy. ASCOG AAA and each Title III project maintains an accounting system that is in compliance with generally accepted accounting principles. All Title III funds and state and local funds expended to earn or match such funds must be accounted for in accordance with the federal standards outlined in the authorities listed in (b) of this Section.

Procedures. AAA and Title III projects implement financial management standards in accordance with the federal standards outlined in the authorities in (b) of this Section. • [1](#)

- (1) The Oklahoma Department of Human Services (OKDHS) Aging Services Division monthly reviews and reconciles AAA actual monthly expenditure reports for the prior month and adjusts for discrepancies in the following month's payments.
- (2) The grantee agency may use OKDHS forms or computer-generated versions. Any computer-generated form must:
 - (A) include all of the information on the OKDHS forms that is pertinent to the grantee agency's reporting requirements; and
 - (B) be submitted to the grantor agency for approval prior to use.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

r. Procurement standards for Title III projects [OAC 340:105-10-115]

Policy. ASCOG AAA and Title III Projects shall follow applicable federal policy governing the procurement of supplies, equipment, construction, and other services whose cost is borne in whole or in part by Title III funds.

Procedures. Area Agencies and Title III Projects shall implement procurement standards as outlined in Title 45 Part 74 and OMB Circular A-110. In addition:

- (1) Area Agencies on Aging shall ensure free and open competition for all service providers via the Area Agency's standard Request for Proposals process (see OAC 340:105-10-101); and
- (2) Area Agencies on Aging and Title III Projects shall make positive effort to utilize small business, women, and minority-owned businesses as sources of supplies and services.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

s. Property Management standards for Title III projects [OAC 340:105-10-116]

Policy. ASCOG AAA Title III projects follow federal policy governing title, use, and disposition for real and tangible personal property whose acquisition cost was borne in whole or in part as a direct charge to Title III funds.

Procedures. AAAs and Title III projects:

- (1) follow all rules outlined in 45 CFR 74, Subpart D;
- (2) follow all rules outlined in OMB Circular A-110; and
- (3) use Form 02AG013E, Equipment Inventory, to maintain a physical inventory of equipment purchased with Title III funds at a minimum cost of \$300.
 - (A) The AAA may use Form 02AG013E or a computer-generated version. The computer-generated form must include all of the information on Form 02AG013E that is pertinent to the AAA's reporting requirements.
 - (B) All computer-generated forms must be submitted to the State Agency for approval prior to use.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

t. Employment policies and procedures [OAC 340:105-10-117]

Policy. ASCOG Area Agency on Aging (AAA) and each Title III project, or grantee, maintains a system of personnel administration approved by the grantor agency, and complies with all state and federal statutes.

Procedures. The procedures for implementing this Section require the grantee agency to:

- (1) recruit, select, and advance employees on their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.
 - (A) The grantee agency promptly notifies the grantor agency of an AAA director or project director vacancy.
 - (B) The grantor agency monitors the grantee's ability to sustain the continuity of operation during any transition and ensures the vacancy is filled in a fair and equitable manner.
 - (C) The grantor agency may participate in the interview process for the AAA director or project director vacancy;
- (2) provide equitable and adequate compensation to all employees;
- (3) provide training to employees, as needed, to ensure quality performance;
- (4) retain employees on the basis of the adequacy of their performance, separating from employment employees whose inadequate performance cannot be corrected;
- (5) ensure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religion, age, or disability and with proper regard for their privacy and constitutional rights as citizens. This fair treatment principle includes compliance with all federal equal employment opportunity and non-discrimination laws, such as Civil Rights Act and Americans with Disabilities Act;
- (6) protect employees from coercion for partisan political purposes and prohibit employees from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (7) provide reasonable grievance procedures to applicants and employees and post the procedures in a public place; and
- (8) develop personnel policies that include:
 - (A) work schedules;
 - (B) leave;
 - (C) compensation for overtime;
 - (D) employee code of conduct;
 - (E) disciplinary procedures;
 - (F) travel and reimbursement;
 - (G) benefits, such as insurance and retirement;
 - (H) training;
 - (I) political activity;
 - (J) recruitment, appointment, and advancement;
 - (K) appeal procedures;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (L) lobbying prohibition;
- (M) Civil Rights Act requirements;
- (N) Rehabilitation Act and Americans with Disabilities Act requirements;
- (O) nepotism regarding related employees and grantor or contractor prohibitions;
and
- (P) Family and Medical Leave Act of 1993.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

u. Title III Project job descriptions [OAC 340:105-10-120]

Policy. ASCOG Area Agencies on Aging (AAAs) and Title III projects utilize job descriptions approved by the grantor agency.

Procedures. The procedures for implementing this Section are outlined in this subsection.

- (1) AAAs and Title III projects develop job descriptions relevant to their local needs. Job descriptions meet minimum qualifications set by the State Agency, found in Appendix M-14, Job Descriptions for Older Americans Act Network Employees. Duties may be combined between job descriptions to meet local needs.
- (2) Except as otherwise specifically stated elsewhere for full-time AAA director, full-time Title III project director, and 40 hours per week information and assistance specialist, AAAs and Title III projects determine the number of positions and types of positions based on local need. Each AAA and Title III project maintains sufficient staff to carry out the required service activities.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

v. Title III Project salaries [OAC 340:105-10-121]

Policy. ASCOG Area Agencies on Aging (AAAs) and Title III projects develop competent staff to perform programmatic and financial duties based on local needs, available funding, and market value, provided persons with comparable job family descriptors (JFDs) may not be paid more than the midpoint of a JFD paid within the salary cap set by the State Agency. The total administration costs charged to the Title III grant may not exceed the maximum provided in federal law.

Procedures. The requirements for implementing this Section are outlined in this subsection.

- (1) AAAs and Title III projects determine starting salary for positions based on local needs, available funding, and market value, provided persons with comparable JFDs may not be paid more than the midpoint of the salary range paid by the State Agency for the JFD most like the job in question being done by the AAAs or Title III projects.
- (2) Salary advancements are based on acceptable work performance, as evidenced by continued employment with the AAA or Title III project. The AAA may disapprove salary advances of its grantees due to uncertain funding allocations or funding levels. The State Agency may disapprove salary advances of AAAs that it believes may cause the AAA to exceed the maximum administrative cost allowed in federal law.
- (3) Longevity payments may be made to all AAA and Title III employees using a longevity schedule that is:
 - (A) fair and equitable to all employees;
 - (B) based on available funding;
 - (C) included in AAA and Title III budgets; and
 - (D) provided for in the AAA policies and procedures manual.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

w. Fair labor practices for Title III projects [OAC 340:105-10-122]

Policy. ASCOG AAA and Title III projects comply with fair labor practices as outlined in applicable state and federal statutes.

Procedures. The requirements for implementing this Section are outlined in (1) through (10) of this subsection.

- (1) An employee is compensated for hours worked at the appropriate wage unless the position is an exempt executive, administrative, or professional position.
- (2) An employee may not perform volunteer activities for an employer that are the same or similar to the employee's job duties. Such activities are compensated as hours worked.
- (3) The employer is responsible for:
 - (A) assigning employee work hours and supervising employee start and end times; and
 - (B) compensating the employee for all hours the supervisor assigns to the employee and has reasonable knowledge that the employee works.
- (4) A non-exempt employee who is full-time is given at least a 30 minute uninterrupted break from compensated work time for a meal. An employee is offered a 15 minute break during compensated work time for every four hour period worked. Break time is considered compensated work time and may not be used for arriving late, leaving early, or extending the lunch period.
- (5) A non-exempt employee of a public agency who works in excess of 40 hours within a seven day work period is compensated with one and one half hours of compensatory time per hour of overtime or paid at a rate of one and one-half times the hourly wage for each hour of overtime. A public agency is a state, political subdivision of a state, or interstate governmental agency.
- (6) A non-exempt employee of a private agency who works in excess of 40 hours within a seven day work period is compensated with one and one-half hours of pay at a rate of one and one-half times the hourly wage for each hour of overtime. A private agency may not replace overtime in one work week with compensatory time in another week.
- (7) All overtime is approved in advance by the employee's supervisor. The supervisor may adjust the employee's regular work schedule to avoid having the employee work in excess of 40 hours in a seven day work period. Employee work shifts may exceed eight hours per day.
- (8) Employers of public agencies require the employee to use compensatory time within 180 days, or pay the employee at the appropriate overtime rate.
- (9) An employee who fails to adhere to assigned working hours, does not keep accurate time sheets, or claims unauthorized overtime is subject to disciplinary action by the employer, which could result in termination of employment.
- (10) Employers who base employees out of their own homes do not give out the employee's home telephone number to the general public. Arrangements are made to have a telephone number at a convenient location for the employee to take calls. An emergency response telephone number and procedure are established to avoid having

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

persons contacting employees during non-working hours. The employee reports to the employer all contacts during non-working hours that are business related.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

IV. GENERAL PROGRAM STANDARDS FOR TITLE III SERVICES

a. Title III services taxonomy [OAC 340:105-10-50.1]

Revised 01/17/12

Rule. Parts B, C, D, and E of Title III authorize the development of a variety of services to meet the needs of older persons. A comprehensive listing of services that may be funded, service definitions, and service units are included in (1) through (15) of this paragraph.

- (1) Personal care - one hour; provides personal assistance, stand-by assistance, supervision, or cues.
- (2) Homemaker - one hour; provides assistance preparing meals, shopping for personal items, managing money, using the telephone, or doing light housework.
- (3) Chore - one hour; provides assistance with heavy housework, yard work, or sidewalk maintenance.
- (4) Home delivered meal - one meal; provides a qualified person at the person's place of residence a meal that:
 - (A) complies with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture;
 - (B) provides, if one meal is served, a minimum of 33 and 1/3 percent of the current dietary reference intakes (DRI) as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences;
 - (C) provides, if two meals are served together, a minimum of 66 and 2/3 percent of the allowances; and
 - (D) provides, if three meals are served together, 100 percent of the allowances.
- (5) Adult day care or adult day health - one hour; provides personal care for dependent adults in a supervised, protective, and congregate setting during some portion of a day. Services offered in conjunction with adult day care or adult day health typically include social and recreational activities, training, counseling, and services such as rehabilitation, medications assistance, and home health aide services for adult day health.
- (6) Case management - one hour; provides assistance either in the form of access or care coordination in circumstances where the older person is experiencing diminished functioning capacities, personal conditions, or other characteristics requiring the provision of services by formal service providers or family caregivers. Case management activities include:
 - (A) assessing needs;
 - (B) developing care plans;
 - (C) authorizing and coordinating services among providers; and
 - (D) providing follow-up and reassessment, as required.
- (7) Congregate meal - one meal; provides a qualified person in a congregate or group setting, a meal that:
 - (A) complies with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (B) provides, if one meal is served, a minimum of 33 and 1/3 percent of the DRI as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences;
 - (C) provides, if two meals are served together, a minimum of 66 and 2/3 percent of the allowances; and
 - (D) provides, if three meals are served together, 100 percent of the allowances.
- (8) Nutrition counseling - one session per participant; provides individualized guidance to a person who is at nutritional risk because of health or nutrition history, dietary intake, medications use, or chronic illnesses, or to caregivers. Counseling is provided one-on-one by a registered dietician and addresses the options and methods for improving nutrition status.
- (9) Assisted transportation - one one-way trip; provides assistance and transportation, including escort, to a person who has difficulties, physical or cognitive, using regular vehicular transportation.
- (10) Transportation - one one-way trip; provides transportation using a vehicle for a person who requires help in going from one location to another and does not include any other activity.
- (11) Legal assistance - one hour; provides legal advice, counseling, and representation by an attorney or other person acting under the supervision of an attorney.
- (12) Nutrition education - one session per participant; a program promoting better health by providing accurate and culturally sensitive nutrition, physical fitness, or health information, as it relates to nutrition, information, and instruction to participants, caregivers, or both, in a group or individual setting overseen by a dietitian or person of comparable expertise.
- (13) Information and assistance - one contact; a one-on-one contact between a service provider and an older client or caregiver. Activities involving contact with multiple current or potential clients or caregivers, such as publications, publicity campaigns, and other mass media activities, are not counted as a unit of service. Internet website hits are counted only if information is requested and supplied. This service:
 - (A) provides older persons with current information on services available within their communities;
 - (B) links older persons with the opportunities and services available within their communities; and
 - (C) establishes adequate follow-up procedures, to the maximum extent practicable.
- (14) Outreach - one contact; provides persons with intervention initiated by an agency or organization for the purpose of identifying potential clients or their caregivers and encouraging their use of existing services and benefits. Outreach is a one-on-one contact between a service provider and an older client or caregiver. Activities involving contact with multiple current or potential clients or caregivers, such as publications, publicity campaigns, and other mass media activities, are not counted as a unit of service.
- (15) Funded "Other" category.
 - (A) Advocacy or representation - one hour; provides action taken on behalf of an older person to secure the person's rights or benefits. Advocacy or representation includes receiving, investigating, and working to resolve disputes or

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- complaints. It does not include services provided by an attorney or person under the supervision of an attorney.
- (B) Education or training - one session; provides formal and informal opportunities for older persons to acquire knowledge, experience, or skills. Includes individual or group events designed to increase awareness.
 - (C) Health promotion - one event; provides health promotion or disease prevention information, instruction, or activities, such as exercise, to participants, caregivers, or both, in a group or individual setting. Examples include:
 - (i) individual health screenings such as blood pressure screenings. The event is documented by a participant sign-in sheet at the time of the screening; or
 - (ii) a health promotion program in an individual or group setting. The program is counted as one event.
 - (D) Home repair - one job; provides minor repairs, modifications, or maintenance on a home owned and occupied by an eligible participant, up to \$250 annually per participant.
 - (E) Coordination of services - unit to be determined by Aging Services Division (ASD); provides for the administration or delivery of a service for which direct cost is not funded by Title III. The AAA contacts ASD regarding use of this category.
 - (F) National Family Caregiver Support Program service categories are:
 - (i) information services - one activity; provides caregivers information on resources and services available to the public or persons within their communities. Information services are for activities directed to large audiences of current or potential caregivers, such as disseminating publications, conducting media campaigns, and other similar activities;
 - (ii) access assistance – one contact; assists caregivers in obtaining access to the services and resources available within their communities. To the maximum extent practicable, access assistance ensures persons receive the services needed by establishing adequate follow-up procedures. Internet website hits are counted only when information is requested and supplied;
 - (iii) counseling - one session per participant; assists caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiver roles. This includes counseling to persons, support groups, and caregiver training of individual caregivers and families;
 - (iv) respite care - one hour; provides temporary, substitute supports or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers. When the specific service units purchased via a direct payment, such as cash or voucher, can be tracked or estimated, the service unit is reported by hour; otherwise, the unit of service is one payment. Respite care is:
 - (I) in-home respite such as personal care, homemaker, and other in-home respite;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (II) respite provided by attendance of the care recipient at a senior center or other nonresidential program; or
- (III) institution respite provided by placing the care recipient in an institutional setting such as a nursing home for a short period of time as a respite to the caregiver or summer camp as a respite for grandparents caring for children; and
- (v) supplemental services – provides services on a limited basis to complement the care provided by caregivers. The unit and service are determined by ASD. The AAA contacts ASD regarding use of this category.

Procedures. The AAA is required to:

- (1) incorporates provisions of the rule into its policies and procedures manual;
- (2) provides technical assistance to prospective service project applicants regarding the rule in the development of services; and
- (3) utilizes the rule as an indicator in the evaluation of service project proposals.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. General Title III service standards [OAC 340:105-10-51]

Policy. Parts B, C, D, and E of Title III of the Older Americans Act of 1965 provide funding for a variety of services to meet the needs of older persons. All services meet service specific standards and the general standards in this subsection.

- (1) Project sponsors who are the recipients of grant awards may be public, private for-profit, or nonprofit agencies or organizations, institutions, political subdivisions of the state, or Indian tribal organizations demonstrating to the Area Agency on Aging (AAA) a capacity for the effective delivery of nutrition, supportive services, or both, throughout the project service area (PSA). Project sponsors serve all eligible persons in the PSA and do not limit participation to their own membership or residents, such as church memberships or residents of a day care program.
- (2) Project services are provided to persons 60 years of age and older unless otherwise allowed for in the eligibility requirements of a specific service.
- (3) Project services are located in communities with the greatest occurrence of older persons in greatest economic and social need with particular attention to low income minority persons and older persons residing in rural areas. The project documents in the written grant agreement with the AAA:
 - (A) assurance that, to the extent possible, the project serves low income minority persons and older persons residing in rural areas in accordance with their need for services;
 - (B) specific objectives outlining how the project satisfies the service needs of low income minority persons and older persons residing in rural areas served by the project. These objectives reflect the Area Plan objectives for targeting these persons;
 - (C) information on the extent the project met its objectives for serving low income minority persons and older persons residing in rural areas during the previous fiscal year, if previously funded; and
 - (D) other targeting activities required for specific funded services, as appropriate, such as targeting activities for outreach services.
- (4) Projects provide recipients with the opportunity to contribute to the cost of services, with the restrictions in this paragraph.
 - (A) Contributions are voluntary and no otherwise eligible person is denied service because he or she chooses not to or cannot contribute to the cost of services.
 - (B) Participants are advised of the opportunity to contribute to the cost of programs through:
 - (i) individual consultation when they enter the program to include a written suggested contribution schedule;
 - (ii) written brochures about the program and written schedules of activities of the program; and
 - (iii) signs posted at the project site.
 - (C) The participant's privacy regarding contributions is protected at all times.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (D) The project advisory council develops a suggested contribution schedule for funded services and takes into consideration the income ranges of older persons in the community and the project's other means of income. Means testing is not used to determine suggested contributions.
- (E) Congregate and home delivered meals participants are allowed to use United States (U.S.) Department of Agriculture food benefits to contribute toward the cost of their meals.
- (F) The project uses appropriate procedures to safeguard and account for all contributions.
- (G) The project uses participant contributions to expand funded services.
- (5) Projects conform to the Title III fiscal accounting and program reporting systems as implemented by the State Agency and AAAs. All records are managed according to the guidelines in this paragraph. OAA grantees:
 - (A) maintain adequate and separate accounting and fiscal records, and account for all funds provided by any source to pay the cost of the OAA funded project;
 - (B) permit audit, examination, or both, of all such records, procedures, and accounts at any reasonable time by authorized personnel of the U.S. Department of Health and Human Services, the Oklahoma Department of Human Services (OKDHS), the State Auditor and Inspector, and other appropriate state entities;
 - (C) allow authorized personnel open and complete access to the grantees' accounting records and practices, and to any other items of the service provider pertinent to the performance or payment of the grant in order to audit, examine, and make excerpts of records;
 - (D) retain for at least three years all financial and program records, supporting documents, statistical records, and other records pertaining to the Title III services.
 - (i) In the case of litigation, claim negotiation, audit, or other pending action before the end of the three year period, the records are retained until such action is completed, and until all issues arising from it have been resolved, or until the end of the regular three year period, whichever is later.
 - (ii) Permanent records are maintained at the project office; and
 - (E) provide the appropriate security, confidentiality, and accommodations for the proper maintenance and organization of program records and reports.
- (6) Where feasible and appropriate, projects make arrangements for the availability of services to older persons in weather related emergencies and other local and national emergencies, including terrorist acts and flu pandemics.
- (7) Projects assist participants in taking advantage of benefits or services under other programs.
- (8) Project staff reports to the appropriate officials any situation that places the participant, participant's household, or both, in imminent danger.
- (9) Projects coordinate Title III services with other appropriate services in the community, including Title VI Native American nutrition programs. Appropriate coordination efforts include:
 - (A) joint planning;
 - (B) information sharing; and
 - (C) negotiation of written agreements.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (10) Projects establish and maintain an advisory council to advise the projects on all matters relating to the delivery of project services, per OAC 340:105-10-52.
- (11) Projects ensure appropriate intake information is gathered on each participant.
 - (A) Participants receiving Title III:
 - (i) personal care, homemaker, chore, home repair, home delivered meals, adult day health or adult day care, or case management services, information is gathered on Form 02AG002E, Older Americans Act Assessment, Part I, and Form 02AG003E, Older Americans Act Assessment, Part II, and includes at a minimum:
 - (I) identifying information;
 - (II) household composition;
 - (III) ability to perform activities of daily living (ADLs);
 - (IV) ability to perform instrumental activities of daily living;
 - (V) support system;
 - (VI) participant signature or witness signature if participant is unable to sign;
 - (VII) explanation of donation system;
 - (VIII) release of information authorization; and
 - (IX) status related to poverty level;
 - (ii) congregate meals, nutrition counseling, assisted transportation, outreach, or information and assistance, information is gathered on Form 02AG002E, Part I, and includes at a minimum:
 - (I) identifying information;
 - (II) household composition;
 - (III) participant signature or witness signature if participant is unable to sign;
 - (IV) explanation of donation system;
 - (V) release of information authorization; and
 - (VI) status related to poverty level;
 - (iii) home delivered meals, congregate meals, case management, or nutrition counseling, project staff ensures Form 02AG002E, Part I, Determine your nutritional health, is completed; and
 - (iv) National Family Caregiver Support Program (NFCSP) services, information is gathered on an approved intake form and includes at a minimum:
 - (I) the family caregiver's identifying information;
 - (II) the caregiver's relationship to the care receiver;
 - (III) the care receiver's identifying information; and
 - (IV) a written description of the caregiver's current situation, including the care receiver's need for assistance due to inability to perform specific ADLs or need for supervision due to Alzheimer's disease or other dementia.
 - (B) Project staff:
 - (i) obtains from participants of other Title III services not given in (A) of this paragraph, or their informants, only information necessary to provide

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- the appropriate Title III service(s) and ensure the safety and well-being of participants;
 - (ii) ensures assessment procedures are conducted in a confidential manner, with only the intake person, the participant, and other persons approved by the participant in attendance;
 - (iii) conducts an assessment of each participant upon the participant's entry into a Title III service, with, at a minimum, annual reassessments; and
 - (iv) conducts a reassessment of in-home service participants every six months, at a minimum.
- (C) Income source information is not required to receive Title III services and may only be used to assist the participant in determining eligibility for programs with income guidelines.
- (12) Projects have procedures, approved by the AAA, to ensure strict confidentiality is maintained regarding all participant information. Projects ensure identifying participant information is disclosed only when staff obtains the informed consent of the participant or the participant's legal representative. Exceptions to the rules in this paragraph include court orders, reporting possible neglect, abuse, or both, and monitoring project records by federal, state, and AAA officials.
- (13) Project staff posts grievance procedures in a public area of the project facility and complies with AAA grievance procedures for Title III participants.
- (14) Projects comply with the Americans with Disabilities Act, Section 504 of The Rehabilitation Act of 1973, and Title VI of The Civil Rights Act of 1964. A public notice of civil rights compliance is posted in a public area in all project facilities and offices.
- (15) Projects comply with the Oklahoma Open Meetings Act when conducting public meetings. Public meetings are held in handicap accessible facilities with provisions for interpreters, as needed.
- (16) Project staff conducts ongoing public information activities to ensure the general public is aware of each project and the services it provides. All materials produced by or for the project include a statement that:
 - (A) the project makes no distinctions on the grounds of race, color, sex, age, ancestry, national origin, religion, or disability; and
 - (B) a portion of the project costs are met by state and federal OAA funds from the AAA and OKDHS Aging Services Division.
- (17) Project staff provides or arranges for orientation and ongoing training for all staff engaged in the implementation of the project. Training is designed to enhance staff performance as related to specific job responsibilities of each staff person. Projects authorize staff time to attend AAA and State Agency sponsored training as funds permit. Minimum orientation or training topics include:
 - (A) the OAA, as amended, and related regulations;
 - (B) the OKDHS Policies and Procedures Manual for Title III of the OAA, as amended;
 - (C) the AAA Title III policies and procedures manual;
 - (D) all program and fiscal reports, as appropriate;
 - (E) assessment procedures;
 - (F) the aging network; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (G) specific job duties.
- (18) Project staff participates in regularly scheduled assessments and evaluations by the AAA.
 - (A) The AAA schedules assessments at least 30 days in advance at a time mutually convenient for the AAA and the project.
 - (B) The AAA informs the project director of the areas to be covered during the assessment.
 - (C) The project director makes arrangements for site visits as requested by the AAA.
- (19) The project allows unscheduled or unannounced visits by the AAA for the purposes of:
 - (A) investigating alleged problems;
 - (B) monitoring corrective action; or
 - (C) evaluating the normal daily activity of the project.

Procedures. The AAA is required to:

- (1) incorporate the standards into the AAA policies and procedures manual;
- (2) provide training on the standards to Title III project directors and other appropriate staff;
- (3) monitor the compliance of Title III projects with the standards; and
- (4) provide ongoing technical assistance to Title III projects regarding the standards.

INSTRUCTIONS TO STAFF

- 1. Project offices must comply with the Americans with Disabilities Act Amendment Act.
- When a project office is not in full compliance with the Americans with Disabilities Act Amendment Act (ADAAA), then the nutrition project must develop and submit a corrective action plan to address any barriers that need to be removed.
- The corrective action plan should include but is not limited to:
 - An action plan listing, by priority, the obstacles that need to be removed, the date action will be taken, cost estimates for barrier removal and designation of the entity responsible for barrier removal.
 - A copy of the contract with the building owner showing who is responsible for ADAAA compliance.
 - A copy of letters to the building owner requesting that specific barriers need to be removed and requesting such removal.
- A copy of the corrective action plan must be submitted to the Area Agency on Aging with 60 days of an assessment finding the site to be out of compliance.
- The Area Agency on Aging will keep a copy of the corrective action plan on file for at least three years.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Title III Project Advisory Council [OAC 340:105-10-52]

Policy. Each Title III project establishes and maintains an advisory council to advise the project staff on all matters relating to the delivery of project services.

- (1) The composition of the council is described in (A) and (B).
 - (A) The advisory council is separate and distinct from the Title III project governing board and composed of:
 - (i) more than 50 percent older persons, including minority individuals, who are participants or eligible to participate in Title III programs;
 - (ii) local government officials;
 - (iii) representatives of public and private agencies or organizations that address aging issues in the service area; and
 - (iv) other persons who are knowledgeable and experienced in the special needs of older persons.
 - (B) The advisory council may not be composed of:
 - (i) State Agency staff or governing board members;
 - (ii) Area Agencies on Aging (AAA) staff or governing board members;
 - (iii) Title III project staff or governing board members; or
 - (iv) any other individuals who may give an appearance of a potential conflict of interest.
- (2) The council operates under a set of bylaws approved by ASCOG AAA. The council bylaws, at a minimum, address:
 - (A) size and composition of the council;
 - (B) tenure and selection procedures for members;
 - (C) frequency of meetings; and
 - (D) functions of the council.

Procedures.

- (1) ASCOG AAA:
 - (A) incorporates the provision of this Section into its Title III policies and procedures manual; and
 - (B) provides orientation to project staff regarding the policy.
- (2) Projects:
 - (A) establish and convene advisory councils within the first quarter of the project year;
 - (B) provide orientation to new council members regarding their functions;
 - (C) assist councils in developing bylaws;
 - (D) submit bylaws and amendments to the AAA for approval;
 - (E) schedule meetings of the councils at least quarterly and provide staff assistance at meetings; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (F) seek input from the council at scheduled meetings and informally, as needed, on all matters relating to the delivery of the funded Title III service(s).

d. Political and sales activities in Title III projects [OAC 340:105-10-53]

Policy. The ASCOG Area Agency shall develop policy related to political and sales activities at Title III funded service sites, e.g. multipurpose senior centers, congregate meal sites, etc.

Procedures. The ASCOG Area Agency has adopted the following policy for political and sales activities at Title III Project sites:

- (1) Title III program activities may not endorse or oppose a candidate, solicit campaign funds or include any activity designed to influence the results of a partisan election;
- (2) Title III program participants may not be required to participate in any political or sales activities conducted at or through the project site;
- (3) Sales or political activities may not be conducted during the serving or eating of meals. The protected time for meals shall be from one to one and one-half hours depending on the number of meal participants;
- (4) Political materials may be distributed at Title III project sites by/for a candidate for elective office;
- (5) Formal or group presentations on behalf of a candidate/issue shall be permitted only if all candidates are offered equal opportunity and time, and/or if all sides of an issue are presented; and
- (6) Program participants and advisory council members shall have input into the development of sales activities guidelines as well as any additional restrictions on political activities, as appropriate. Salespersons shall be denied access to the project site if the participants do not wish to have the activity or, if there is reasonable evidence (as judged by the project management) that the salesperson and/or product may exploit or cause harm to the participants.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

V. SUPPORTIVE SERVICES [OAC 340:105-10-54]

Policy. The ASCOG Area Agency on Aging (AAA) has the ability to make grants to local agencies or organizations for the provision of supportive services to older persons. Providers of any such service must comply with all standards outlined in this Subchapter relating to the service(s) provided. Supportive services, for purposes of this Section, include:

- (1) health, including mental health, education and training, welfare, informational, recreational, homemaker, counseling, or referral services;
- (2) transportation services to facilitate access to supportive services or nutrition services, and services provided by an AAA in conjunction with local transportation service providers, public transportation agencies, and other local government agencies that result in increased provision of such transportation services for older persons;
- (3) services designed to encourage and assist older persons to use the facilities and services, including information and assistance services, and language translation services to assist older persons with limited English speaking ability to obtain services;
- (4) services designed to:
 - (A) assist older persons obtain adequate housing, including minor residential repair and renovation projects, up to \$250 annually per client, designed to enable older persons maintain their homes in conformity with minimum housing standards;
 - (B) adapt homes to meet the needs of older persons who have physical disabilities;
 - (C) prevent unlawful entry into residences of older persons, through the installation of security devices and structural modifications or alterations of such residences; or
 - (D) assist older persons in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;
- (5) services designed to assist older persons avoid institutionalization and assist persons in long-term care institutions who are able to return to their communities, including:
 - (A) client assessments, case management, and development and coordination of community services;
 - (B) supportive activities to meet the special needs of caregivers, including caregivers who provide in-home services to frail older persons; and
 - (C) in-home services and other community services, including home health, homemaker, and chore services to assist older persons to live independently in a home environment;
- (6) services designed to provide to older persons legal assistance and other counseling services and assistance, including:
 - (A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (B) representation of persons who are wards, or are allegedly incapacitated, and in guardianship proceedings of older persons who seek to become guardians, if other adequate representation is unavailable in the proceedings;
 - (C) provision, to older persons who provide uncompensated care to their adult children with disabilities, of counseling to assist such older persons with permanency planning for such children;
- (7) services designed to enable older persons to attain and maintain physical and mental well-being through programs of regular physical activity, exercise, music therapy, art therapy, and dance movement therapy;
- (8) services designed to provide health screening, including mental health screening, to detect or prevent illnesses, or both, that occur most frequently in older persons;
- (9) services designed to provide for older persons, pre-retirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;
- (10) services of an ombudsman at the state level to receive, investigate, and act on complaints by older persons who are residents of long-term care facilities and to advocate for the well-being of such persons;
- (11) provision of services and assistive devices, including provision of assistive technology services and assistive technology devices, designed to meet the unique needs of older persons with disabilities and older persons who provide uncompensated care to their adult children with disabilities;
- (12) services to encourage the employment of older workers, including job and second career counseling, and where appropriate, job development, referral, and placement, and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998, Section 2801 of Title 29 of the United States Code;
- (13) crime prevention services and victim assistance programs for older persons;
- (14) a program, to be known as Senior Opportunities and Services, designed to identify and meet the needs of older persons who are poor, 60 years of age or older, in one or more of the areas of:
 - (A) development and provision of new volunteer services;
 - (B) effective referral to existing health, including mental health, employment, housing, legal, consumer, transportation, and other services;
 - (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and
 - (D) other services as the Assistant Secretary for Aging of the Administration on Aging may determine are necessary or especially appropriate to meet the needs of older persons who are poor and ensure them greater self-sufficiency;
- (15) services for the prevention of abuse of older persons in accordance with Section 307(a)(12) of the Older Americans Act (OAA) of 1965, as amended;
- (16) in-service training and state leadership for legal assistance activities;
- (17) health and nutrition education services, including information concerning prevention, diagnosis, treatment, and rehabilitation of age related diseases and chronic disabling conditions;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (18) services designed to enable mentally impaired older persons to attain and maintain emotional well-being and independent living through a coordinated system of support services;
- (19) services designed to support family members and other persons providing voluntary care to older persons who need long-term care services;
- (20) services designed to provide information and training for persons who are or may become guardians or representative payees of older persons, including information on the powers and duties of guardians and representative payees and alternatives to guardianships;
- (21) services to encourage and facilitate regular interaction between students and older persons, including services for older persons with limited English proficiency and visits in long-term care facilities, multipurpose senior centers, and other settings;
- (22) in-home services defined by the State Agency in the State Plan submitted under Section 307 of the OAA, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for service of the persons described in this paragraph, and in-home services defined by an AAA in the Area Plan submitted under Section 306 of the OAA;
- (23) services designed to support States, AAAs, and local service providers in carrying out and coordinating activities for older persons with respect to mental health services, including outreach for, education concerning, and screening for such services, and referral to such services for treatment;
- (24) activities to promote and disseminate information about life-long learning programs, including opportunities for distance learning; and
- (25) any other services necessary for the general welfare of older persons, if the services meet standards prescribed by the Assistant Secretary for Aging and are necessary for the general welfare of older persons.

Procedures. The AAA:

- (1) incorporates the provisions in this Section into the Title III policies and procedures manual;
- (2) provides technical assistance to prospective service project applicants regarding the policy in the development of Title III-B services; and
- (3) utilizes the policy as an indicator in the evaluation of Title III-B service project proposals.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

VI. SENIOR CENTERS [OAC 340:105-10-56]

Policy. A multipurpose senior center is a community or neighborhood facility that offers a broad spectrum of services including health, social, and educational activities for older persons. Area Agencies on Aging (AAAs) annually monitor multipurpose senior centers having received Title III funding for acquisition and construction. • 1 The AAAs are entitled to recover Title III funds: ASCOG AAA does not currently have any senior centers who have been funded for construction within the last 20 years.

- (1) if within ten years after acquisition or within 20 years after the completion of construction the:
 - (A) owner of the facility ceases to be a public or non-profit private agency or organization; or
 - (B) facility ceases to be used for the purpose for which it was acquired unless, in accordance with regulations, there is no good cause for releasing the applicant or other owner from the obligation.
- (2) in an amount which bears to the then value of the facility, or so much thereof as constituted an approved project or projects, the same ratio as the amount of such federal funds bore to the cost of the facility financed with the aid of such funds. Such value is determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.
- INSTRUCTIONS TO STAFF 340:105-10-56
- 1. Area Agencies on Aging (AAAs) annually monitor all multipurpose senior centers having received Title III funding for acquisition or construction within the past ten or 20 years, respectively. The AAA ensures that each facility is used as a senior center by:
 - (1) submitting an annual report to the State Agency which outlines the:
 - (A) facility names in the planning and service area having received Title III funding for acquisition or construction within the past ten or 20 years, respectively;
 - (B) date each facility was acquired or constructed; and
 - (C) current use of each facility;
 - (2) coordinating standards for operation to include:
 - (A) having an advisory board consisting of at least 50 percent elderly participants;
 - (B) being open a minimum of 30 hours per week, five days per week unless the center has received a waiver of this requirement from the State Agency;
 - (C) having a full-time, paid coordinator unless the center has received a waiver of this requirement from the State Agency; and
 - (D) offering on site, at a minimum:
 - (i) health services, such as health screening or health education;
 - (ii) social services, such as information and assistance, outreach, or transportation;
 - (iii) nutrition services consisting of at least three meals per week served in a congregate setting;
 - (iv) educational services; and
 - (v) recreational and group activities;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (E) the facility is not used for sectarian instruction or as a place for religious worship;
- (F) the facility is in compliance with the Americans With Disabilities Act; and
- (G) the facility meets all state and local health, fire, safety and sanitation laws, ordinances and codes.

VII. OUTREACH SERVICES

a. Outreach service standards [OAC 340:105-10-57]

Policy. The outreach service includes services that seek out and identify older individuals and assist them in gaining access to needed services. All providers of outreach service must comply with standards outlined in this Section and OAC 340:105-10-51, 340:105-10-58 and 340:105-10-60.

Procedures. This Section is implemented by the Area Agency on Aging:

- (1) incorporating the policy into its Title III policy and procedures manual;
- (2) providing orientation to outreach staff on the policy;
- (3) monitoring compliance with the policy; and
- (4) providing ongoing technical assistance to Title III projects regarding the policy.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Outreach service eligibility [OAC 340-105-10-58]

Policy. • 1 All individuals age 60 years of age and older are eligible to receive outreach services. Special targeting objectives are developed to reach individuals:

- (1) residing in rural areas;
- (2) with greatest economic need, with particular attention to low income minority individuals; as provided in accordance with their need for services as determined by income guidelines established during initial interview/03A;
- (3) with greatest social need, with particular attention to low income minority individuals;
- (4) with severe disabilities;
- (5) with limited English speaking ability;
- (6) with Alzheimer's disease or related disorders with neurological and organic brain dysfunction and the caretakers of such individuals;
- (7) living alone; and
- (8) with impairments in activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.
- INSTRUCTIONS TO STAFF 340:105-10-58
- 1. Persons listed in OAC 340:105-10-58(a) complete the assessment procedures outlined in OAC 340:105-10-59 Instructions to Staff.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Outreach service assessment [OAC 340-105-10-59]

Policy. Each person who desires to receive outreach service completes Form 02AG002E, Older Americans Act Assessment, Part I. Form 02AG002E provides the person information about the outreach service and other Title III of the Older Americans Act (OAA) of 1965 services, and allows staff to obtain necessary information to better serve the needs of the person as a service participant.

Procedures.

- (1) At the initial interview, the outreach worker discusses all aspects of program participation, including the opportunity to contribute to the cost of outreach and other Title III services, as appropriate.
- (2) The outreach worker does not require written verification of any assessment information gathered to complete Form 02AG002E. Participant assessment information includes:
 - (A) name, address, and telephone number;
 - (B) age, sex, race, and date of birth;
 - (C) name, address, and telephone number of emergency contact(s);
 - (D) name, address, and telephone number of physician;
 - (E) special dietary needs, only when participant is applying for congregate meals or home delivered meals services;
 - (F) diagnosed medical conditions;
 - (G) current medications;
 - (H) accommodations required for disabilities;
 - (I) transportation resources;
 - (J) Title III services requested or needed;
 - (K) reasons for requesting outreach or other Title III services;
 - (L) need for additional community resources;
 - (M) income sources. Income source information is not required to receive OAA Title III services and is only used to assist the participant in determining eligibility for programs with income guidelines including referral to ASCOG ADvantage Program; and
 - (N) status related to poverty level.
- (3) The outreach worker or other appropriate project staff conducts a face-to-face re-assessment interview with the participant. Re-assessments are required every six months for some Title III services, such as home delivered meals.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

d. Outreach methods [OAC 340:105-10-60]

Policy. The outreach service is implemented and carried out in such a manner as to ensure the maximum participation of eligible older individuals in Title III programs and all other programs which may benefit them. Special targeting efforts are carried out to ensure the maximum number of individuals outlined in OAC [340:105-10-58\(a\)](#) are reached. Services to low income minority individuals and individuals residing in rural areas are provided in accordance with their need for services, as feasible.

Procedures. The procedures for implementing this Section include the outreach service:

- (1) targeting service funding to those communities in the planning and service area (PSA) that have the greatest proportion of individuals outlined in OAC [340:105-10-58\(a\)](#);
- (2) developing and carrying out specific objectives for reaching the individuals outlined in OAC [340:105-10-58\(a\)](#);
- (3) providing services to persons of limited English speaking ability by utilizing outreach workers who are fluent in the language of such individuals when a substantial number of such persons reside in the PSA;
- (4) maintaining current resource information regarding services, programs, and organizations which benefit older persons and the target groups outlined in OAC [340:105-10-58\(a\)](#);
- (5) publicizing the availability of outreach services through; • [1](#)
- (6) providing auxiliary aids and interpreters for disabled individuals;
- (7) utilizing a variety of outreach methods; and • [2](#)
- (8) developing community resources where there are identified gaps by utilizing volunteers, civic groups, and the like.
- (9) utilizing the income guideline established by ADvantage Program at the time of initial interview to automatically request ADvantage Program/DHS referral for those participants whose income is below the guideline or if it appears they will be sent to a care facility or already has home health in the home.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

VIII. INFORMATION AND ASSISTANCE SERVICES

a. Information and assistance services [OAC 340:105-10-61]

Policy. All providers of information and assistance (I & A) services comply with standards listed in OAC 340:105-10-50.1(a)(13), 340:105-10-51 and 340:105-10-61 through 340:105-10-63. I & A services for older persons include services:

- (1) providing current information on services available within their communities;
- (2) linking older persons to the opportunities and services available within their communities; and
- (3) establishing adequate follow-up procedures, to the maximum extent practicable.

Procedures. The Area Agency on Aging implements this Section by:

- (1) incorporating the provisions in this Section into its Title III policies and procedures manual;
- (2) providing technical assistance to prospective service project applicants regarding the policy in the development of services; and
- (3) utilizing the policy as an indicator in the evaluation of service project proposals.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Information and assistance eligibility [OAC 340:105-10-62]

Policy. All individuals, age 60 years of age and older and their caregivers are eligible to receive information and assistance (I & A) services. A person under the age of 60 may participate under special conditions.

Procedures.

- (1) Providers of I & A services list specific objectives in the project grant application which outline how the provider targets individuals who are:
 - (A) in greatest economic need;
 - (B) in greatest social need;
 - (C) low income minorities; and
 - (D) residing in rural areas.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Information and assistance (I&A) methods [OAC 340:105-10-63]

Policy. The Area Agency on Aging (AAA) establishes and maintains information and assistance (I & A) services in sufficient numbers to ensure that all older persons within the planning and service area have reasonably convenient access to such services.

INSTRUCTIONS TO STAFF 340:105-10-63

1. The procedures for implementing information and assistance (I & A) methods are listed in this Instruction.

- (1) Functions of the I & A service.
 - (A) Classification system. The I & A service uses a classification system based on standard service terminology, such as United Way of America Services Identification System (INFO-LINE Taxonomy), National Association of State Units on Aging (NASUA), and National Association of Area Agencies on Aging (NAAAA). The I & A service may develop variations in the classification system to adapt it to the community's size, nature, and organizational needs. The classification system is used for purposes of:
 - (i) retrieving service information;
 - (ii) increasing the reliability of planning data;
 - (iii) making comparison and evaluation processes consistent and reliable; and
 - (iv) facilitating national comparisons of data.
 - (B) Resource file. The I & A service develops, maintains, and uses an accurate, up-to-date resource file that contains information on available community resources and produces detailed data on service providers in the area that are responsive to the needs of senior citizens and their caregivers. Requirements for the resource file include:
 - (i) a profile on each resource organization or agency that includes but is not limited to:
 - (I) legal name, common name, or acronym;
 - (II) address;
 - (III) telephone number(s);
 - (IV) hours and days of service;
 - (V) services provided;
 - (VI) eligibility requirements and intake procedures;
 - (VII) areas served;
 - (VIII) accessibility, for example, assistance to barriers, teletypewriter or telecommunication device for the deaf (TTY/TDD) number, languages spoken, availability of home visits for intake, lack of bus route access, or restrictions on facility use;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (IX) sponsoring agency;
 - (X) fees;
 - (XI) name and title of contact person; and
 - (XII) date of last update;
- (ii) service or problem categories with extensive cross-referencing;
- (iii) methods for continuous and annual updating;
- (iv) an alphabetical index; and
- (v) a method for verifying profile information.
- (C) Inquirer data collection. The I & A service establishes and uses a system of collecting and organizing inquirer data for appropriate referral and to identify gaps in service. Procedures for data collection are listed in this subparagraph.
 - (i) Confidentiality of inquirer information is ensured at all times by:
 - (I) maintaining inquirer data in locked files;
 - (II) allowing access to inquirer data, with identifying information, for trained project staff, AAA and State Agency monitors only; and
 - (III) disclosing inquirer data, with identifying information, only with the informed consent, either written or verbal, of the older person or by his or her authorized representative. When verbal consent is obtained, the date and circumstances are documented.
 - (ii) Data collection forms include at a minimum the information listed in this unit. Inquirers have the right to withhold information not directly relevant to the resolution of their problems. Information includes:
 - (I) name, address, and telephone number of caller;
 - (II) name of person for whom services are sought if other than caller;
 - (III) demographic information, for example age, sex, race or ethnicity, and income, when needed for referral to means tested services;
 - (IV) problems presented by inquirer and problems as assessed by trained staff or volunteer;
 - (V) services needed;
 - (VI) organizations to which inquirer was referred;
 - (VII) method of contact with I & A service, such as letter, telephone, walk-in, or other;
 - (VIII) manner in which inquirer learned of the I & A service, such as Eldercare Locator, newspaper, friend, or brochure; and

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (IX) follow-up results, including client's receipt or non-receipt of services.
- (D) Data analysis and reporting. The I & A service establishes and uses a systematic method of collecting and organizing data that provides support for community planning activities and advocacy. This support is made available to decision makers, advocates, and others, as appropriate, and consists of:
 - (i) statistics;
 - (ii) data analysis;
 - (iii) relevant documentation of service use;
 - (iv) client characteristics; and
 - (v) unmet needs, gaps, and duplications in service.
- (E) Training. The I & A service provides orientation and ongoing training to paid and volunteer staff. The procedures used are included in this subparagraph.
 - (i) The I & A service has a written training plan for paid and volunteer staff.
 - (ii) Orientation to the I & A service for both paid and volunteer staff includes the:
 - (I) Older Americans Act, as amended, and the National Network on Aging;
 - (II) role, purposes, and functions of the I & A service;
 - (III) role of the governing body, for example AAA; and
 - (IV) administrative structure and policies of the service.
 - (iii) Training for the I & A specialist includes:
 - (I) interviewing techniques and attitudes;
 - (II) listening skills;
 - (III) communications;
 - (IV) proper telephone usage;
 - (V) assessment techniques;
 - (VI) information giving and referral procedures;
 - (VII) follow-up;
 - (VIII) data recording;
 - (IX) maintenance of records;
 - (X) organization of the classification system;
 - (XI) use of resource files including the identification of new resources;
 - (XII) use of technology; and
 - (XIII) techniques for handling calls from lonely, suicidal, despondent, or angry callers.
- (F) Promotion. The I & A service establishes and maintains a planned program of activities to increase community awareness of I & A services and their objectives by:
 - (i) implementing publicity plans only after evaluating available resources for handling the resulting volume;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (ii) using various methods to publicize the service including:
 - (I) personal contact;
 - (II) speaking engagements;
 - (III) public service announcements or listings;
 - (IV) radio or television programs;
 - (V) paid advertisements;
 - (VI) feature articles or news stories;
 - (VII) newsletters;
 - (VIII) coordination with other organizations, businesses, provider and professional associations, government officials, planning bodies, and similar groups;
 - (IX) telephone directory listings for all areas served by the I & A service, multiple listings in blue pages or in white pages under Aging Information and Assistance and, to the extent possible, appropriate yellow page listings. The yellow page listings of I & A services provided directly by an AAA, may be combined with the AAA's yellow page listing;
 - (X) displays; and
 - (XI) printed materials, such as brochures, posters, telephone stickers, and business cards;
- (iii) operating as part of a larger organization coordinating its publicity and public relations activities with those of its sponsor;
- (iv) publicizing its services to special need groups in the community, such as foreign language groups, low income, low income minority, socially isolated, or groups serving disabled populations;
- (v) using all publicity techniques as frequently as resources permit; and
- (vi) coordinating its public relation activities with those occurring at the national or state level including the use of national logos.
- (G) Access to service. Each I & A service provides reasonably convenient access to help all older persons avail themselves of the services they need as easily as possible, following the guidelines in this subparagraph.
 - (i) The I & A service coordinates its service delivery with other I & A services, community agencies, and similar organizations to avoid duplication and encourage service integration.
 - (ii) The I & A service provides immediate, direct client access to the Title III I & A specialist via a separate, clearly identified Senior Info-Line.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (iii) Groups and individuals that have special needs have barrier free access to appropriate I & A services.
- (2) Client service delivery functions.
 - (A) Information giving. The I & A service provides timely, accurate, and pertinent information on available resources to inquirers. Inquirers are encouraged to contact the I & A service again if the information given proves incorrect, inappropriate, or insufficient to link them with the needed services. I & A services are provided by:
 - (i) face-to-face office contact;
 - (ii) telephone;
 - (iii) mail;
 - (iv) group presentations; and
 - (v) printed resource directories. Directories:
 - (I) are printed large enough to be easily read by older persons;
 - (II) are maintained on computer software, if available, for easier updating;
 - (III) include 800 numbers, where available;
 - (IV) include a table of contents and an alphabetized index;
 - (V) include, in prominent locations, all of the telephone numbers for the AAA and a map of the counties served by the AAA;
 - (VI) include a state map with a list of all of the AAAs in the state;
 - (VII) include on the cover, the name and telephone number(s) of the I & A service and the geographic area served; and
 - (VIII) use the same standardized classification system utilized in the resource file, with appropriate cross referencing.
 - (B) Referral giving. The I & A service provides timely and appropriate assistance services to inquirers via the methods listed in this subparagraph.
 - (i) Trained staff, paid or volunteer, makes a determination of the inquirer's needs.
 - (ii) Staff assists the inquirer in identifying appropriate options that provide the necessary services. Multiple referrals are given whenever possible.
 - (iii) Staff makes direct contact with other agencies for the inquirer, where appropriate.
 - (iv) Staff refers to an advocacy organization or negotiates on behalf of the inquirer to assist the inquirer obtain a needed

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- service when the inquirer is unable to effectively represent himself or herself, or has a complaint about a service.
- (C) Follow-up. The I & A service follows up referral contacts, where appropriate, according to the guidelines listed in this subparagraph. Follow-up is performed:
 - (i) within 24 hours when an inquirer demonstrates confusion, urgency, or that a crisis exists;
 - (ii) within one week for referrals that, in the judgment of the I & A specialist, are complex or involve multiple services; and
 - (iii) consists of contacting the:
 - (I) inquirer to determine if the service is being provided, and to determine the inquirer's satisfaction with the service; and
 - (II) organizations to which referrals were made to determine the inquirer's service status.
- (D) Advocacy. The I & A service offers advocacy on behalf of a person or group when needed services are not adequately provided. Advocacy efforts:
 - (i) include the involvement of the individuals and groups concerned;
 - (ii) are consistent with the policies established by the I & A service's governing body; and
 - (iii) made through the I & A service do not include legal assistance. Situations requiring legal action are referred to the appropriate legal services program.
- (3) Organizational structure.
 - (A) Auspices. The auspices under which the I & A service operates ensure the achievement of I & A goals and meet all Title III requirements.
 - (B) Staff. I & A staff are competent, ethical, qualified, and sufficient in number to deliver quality services. The service is staffed at least 40 hours per week, pending availability of funding, by at least one I&A staff whose primary job is to provide I&A services. I&A functions may not be assigned as a regular, continuing duty of any other AAA staff position.
 - (C) Volunteers. The I & A service makes every effort to involve volunteers in service delivery. When volunteers are utilized, the I & A service:
 - (i) screens volunteers and selects those capable of performing essential duties;
 - (ii) provides volunteers with written job descriptions that outline:
 - (I) needed skills;
 - (II) duties to be performed; and
 - (III) lines of supervision;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (iii) designates a coordinator of volunteers who provides ongoing supervision;
 - (iv) provides to volunteers orientation and ongoing training, as needed;
 - (v) reimburses volunteers for out-of-pocket expenses, when resources are available; and
 - (vi) establishes procedures to recognize volunteers for their support, time, and effort, such as certificates and annual luncheons.
- (D) Facilities. The I & A service sponsor provides facilities that allow the service to operate effectively and efficiently via the guidelines listed in this subparagraph. The I & A service(s):
 - (i) provides space to ensure confidential interviewing;
 - (ii) equips its offices with a telephone system that incorporates the most cost efficient and effective technology possible, within the resources of the service;
 - (iii) equips its offices with sufficient desks, tables, chairs, supplies, and locking file cabinets;
 - (iv) provides offices free of architectural barriers to persons with disabilities;
 - (v) designed to serve walk-ins are accessible by public transportation, where available, have available parking, and are near the population the program is designed to serve; and
 - (vi) provides for an answering system when staff is not present. The answering system provides callers with the number and office hours of an organization(s) that provides service in an emergency.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

IX. LEGAL SERVICES

a. Legal services [OAC 340:105-10-64]

Policy. Legal services include the provision of legal advice, counseling, and representation by attorneys, or by paralegals or interns under the supervision of an attorney. Legal services also include counseling or representation by a non-lawyer, where permitted by law. All providers of legal services must comply with standards outlined in this Section and OAC 340:105-10-51, 340:105-10-65, and 340:105-10-66.

Procedures. This Section is implemented by the Area Agency on Aging:

- (1) incorporating the policy into its Title III policy and procedures manual;
- (2) providing technical assistance to prospective service project applicants regarding the policy in the development of services; and
- (3) utilizing the policy as an indicator in the evaluation of service project proposals.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Legal services eligibility [OAC 340:105-10-65]

Policy. All individuals, age 60 years of age and older are eligible to receive legal services. Special efforts are made to provide services to those older persons in greatest social or economic need.

Procedures. Procedures for implementing this Section include:

- (1) providers of legal services list specific objectives in the project grant application which outline how the provider targets those older persons in greatest economic or social need; and
- (2) persons who request legal services complete intake procedures approved by the ASCOG Area Agency on Aging. Provider's intake procedures may not require that the participant provide income or resources information. Income and resources information may be obtained only as a process of providing legal services to the participant, and for the purposes of identifying additional resources or benefits for which the participant may be entitled.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Legal services methods [OAC 340:105-10-66]

Policy. The ASCOG Area Agency on Aging (AAA) enters into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance.

Procedures.

- (1) Each legal services project, at a minimum, provides:
 - (A) client service delivery consisting of a broad range of services including:
 - (i) legal counseling;
 - (ii) brief services;
 - (iii) referral after legal assessment; and
 - (iv) representation before judicial, administrative, and legislative bodies;
 - (B) community education;
 - (C) outreach to identify and assist potential clients;
 - (D) training for project staff;
 - (E) coordination with other social service providers;
 - (F) coordination with the private bar with emphasis on securing pro bono or reduced fee services for older individuals; and
 - (G) coordination with Legal Services Corporation grantees in the planning and service area, if the legal services sponsor is not a Legal Services Corporation grantee, in order to concentrate the use of Title III-B legal services funds on individuals in greatest social or economic need.
- (2) Legal services providers ensure that services provided through Title III-B funds are in addition to any legal assistance for older persons being furnished with funds from other sources.
- (3) Legal services providers give priority to services related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination, and employ staff with expertise in these fields.
- (4) Legal services providers provide effective administrative and judicial representation in the areas of law affecting older persons with economic and social need.
- (5) Legal services providers provide support to other advocacy efforts including the Long-Term Care Ombudsman Program.
- (6) Legal services providers provide services to institutionalized, isolated, and homebound older individuals, as appropriate.
- (7) Legal services providers provide service in the principal language spoken by participants in areas where a significant number of participants do not speak English as their principal language.
- (8) Legal services providers establish procedures for the referral of fee generating cases. A fee generating case is one which, if undertaken on behalf of an eligible participant by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (9) Title III-B funds are only used to provide services in fee generating cases when there is an emergency requiring immediate legal action or when other adequate representation is unavailable. Other adequate representation is deemed unavailable when:
 - (A) recovery of damages is not the principal object of the client;
 - (B) a court appoints a provider or an employee of a provider pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or
 - (C) an eligible participant is seeking benefits under Title II of the Social Security Act, Federal Old Age, Survivors, and Disability Insurance Benefits, or Title XVI of the Social Security Act, Supplemental Security Income for Aged, Blind, and Disabled.
- (10) When a legal services provider does represent a participant in any of the circumstances outlined in (9) of this subsection, the provider may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement. When such a case results in a recovery of damages, other than statutory benefits, a provider may accept reimbursement for out-of-pocket costs and expenses incurred in connection with the case or matter.
- (11) Legal services providers, employees of the providers, or staff attorneys shall not engage in prohibited political activities to include:
 - (A) contributing or making available OAA funds, personnel, or equipment to any political party or association or to the campaign of any candidate for public or party office, or for use in advocating or opposing any ballot measure, initiative, or referendum;
 - (B) intentionally identifying the Title III program or provider with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office; and
 - (C) engaging in any political activity, while engaged in legal assistance activities supported under the OAA.
- (12) No funds made available under the OAA are used for lobbying activities, including but not limited to, any activities intended to influence any decision or activity by any nonjudicial federal, state, or local individual or body. Nothing in this Section is intended to prohibit a legal services employee from:
 - (A) communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies;
 - (B) informing a client about a new or proposed statute, executive order, or administrative regulation;
 - (C) responding to an individual client's request for advice only with respect to the client's own communications to officials unless otherwise prohibited by the OAA, Title III regulations, or other applicable law. This provision does not authorize publication of lobbying materials or training of clients on lobbying techniques or the composition of a communication for the client's use;
 - (D) making direct contact with the AAA for any purpose;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (E) providing a client with administrative representation in adjudicatory or rulemaking proceedings or negotiations, directly affecting that client's legal rights in a particular case, claim, or application;
- (F) communicating with an elected official for the sole purpose of bringing a client's legal problem to the attention of that official; or
- (G) responding to the request of a public official or body for testimony, legal advice, or other statements on legislation or other issues related to aging, provided that no such action will be taken without first obtaining the written approval of the responsible AAA.
- (13) While carrying out legal assistance activities and while using resources provided under the OAA, no legal services provider or its employees:
 - (A) participates in any public demonstration, picketing, boycott, or strike, except as permitted by law in connection with the employee's own employment situation;
 - (B) encourages, directs, or coerces others to engage in such activities; or
 - (C) at any time, engages in or encourages others to engage in any:
 - (i) illegal activity; or
 - (ii) intentional identification of programs funded under the OAA, recipient or provider, with any political activity.
- (14) None of the funds made available under the OAA may be used to pay dues exceeding \$100 per recipient or provider per annum to any organization, other than a bar association, for a purpose or function of which is to engage in activities prohibited under these rules unless such dues are not used to engage in activities for which OAA funds cannot be used directly.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

X. NUTRITION PROJECTS

a. Congregate meals service standards [OAC 340:105-10-68]

Policy. The congregate meals service includes the provision of nutrition education and at least one hot or other appropriate meal five or more days per week, at least 250 days per year. The congregate meals service:

- (1) is located at congregate settings, including adult day care facilities and multigenerational meal sites, except in rural areas where such frequency is not feasible as defined by the Assistant Secretary for Aging;
- (2) provides at least 25 meals per day, including home delivered meals, at each site unless a written waiver is received from the State Agency on this requirement.
 - (A) Funding for a site serving less than 25 meals per day may be withdrawn and reallocated when the site does not have waiver approved by Aging Services Division (ASD). An ASD approved waiver may be withdrawn when a congregate meals site is not determined viable.
 - (B) A congregate meals site on the list of those serving less than 25 meals per day with a previously approved waiver from ASD on file is reviewed annually for continued viability by the congregate meals project and Area Agency on Aging (AAA). ASD is notified by the AAA in writing when a congregate meals site consistently serves 25 or more meals per day and is removed from the list. Only congregate meals sites without an ASD approved waiver on file must submit requests annually; and
- (3) complies with standards outlined in this Section, OAC 340:105-10-51, and 340:105-10-69 through 340:105 10-80.

Procedures. The procedures for implementing this Section include the ASCOG AAA:

- (1) incorporating the provisions in this Section into the Title III policies and procedures manual;
- (2) providing orientation to congregate meals service staff on the policy;
- (3) monitoring compliance with the policy;
- (4) providing ongoing technical assistance to Title III projects regarding the policy;
- (5) constructing a list of all cooking and satellite meal sites annually serving less than 25 meals per day;
- (6) submitting the list and a written request for a waiver at least 30 days prior to awarding funding for any nutrition project that proposes in the grant application to provide less than 25 meals per day at any site and does not have an ASD approved waiver on file. The written request includes:
 - (A) status of each site, such as cooking or satellite;
 - (B) average number of eligible meals served per site per day;
 - (C) average number of other meals served per site per day;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (D) documentation of the rural nature of the site;
 - (E) pertinent demographics; and
 - (F) other factors that justify the waiver; and
- (7) maintaining approved waiver requests on file at the AAA and congregate meals project office for review by auditors.

2. Nutrition project must comply with the Americans with Disabilities Act Amendment Act.

- · When a site is not in full compliance with the Americans with Disabilities Act Amendment Act (ADAAA), then the nutrition project must develop and submit a corrective action plan to address any barriers that need to be removed.
- · The corrective action plan should include but is not limited to:
 - An action plan listing, by priority, the obstacles that need to be removed, the date action will be taken, cost estimates for barrier removal and designation of the entity responsible for barrier removal.
 - A copy of the contract with the building owner showing who is responsible for ADAAA compliance.
 - A copy of letters to the building owner requesting that specific barriers need to be removed and requesting such removal.
- · A copy of the corrective action plan must be submitted to the Area Agency on Aging with 60 days of an assessment finding the site to be out of compliance.
- · The Area Agency on Aging will keep a copy of the corrective action plan on file for at least three years.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Congregate meals service eligibility [OAC 340:105-10-69]

Policy. Individuals are eligible to participate in the congregate meals service in one of the categories listed in (1) - (2) of this subsection. • [1](#)

- (1) Persons eligible to participate in the congregate meals program with an opportunity to contribute to the cost of meals include:
 - (A) persons 60 years of age or older and their spouses of any age;
 - (B) disabled persons under 60 years of age who reside with persons over 60 years of age, when the care and maintenance of the disabled person otherwise prevents the older person from participating in the program and when the participation of such individuals does not prevent the participation of older persons and their spouses. The disabled person must accompany the eligible older participant to the site and must be judged by the nutrition project management to pose no threat to the well being of the older participants;
 - (C) disabled persons under 60 years of age who reside in housing facilities occupied primarily by older persons and at which congregate nutrition services are provided, when the participation of such individuals does not pose a threat to the well being of the older participants and when such participation does not prevent the participation of older persons and their spouses;
 - (D) persons under 60 years of age who provide meal related volunteer services when the participation of such individuals does not prevent the participation of older persons and their spouses;
 - (E) staff members of the nutrition program who are 60 years of age or older when such participation does not prevent the participation of other older persons and their spouses.
- (2) Other persons who may participate in the program but who must pay the full cost of meals include:
 - (A) staff members of the nutrition program who are under 60 years of age when such participation does not prevent the participation of older persons and their spouses;
 - (B) visitors when such participation does not prevent the participation of older persons and their spouses;
 - (C) older persons who are in the care of an agency or organization that is receiving reimbursement for the cost of the participant's meal, such as nursing homes, residential care facilities, and adult day care programs. In this situation, the agency or organization is billed for the full cost of the participant's meal. The agency or organization is also responsible for making meal reservations and for providing attendant assistance, as needed.

INSTRUCTIONS TO STAFF 340:105-10-69

1. Persons listed in this Section (a)(1)(A) through (C) complete the assessment procedures outlined in OAC 340:105-10-70 and the nutrition site's daily

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

reservation process in order to participate in the meal program. Nutrition site volunteers and staff members 60 years of age or older participate in the meal program during regular meal service hours only after the site manager has determined that all eligible participants have been served. Staff members under 60 years of age and visitors may participate in the meal program only after the site manager has determined that all older persons, their spouses, disabled persons under 60 years of age, site volunteers, and staff members 60 years of age or older have been served.

- ~~2. Only eligible participants listed in (a)(1)(A) through (C) above can reserve meals unless otherwise stated in policy. Staff should only prepare enough meals to cover those persons who have made reservations. The order for food service at a congregate meal site should reflect the following:
 - ~~First staff will serve all eligible participants listed in (a)(1)(A) through (C) above who have made reservations.~~
 - ~~Second staff will serve any unclaimed reserved meals to all other eligible participants listed in (a)(1)(A) through (C) above.~~
 - ~~Third, if the site manager determines that all eligible participants have been served then the site may serve any unclaimed reserved meals to site volunteers and staff members 60 years of age or older.~~
 - ~~Fourth, if the site manager determines that all the above have been served then the site may serve any unclaimed reserved meals to staff members under 60 years of age and visitors.~~~~
- ~~3. Food may not leave the site unless it is part of a complete meal being served to an eligible home-delivered meal recipient.~~
- ~~4. Incomplete (partial) meals and leftovers cannot leave the site and must be discarded or frozen according to policy. Incomplete meals cannot be counted as a served meal.~~

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

c. Congregate meals service assessment [OAC 340:105-10-70]

Policy. Each person who desires to participate in the congregate meals service must complete and sign Form 02AG002E, Older Americans Act Assessment, Part I. Form 02AG002E provides the person information about the service and allows staff to obtain necessary information to better serve the needs of the person as a service participant.

Procedure.

- (1) At the initial interview, the outreach worker or site manager discusses all aspects of program participation, including the opportunity to contribute to the cost of meals and possible eligibility for home delivered meals.
- (2) The outreach worker or site manager assists the participant in completing Form 02AG002E. The project does not require written verification of age eligibility unless project management has reasonable cause to question the accuracy of the age provided by the participant or the participant's representative on Form 02AG002E. Participant assessment information includes:
 - (A) name, address, and telephone number;
 - (B) age, sex, race, date of birth, and signature verification of date of birth;
 - (C) name, address, and telephone number of emergency contact(s);
 - (D) name, address, and telephone number of physician;
 - (E) special dietary needs;
 - (F) diagnosed medical conditions;
 - (G) current medications;
 - (H) accommodations required for disabilities;
 - (I) reasons for requesting congregate meals service;
 - (J) transportation resources;
 - (K) need for additional community resources;
 - (L) income sources. Income source information is not required to receive Older Americans Act Title III services and may only be used to assist the participant in determining eligibility for programs with income guidelines; and
 - (M) status related to poverty level.
- (3) The project conducts a face-to-face re-assessment interview with the participant. Re-assessments are required every six months for some Title III services, such as home delivered meals.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

d. Congregate meals service facilities [OAC 340:105-10-71]

Policy. Each congregate meals service provider secures and maintains adequate facilities for the preparation and delivery of the meals service, nutrition education, and funded supportive services.

Procedures.

- (1) The grantee agency locates congregate meals service sites in areas accessible to the target group of eligible persons in a community and, where possible, within walking distance for concentrations of such persons.
- (2) The grantee agency arranges for all applicable health, fire, safety, and sanitation inspections for project offices and congregate meals sites in the manner described in (A) and (B) of this paragraph.
 - (A) The fire and safety inspections are conducted annually by local fire officials or other designated local official in the absence of a local fire marshal using established local standards.
 - (B) In the absence of local standards, standards developed and adopted by the Oklahoma Department of Human Services (OKDHS) with the cooperation of the State Fire Marshal and the Oklahoma State Department of Health are applicable. • [1](#)
 - (C) Standards are based upon the use and occupancy of the site by Title III funded projects and are adequate to protect the health and safety of participants.
 - (D) County health department sanitation inspections are completed at least annually.
 - (E) All inspection reports are on file with the grantee agency.
 - (F) Grantee agency responds as directed by the inspecting agency to all cited deficiencies.
- (3) The Area Agency on Aging annually conducts evaluations for Americans with Disabilities Act (ADA) compliance at all project offices and congregate meals sites. The grantee agency ensures that project facilities comply with Section [21 O.S. § 1247](#), as amended, that mandates all public facilities be smoke free and post such designation as required by law.
- (4) The project arranges for the separation of dining and food preparation areas at sites where food is prepared and served in the same facility.
- (5) Where feasible, the project provides ample space and time for the provision of supportive services per OAC [340:105-10-54](#).
- (6) The project provides appropriate furnishings for older persons, including sturdy tables and chairs, and arranges the furnishings to provide adequate aisle space for persons using mobility aids such as walkers and wheelchairs.
- (7) The project provides table settings that are approved by the project advisory council. If disposable dinnerware is used, it is of sturdy quality to prevent spillage, leakage, and breakage.
- (8) The project posts in conspicuous locations information regarding:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (A) the rights of eligible persons to equal opportunity and access to services;
- (B) the full cost of the meal to be paid by ineligible persons, such as visitors under 60 years of age, who are served meals;
- (C) the suggested contribution for eligible participants toward the cost of the meal, as determined by the project or site advisory council. All participant contributions are for the cost of the meal and are not solicited for other items such as utilities and coffee;
- (D) menus for a minimum of one week in advance;
- (E) grievance procedures for participants;
- (F) an evacuation plan;
- (G) a toll free information and assistance telephone number;
- (H) a current health inspection certificate from the local health department;
- (I) Smoke Free Facility; and
- (J) a summary of the site or project, if applicable, emergency management plan including at a minimum the location of the nearest emergency shelter(s) available to participants.
- (K) signs prohibiting firearms in compliance with state policy.
- (L) a sign showing compliance with the Josephine Mead Anti-Hunger Act, stating the following: This site is in compliance with the Josephine Meade Anti-Hunger Act. The act directs OKDHS to promulgate rules to allow seniors to take left over food home from senior nutrition centers. Also, both public schools and senior centers will be able to receive donated non-perishable packaged foods and to take home donated fresh fruits and vegetables. According to DHS Aging Services Policy (OAC 340:105-10-75), "Leftover foods are not taken from the kitchen by staff, participants, or volunteers; however, participants may take the remainder of their noon meals from the dining site."

INSTRUCTIONS TO STAFF 340:105-10-71

Revised 6-1-08

1. Standards developed and adopted by the Department of Human Services with the cooperation of the State Fire Marshal and the Oklahoma State Department of Health as applicable are listed in (1) - (22) of this Instruction.

(1) A sufficient number of exits are made available. Any space providing seating for 50 or less has at least one exit which goes directly outside. Any space providing seating for more than 50 has at least two exits remotely located from each other.

(A) Exit doors swing in the direction of travel. Exit doors remain unlocked during hours of operation of the Title III program.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (B) Exit signs are illuminated and have an audible component. If the exit door is not visible from inside the space, directional exit signs mark the path of travel to the exit.
- (2) Panic hardware is installed on exit doors for occupant loads of 100 or more persons. An evacuation plan is posted.
- (3) Pathways are accessible and clear of obstructions.
- (4) The building in which the program is housed is clearly numbered and the exterior well lighted. The building number is visible from the street.
- (5) Fire extinguishers are inspected and charged yearly. Fire extinguishers are located in an appropriate place and staff and volunteers are trained in their use. Extinguisher locations are plainly marked. The number of fire extinguishers is appropriate for the size of the facility.
- (6) Fire drills are conducted and documented quarterly and evacuation time is appropriate. Employees and volunteers are trained in drill procedures.
- (7) Tornado drills are conducted and documented annually.
- (8) Electrical outlets are appropriate for use, free of damage, and not overloaded. Extension cords are used properly and outlets and switch plates covered.
- (9) Wiring is free of damage and located so as to be trip-free.
- (10) Heating and air conditioning are in good working condition, properly cleaned and maintained. The fuel supply is safe and the heater closet is not used for storage.
- (11) Flammable liquids are used and stored properly. They are stored away from the means of egress.
- (12) Walking and working surfaces are clean, dry, and unobstructed.
- (13) Outside storage is accomplished in such a way that trash is stored in proper containers and grounds maintenance conducted as needed to prevent a hazardous or unsafe environment.
- (14) Kitchen floors are free of slip and trip hazard. Cloth, paper, and other combustibles in the kitchen are stored away from open flames. Staff and volunteers are aware of and practice safety requirements.
- (15) Food products are stored separately from cleaning products.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (16) Cooking appliances are vented, properly separated from combustibles, with filters cleaned and washed regularly, and have no grease accumulation.
- (17) The hood extinguishing system contains the correct number of properly located, secure, open nozzles. The fuel shutoff is connected, manual pull accessible and clear, heads clean, hood clean, and inspection tag current.
- (18) The water heater(s) contains a pop off valve. Water heaters, furnaces, and heating units are checked by a qualified service person once per year. Heating units are properly vented and enclosed. Closets in which heating units or water heaters are located are not used for storage.
- (19) Smoke Free Facility is clearly marked and and enforced.
- (20) Hazardous materials are stored properly, with an information sheet available. The responding fire station is informed of hazardous materials.
- (21) The road(s) leading to the facility is readily accessible.
- (22) The facility is located with reasonable access to adequate water supply.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

e. Congregate meals project staffing requirements [OAC 340:105-10-72]

Revised 01/17/12

Policy. Each congregate meals project maintains sufficient staff to carry out the required service activities.

Procedures. The congregate meals project is required to:

- (1) employ a full-time director who is empowered with the necessary authority to conduct the daily management and administrative functions of the project;
- (2) obtain the nutrition consultation services of a licensed registered dietitian (RD) as either an employee or independent consultant, unless provided by the area agency on aging (AAA) or through a statewide contract.
 - (A) A paid caterer or certified dietary manager is not acceptable in this position. If obtaining the services of a licensed RD consultant exceeds three months, the nutrition project or AAA:
 - (i) notifies the Special Unit on Aging (SUOA) RD and field representatives when the RD services are no longer available;
 - (ii) provides documentation of hiring efforts in the form of newspaper advertisements and job announcements;
 - (iii) requests in writing a temporary waiver for an additional period of time, not to exceed three months;
 - (iv) submits a revised budget reflecting the reallocation of funds not used while the position was vacant; and
 - (v) contacts the SUOA RD to approve menu substitutions.
 - (B) The AAA shall notify ASD contract monitor(s) within 72 hours following the loss of RD services by project or AAA.
 - (C) The State RD shall be contacted to approve menu substitutions in the absence of an RD.
 - (D) The RD verifies by signature on the Form 02AG025E, Dietary Consultant's Report, performance of the required consultation activities, including: • 1
 - (i) limiting site visits to one per day per RD;
 - (ii) visiting each site at least every other month for a minimum total of six site visits per year;
 - (iii) monitoring food service to include measurement of food temperatures and portion sizes, and assessment of food quality and adherence to contract specifications;
 - (iv) monthly staff and volunteer training in areas of food service management, nutrition, food safety, and sanitation;
 - (v) assessing participant satisfaction and preferences;
 - (vi) reviewing menu and commodity utilization;
 - (vii) approving and coordinating monthly nutrition education programs;
 - (viii) monitoring perpetual inventory;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (ix) documenting site recommendations for improvement;
- (x) documenting on the date of the site visit the number of:
 - (I) reservations;
 - (II) meals prepared;
 - (III) meals served;
 - (IV) leftovers;
 - (V) menu substitutions; and
- (xi) providing individual consultation for participants whose nutritional score on Form 02AG002E, Part I, Older Americans Act Assessment, page 4, Determine your nutritional health, is six or more to:
 - (I) congregate meals participants, upon participant's approval; and
 - (II) homebound meal participants, where feasible, and upon participant's approval; • [2](#)
- (3) at least quarterly, providing a nutrition project consultation, which includes:
 - (A) assessing food preferences;
 - (B) preparing menus and documenting nutrition analysis to meet one third recommended dietary allowance for each meal; and
- (4) determining appropriate staffing patterns for each meal site in the project service area. AAAs are the final authority on appropriate staffing patterns in the Title III projects.

- INSTRUCTIONS TO STAFF 340:105-10-72

Revised 01/17/12

- 1. The registered dietitian (RD) consultant submits Form 02AG025E, Dietary Consultant's Report, to the project director or Area Agency on Aging AAA director, as appropriate, for approval and signature. The signed Form 02AG025E is submitted monthly to Aging Services Division (ASD).
- 2. The RD will include the training sign-in sheets with participants' signatures, date(s) of training, a brief description of training provided and training materials with the Form 02AG025E, Dietary Consultant's Report submitted to the project director or AAA, as appropriate. The sign-in sheet will be submitted monthly to ASD as an attachment with the signed Form 02AG025E.
- 3. The nutrition project provides the RD, at a minimum, a quarterly report of participants whose nutritional score is six or more. The RD documents individual consultation, mailing of educational materials, or denial of consultation on Form 02AG025E or as an attachment to Form 02AG025E.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

f. Congregate meals project advisory council [OAC 340:105-10-73]

Policy. Each congregate meals project establishes and maintains an advisory council to advise the project on all matters relating to the delivery of project services. Site councils may be established at the discretion of the project director.

- (1) The composition of the council is described in (A) and (B).
 - (A) The advisory council is separate and distinct from the congregate meals project governing board and composed of:
 - (i) more than 50 percent of the council is made up of project participants, with each site electing one representative to the project council. Disabled and minority representatives are included on the council where projects are serving such individuals and where such individuals are willing to serve;
 - (ii) representatives of public and private agencies or organizations in the service area that address aging issues;
 - (iii) local government officials; and
 - (iv) other persons who are knowledgeable and experienced in the special needs of older persons.
 - (B) The advisory council may not be composed of:
 - (i) State Agency staff or governing board members;
 - (ii) ASCOG Area Agency on Aging (AAA) staff or governing board members;
 - (iii) congregate meal project staff or governing board members; or
 - (iv) any other individuals who may give an appearance of a potential conflict of interest.
- (2) The council has approval authority over:
 - (A) suggested contribution schedules;
 - (B) general types of menus that meet the guidelines outlined in [OAC 340:105-10-75\(c\)\(9\)](#);
 - (C) days and hours of project operations where feasible; and
 - (D) decor and furnishings of the meal sites.
- (3) The council advises the project in all other matters related to the delivery of nutrition and supportive services, including:
 - (A) preparation of the project's operating budget;
 - (B) evaluation of project effectiveness and achievement of objectives;
 - (C) determination of existing and proposed services offered by the project; and
 - (D) determination of a new site selection.
- (4) All decisions and recommendations of the council take into consideration all applicable federal and state statutes and policies, as well as the project budget.
- (5) The council is organized and activated within 60 days after the initiation of meal service. Where feasible, target group eligible individuals are involved in the preparation of the initial project proposal.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (6) Council bylaws and meeting minutes are on file at the sites and available to the participants, AAA, and State Agency staff for review.

Procedures.

- (1) The ASCOG AAA:
 - (A) incorporates the provision of this Section into its Title III policy and procedures manual; and
 - (B) provides orientation to projects regarding the policy.
- (2) Projects:
 - (A) establish project councils according to required composition;
 - (B) provide orientation to new council members regarding their functions;
 - (C) assist councils in developing bylaws;
 - (D) submit bylaws and amendments to the AAA for approval;
 - (E) schedule meetings of the councils at least quarterly and provide staff assistance at said meetings; and
 - (F) seek input from the council at scheduled meetings and informally, as needed, on all matters relating to the delivery of congregate meals and supportive services.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

g. Nutrition education [OAC 340:105-10-74]

Revised 01/17/12

Policy. The congregate and home delivered meals programs provide formal nutrition education to project participants.

Procedures. Nutrition education is registered dietician (RD) approved and:

- (1) at least once per month;
- (2) provided to congregate and home delivered meals participants;
- (3) documented on Form 02AG025E, Dietary Consultant's Report.
- (4) participant questions related to the nutrition education are responded to by the RD.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

h. Congregate meals planning [OAC 340:105-10-75]

Revised 01/17/12

Policy. The congregate meals project conducts appropriate meal planning for the congregate meals service with the consultation of persons competent in the field of nutrition, food service, and the needs of older persons.

Authority. The authority of this Section is Section 339 of the Older Americans Act of 1965, as Amended and Section 1321.11 of Title 45 of the Code of Federal Regulations.

Procedures. Menus:

- (1) are prepared or approved by a registered dietitian (RD) who considers the special needs of older persons. The RD ensures that each meal served contains at least:
 - (A) one-third of the dietary reference intakes as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences; and
 - (B) 600 calories. The recommended level is 750 to 850 calories; • [1](#)
- (2) are planned on a six-month basis with a minimum four-week cycle with seasonal changes. Nutritional adequacy is documented with computer analysis and meal pattern by the RD.
 - (A) Maintenance of optimal nutritional status through menu planning is reflected in menus moderate in fat, salt, and simple sugars and high in fiber.
 - (B) Form 02AG018E, Project Menu Plan – Nutrition Program for the Elderly, is submitted quarterly to the area agency on aging (AAA) and is available to the State Agency RD for random review upon request;
- (3) are signed by the RD and posted at the nutrition site;
- (4) reflect:
 - (A) special diets to meet the medical needs of eligible participants. When special diets are provided to meet the medical needs of eligible participants:
 - (i) a valid written physician's order is on file for each participant receiving a special diet. The physician's order indicates the participant is restricted to the special diet and the duration of the special diet. If the participant is consuming a liquid supplement in addition to a meal, the supplement is not reimbursed through the Nutrition Services Incentive Program as a separate meal; and
 - (ii) special diets are planned and prepared under the supervision of the RD; and
 - (B) where feasible, religious, ethnic, cultural, or regional dietary requirements or preferences of a major portion of the group of participants at a congregate meals site;
- (5) are served as planned unless the RD reviews and approves an appropriate substitution. A complete menu move from one day to another does not constitute a

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

substitution. When substitutions are made, the project maintains and submits to the State Agency at the end of each month the:

- (A) date of substitution;
 - (B) original menu item(s); and
 - (C) substituted menu item(s);
- (6) are based on accurate production forecasting that does not include a margin for oversized portions or second servings. Leftover foods are not taken from the kitchen by staff, participants, or volunteers; **however, may take the remainder of their noon meals from the dining site;**
 - (7) may include, where feasible, provisions for the celebration of special occasions for participants, for example birthdays and holidays; and
 - (8) allow for food items within the meat, vegetable and fruit, and dessert groups to vary for the same days of the week, from week-to-week, in order to provide a variety of foods and nutrients.

INSTRUCTIONS TO STAFF 340:105-10-75

Revised 01/17/12

1. Menus are developed according to the meal pattern, which includes:

(1) meat or meat alternate group which is three ounces cooked edible portion of meat, fish, fowl, luncheon meats, eggs, or cheese. Meat alternates may be used occasionally and may include cooked dried beans or peas;

(2) vegetable and fruit group which is two, one-half cup servings of any vegetable or fruit. Fruit used as a dessert is not counted toward the two servings. Full strength fruit or vegetable juices may be counted toward the required servings. Cooked dry beans and peas may be used as vegetables or meat alternates but cannot be counted as both;

(3) bread or bread alternate group which is one serving of enriched or whole grain breads, biscuits, muffins, rolls, sandwich buns, cornbread, or other hot breads. Bread alternates may include enriched or whole grain cereals or cereal products, such as spaghetti, macaroni, dumplings, pancakes, and waffles;

(4) fat exchange group which is one teaspoon of butter or margarine;

(5) dessert group which is one, one-half cup or equivalent serving of desserts, such as puddings, gelatin desserts, ice cream, ice milk, sherbet, cake, pie, cookies, and fruit juices. Fresh or unsweetened fruit is offered, where feasible, to those participants who wish to limit calories;

(6) milk group which is one-half pint of fortified whole, skim, or low fat milk or buttermilk. A variety of milks are provided where feasible;

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

(7) optional beverages. Appropriate servings of coffee, tea, or decaffeinated beverages may be provided. Optional beverages are not provided with project funds; and

(8) other foods. Appropriate servings of other foods may be added to the meal to provide personal satisfaction and additional nutrition. Vitamins and mineral supplements are not provided with project funds.

2. ~~Menu substitution:~~

~~(1) The services of the registered dietician (RD) are required by the AAA or project; or~~

~~(2) When the RD is not available under contract, the AAA or project contacts the Special Unit on Aging (SUOA) RD for approval of menu substitutions.~~

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i. Congregate meals food procurement [OAC 340:105-10-76]

Policy. All food procurement for the Congregate Meals Program complies with applicable provisions of state or local laws. [Oklahoma Health Code, Section 2-101 and 2-102]

Procedures. Procedures to implement this Section include:

- (1) all food purchases are through approved commercial sources;
- (2) all foods contributed to the project must meet the quality, sanitation, and safety standards of foods purchased commercially; and
- (3) home prepared foods, such as canned, frozen, or pot luck dishes are not used.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

j. Congregate meals food preparation and service [OAC 340-105-10-77]

Policy. All preparation and serving of food for the Congregate Meals Program meet all applicable state and local fire, health, sanitation, and safety regulations. Food preparation and delivery is performed in the most cost efficient manner possible.

Procedures.

- (1) Projects with multiple serving sites make every effort to consolidate all meal preparation at one facility. Such consolidation is undertaken only when delivery distances and holding times make it feasible.
- (2) The project director or designee arranges for all appropriate fire, health, safety, and sanitation inspections and responds appropriately to all identified deficiencies.
- (3) All food preparation staff work under the supervision of a certified food handler who ensures the application of hygienic techniques and practices in food preparation and service.
- (4) Tested, quality recipes, adjusted to yield the number of servings needed, must be used to achieve the consistent and desirable quality and quantity of meals. Uniform, standardized recipes that provide for required amounts per serving are used when feasible.
- (5) Meal service is designed so that hot food is available for at least one-half hour after serving begins to enable individuals who arrive late to receive a meal.
- (6) Holding time from the completion of food preparation until all meals are served at each site shall not exceed ~~two~~ four hours.
- (7) Temperatures are taken and documented daily before foods are removed from the stove or oven. Satellite nutrition sites record food temperatures immediately upon arrival at the site.
- (8) Temperatures of hot and cold foods are taken and documented daily after food is placed on the steam table or immediately before serving. If temperatures fall below the recommended level, foods are heated to the proper temperature. Foods are not heated on a steam table as they may reach temperatures that are too hot to be eaten safely and may suffer in quality and consistency.
- (9) Daily temperatures of hot and cold foods are documented in writing and kept at the Title III senior nutrition site and made available for random review by the site manager, Area Agency on Aging staff, consulting dietitian, and state dietitian.

INSTRUCTIONS TO STAFF

ASCOG Area Agency on Aging Shall:

- ~~(1) Include review of food temperature logs in the annual site assessment tool.~~
- ~~(2) If a site is found to be out of compliance with a food safety issue, ASCOG staff will schedule a reassessment of the site within 90 days.~~

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

~~(3) If after a reassessment the site continues to be out of compliance with a food safety issue, nutrition project funding may be withheld until such time that a subsequent reassessment shows the site to be in full compliance with this policy.~~

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

Food stamps benefit assistance for project participants [OAC 340:105-10-78]

Policy. Each nutrition project takes all necessary steps to ensure that the maximum number of older persons within the project area benefit from the United States Department of Agriculture (USDA) Food Stamp Program as members of households certified for such assistance under USDA regulations.

INSTRUCTIONS TO STAFF 340:105-10-78

1. The nutrition project shall:

- (1) offer assistance in obtaining food stamp benefits to each participant at the time of intake;
- (2) follow through with assisting those participants who desire to apply for food stamp benefits, such as contacting the local county Department of Human Services office for eligibility requirements, and assisting participants in securing appropriate written verification of income;
- (3) provide the opportunity for participants to use food stamp benefits as their contribution toward the cost of the meal; and
- (4) ensure that all provisions related to the use and handling of food stamp benefits, as prescribed by the state and local agency authorized to operate the program, are met.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

k. Nutrition Services Incentive Program (NSIP) [OAC 340:105-10-79]

Policy. NSIP rewards, through cash or commodities, the effective performance of Title III-C nutrition projects in the efficient delivery of nutritious meals to older persons. Title III-C nutrition projects maintain certification of eligible participants for NSIP.

Procedures. The requirements for implementing this Section are outlined in this subsection. Projects:

- (1) and their respective vendors apply to the appropriate state distributing agency for certification as eligible participants in NSIP;
- (2) and vendors accept, store, and use donated food commodities as supplied to them. Donated commodities and cash in lieu of commodities may only be used in the preparation of meals funded through Title III-C.
 - (A) Vendors allow credit for the amount of commodities used during each billing period.
 - (B) The amount of credit per pound is determined by Aging Services Division (ASD) and Support Services Division Commodity Distribution Unit (CDU) of the Oklahoma Department of Human Services (OKDHS);
- (3) develop management procedures pertaining to handling food commodities;
- (4) document:
 - (A) NSIP foods utilized in each day's menu;
 - (B) participant eligibility, on required State Agency forms, to obtain NSIP support for eligible meals. Eligible meals are those meals served to eligible participants in accordance with OAC 340:105-10-69(a)(1) and 340:105-10-83(a). The participant's eligibility and meal reimbursement documentation is recorded on:
 - (i) Form 02AG002E, Older Americans Act Assessment, Part I;
 - (ii) Form 02AG016E, Nutrition Project Attendance Form, or comparable ASD pre-approved form; and
 - (iii) Activity Roster generated by the Advanced Information Manager (AIM) program;
 - (C) the number of meals served at nutrition sites.
 - (i) The number of meals served is reported on Form 02AG019E, Number of Meals Served.
 - (ii) Form 02AG019E, and all required documentation, is submitted to ASD no later than the tenth day of the month following the report month; and •
1
 - (D) age eligibility, only when project management has reasonable cause to question the accuracy of age provided by the participant or the participant's representative on Form 02AG002E; and
- (5) receive NSIP cash or cash and commodity allocations of food commodities from ASD based on the number of eligible meals actually served in the previous year in relationship to the total number of meals actually served by all Title III-C projects. Commodities are distributed to the projects by OKDHS CDU.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- INSTRUCTIONS TO STAFF 340:105-10-79
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- Revised 6-1-07
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- 1. Documentation of meals served, on a monthly basis, includes, at a minimum:
 - (1) nutrition project name;
 - (2) Area Agency on Aging name;
 - (3) site and county location;
 - (4) month and year;
 - (5) number of eligible meals budgeted for the month;
 - (6) number of eligible meals served during the month;
 - (7) number of eligible meals budgeted to date;
 - (8) number of eligible meals served to date;
 - (9) average number of meals budgeted per day;
 - (10) average number of days served per month;
 - (11) total number of meals prepared each day, and a monthly total;
 - (12) number of congregate meals served each day to eligible participants 60 years of age or older, and a monthly total;
 - (13) number of congregate meals served each day to eligible participants under 60 years of age, such as spouses and adult disabled children, and a monthly total;
 - (14) total number of congregate meals served each day to eligible participants, (12) and (13) of this Instruction, and a monthly total;
 - (15) number of home delivered meals served each day to eligible participants 60 years of age or older, and a monthly total;
 - (16) number of home delivered meals served each day to eligible participants younger than 60 years of age, such as spouses and adult disabled children, and a monthly total;
 - (17) total number of home delivered meals served each day to eligible participants, (15) and (16) of this Instruction, and a monthly total;
 - (18) number of congregate meals served each day to guests younger than 60 years of age, and a monthly total;
 - (19) number of congregate meals served each day to volunteers younger than 60 years of age, and a monthly total;
 - (20) number of congregate meals served each day to staff younger than 60 years of age, and a monthly total;
 - (21) total number of meals served each day, (14), (17), (18), (19), and (20) of this Instruction, and a monthly total; and
 - (22) number of other meals served each day, and a monthly total.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

I. Supportive social services for nutrition projects [OAC 340:105-10-80]

Policy. Each nutrition project provides all supportive services feasible within the project's resources but must include, at a minimum, outreach services and nutrition education for each nutrition site. Other services that may be provided are transportation, health screenings, consumer education, benefits counseling, recreation, and similar services. The project refers participants to other community services, as appropriate.

INSTRUCTIONS TO STAFF 340:105-10-80

1. Supportive social services for the nutrition projects are implemented as stated in (1) - (3) of this Instruction.

- (1) The project provides or arranges for ongoing outreach services at each nutrition site which are sufficient to cover the project's service area.
- (2) New project participants are assessed for service needs during the initial interview and are offered assistance in obtaining desired services, as appropriate.
- (3) The project makes every effort to coordinate with other community services and to offer on-site space for services that benefit the project participants, such as Low Income Home Energy Assistance Program (LIHEAP) and Food Stamp Program applications, health insurance counseling, consumer education presentations, and health screenings.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

m. Home delivered meals service standards [OAC 340:105-10-82]

Policy. The home delivered meals service includes the provision of at least one hot or other appropriate meal to eligible homebound persons in their own home five or more days per week except in rural areas where such frequency is not feasible, as defined by the Assistant Secretary for Aging of the Administration on Aging by regulation and a lesser frequency is approved by the State Agency. All providers of home delivered meals service must comply with applicable standards outlined in OAC 340:105-10-51, 340:105-10-68, and 340:105-10-74 through 340:105-10-79.

Procedures. The procedures for implementing this Section include the Area Agency on Aging:

- (1) incorporating the provisions in this Section into the Title III policies and procedures manual;
- (2) providing orientation on the policy to home delivered meals service staff;
- (3) monitoring compliance with the policy; and
- (4) providing ongoing technical assistance to Title III projects regarding the policy.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

n. Home delivered meals service eligibility [OAC 340:105-10-83]

Policy. The ASCOG Area Agency on Aging (AAA) establishes eligibility requirements for home delivered meals participants which include, at a minimum: • [1](#)

- (1) persons age 60 years or older who are disabled, homebound, and who have no one available to provide assistance with meal preparation. Homebound means a person is unable to leave home without the assistance of another person;
- (2) disabled persons under age 60 years who reside with eligible participants; and
- (3) spouses of home delivered meals participants if, according to AAA criteria, receipt of the meals is in the best interest of the participants.

INSTRUCTIONS TO STAFF 340:105-10-83

1. Home delivered meals service eligibility is implemented as stated in (1) - (4) of this Instruction.

- (1) Persons who wish to receive home delivered meals service complete the assessment process outlined in OAC 340:105-10-70.
- (2) Participants are evaluated at least every six months to determine continued eligibility.
- (3) Persons who are no longer homebound are referred to the Congregate Meals Program if feasible.
- (4) Project staff verify with all agencies involved with participants, such as Eldercare or Department of Human Services programs, that a home delivered meal is no longer needed, before discontinuing the service. Documentation of the agency contacts are maintained along with the participant's assessment information.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

o. Home delivered meals planning [OAC 340:105-10-84]

Policy. The home delivered meals service conducts appropriate meal planning with the consultation of persons competent in the field of nutrition, food service, and the needs of older persons.

Procedures. Procedures to implement this Section include the home delivered meals:

- (1) service complies with the congregate meals planning standards outlined in OAC 340:105-10-75;
- (2) service makes arrangements for the availability of meals in weather related emergencies, where feasible;
- (3) numbers served are determined by the Area Agency on Aging based on needs assessment information, allocation of Title III-C(2) funds, and service unit costs;
- (4) may be hot, cold, frozen, dried, or canned with a satisfactory storage life and must conform to procurement standards outlined in OAC 340:105-10-76; and
- (5) service may include the delivery of more than one meal for each day's consumption provided that proper storage and heating facilities are available in the recipient's home.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

p. Home delivered meals packaging and delivery [OAC 340:105-10-85]

Policy. Home delivered meals are packaged and delivered to ensure temperature control and prevent contamination and spillage.

Procedures. This Section is implemented by including procedures for:

- (1) packaging and handling up to the point of delivery of the meals.
 - (A) Hot foods are maintained at a minimum of 135 degrees Fahrenheit.
 - (B) Cold foods are maintained at a temperature no more than 41 degrees Fahrenheit.
 - (C) Frozen foods are maintained frozen and hard;
- (2) performing temperature checks at least quarterly on a random basis to ensure food is delivered at the proper temperature. Documentation of these checks is maintained by the provider and monitored by the Area Agency on Aging;
- (3) packaging and packing cold, hot, and frozen foods separately;
- (4) packaging meals individually and in secondary insulated food carriers to meet established safety and sanitation standards;
- (5) delivering meals within ~~one hour~~ four hours of packaging leaving the production site;
and
- (6) dating all disposable meal containers with the packaging date;
- (7) marking individual meals with an expiration date by which they are consumed, refrigerated or discarded; and
- (8) providing instructions with all home delivered meals regarding reheating or chilling if needed before consumption.

INSTRUCTIONS TO STAFF

ASCOG Area Agency on Aging Shall:

- ~~(1) Include review of food temperature logs in the annual site assessment tool.~~
- ~~(2) If a site is found to be out of compliance with a food safety issue, ASCOG staff will schedule a reassessment of the site within 90 days.~~
- ~~(3) If after a reassessment the site continues to be out of compliance with a food safety issue, nutrition project funding may be withheld until such time that a subsequent reassessment shows the site to be in full compliance with this policy.~~

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

q. Congregate and home delivered meals site change of status [OAC 340:105-10-86]

Policy. Any site change of status, such as a site opening, closing, or relocating, in the congregate and home delivered meals programs is based upon objective, quantifiable, sociodemographic, and needs assessment data.

Procedures. The requirements for implementing this Section are outlined in this subsection.

- (1) Thirty days prior to the change of status of a nutrition site, the Area Agency on Aging (AAA) submits to Aging Services Division (ASD) a letter of request for change of site status, with current health department and fire inspection reports, and an analysis of data considered by the project in recommending each proposed change. • 1
 - (A) When a new site is opened, the analysis includes an evaluation of sociodemographic data for the entire planning and service area (PSA).
 - (B) When an existing site is relocated within the local area or closed, the evaluation of sociodemographic data may be limited to the local area of potential impact.
- (2) The analysis includes:
 - (A) reason(s) for each proposed change;
 - (B) existing meal services for older persons in the PSA or local area, for each change;
 - (C) all potentially eligible areas within the PSA with no current services, for opening or relocating outside the local area;
 - (D) a list and ranking of all unserved areas in the order of their priority for future funding, for opening or relocating outside the local area;
 - (E) the number and proportion of minority, low income, and older persons in greatest economic or social need for each currently served and currently unserved area, for each change;
 - (F) the total number of persons age 60 years or older in the total PSA, and in each current and prospective service area, for each change;
 - (G) a revised grant to include the budget justification for each change. The budget justification includes, at a minimum, the number of meals funded and served, a thorough explanation regarding substantial over or under serving of meals, and a meal cost evaluation;
 - (H) the proposed date of each change;
 - (I) transportation services available for older persons affected by each change;
 - (J) nutrition project advisory council and governing board recommendations for each change; and
 - (K) any other information ASD deems necessary to evaluate the proposed expansion.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

INSTRUCTIONS TO STAFF 340:105-10-86

Revised 6-1-07

1. When immediate action is required under unusual circumstances, the ASCOG Area Agency on Aging contacts Aging Services Division (ASD) as soon as a plan of action is in place to negotiate deadlines for proposed changes.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

XI. DISEASE PREVENTION AND HEALTH PROMOTION SERVICES [OAC 340:105-10-89]

Policy. The ASCOG Area Agency on Aging (AAA) makes grants to local entities to provide disease prevention and health promotion services and information at multipurpose senior centers, congregate meal sites, through home delivered meals programs, or other appropriate sites. Disease prevention and health promotion services include:

- (1) health risk assessments;
- (2) routine health screening, such as hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, oral health, and nutrition screening;
- (3) nutritional counseling and educational services for older persons and their primary caregivers;
- (4) health promotion programs, including programs relating to prevention and reduction of the effects of chronic disabling conditions, such as osteoporosis; cardiovascular disease; dental care; alcohol and substance abuse reduction; smoking cessation; weight loss and control; and stress management;
- (5) programs regarding physical fitness, group exercise, and music, art, and dance movement therapy, including programs for multigenerational participation provided by:
 - (A) an institution of higher education;
 - (B) a local educational agency, as defined in Section 1471 of the Elementary and Secondary Education Act of 1965; or
 - (C) a community-based organization;
- (6) home injury control services, including screening of high risk home environments and provision of educational programs on injury prevention, such as fall and fracture prevention;
- (7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;
- (8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under Title XVIII of the Social Security Act;
- (9) medication management screening and education to prevent incorrect medication and adverse drug reactions;
- (10) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;
- (11) gerontological counseling; and
- (12) counseling regarding social services and follow-up health services based on any of the services described in (1) through (11) of this subsection.

Procedures. The requirements for implementing this Section are outlined in this subsection. The AAA:

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- (1) receives input from other entities in the planning and service area involved with disease prevention and health promotion regarding targeting of funds;
- (2) considers use of funds to expand successful disease prevention and health promotion activities currently funded by Title III-B or other sources in the community, such as annual health fairs or periodic health screenings at nutrition sites;
- (3) seeks technical assistance, as appropriate, from the State Agency staff; and
- (4) submits a plan to the State Agency to include:
 - (A) services funded. Services funded do not include those for which payment may be made under Titles XVIII and XIX of the Social Security Act;
 - (B) projected expenditures for each service; and
 - (C) specific objectives to target services to the medically underserved older persons in the planning and service area (PSA). The definition of medically underserved used to allocate the funding is stated in the Area Plan and chosen from:
 - (i) the definition outlined by the Public Health Service Bureau of Health Care Delivery, Department of Health and Human Services;
 - (ii) a definition developed by the Oklahoma State Department of Health; or
 - (iii) any other definition in keeping with the intent of assisting medically underserved older persons.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

XII. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM [OAC 340:105-10-90.1]

Policy. The ASCOG Area Agency on Aging (AAA) awards grants to entities to provide support services, including information and assistance, counseling, support groups, respite, and other home- and community-based services to families caring for their frail older members. The National Family Caregiver Support Program (NFCSP) also recognizes the needs of a grandparent or step-grandparent who is a relative caregiver of a child or other older person who is a relative caregiver of a child who is not more than 18 years of age or who is a person with a disability. NFCSP services include:

- (1) information to caregivers about available services;
- (2) assistance to caregivers in gaining access to services;
- (3) individual counseling, organization of support groups, and training to assist caregivers in areas related to their caregiver roles of:
 - (A) health;
 - (B) nutrition;
 - (C) financial literacy;
 - (D) decision making; and
 - (E) problem solving;
- (4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and
- (5) supplemental services, on a limited basis, to complement the care provided by caregivers.

Procedures. The requirements for implementing this Section are outlined in this subsection. The AAA:

- (1) incorporates the provisions of this Section into the Title III policies and procedures manual;
- (2) provides technical assistance to prospective and funded Title III projects regarding this rule;
- (3) monitors Title III project compliance according to OAC [340:105-10-43](#), except on specific projects where the State Agency has agreed with the AAA to provide a service and monitoring is not required. The project:
 - (A) gathers information on an approved intake form, including, at a minimum:
 - (i) the family caregiver's identifying information;
 - (ii) the caregiver's relationship to the care receiver;
 - (iii) the care receiver's identifying information; and
 - (iv) a written description of the caregiver's current situation, including the care receiver's need for assistance due to inability to perform specific activities of daily living (ADLs) or need for supervision due to

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- Alzheimer's disease or other neurological and organic brain dysfunction or disability;
- (B) conducts a reassessment of NFCSP service recipients annually, at a minimum, to evaluate service provision and update participant status;
- (C) ensures the safety and protection of the participants; and
- (D) receives in-service training each fiscal year specifically designed to increase the project's knowledge and understanding of the programs and participants served;
- (4) targets services to caregivers who are older persons in greatest social and economic need, giving priority to:
 - (A) family caregivers providing care for persons with Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and
 - (B) grandparents or older persons who are relative caregivers providing care for a person or child with a severe disability;
- (5) may provide support services to caregivers providing care for frail older family members who are 60 years or older and unable to perform at least two ADLs without substantial human assistance or require substantial supervision due to a cognitive or other mental impairment. ADLs include:
 - (A) dressing;
 - (B) bathing;
 - (C) eating;
 - (D) transferring;
 - (E) toileting; and
 - (F) walking;
- (6) may provide support services on a limited basis to grandparents and older persons who are relative caregivers of a child who is 18 years of age or younger.
 - (A) Child means a person who is not older than 18 years of age or who is a person with a disability.
 - (B) Grandparent or older person who is a relative caregiver means a grandparent or step-grandparent of a child, or a relative of a child by blood, marriage, or adoption who is 55 years of age or older and:
 - (i) lives with the child;
 - (ii) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
 - (iii) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally;
- (7) ensures the cost of carrying out the program meets the requirement of a minimum non-federal share of 25 percent. The non-federal share is provided from state and local sources;
- (8) may not use funds to supplant, replace, or in substitution for, any funds expended under any federal, state, or local law for the same purposes; and
- (9) considers awarding funds to expand successful caregiver activities currently in communities, such as respite providers, support groups, outreach, information and assistance, adult day services, counseling, and case management.

2016 ASCOG AAA Title III Services Policy and Procedures Manual
with draft changes

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

XIII. HOMEMAKER SERVICE STANDARDS [OAC 340:105-10-91]

Policy. The homemaker service provides assistance to persons 60 years of age or older with:

- (1) preparing a meal;
- (2) shopping for personal items;
- (3) managing money;
- (4) using the telephone; or
- (5) doing light housework, which is limited to:
 - (A) dusting;
 - (B) vacuuming;
 - (C) mopping floors;
 - (D) cleaning bathroom and kitchen;
 - (E) making beds; and
 - (F) maintaining safe environment.

Procedures. The requirements for implementing the homemaker service standards are outlined in this subsection.

- (1) The ASCOG Area Agency on Aging (AAA):
 - (A) incorporates the homemaker service standards into the Title III policies and procedures manual;
 - (B) provides technical assistance to homemaker service providers regarding the standards; and
 - (C) utilizes the standards as an indicator in the evaluation of service provider proposals and in the assessment of funded projects.
- (2) The service provider:
 - (A) verifies, by completing Forms 02AG002E and 02AG003E, Older Americans Act Assessment, Parts I and II, participants who receive homemaker services have:
 - (i) functional, physical, or mental impairments, or limitations preventing them from providing the service for themselves; and
 - (ii) an unavailable or insufficient informal support network, for example, family, friends, or neighbors, capable of meeting their needs;
 - (B) initiates a written service plan for each participant based on the results of Form 02AG002E;
 - (C) ensures all staff persons receive in-service training at least twice each fiscal year specifically designed to increase their knowledge and understanding of the program and participants and to improve their skills at tasks performed in the provision of service. Comprehensive records identifying dates of training and topics covered are maintained in each employee's personnel file. An individualized

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

- in-service training plan is developed for each staff person, when performance evaluations indicate a need;
- (D) conducts home visits to each participant at least twice each fiscal year to evaluate service provision; and
- (E) checks references on all homemakers.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

XIV. CHORE SERVICE STANDARDS [OAC 340:105-10-92]

Policy. The chore service provides assistance to persons 60 years of age or older who have difficulty with one or more of the instrumental activities of daily living, which are: heavy housework, yard work, or sidewalk maintenance.

Procedures.

- (1) Service provider. The service provider:
 - (A) verifies that the participant receiving chore service has a functional, physical, or mental impairment that prevents the participant from providing the service for self, and that an informal support network, for example, family, friends, or neighbors capable of meeting the participant's needs, is unavailable or insufficient. This information is verified by the completion of Forms 02AG002E and 02AG003E, Older Americans Act Assessment, Parts I and II;
 - (B) initiates a written service plan for each participant based on the results of Form 02AG002E;
 - (C) conducts home visits to each participant at least twice each fiscal year to evaluate service provision;
 - (D) ensures the safety and protection of the participant at all times in the provision of chore services, for example, not spraying chemicals around a participant who has breathing problems;
 - (E) may use up to \$150 per participant annually from funds awarded for the chore service program to purchase materials and disposable supplies for completion of chore tasks;
 - (F) ensures all staff persons receive in-service training at least twice each fiscal year that is specifically designed to increase their knowledge and understanding of the program and participants and improve their skills at tasks performed in the provision of service.
 - (i) Comprehensive records identifying dates of training and topics covered are maintained in each staff person's personnel file.
 - (ii) An individualized in-service training plan is developed for each staff person when performance evaluations indicate a need; and
 - (G) checks references on all chore service staff persons.
- (2) ASCOG Area Agency on Aging (AAA). The AAA:
 - (A) incorporates the chore service standards into the AAA Title III policies and procedures manual;
 - (B) provides technical assistance to chore service providers regarding the standards; and
 - (C) uses the standards as an indicator in the evaluation of service provider proposals and in the assessment of funded projects.

2016 ASCOG AAA Title III Services Policy and Procedures Manual
with draft changes

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

XV. PERSONAL CARE SERVICE STANDARDS [OAC 340:105-10-93]

Policy. The personal care service provides hands on assistance, stand by assistance, supervision, or cues for persons 60 years of age or older who have difficulties with one or more of the activities of daily living, which are: eating, dressing, grooming, bathing, toileting, and mobility, including walking, using a wheelchair, or transferring from one place to another. Personal care services may only be provided by licensed home health care agencies or otherwise licensed or certified health agencies.

Procedures.

- (1) Personal care service provider. The personal care service provider:
 - (A) verifies that the participant receiving personal care service has a functional, physical, or mental impairment that prevents the participant from providing the service for self, and that an informal support network, for example, family, friends, or neighbors capable of meeting the participant's needs, is unavailable or insufficient. This information is verified by the completion of Forms 02AG002E and 02AG003E, Older Americans Act Assessment, Parts I and II; and
 - (B) initiates a written service plan for each participant based on the results of Form 02AG002E.
- (2) ASCOG Area agency on aging (AAA). The AAA:
 - (A) incorporates the personal care standards into the AAA Title III policies and procedures manual;
 - (B) provides technical assistance to personal care service providers regarding the standards; and
 - (C) uses the standards as an indicator in the evaluation of service provider proposals and in the assessment of funded projects.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

XVI. STATE LONG-TERM CARE OMBUDSMAN PROGRAM

a. **Area Agency on Aging ombudsman supervisor I [OAC 340:105-10-249]**

Revised 01/17/12

Definition. Under the program supervision of the Office of the State Long-Term Care Ombudsman and the general direction of the director of an Area Agency on Aging, the ombudsman supervisor I provides leadership in development, coordination, and implementation of the Long-Term Care Ombudsman Program and receives, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities.

Examples of duties. Examples of duties include:

- (1) recruiting, screening, training, and supervising ombudsman volunteers, using guidelines provided by state ombudsman staff;
- (2) publicizing the services of the State Long-Term Care Ombudsman Program and issues affecting older residents of long-term care facilities through media releases, public speaking, and other means;
- (3) coordinating with state ombudsman staff in complaint investigation and resolution, identification of priority issues, and certification of new ombudsman volunteers;
- (4) maintaining confidentiality of files and other information pertaining to complaints and complainants;
- (5) keeping the director of the designated area ombudsman entity informed of the current situation and needs at the local level, recommending plans for meeting needs, and advising the director of resources required for their implementation;
- (6) being available to residents of long-term care facilities in the planning and service areas (PSA), visiting each facility regularly, and working cooperatively with administrators and staff; and
- (7) serving as a consultant to community organizations and agencies on issues and needs affecting older long-term care facility residents, techniques of working with these older people, and the solution of special problems.

Education and experience. The required education and experience is graduation from a standard four year high school and two years of responsible full-time paid employment in social, health, or aging services or related occupation that involves meeting the public.

- (1) Any equivalent full-time study in an accredited college or university may be substituted for the required work experience.
- (2) Passing the General Educational Development (GED) test is accepted in lieu of graduation from a standard four year high school.

Salary range. The comparable job family descriptor (JFD) for this position is Adult Protective Services Specialist, #H26A. A person in this position may not be hired in at a salary more than

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

the midpoint nor paid more than the maximum of the approved salary range for Oklahoma Department of Human Services (OKDHS) Office of Personnel Management (OPM) Pay Band I. For the purpose of determining annual salary longevity pay shall not be considered.

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

b. Area Agency on Aging ombudsman supervisor II [OAC 340:105-10-250]

Revised 01/17/12

Definition. Under the program supervision of the Office of the State Long-Term Care Ombudsman and the general direction of the director of an Area Agency on Aging, the ombudsman supervisor II provides leadership in development, coordination, and implementation of the Long-Term Care Ombudsman Program and receives, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities.

Examples of duties. Examples of duties include:

- (1) recruiting, screening, training, and supervising ombudsman volunteers, using guidelines provided by state ombudsman staff;
- (2) publicizing the services of the State Long-Term Care Ombudsman Program and issues affecting older residents of long-term care facilities through media releases, public speaking, and other means;
- (3) coordinating with state ombudsman staff in complaint investigation and resolution, identification of priority issues, and certification of new ombudsman volunteers;
- (4) maintaining confidentiality of files and other information pertaining to complaints and complainants;
- (5) keeping the director of the designated area ombudsman entity informed of the current situation and needs at the local level, recommending plans for meeting needs, and advising the director of resources required for their implementation;
- (6) being available to residents of long-term care facilities in the planning and service areas (PSA), visiting each facility regularly, and working cooperatively with administrators and staff; and
- (7) serving as a consultant to community organizations and agencies on issues and needs affecting older long-term care facility residents, techniques of working with these older people, and the solution of special problems.

Education and experience. The required education and experience is:

- (1) graduation from an accredited four year college or university with major course work in social work, health, gerontology, general social sciences, or related field; or
- (2) an equivalent combination of education and experience, substituting one year of full-time paid experience in such areas as community organization, public health, social work, or related field for each year of the required education, with a maximum substitution of two years.

Salary range. The comparable job family descriptor (JFD) for this position is Adult Protective Services Specialist, #H26B. A person in this position may not be hired in at a salary more than the midpoint nor paid more than the maximum of the approved salary range for Oklahoma

2016 ASCOG AAA Title III Services Policy and Procedures Manual with draft changes

Department of Human Services (OKDHS) Office of Personnel Management (OPM) Pay Band J.
For the purpose of determining annual salary longevity pay shall not be considered.