

<b>GENERAL ADMINISTRATION Introduction and Definitions</b>	<b>DAIL-GA-1.1</b>
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## **Introduction**

The Department for Aging and Independent Living (henceforth referred to as “the Department”) is the single unit within the Cabinet, delegated the authority and the responsibility for statewide planning, coordination, administration, and evaluation of programs and activities related to the Older Americans Act of 1965 as amended. These programs include Title III, Long Term Care Ombudsman, National Caregiver, Aging and Disabilities Resource Center and Senior Community Service Employment Program (SCSEP). In addition, the Department is responsible for the administration of Homecare, Personal Care Attendant Program, Adult Day Health Care, Adult Day Care, Kentucky Caregiver, Hart Supported Living, Traumatic Brain Injury Trust Fund and Alzheimer’s Disease Respite programs that affect specific populations of the elderly and those with disabilities. The Department is also responsible for the State Health Insurance Assistance Program funded by Centers for Medicare and Medicaid Services as well as Consumer Directed Options and State Guardianship.

The Department administers these programs through contractual arrangements with the 15 Area Development Districts and other agencies. Each Area Development District has an established Area Agency on Aging and Independent Living responsible for the administration of the Aging and Disabilities programs and services within the particular planning and service area.

Programs administered by the Department are based on Federal and State laws, regulations and policies. Policies and procedures contained within this manual are therefore developed from State and Federal mandates and directives. Additional documents, which provide direction and guidance, are:

- (1) State and Regional Plans on Aging - the State and Area Agency Plans are on file at the Department. A copy of the State Plan is also on file at each Area Agency on Aging and Independent Living. A copy of the individual Area Plans are on file at the Area Agency on Aging and Independent Living to which the plan relates. Specific goals and objectives, general information and assurances are contained within these plans.
- (2) Program Administration Contract: Each program administration contract specifies requirements for administering the program, for example, monitoring, fiscal requirements, and requirements of 45 Code of Federal Regulations (CFR) Part 74. Copies of individual contracts are on file at each Area Development District and at the Department. Procurement procedures, program income, matching requirements, advance payments, cost principles, bonding, and conflict of interest are also addressed in these regulations.

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- (3) Administration on Aging policy instructions or policy announcements; Federal, State and local regulations and directives; audit and administrative guides and OMB Circulars
- (4) Applicability of other regulations: Several other regulations apply to activities prescribed in the Older Americans Act. These include but are not limited to:
  - (a) 45 CFR Part 16 -- Procedures of the Departmental Grant Appeals Board;
  - (b) 45 CFR Part 74 -- Administration of Grants, except Subpart N;
  - (c) 45 CFR Part 80 -- Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964;
  - (d) 45 CFR Part 81 -- Practice and Procedures for Hearings Under Part 80 of this Title;
  - (e) 45 CFR Part 84 -- Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Participation;
  - (f) 45 CFR Part 91 -- Nondiscrimination on the Basis of Age in Health and Human Services (HHS) Programs or Activities Receiving Federal Financial Assistance;
  - (g) 45 CFR Part 92 -- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
  - (h) 45 CFR Part 100 -- Intergovernmental Review of Department of (HHS) Programs and Activities; and 5 CFR Part 900, Subpart F, Standards for Merit System of Personnel Administration.

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## Definitions

- (1) Area Development District means any of the 15 regional planning and development agencies with which the Department for Aging and Independent Living contracts for the local delivery of aging services.
- (2) Area Agency on Aging and Independent Living (AAAIL) is the local agency designated under the provisions of Title III of the Older Americans Act to administer programs and services for a given planning and service area.
- (3) Administration on Aging is the federal agency housed within the Office of the Secretary of Health and Human Services, which is responsible for the administration of grant awards to State Units on Aging under Title III of the Older Americans Act.
- (4) Area Plan is the regional plan submitted by an Area Agency on Aging and Independent Living for the approval of the Department for Aging and Independent Living, which releases funds under contract for the delivery of services within the planning and service area.
- (5) Focal Point means that facility designated within each community by the Area Agency on Aging and Independent Living as the local agent for the development of a coordinated community-based delivery system providing a comprehensive array of services.
- (6) Planning and Service Area (PSA) is the multi-county geographical entity in which a given Area Agency on Aging and Independent Living is responsible for the delivery of aging services.
- (7) State Plan represents the formal application of the Department for Aging and Independent Living for federal Title III funds under the Older Americans Act and provides a basis for the expenditure of such funds.

<b>GENERAL ADMINISTRATION Advisory Council – Department for Aging and Independent Living</b>	<b>DAIL-GA-1.2</b>
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**Advisory Council – Department for Aging and Independent Living**

KRS 194.090(6) (a) establishes the Institute for Aging to advise the Secretary for Health and Family Services on policy matters relating to the development and delivery of services to the aged. Title III regulations (45 CFR 1321.27), "Public Participation", require the Department to have a mechanism to obtain and consider the views of older persons and the public in developing and administering the State Plan. The Department shall utilize the Institute for Aging as one of the methods to obtain citizen participation.

<b>GENERAL ADMINISTRATION</b> <b>Advisory Council – Area Agencies on Aging and Independent Living</b>	<b>DAIL-GA-1.3</b>
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### **Advisory Council – Area Agencies on Aging and Independent Living**

Each Area Agency on Aging and Independent Living shall establish an advisory council (henceforth referred to as “the council”) as follows:

- (1) Functions of Council: The area advisory council shall carry out advisory functions, which further the Area Agency's mission of developing and coordinating community-based systems of services for all older persons in the planning and service area. The council shall advise the Agency relative to the following:

  - (a) Developing and administering the Area Plan;
  - (b) Conducting public hearings;
  - (c) Representing the interest 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) Composition of Council: The council shall include individuals and representatives of community organizations who will help to enhance the leadership role of the Area Agency in developing community-based systems of services. The advisory council shall be made up of:

  - (a) Older persons, including minority individuals and older individuals residing in rural areas who are participants or who are eligible to participate in programs under the Older Americans Act;
  - (b) Family caregivers of such individuals;
  - (c) Representatives of older individuals;
  - (d) Services providers;
  - (e) Representatives of the business community;
  - (f) Local elected officials;
  - (g) Providers of veterans' health care (if appropriate); and
  - (h) The general public
- (3) Review by Advisory Council: The Area Agency on Aging and Independent Living shall submit the Area Plan and amendments for review and comment to the advisory council before transmittal to the Department for Aging and Independent Living for approval.

<b>GENERAL ADMINISTRATION Advocacy (Department for Aging and Independent Living)</b>	<b>DAIL-GA-1.4</b>
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**Advocacy (Department for Aging and Independent Living)**

The Department shall advocate for older persons in the Commonwealth pursuant to the Older Americans Act Regulation, 45 CFR Part 1321.13.

Procedure:

The Department shall:

- (1) Review, monitor, evaluate and comment on Federal, State and local plans, budgets, regulations, programs, laws, levies, hearings, policies and actions which affect or may affect older individuals and recommend any changes in these which the Department considers appropriate;
- (2) Provide technical assistance to agencies, organizations, associations or individuals representing older persons;
- (3) Review and comment, upon request, on applications to State and Federal agencies for assistance relating to meeting the needs of older persons;
- (4) Conduct public hearings on the needs of older persons;
- (5) Represent the interests of older persons before appropriate legislative, executive branch and regulatory bodies in the Commonwealth;
- (6) Establish and operate the State Long- Term Care Ombudsman program in accordance with the provisions of Section 307 of the Older Americans Act; and
- (7) Require Area Agencies on Aging and Independent Living to indicate in Area Plans, advocacy activities in which they will engage on behalf of the elderly.

(See also Chapter 16, Long-Term Care Ombudsman Program)

<b>GENERAL ADMINISTRATION Advocacy (Area Agencies on Aging and Independent Living)</b>	<b>DAIL-GA-1.5</b>
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### **Advocacy (Area Agencies on Aging and Independent Living)**

The Department shall require Area Agencies on Aging and Independent Living to serve 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.

#### Procedure:

The Area Agency on Aging and Independent Living shall:

- (1) Monitor, evaluate, and provide necessary comment on all policies, programs, hearings, levies, and community actions which affect older individuals;
- (2) Solicit comments from the public on the needs of older individuals;
- (3) Represent the interests of older individuals to local-level and executive branch officials, public and private agencies or organizations;
- (4) Consult with and support the Commonwealth's Long-Term Care Ombudsman Program;
- (5) Undertake, 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 planning and service area to promote new or expanded benefits and opportunities for older persons;
- (6) Undertake a leadership role in assisting communities throughout the planning and service area to target resources from all appropriate sources to the following:
  - (a) Meet the needs of older persons with greatest economic or social need, (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas); and
  - (b) Influence the location of services and specialization in the types of services most needed by the above-referenced group; and
- (7) Prohibit grantees or contractors from employing a means test for services funded from the Area Agency on Aging and Independent Living.

<b>GENERAL ADMINISTRATION Affirmative Action</b>	<b>DAIL-GA-1.6</b>
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**Affirmative Action**

The Department for Aging and Independent Living and the Area Agencies on Aging and Independent Living shall follow the Equal Employment Opportunity, Affirmative Action Procedure Statements and Plans.



<b>GENERAL ADMINISTRATION</b> <b>Age Verification and Eligibility Determination</b>	<b>DAIL-GA-1.7</b>
<b>Effective Date: December 30, 2009</b> <b>Revised: February 20, 2012</b>	<b>Page 1 of 2</b>

### **Age Verification and Eligibility Determination**

Except for those individuals utilizing only ombudsman, legal, outreach, and information and referral services, the Area Agency on Aging and Independent Living shall ensure verification of eligibility of those individuals participating in the Homecare, Adult Day Care, and Title III programs.

#### **Procedure:**

- (1) Prior to the implementation of the service, the Area Agency on Aging and Independent Living shall review with all Title III, Homecare, and Adult Day Care intake/assessment staff, including subcontractor staff, their procedures for documenting participant age or other eligibility determinants.
- (2) Client records shall include the following information:
  - (a) The participant's age or birth date;
  - (b) The method of verifying the reported age including one (1) of the following:
    1. Birth certificate;
    2. Driver's License;
    3. School Record;
    4. Passport;
    5. U.S. Census Records;
    6. Employment identification card;
    7. Military/Veteran identification card;
    8. Notarized affidavit of birth;
    9. Wedding or divorce decree; or
    10. Other- if other is used, the description must be:
      - a. Documented in the State Database (SAMS) via notes section; and
      - b. Maintained in the client's central file;
  - (c) The staff involved in the verification process;
  - (d) Other eligibility determinants; and
  - (e) Verification of other eligibility determinants
- (3) If the required method for verification specified in paragraph (b) 1 through 10 of this subsection is not available, the participant may sign a declaration (agency document). The declaration must also be signed by one (1) witness who knows the participant and who confirms the participant's statement of his/her age. A hard copy of the declaration shall be maintained in the client's central file. Staff may not sign as a witness.

<b>GENERAL ADMINISTRATION</b> <b>Age Verification and Eligibility Determination</b>	<b>DAIL-GA-1.7</b>
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- (4) Verification of eligibility shall be required only once even though the participant may receive services from multiple Title III programs. It is the AAAIL's responsibility to insure age verification is complete on all clients as required and information be:
  - (1) Entered in the state data system; and
  - (2) Maintained in the client's central file.
- (5) Verification of eligibility shall not be required to be updated each fiscal year.
- (6) Participants who receive services from different providers need to verify eligibility only once under the following conditions:
  - (a) The Area Agency on Aging and Independent Living is responsible for verifying eligibility. The Area Agency on Aging and Independent Living may designate a subcontractor for specified services as outlined in the AAAIL and provider contract for verifying eligibility and for maintaining and filing the verification information. Should the primary agency no longer be the subcontractor, the AAAIL will be responsible for the maintenance of files which include the original eligibility information;
  - (b) Other subcontractors may contact the AAAIL to confirm that eligibility has been verified. The AAAIL may:
    - 1. Send to the requesting subcontractor a copy of the eligibility verification form (which is filed in the record);
    - 2. Provide the subcontractor access to the client e-records; or
    - 3. May give the information verbally. Verbal confirmation of eligibility shall be documented in the participant's central file, and in the client's e-record. The record shall include:
      - a. The participant's age or birth date;
      - b. Identity of staff person in the AAAIL used to verify age;
      - c. The subcontractor's staff person who made the contact with the AAAIL;
      - d. Other eligibility determinant; and
      - e. Verification of other eligibility determinant.

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living</b> <b>Responsibilities</b>	<b>DAIL-GA-1.8</b>
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### **Area Agency on Aging and Independent Living Responsibilities**

The Area Agency on Aging and Independent Living shall be the leader relative to all aging issues on behalf of all older persons and those with disabilities in the planning and service area. The agency shall proactively carry out, under the leadership and direction of the Department for Aging and Independent Living, a wide range of functions related to the following:

- (1) Advocacy,
- (2) Planning,
- (3) Coordination,
- (4) Interagency linkages,
- (5) Information sharing,
- (6) Brokering,
- (7) Monitoring, and
- (8) Evaluation

Agency functions shall be designed to lead to the development or enhancement of comprehensive and coordinated community-based systems in, or serving, each community in the planning and service area. These systems shall be designed to assist older persons and those with disabilities in leading independent, meaningful and dignified lives in their own homes and communities as long as possible.

A comprehensive and coordinated community-based system shall:

- (1) Have a visible focal point of contact where anyone can go or call for help, information or referral on any aging and disability issue;
- (2) Provide a range of options;
- (3) Assure, that these options are readily accessible to all older persons and those with disabilities; the independent, semi-dependent and totally dependent, no matter what their income;
- (4) Include a commitment of public, private, voluntary and personal resources committed to supporting the system;
- (5) Involve collaborative decision making among public, private, voluntary, religious and fraternal organizations and older people and those with disabilities in the community;
- (6) Offer special help or targeted resources for the most vulnerable older persons and those with disabilities, those in danger of losing their independence;

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living</b> <b>Responsibilities</b>	<b>DAIL-GA-1.8</b>
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- (7) Provide effective referral from agency to agency to assure that information or assistance is received no matter how or where contact is made in the community;
- (8) Evidence sufficient flexibility to respond with appropriate individualized assistance, especially for the vulnerable older person and those with disabilities;
- (9) Have a unique character which is tailored to the specific nature of the community; and
- (10) Be directed by leaders in the community who have the respect, capacity, and authority necessary to convene all interested persons, assess needs, design solutions, track overall success, stimulate change and plan community responses for the present and for the future.
- (11) Have effective information and reporting system.

The resources made available to the Area Agency on Aging and Independent Living by the Kentucky Department for Aging and Independent Living shall be used to finance those activities necessary to achieve elements of a community-based system set forth under this standard operating procedure. For the purpose of assuring access to information and services for older persons and those with disabilities, the Area Agency on Aging and Independent Living shall work with community leadership in the planning and service area to designate one or more focal points on aging in each community, as appropriate.

The Area Agency on Aging and Independent Living shall:

- (1) Operate an Aging and Disability Resource Center as a single point of entry/contact for community resources, programs and sources.
- (2) Designate community focal points throughout the region.
- (3) Define "community" as it relates to population served by a given focal point; the definition shall be approved by the Department for Aging and Independent Living and listed in the Area Agency on Aging and Independent Living Area Plan. The community shall not be defined beyond a county.
- (4) Give special consideration to developing and designating multipurpose senior centers as focal points;
- (5) Assure that services financed under the Older Americans Act, in or on behalf of the community will be either based at, linked to, or coordinated with the focal points;
- (6) Assure access from the focal points to services financed under the Older Americans Act;

<b>GENERAL ADMINISTRATION Area Agency on Aging and Independent Living Responsibilities</b>	<b>DAIL-GA-1.8</b>
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- (7) Work with or work to assure that community leadership works with other applicable agencies and institutions in the community to achieve maximum comprehensive arrayal of, coordination with or access to other services and opportunities for the elderly and those with disabilities from the focal points; and
- (8) Refrain from engaging in any activity, which is inconsistent with its statutory mission prescribed in the Older Americans Act or policies prescribed by the State under Regulation 45 CFR 1321.11.

The Area Agency on Aging and Independent Living shall:

- (1) Maintain written policy and procedures to ensure a plan for the continuity of services, in the event that a subcontractor is terminated;
- (2) Ensure service continuity for the protection of the health, safety and welfare of the clients receiving services;
- (3) Ensure the continued operation of services affected by the termination and either perform the responsibilities of the terminated provider or assign responsibilities to another provider;
- (4) Secure all program/client records, facilities under program control, and equipment; and
- (5) Contact DAIL immediately and submit an emergency plan of action to DAIL within 90 days, should a termination of a subcontract be necessary.

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living</b> <b>Area Plans</b>	<b>DAIL-GA-1.8.1</b>
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### **Area Plans**

Each designated Area Agency on Aging and Independent Living (AAAIL) shall prepare and develop, for a specified planning and service area an Area Plan. Each AAAIL's plan shall be of such duration as determined by the Department for Aging and Independent Living based upon a uniform format for Area Plans. Plans shall be prepared in accordance with all applicable statutory and regulatory requirements, and shall advance and remain consistent with the mission prescribed for AAAILs under Section 306 of the Older Americans Act.

#### Each Plan shall include at least:

- (1) Procedures for delivery, through a comprehensive and coordinated system, of an array of supportive, nutrition and other services as may be prescribed under Federal, State and local programs and policies;
- (2) Description of arrangements with local providers to ensure the delivery of these services and identification of the service providers;
- (3) Assurances that categorical service allotments will be expended in the manner prescribed by policy of the Department for Aging and Independent Living;
- (4) Designation, where feasible, of multipurpose senior centers as community focal points for comprehensive service delivery;
- (5) Procedures for establishment and maintenance of information and referral services to assure access to services;
- (6) Procedures for ensuring preferential consideration in the provision of services to older individuals with greatest economic or social needs, (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas), in compliance with all Federal and State statutory and regulatory provisions and Department for Aging and Independent Living policy;
- (7) Procedures for identifying for each previous fiscal year the number of low-income minority older individuals in the planning and service area and for describing methods used to satisfy their service needs;
- (8) Procedures for outreach efforts which assure service access by eligible individuals and which target older individuals residing in rural areas; older individuals with greatest economic need with particular attention to low-income minority individuals; older individuals with greatest social need with particular attention to low-income minority individuals and older individuals residing in rural areas; older individuals with severe disabilities; older individuals with limited English proficiency; older individuals with

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- Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and older individuals at risk for institutional placement;
- (9) Procedures for conducting periodic evaluation of and public hearings on activities carried out under the Area Plan;
  - (10) Procedures for providing technical assistance to service providers and focal points and for an annual evaluation of the effectiveness of outreach;
  - (11) Procedures for receiving the views of service recipients;
  - (12) Procedures, in compliance with Department for Aging and Independent Living policy, for serving as the advocate and focal point for the elderly within the community;
  - (13) Procedures, when needed, for the provision by existing organizations of day care for adults and respite for their families;
  - (14) Procedures for establishing an advisory council as required by Section 306 (1) (6) (D) which states to establish an advisory council consisting of older individuals (including minority individuals and older individuals residing in rural areas) who are participants or who are eligible to participate in programs assisted under this Act, family caregivers of such individuals, representative of older individuals, service providers, representatives of the business community, local elected officials, provider of veterans' health care (if appropriate), and the general public, to advise continuously the Area Agency on Aging and Independent Living on all matters relating to the development of the area plan, the administration of the plan, and operations conducted under the plan;
  - (15) Procedures for developing and publishing methods by which services, particularly those identified through State policy as access services, are prioritized;
  - (16) Procedures for effective and efficient coordination of all programs and services operated or delivered in accordance with all State and Federal statutory and regulatory provisions;
  - (17) Procedures for facilitating the coordination of community-based long term care services emphasizing the development of client-centered case management;
  - (18) Procedures for determining the service needs of abused, neglected and exploited older individuals, and for identifying public and private nonprofit entities involved in prevention, identification and treatment of these individuals;
  - (19) Procedures which facilitate the involvement of long term care providers in coordination of community-based long term care services and for working to ensure community awareness of and involvement in addressing the needs of residents of long term care facilities;

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- (20) Procedures which facilitate the coordination of access services, as identified by State policy, with community activities which benefit victims of Alzheimer's Disease and the families of such victims;
- (21) Procedures which facilitate the coordination of Area Agency funded mental health services with those provided by other community organizations;
- (22) Procedures for conducting outreach activities, where feasible, to identify eligible older Native Americans and ensure access to services;
- (23) Procedures for compiling and disseminating in the planning and service area enrollment course study information of institutions of higher education specifically related to older individuals;
- (24) Procedures for conducting outreach activities to identify older individuals eligible for Supplemental Security Income, Medicaid and Food Stamp benefits; for informing them of eligibility requirements; and for assisting them in accessing those benefits;
- (25) Assurances that any funds received under Parts C, D, E of Title III will be expended in accordance with applicable State and Federal statutory and regulatory provisions and with Department for Aging and Independent Living policy; and
- (26) Assurances that, if applicable, operation of the district Ombudsman program will be in accordance with State and Federal statutory and regulatory provisions and with Department for Aging and Independent Living.

Area Plans shall be subject to amendment by the AAAILs upon request of the Department for Aging and Independent Living.

(See also Chapter 1, General Administration, Section 1.5, Advocacy; Section 1.8, Area Agency Responsibilities; Section 1.13, Conflict of Interest; Section 1.17, Greatest Economic and Social Need Preference; Section 1.27, Public Hearings; Section 1.28, Public Participation; Chapter 9, Section 9.2, Allocations; Section 9.15, Coordination)



<b>GENERAL ADMINISTRATION Area Agency on Aging and Independent Living Responsibilities Designation (Planning and Service Areas)</b>	<b>DAIL-GA-1.8.2</b>
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### **Designation (Planning and Service Areas)**

The Department for Aging and Independent Living shall designate Planning and Service Areas (PSAs) in accordance with the provisions of Section 305(a) (1) (E) of the Older Americans Act.

The Department for Aging and Independent Living shall consider:

- (1) The geographical distribution of individuals age 60 and older in the Commonwealth;
- (2) The incidence of the need for supportive services, nutrition services, multipurpose senior centers and legal assistance;
- (3) The distribution of older individuals who have the greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas);
- (4) The distribution of older Indians residing in such areas;
- (5) The distribution of resources available to provide such services or centers;
- (6) The boundaries of existing areas within the Commonwealth which were drawn for the planning or administration of supportive services programs;
- (7) The location of general purpose local government within the Commonwealth with regard to its PSA-wide service delivery capability; and
- (8) Other factors deemed relevant.

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living</b> <b>Responsibilities</b> <b>Designation (Area Agencies on Aging)</b>	<b>DAIL-GA-1.8.3</b>
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### **Designation (Area Agencies on Aging)**

The Department for Aging and Independent Living shall designate for each planning and service area (PSA) a public or private non-profit agency or organization as the Area Agency on Aging and Independent Living for that area under the provision of Section 305(a)(2)(A) of the Older Americans Act .

The Department for Aging and Independent Living shall:

- (1) Designate in accordance with Section 305(b)(5)(c) of the Older Americans Act any of the following:
  - (a) An established office of aging which is operating within a designated planning and service area and has a PSA-wide service capability;
  - (b) An office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an Area Agency on Aging and Independent Living by the chief elected official of such unit;
  - (c) An office or agency designated by the appropriate chief elected officials or any combinations of units of general purpose local government to act only on behalf of such combination for such purpose; or
  - (d) A public or non-profit private agency in a planning and service area, or any separate organizational unit within such agency, which is under the supervision or direction for this purpose of the designated State Agency, and which can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within such planning and service area.
- (2) When designating a new Area Agency on Aging and Independent Living, give right of first refusal to a unit of general purpose local government in conformity with Section 305(b)(5)(B) of the Older Americans Act; and
- (3) Give preference, when the unit of general-purpose local government declines designation, to an established office on aging in conformity with Section 305(c) (5) of the Older Americans Act.

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living Responsibilities</b> <b>Disapproval of an Area Plan or Withdrawal of Area Agency Designation</b>	<b>DAIL-GA-1.8.4</b>
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### **Disapproval of an Area Plan or Withdrawal of Area Agency Designation**

The Department for Aging and Independent Living shall withdraw the Area Agency on Aging and Independent Living designation whenever the Department for Aging and Independent Living, after reasonable notice and opportunity for a hearing, finds that:

- (1) The Area Agency on Aging and Independent Living does not meet the requirements set out in Chapter 1, Section 1.8;
- (2) The plan or plan amendment is not approved;
- (3) There is substantial failure in the provision or administration of an approved area plan to comply with any provision of the Area Plan procedure, Chapter 9, Financial Management, Section 9.6, Area Plans, or,
- (4) Whenever there is a request by the Area Development District.

If the Department for Aging and Independent Living withdraws the Area Agency on Aging and Independent Living's designation, it shall:

- (1) Notify the Assistant Secretary of the Administration on Aging in writing of its action;
- (2) Provide a plan for the continuity of services in the affected planning and service area; and
- (3) Designate a new Area Agency on Aging and Independent Living in the planning and service area in a timely manner.

If necessary to ensure continuity of services in a planning and service area, the Department for Aging and Independent Living may, for a period of up to 180 days after its final decision to withdraw decision of an Area Agency on Aging and Independent Living:

- (1) Perform the responsibilities of the Area Agency on Aging and Independent Living; or
- (2) Assign the responsibilities of the Area Agency on Aging and Independent Living to another agency in the planning and service area.

The Assistant Secretary of the Administration on Aging may extend for a period of up to an additional 180 days the limit in the previous paragraph of this section if the State agency:

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living</b> <b>Responsibilities</b> <b>Disapproval of an Area Plan or Withdrawal of</b> <b>Area Agency Designation</b>	<b>DAIL-GA-1.8.4</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 2 of 2</b>

- (1) Requests an extension; and
- (2) Demonstrates to the Assistant Secretary of the Administration on Aging a need for the extension

<b>GENERAL ADMINISTRATION</b> <b>Area Agency on Aging and Independent Living</b> <b>Responsibilities</b> <b>Time Frame for Withdrawal of Area Agency</b> <b>Designation</b>	<b>DAIL-GA-1.8.5</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Time Frame for Withdrawal of Area Agency Designation**

The Department for Aging and Independent Living shall initiate the designation withdrawal process in conformity with the provisions of Chapter 1, Section 1.18, relating to Department for Aging and Independent Living hearings, and Chapter 1, Section 1.8, Item 1.8.3, Disapproval of an Area Plan or Withdrawal of Area Agency Designation. This process shall also conform to provisions of Chapter 9, Financial Management, Section 9.3 and Section 9.4, which provides time frames for suspension, termination, or closeout of area plans. These procedures shall include:

- (1) Notification to the Area Agency on Aging and Independent Living by the Department for Aging and Independent Living of intent to withdraw designation, citing all influencing factors and outlining steps to be taken in appeal of the intent;
- (2) The Department for Aging and Independent Living shall extend to the Area Agency on Aging and Independent Living a minimum of thirty (30) days in which to respond;
- (3) Following the Area Agency on Aging and Independent Living's response, if appropriate, the Department for Aging and Independent Living may require of the Area Agency on Aging and Independent Living the submission within an additional thirty (30) days a corrective action plan which would avert withdrawal of designation;
- (4) Should the Area Agency on Aging and Independent Living request a State hearing, the Department for Aging and Independent Living shall assist in the facilitation of the hearing in accordance with the provisions of Chapter 1, Section 1.18, Hearing Procedures, AAAILs; and,
- (5) Following the appeal process, the Department for Aging and Independent Living shall notify the Area Agency on Aging and Independent Living in writing of the hearing in accordance with the provision of Chapter 1, Section 1.18, Hearing Procedures, AAAILs.

(See Chapter 1, Section 1.18, Hearing Procedures, Area Agency on Aging and Independent Living)

<b>GENERAL ADMINISTRATION Area Agency on Aging and Independent Living Responsibilities Organization and Staffing</b>	<b>DAIL-GA-1.8.6</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Organization and Staffing**

Each Area Agency on Aging and Independent Living shall provide for adequate and qualified staff to perform its functions as prescribed in 45 CFR 1321, or by state regulation.

Each Area Agency on Aging and Independent Living shall:

- (1) Function organizationally as prescribed under designation provision of Section 305(b)(5)(C) of the Older Americans Act;
- (2) Have on file for review a staffing plan that identifies the number and types of staff assigned to carry out Area Agency on Aging and Independent Living responsibilities and functions;
- (3) Assign administrative and direct service staff either as required by Federal or state and program staff in proportion to funding allocated to the Area Agency on Aging and Independent Living to administer such program.
- (4) Indicate in the Area Plan staffing patterns and relationships when the Area Agency on Aging and Independent Living is housed under an umbrella "organization;" and
- (5) Respond to corrective action initiatives and general information requests of the Department for Aging and Independent Living when issues arise concerning staffing practices.

<b>GENERAL ADMINISTRATION Area Agency on Aging and Independent Living Planners Meeting/Trainings</b>	<b>DAIL-GA-1.9</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Area Agency on Aging and Independent Living Planners Meeting/Trainings**

The Department for Aging and Independent Living shall conduct joint meetings and trainings with the Area Agencies on Aging and Independent Living (AAAs). The Department for Aging and Independent Living, as the State Unit on Aging, is mandated to coordinate statewide planning and development of activities, and provide technical assistance to each Area Agency on Aging and Independent Living to ensure effective procedures for coordination of programs within the planning and service area. (45 CFR 1321.7 and 1321.13)

General Administration

#### Procedure:

- (1) The Department for Aging and Independent Living shall notify the Area Agencies on Aging and Independent Living in writing in advance of the date(s) the joint meeting(s) will take place.
- (2) The Department for Aging and Independent Living shall solicit input from the Area Agencies on Aging and Independent Living as to the locations, times, topics and concerns to address and discuss at the joint meeting(s).

<b>GENERAL ADMINISTRATION Boards and Commissions, Appointments</b>	<b>DAIL-GA-1.10</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Boards and Commissions, Appointments**

The Department for Aging and Independent Living shall encourage the appointment of older Kentuckians and those with disabilities to boards and commissions in State and local governments in an effort to actively involve these individuals in the development of services and programs for the elderly.

#### Procedure:

The Department for Aging and Independent Living shall conduct the following activities in meeting this objective:

- (1) Work with citizen's advocate groups participating on boards and commissions;
- (2) Assist agencies and organizations seeking appointees by identifying potential older people and those with disabilities to serve on boards or commissions and referring them to the appropriate agencies or individuals;
- (3) Obtain information from agencies and organizations on qualifications for selection to boards or commissions, periods of service, and appointment dates; and
- (4) Transmit information on qualifications for membership or participation, period of service, and appointment and expiration dates to senior citizen organizations, service providers, and Area Agencies on Aging and Independent Living for the future appointment of older people to boards and commissions.



<b>GENERAL ADMINISTRATION Center and Nutrition Site Operation Sectarian Use of Facility</b>	<b>DAIL-GA-1.11</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Sectarian Use of Facility**

With respect to the acquisition (in fee simple or by lease for 10 years or more), alteration, or renovation of existing facilities, or the construction of new facilities (Older Americans Act, Section 502(b) (D)), the Department for Aging and Independent Living shall assure that Title III funds are not used for projects involving the construction, operation, or maintenance of any facility used, or any facility to be used, as a place for sectarian religious instruction or worship. The statutory prohibition is similar to other Federal statutes authorizing funds for construction and is designed to ensure that the constitutional prohibition against federal establishment of religion is not violated. The prohibition does not preclude the use of a facility owned by a religious organization for the delivery of services to the elderly.

<b>GENERAL ADMINISTRATION Confidentiality and Disclosure</b>	<b>DAIL-GA-1.12</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Confidentiality and Disclosure**

Without the informed consent of the person or legal representative, client information obtained by the Department, AAAIL, or contractors shall not be disclosed by the provider or agency in a form that identifies the person, unless the disclosure is required by court order or for program monitoring by authorized Federal, State or local monitoring agencies.

The Department for Aging and Independent Living, the Area Agencies on Aging and Independent Living, and the Service Providers shall refer all reports of abuse, neglect, exploitation or spouse abuse received to Adult Protective Services, Cabinet for Health and Family Services.

The Department for Aging and Independent Living shall not be required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552. (See Older Americans Act of 1965 as amended P .L. 100-175, Section 307)

The Department for Aging and Independent Living or an Area Agency on Aging and Independent Living shall not require a provider of legal assistance to reveal any information that is protected by attorney-client privilege.

Each Area Agency on Aging and Independent Living shall have written confidentiality procedures.

(See also Chapter 9, Financial Management, Section 9.7, Item 9.7.3, Contributions)

<b>GENERAL ADMINISTRATION Conflict of Interest</b>	<b>DAIL-GA-1.13</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Conflict of Interest**

The contractor shall certify that it is not and will not be violating either directly or indirectly any conflict of interest statute (KRS 45A.330 - 45A340.990, 164.390, 210.990(1); Title 45 CFR Part 74,) or any other applicable statute or principle by the performance of the contract.

<b>GENERAL ADMINISTRATION Denial, Suspension, or Reduction of Services</b>	<b>DAIL-GA-1.14</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Denial, Suspension, or Reduction of Services**

Each Area Agency on Aging and Independent Living shall have a plan for denial, suspension or reduction of services to eligible persons. Each plan shall be maintained on file at the Area Agency on Aging and Independent Living and shall be accessible for monitoring purposes. The plan shall specify, at a minimum, that when services for a client or participant are denied, suspended or reduced, one (1) of the following situations shall be present and documented:

- (1) Funds are no longer available or are reduced;
- (2) The service level is no longer needed;
- (3) Prioritization and needs determination indicate the client no longer meets the criteria for receiving services; or

The Department for Aging and Independent Living shall receive written notice of actions other than those listed in (1) through (3) above which may result in the denial of access to a program to any eligible participant.

#### Procedure:

- (1) For all programs provided by the Department for Aging and Independent Living, assistance shall be provided in making appropriate referrals of participants to other agencies as appropriate.
- (2) In all cases the client shall be informed of their rights to a fair hearing as set forth in KRS 13B.

(See also Chapter 1, Section 1.24, Participant Responsibilities; Chapter 13, Homecare, Section 13.23, Termination or Reduction of Services; Chapter 18, PCAP, Section 18.7, Suspension of Services)

<b>GENERAL ADMINISTRATION Education and Training</b>	<b>DAIL-GA-1.15</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Education and Training**

The Department for Aging and Independent Living and the Area Agencies on Aging and Independent Living shall implement, within budget limitations, education and training programs that respond to the needs of senior citizens, persons with disabilities, service providers, and other groups, as needs are identified and funding sources become available.

<b>GENERAL ADMINISTRATION Education and Training Department for Aging and Independent Living Education and Training Responsibilities</b>	<b>DAIL-GA-1.15.1</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Department for Aging and Independent Living Education and Training Responsibilities**

The Department for Aging and Independent Living shall conduct, within budget limitations, activities to implement such training and education programs, which include the following:

- (1) Conduct annual assessments to informally identify training needs and develop correlating plans;
- (2) Identify and review resources available to meet training needs;
- (3) Develop a comprehensive education and training plan;
- (4) Seek additional resources to implement the plan;
- (5) Effect interagency coordination for the provision of specialized training;
- (6) Facilitate and assist the efforts of higher education in statewide forums of a gerontological orientation;
- (7) Coordinate education programs with private; public, governmental and educational organizations and institutions;
- (8) Provide and coordinate training opportunities for personnel of agencies and programs utilizing Aging Services' funding;
- (9) Provide training to Area Agencies and local programs on self-evaluation and monitoring; and
- (10) Provide training as part of the state training plan including on going technical assistance and annual program evaluation.

<b>GENERAL ADMINISTRATION Education and Training Area Agency on Aging and Independent Living Education and Training Responsibilities</b>	<b>DAIL-GA-1.15.2</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Area Agency on Aging and Independent Living Education and Training Responsibilities**

Activities, which shall be conducted by the Area Agency on Aging and Independent Living to implement such training and education programs, include the following:

- (1) Conduct annual assessments to informally identify training needs and develop correlating plans;
- (2) Identify and review resources available to meet training needs;
- (3) Develop a comprehensive education and training plan;
- (4) Seek additional resources to implement the plan;
- (5) Effect interagency coordination for the provision of specialized training;
- (6) Facilitate and assist the efforts of higher education in statewide forums of a gerontological orientation;
- (7) Conduct and coordinate specific training on aging programs district-wide;
- (8) Coordinate education programs with private, public, governmental and educational organizations and institutions;
- (9) Conduct training for area advisory councils, including training targeting new council members;
- (10) Specify the training requirements of the service providers;
- (11) May enter into contracts through the Area Development Districts with providers of education and training services which can demonstrate the experience or capacity to provide these services, except that these contract authority shall be effective for any fiscal year only to such extent, or in amounts as are provided in appropriate Acts; and
- (12) Plan and implement staff development initiatives.

<b>GENERAL ADMINISTRATION Education and Training Service Provider Education and Training Responsibilities</b>	<b>DAIL-GA-1.15.3</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Service Provider Education and Training Responsibilities**

The Service Provider shall provide education and training in accordance with requirements of the subcontract with the Area Development District.

(See also Chapter 1, Section 1.15, Item 1.15.4, Homemaker Training)



<b>GENERAL ADMINISTRATION Education and Training Homemaker Training</b>	<b>DAIL-GA-1.15.4</b>
<b>Effective Date: February 2010</b>	<b>Page 1 of 2</b>

### **Homemaker Training**

Each homemaker shall be provided a training course of a minimum 8 hours coursework. In addition, new homemakers shall receive 4 hours shadowing of direct service provision. This policy shall apply to homemakers providing services funded through the Department for Aging and Independent Living.

Persons employed as homemakers in programs funded through the Department for Aging and Independent Living on or before July 1, 1988, and working continuously since that date, may be deemed to have met training requirements.

Each homemaker who produces proof of successful completion of Medicaid-approved aide training in a hospital, long-term care facility or home health agency shall be required to complete all units required by this policy, which were not included in the facility or home health curriculum.

#### Procedure:

- (1) Training may be provided by:
  - (a) A recognized institution of learning such as a vocational school, a community college;
  - (b) An agency charged with the education of the public in health related matters such as the American Red Cross;
  - (c) Or may be provided by the employing agency utilizing a designated coordinator and appropriate professional specialists as instructors
- (2) Instructors shall include a nurse; a social worker; a home economist; nutritionist or dietitian; or homemaker employees.
- (3) The 8 hours of initial course work shall include the following components:
  - (a) Overview of the Aging Population and Needs: Example topics may include but are not limited to the following:
    1. Working with Older Individuals
    2. Role of the Family
    3. Working with Individuals with Disabilities
    4. Death and Dying

<b>GENERAL ADMINISTRATION</b> <b>Education and Training</b> <b>Homemaker Training</b>	<b>DAIL-GA-1.15.4</b>
<b>Effective Date: February 2010</b>	<b>Page 2 of 2</b>

- (b) The Role of the Homemaker: Example topics may include but are not limited to the following:
    - 1. Personal care services
    - 2. Medication assistance (to follow SB22 requirements)
    - 3. Food and Nutrition
    - 4. Maintaining a Clean and Safe Environment
    - 5. Record Keeping
    - 6. Client Confidentiality
    - 7. Communication
  - (c) Recognizing and Reporting Abuse, Neglect and Exploitation of Children and Adults
  - (d) Person Centered Planning; and
  - (e) Four (4) hours shadowing experienced homemaker aids in providing direct client service, prior to independent work assignments.
- (4) Homemakers shall be provided a minimum of six (6) hours of in-service training each fiscal year. Topics may include but are not limited to the following:
- (a) Recognizing and Reporting Elder Abuse
  - (b) Cancer, Heart Disease, Diabetes, Stroke
  - (c) Mental Illness
  - (d) Range of Motion Exercises; Assistive Devices
  - (e) Special Diets; Low Sodium, Low Fat, Diabetic, Ulcer
  - (f) Protecting Oneself and Others in Potentially Dangerous Situations
  - (g) Other topics related to job duties
- (5) Records of homemaker training and in-service shall be maintained including:
- (a) Attendance;
  - (b) Number of Hours;
  - (c) Subject (Title of training);
  - (d) Instructor and title;
  - (e) Course Outline;
  - (f) Results of Test or Return Demonstrations

<b>GENERAL ADMINISTRATION Education and Training Personal Care Attendant Program Training (PCAP)</b>	<b>DAIL-GA-1.15.5</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **PCAP Training**

If employed, a program coordinator shall complete the following hours of training:

- (1) Within thirty (30) working days of hire:
  - (a) Complete a minimum of sixteen (16) hours orientation program training and
  - (b) Shadow an experienced program coordinator for one (1) or (2) days;
- (2) Within the first six (6) months of employment, complete a minimum of fourteen (14) hours initial program coordination training; and
- (3) Complete follow-up quarterly trainings with the department and contract agency.

<b>GENERAL ADMINISTRATION</b> <b>Education and Training</b> <b>SHIP Training</b>	<b>DAIL-GA-1.15.6</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **SHIP Training**

Continuous training is necessary for SHIP coordinators and volunteers in order to keep everyone updated as CMS changes in Medicare and Medicaid occur and to assure accuracy of the information that is given to clients.

Local SHIP coordinators will assure that all counselors (paid or volunteer) receive training and updates as needed. The local coordinator will be responsible for oversight of volunteers including criminal record checks, maintenance of a training log, completing volunteer agreements, updating job descriptions and confidentiality statements, providing training, and keeping the manual for counselors updated on the local level.

The state coordinator will ensure that all counselors receive all SHIP education opportunities via email correspondence or mailed to counselors that do not have computer access.

SHIP counselors are to be trained within thirty-(30) days of their start date. At the completion of the training a volunteer is expected to have received at least eighteen (18) hours of initial training and twelve (12) hours of training on Medicare, Medicare Advantage, Medicare Supplement Insurance, long term care insurance, SSI, QMB;SLMB, QDW1, QI1, Spend-down and counseling.

Kentucky SHIP currently has a statewide certification process. It is mandatory for those counselors to attend the annual fall training or to verify the equivalent training by their local SHIP coordinator. The local coordinators will submit the certified counselors name to the state SHIP Director for the development of a statewide listing. Local coordinators will be responsible for ensuring the necessary training requirements are met by each counselor to achieve certified status.

<b>GENERAL ADMINISTRATION</b> <b>Education and Training</b> <b>Ombudsman Training</b>	<b>DAIL-GA-1.15.7</b>
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## **Ombudsman Training**

### **KY Long-Term Care Ombudsman Training**

**Reference:** 910 KAR 1:210 Section 8

The Kentucky Long-term Care Ombudsman shall receive a minimum of twenty-four (24) hours of training including at least the following areas:

- (1) The Older Americans Act of 1965, as amended, and the aging network;
- (2) Characteristics, special needs and problems of the long-term care resident;
- (3) Characteristics of nursing homes including:
  - (a) Numbers of beds;
  - (b) Levels of care;
  - (c) Services; and
  - (d) Costs
- (4) The long-term care reimbursement system including:
  - (a) Medicaid;
  - (b) Medicare
  - (c) SSI and state supplementation
- (5) The regulation of facilities and the enforcement of regulations;
- (6) Complaint investigation and resolution;
- (7) Guardianship;
- (8) Residents' Rights;
- (9) Development of residents' councils;
- (10) Recruiting, screening, selecting, training, placing and supporting volunteers; and
- (11) Use of public funds
- (12) In addition to the minimum training, district ombudsmen shall attend quarterly training meetings as provided.

<b>GENERAL ADMINISTRATION Eligibility of Program Participants</b>	<b>DAIL-GA-1.16</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Eligibility of Program Participants**

Each Area Agency on Aging and Independent Living shall adhere to eligibility standards as mandated by individual program requirements of the Department for Aging and Independent Living.

Eligibility requirements are outlined in the Program Section of this manual for Title III, Homecare, Adult Day Care, Adult Day Health Care, Alzheimer's Disease Respite and Personal Care Attendant services.

(See also Chapter 2, Adult Day Care/Alzheimer's Disease Respite; Chapter 13, Homecare; Chapter 17, Nutrition Program; Chapter 18, PCAP; Chapter 22, Title III)

<b>GENERAL ADMINISTRATION</b> <b>Greatest Economic or Social Need Preference</b>	<b>DAIL-GA-1.17</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Greatest Economic or Social Need Preference**

Preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

Greatest economic need means the need resulting from an income level at or below the poverty line. (OAA Section 102(23))

Greatest social need means the need caused by non-economic factors, which include:

- (1) Physical and mental disabilities;
- (2) Language barriers;
- (3) Cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that:
  - (a) Restricts the ability of an individual to perform normal daily tasks; or
  - (b) Threatens the capacity of the individual to live independently (OAA Section 102 (24))

The AAAIL shall include in their area plan the actions to be implemented to outreach and target seniors to those with greatest economic and greatest social need.

<b>GENERAL ADMINISTRATION Greatest Economic or Social Need Preference Department for Aging and Independent Living Responsibilities</b>	<b>DAIL-GA-1.17.1</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Department for Aging and Independent Living Responsibilities**

The Department for Aging and Independent Living shall include assurances in the State Plan that preference is given to older persons in greatest social or economic need in the provision of services under the plan. (45 CFR 1321.17 (f) (2))

The Department for Aging and Independent Living shall utilize the following methods for preference to older persons with the greatest economic or social need and low-income minority:

- (1) After consultation with the Area Agency on Aging and Independent Living, develop and use an intrastate funding formula which shall reflect the proportion among the planning and service areas of persons age sixty (60) and over in greatest economic or social need with particular attention to low-income minority individuals (45 CFR 132-1.37 (a));
- (2) Seek input from Area Agencies on Aging and Independent Living and service providers in the development of methods for giving preference, and outline those method in the AAAIL area plan;
- (3) Review priorities for services and needs assessment data in, order to determine the specific types of services most needed by the target population;
- (4) Encourage the location and access to senior centers and services in geographic areas which contain known populations of older persons and those with disabilities with greatest economic or social need;
- (5) Encourage local coordination efforts with those agencies or organizations which provide services or entitlements to the target population; and
- (6) Monitor and evaluate Area Agencies on Aging and Independent Living to ensure services are targeted to meet the needs of older persons and those with disabilities with the greatest economic or social need, with particular attention to low-income minority individuals.



<b>GENERAL ADMINISTRATION</b> <b>Greatest Economic or Social Need Preference</b> <b>Area Agency on Aging and Independent Living</b> <b>Responsibilities</b>	<b>DAIL-GA-1.17.2</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 2</b>

### **Area Agency on Aging and Independent Living Responsibilities**

Each Area Agency on Aging and Independent Living shall undertake a leadership role in assisting communities throughout the planning and service area 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. However, the Area Agency on Aging and Independent Living shall not permit a grantee or contractor under this part to employ a means test for services funded under this part. (CFR 1321.61))

Outreach provided through each Area Agency on Aging and Independent Living shall place special emphasis on:

- (1) Older individuals residing in rural areas;
- (2) Older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- (3) Older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- (4) Older individuals with severe disabilities;
- (5) Older individuals with limited English proficiency;
- (6) Older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and
- (7) Older individuals at risk for institutional placement, including outreach to identify older Indians in the planning and service area, and inform such older Indians of the availability of assistance under the Act. (45 CFR 1321.17 (8))

Each Area Agency on Aging and Independent Living shall assure that providers of services shall specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served (45 CFR 1321.65 (b)).

- (1) Each Area Plan shall provide assurances that the Area Agency on Aging and Independent Living will include in each agreement made with a provider of any service under the Older Americans Act, a requirement that the provider shall:

<b>GENERAL ADMINISTRATION Greatest Economic or Social Need Preference Area Agency on Aging and Independent Living Responsibilities</b>	<b>DAIL-GA-1.17.2</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 2 of 2</b>

- (a) Specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider; and
  - (b) Attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider. (OAA 306(a)(5)(A))
- (2) With respect to the year preceding the fiscal year for which the Area Plan is prepared, the Plan shall:
  - (a) Identify the number of low-income minority older individuals in the planning and service area; and
  - (b) Describe the methods used to satisfy the service needs of such minority older individuals. (OAA 306(a)(5)(A))
- (3) Each Area Agency on Aging and Independent Living shall encourage establishment and maintenance of senior centers in areas, which contain known populations of older persons with greatest economic or social need.

<b>GENERAL ADMINISTRATION Greatest Economic or Social Need Preference Service Provider Responsibilities</b>	<b>DAIL-GA-1.17.3</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Service Provider Responsibilities**

Each service provider shall specify in writing with the Area Development District how the provider intends to satisfy the needs of low-income minority individuals in the area served. The provider shall provide services to low-income minority individuals at least in proportion to the numbers of low-income minority older persons in the population served by the provider.

<b>GENERAL ADMINISTRATION Hearing Procedures, Area Agency on Aging and Independent Living</b>	<b>DAIL-GA-1.18</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Hearing Procedures, Area Agency on Aging and Independent Living**

The Department for Aging and Independent Living shall provide an opportunity for a hearing to Area Agencies on Aging and Independent Living when the Department proposes the following adverse actions:

- (1) Disapproves the Area Plan or plan amendment submitted by the Area Agency as specified in 45 CFR 1321;
- (2) Withdraws the Area Agency on Aging and Independent Living's designation as provided in 5 CFR 1321; or
- (3) Denies any application for designation as a planning and service area under 45 CFR 1321

Procedures set forth in KRS 13B shall be adhered to for all hearings.

<b>GENERAL ADMINISTRATION</b> <b>Conflict Resolution for Applicant/Recipient of Services Relating to Area Agency on Aging and Independent Living and Subcontractors</b>	<b>DAIL-GA-1.19</b>
<b>Effective Date: December 30, 2009</b> <b>Revised Date: September 30, 2011</b>	<b>Page 1 of 3</b>

### **Conflict Resolution for Applicant/Recipient of Services**

A subcontractor and AAAIL shall:

Make their grievance procedures available to applicants for services, or participants receiving services.

- (1) These procedures must be used to resolve complaints arising between the subcontractor and/or AAAIL, and applicants or participants, and
- (2) Must be implemented fairly and consistently.

Participants must be informed of the grievance procedures at the time of enrollment and the importance of following these procedures exactly to ensure compliance with federal and state requirements.

- (1) During participant enrollment, intake staff must discuss the grievance procedures and give each participant a copy of the procedures.
- (2) Documentation of all adverse actions and steps to resolve grievances must be maintained.

An applicant or participant who has a grievance should schedule a meeting within ten (10) working days of the aggrieved action with the subcontractor to discuss the complaint and possible immediate remedies for resolution without going through the formal grievance procedures.

- (1) Subcontractor staff must respond to the informal complaint immediately, but no later than **five (5) business days** after receiving the complaint.
- (2) The subcontractor staff must meet with the individual in person to negotiate an informal resolution.

If the applicant or participant is dissatisfied with the informal resolution, the subcontractor's authorized representative must inform the applicant/participant in writing of his or her right to file a formal grievance with the AAAIL.

The applicant or participant shall submit his/her request for a formal grievance in writing within **ten (10) days** of the informal resolution decision regarding the complaint or if a resolution could not be achieved with the informal process.

<b>GENERAL ADMINISTRATION</b> <b>Conflict Resolution for Applicant/Recipient of Services Relating to Area Agency on Aging and Independent Living and Subcontractors</b>	<b>DAIL-GA-1.19</b>
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The complainant or legal guardian shall sign the request for resolution and submit it to the AAAIL. Upon request, the AAAIL and/or subcontractor staff shall assist individuals in preparation and submission of a complaint. Staff shall not assume responsibility for mailing the request resolution to the AAAIL.

All complaints shall be in writing and contain:

- (1) Specific allegations or complaints against the AAAIL or subcontractor agency;
- (2) Name of the AAAIL or subcontractor staff person or persons involved, if known;
- (3) Circumstances under which the alleged act occurred; and
- (4) Date and place of alleged act.

A written request for resolutions shall be filed with the AAAIL, within ten (10) days of the decision of the informal meeting. If the notice is mailed, the date of the notice shall be the date mailed; otherwise, it shall be the date of delivery. In cases where the request is filed after the ten (10) day period, a decision as to acceptance or denial of the complaint for action shall be made by the AAAIL.

Within five (5) working days of the receipt of the complaint, the AAAIL shall notify the complainant of the receipt of the request and the AAAIL's policy of attempts at local resolution.

After receiving the request for resolution, the AAAIL will contact the applicant/recipient to clarify the issues to the complaint.

The applicant/recipient will be informed again by the AAAIL that all information received will be confidential and information will not be shared with others without the applicant/recipient consent and written permission to release information.

The AAAIL may solicit information from all involved parties in an attempt to resolve the complaint in a manner that is acceptable to the complainant. The solicitation of information may include, but is not limited to, interviews with the complainant, case manager, service providers and review of relevant case materials.

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The results of the AAAIL or subcontractors efforts to achieve local resolution of the complaint shall be mailed to the complainant not more than thirty-(30) days following the local resolution meeting. The report shall contain:

- (1) Nature of the Complaint (specific issues);
- (2) Date of Resolution;
- (3) Persons involved in the complaint;
- (4) The results of the resolution;

A copy of the local resolution report that will include a specific statement of any issues not resolved shall be sent to the complainant and involved staff. If the complaint is resolved, the complainant shall sign an acknowledgment to be attached to the report.

All clients will be informed that they have a right of appeal to the Commissioner, Department for Aging and Dependent Living, 275 East Main Street, Frankfort, KY 40621 if the grievance or complaint is not resolved to the client's satisfaction by the AAAIL. The appeal request for a state hearing must be submitted to the Commissioner within ten (10) days of receipt of the decision from the local resolution.

The Department shall submit an appeal request from an applicant/recipient of services to the Hearings Branch. A hearing shall be held in accordance with KRS Chapter 13B.

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### **Hearing Procedures Relating to Area Agency on Aging and Independent Living Contractor Selection Actions**

Pursuant to Section 307(A) (5) of the Older Americans Act of 1965, as amended, it is the Procedure of the Department for Aging and Independent Living to provide an opportunity for a hearing to any applicant to provide services whose application to provide services is denied or not renewed, except as provided in 45 CFR Part 74; Subpart B 74.13. The purposes of these proceedings is to provide all Parties a full and fair opportunity to resolve any complaints or protests that may arise in contractor selection actions by Area Agencies on Aging and Independent Living under Title III and to create a complete, clear and accurate record for the formation of decisions regarding those selection actions.

#### **Definitions**

- (1) AAAIL means the Area Agency on Aging and Independent Living under each Area Development District.
- (2) Administrative Hearing means any type of formal adjudicatory proceeding conducted by an agency as required or permitted by statute or regulation to adjudicate the legal rights, duties, privileges, or immunities of a named person.
- (3) Applicant means a person or entity making application to an Area Agency to provide services under an approved Area Plan.
- (4) Area Plan means a plan submitted by an Area Agency on Aging and Independent Living and approved by the Commissioner, Department for Aging and Independent Living, which enables the Area Agency to administer activities under Title III of the Older Americans Act or other federal or state programs.
- (5) Complaint See "Protest" below.
- (6) Contracting Agency means the AAAIL or another agency contracting with DAIL to administer DAIL programs and services.
- (7) Days mean calendar days, unless specified.
- (8) Department or DAIL means the Department for Aging and Independent Living, Cabinet for Health and Family Services.
- (9) Local Administrative Review means an Area Agency's procedure for consultation and review with an Applicant or Provider.
- (10) Party is defined by KRS 13B.010(3).
- (11) Protest (Complaint) means a written objection by an Applicant or Provider to a proposed award or the award of a contract denied by an AAAIL, or a



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written objection by a Provider to an AAAIL's decision to terminate or not renew its contract to provide services.

- (12) Provider means a person or entity that is awarded a contract from an Area Agency on Aging and Independent Living to provide services under an approved Area Plan.
- (13) RFP file means those documents that are maintained regarding a particular procurement. These documents shall include but not necessarily be limited to: the request for proposal (RFP), advertisements as published in the newspapers; each proposal received in response to the RFP; all correspondence pertaining to the RFP; the AAAIL's review, rating or scoring and selection documents; notice of award; and, the contract.
- (14) Title III means Title III of the Older Americans Act of 1965, as amended, and including the implementation of Federal regulations and directives.

Procedure for Sub-Contractor or Applicant to Provide Services:

The procedure for complaints lodged by service providers or applicants to provide services who are subcontractors shall be as follows:

- (1) The service provider or unsuccessful applicant to provide services shall contact the contracting agency to try to work out a satisfactory solution.
- (2) If a complaint is filed, the complainant shall comply with the contracting agency's administrative review procedures which shall include the following provisions:
  - (a) A service provider or unsuccessful applicant to provide services (e.g., unsuccessful bidder) aggrieved by an adverse action of a contracting agency shall, within ten (10) working days from receipt of notice of the adverse action, file a written complaint with the agency;
  - (b) The contracting agency shall notify all parties of interest that a complaint has been filed and determine a time and place for an informal meeting to discuss the reason and attempt to provide a solution to the complaint.

If the complainant is not satisfied with the decision of the contracting agency, the complainant shall file a notice of appeal within five (5) working days of the adverse action to the Area Development District. The Area Development District Board of Directors shall be responsible for the provision of a administrative review within twenty (20) days of receipt of written notice of the complaint in order to render a final impartial decision. It shall be the responsibility of the Area Development District to

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provide an official transcript of the hearing at the final local appeal level to include all testimony, a copy of Findings of Fact, Conclusions of Law and Final Order, along with any other evidence and exhibits submitted for the record. An impartial decision shall be made as soon as practicable or within twenty (20) working days.

The hearing shall be limited to those issues included in the original complaint. Only those issues shall be addressed unless issues have been added, modified, or deleted through written agreement of the involved parties.

The complainant may drop the complaint if satisfied with the response of the Area Development District. If the complainant is not satisfied, the complainant may appeal to the Department for Aging and Independent Living for a State-level hearing in accordance with KRS Chapter 13B within five (5) working days from the time the decision is received.

Procedure for Area Agency on Aging and Independent Living:

All decisions made by an AAAIL in the administration of regional programs shall be in accordance with an approved Area Plan. Within seven (7) days of any decision which denies an Applicant its application to provide a service or which terminates or does not renew a Provider's contract to provide a service, the AAAIL shall deliver written notice of the decision to the affected Applicant or Provider by registered or certified mail.

The notice of decision -shall specify the reason for the action and advise the Applicant or Provider that he or she has ten (10) days from receipt of the notice of decision to file a written complaint or protest with the AAAIL. The notice shall also advise the Applicant or Provider that failure to file a complaint or protest in a timely manner shall constitute a waiver of his or her opportunity for a review at the local or State agency level.

**Local Administrative Review**

An ADD shall conduct an administrative review promptly after receipt of a written complaint or protest from an Applicant or Provider. The Local Administrative Review shall be completed no later than twenty (20) days after the ADD receives the written complaint or protest.

This review shall provide the complaining or protesting Applicant or Provider an opportunity to review any pertinent evidence upon which the adverse action was

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based, including any competing proposals and scoring sheets. Applicant or Provider may request reconsideration of an award, if one has been made, and state in writing to the AAAIL the reason why the complaint or protest is filed and the factual circumstances and issues to be considered during the review.

The purpose of a Local Administrative Review is to provide the ADD and the Applicant or Provider an opportunity to resolve complaints and protests regarding administration of the programs at the local level. Accordingly, the ADD shall make a good faith effort to review the facts and issues and achieve an amicable resolution. During the pendency of the Local Administrative Review, the ADD shall not proceed further with the solicitation, award or termination involved, except under a contingency plan that has been approved by the Department. No request for a hearing at the State agency level shall be accepted until all administrative remedies have been exhausted at the local level.

The Local Administrative Review shall include but not be limited to the following:

- (1) An opportunity, to appear in person before an individual or a group of at least three (3) persons which can render an impartial decision;
- (2) An opportunity to review any pertinent evidence on which the adverse action was based;
- (3) An opportunity to present witnesses and documentary evidence;
- (4) An opportunity to be represented by counsel;
- (5) An opportunity to cross-examine all witnesses;
- (6) A written impartial decision which sets forth the reasons for the decision, the evidence on which the decision is based, and a statement explaining the complainant's right to request a State-level hearing; and
- (7) A written impartial decision rendered within ten (10) days of receipt of complaint that details the reasons for the decision, the evidence on which the decision is based, and a statement explaining the complainant's rights to appeal.

The ADD shall have in place for a local administrative review process with the minimum requirements as described in (1) through (7) above, except that subcontractors have a right to a State-level review. Subcontractors of an AAAIL, and Applicants to be Subcontractors of an AAAIL, are afforded an administrative review by the AAAIL with an opportunity for appeal to the State-level for a review of the transcript. The AAAIL provides a transcript of the hearing to the State Agency if the complaint is not resolved, and a State-level review of the AAAIL hearing is requested.

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A Contractor or "Provider" of an AAAIL or an Applicant to be a Provider of an AAAIL shall be afforded a hearing at the State level when the request and grounds for hearing are in accordance with these procedures.

Each AAAIL shall develop and set forth in writing fair and adequate Local Administrative Review procedures in accordance with the above.

The AAAIL shall promptly complete the Local Administrative Review and shall respond with particularity in writing by Certified Mail Return Receipt Required to the Applicant or Provider its findings and determinations on all issues raised in the complaint or protest no later than twenty (20) days after completing the administrative review. A copy shall be forwarded to the Department. The AAAIL shall include in its response a written notice to the Applicant or Provider of the right to request a hearing with the Department as set forth below.

### **Request and Grounds for Hearing**

If the complaint or protest is not resolved by the Local Administrative Review, or if the AAAIL does not respond to the complaint or protest within twenty (20) days as provided above, the Applicant or Provider may request a hearing at the State level on one or more of the following grounds:

- (1) Where there is reason to claim that an award has not been made in accordance with the applicable request for proposal (RFP).
- (2) Where there is reason to claim that that Local Administrative Review was not made in accordance with the AAAIL's approved procedures.
- (3) Denial by an Area Agency in whole or in substantial part of an application to provide services where there is reason to claim the denial is arbitrary, capricious, an abuse of discretion, biased, the result of a conflict of interest, not based upon substantial evidence, or otherwise not in accordance with applicable Federal or State law, statute, or regulation.
- (4) Any action on the part of the Area Agency concerning non-renewal or termination of a contract to provide services, where there is reason to claim that the action is arbitrary, capricious, an abuse of discretion, biased, the result of a conflict of interest, not based upon substantial evidence, not in accordance with terms of the contract, if appropriate, or otherwise not in accordance with applicable Federal or; State law, statute, or regulation.

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A written request for hearing by an Applicant or Provider shall set forth the grounds and their alleged factual basis for a hearing. It shall be mailed to the Commissioner, Department for Aging and Independent Living, 275 East Main Street, Frankfort, Kentucky 40621 with a postmark no later than ten (10) days from the Applicant or Provider's receipt of the Local Administrative Review findings and determination. The Applicant or Provider shall also send a copy of the request for a State level hearing to the applicable AAAIL.

Upon receipt of a copy of the request, the AAAIL shall immediately forward to the Department a complete copy of the record of the Local Administrative Review, and a complete copy of the request for proposal (RFP) file relating to the particular procurement in question. These copies shall be provided to the Cabinet's Hearing Officer in the Hearing Branch for inclusion in the record of the case.

### **Compliance with Procedures and Forfeiture of Opportunity for State-Level Hearing**

Upon receipt of a written request for a hearing, the Commissioner shall cause an immediate determination to be made whether the request is in accordance with these procedures. If the request for a hearing complies with these procedures, Commissioner shall request a hearing in accordance with KRS Chapter 13B.

Failure of the Applicant or Provider to comply with any of these procedures shall constitute a forfeiture of the opportunity for a State level hearing, except as provided below in "Waiver of Timeliness Requirements." Upon forfeiture, the Commissioner shall cause the request to be returned to the Applicant or Provider with a written explanation why it is not acceptable.

### **Waiver of Timeliness Requirements**

The Commissioner may waive the timeliness requirements for requesting a hearing upon the written request of a Party and determination by the Commissioner in writing that good cause or exigent circumstances exist, including but not limited to "acts of God" such as tornadoes, floods and fires, or that the waiver is in the best interest of the aging program. The Commissioner shall promptly notify all affected Parties in writing regarding the reason for the waiver.

<b>GENERAL ADMINISTRATION Medication Assistance</b>	<b>DAIL-GA-1.21</b>
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### **Medication Assistance**

Providers other than licensed home health agencies may allow staff to assist participants in medication usage. This policy shall apply to all programs administered by the Department for Aging and Independent Living. Assistance shall be provided only by staff who have received training in medication assistance, and only to individuals whose care plans include this service.

#### Procedure:

- (1) The provider agency, through a nurse or social worker, shall assess the individual to determine the presence of sensory or functional impairment, which may indicate problems with taking medication.
- (2) The provider agency, through a nurse or social worker, shall collect information from the client on all medications, (prescriptions and over-the-counter drugs) including the following:
  - (a) Name and dosage of the medication;
  - (b) Purpose of the medication
  - (c) The amount of the medication ordered;
  - (d) Amount to be taken each time and when; and
  - (e) The physician's name
- (3) The supervisor, nurse, or social worker will prepare a list of medications prescribed including the times at which they should be taken.
- (4) If a client is using over-the-counter medications or home remedies, the case manager shall contact the client's physician or pharmacist to secure approval for their continued use.
- (5) The case manager shall set up a schedule to be followed daily. After each medication has been taken, the provider shall check it off. Refer to the schedule and remind the client when medicine is due.
- (6) The provider shall assure that the correct medication is given by checking the prescription label before giving the medicine bottle to the client.
- (7) The provider shall assure that the method of taking the medication is followed. For example, some medicines are taken with juice or milk instead of water. Others are taken before, after, or with a meal.
- (8) The provider shall explain to the client the importance of taking all prescription or over-the-counter medication as directed.
- (9) The provider shall place certain medications such as nitroglycerine tables within the client's reach at all times so that the client can place these tables under the tongue the moment any chest pain occurs.

<b>GENERAL ADMINISTRATION Medication Assistance</b>	<b>DAIL-GA-1.21</b>
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- (10) The provider shall put away sleep and pain medications after each use. Sleeping pills and other addicting drugs shall be used only as ordered by the doctor.
- (11) The provider shall review the evening medication schedule with the client, being sure the client knows the method and time to take medications when no assistance can be given, leaving the medications within easy reach of the client and encouraging the client to take nighttime doses in a well-lit room.
- (12) If the client has questions about the medications, the provider shall encourage the client to consult his doctor.

<b>GENERAL ADMINISTRATION Monitoring, Evaluation, and Corrective Action</b>	<b>DAIL-GA-1.22</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Monitoring, Evaluation, and Corrective Action**

Recipients of Department of Health and Human Services grants, which include the Department for Aging and Independent Living, Area Development Districts, and their subcontractors, shall monitor the performance of grant and sub grant-supported activities. They shall review each program, function, or activity to assure that adequate progress is being made towards achieving the goals of the grant or sub grant. Grantees shall submit annual performance reports unless the granting agency requires quarterly or semi-annual reports (45 CFR, Title 45, Part 74).



<b>GENERAL ADMINISTRATION</b> <b>Monitoring, Evaluation, and Corrective Action</b> <b>Department for Aging and Independent Living</b> <b>Responsibilities – Monitoring and Evaluation</b>	<b>DAIL-GA-1.22.1</b>
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**Department for Aging and Independent Living Responsibilities – Monitoring and Evaluation**

The Department for Aging and Independent Living shall monitor the performance of all programs and activities initiated under the Older Americans Act for quality and effectiveness (45 CFR 1321.11) and shall monitor all other programs for which the Department for Aging and Independent Living has administrative responsibility.

The Department for Aging and Independent Living shall carry out monitoring and evaluating functions designed to lead to the development or enhancement of comprehensive and coordinated community-based systems in, or serving, communities throughout the State. (45 CFR 1321.7)

The Department for Aging and Independent Living shall review, monitor, evaluate and comment on Federal, State, and local plans, budgets, regulations; programs, laws, levies, hearings, policies, and actions which affect or may affect older individuals and those with disabilities and recommend any changes in those which the State agency considers to be appropriate. (45 CFR 1321.13(a) (1))

**I. Purpose and Authority**

Monitoring/evaluation is a proactive function of the State Unit on Aging (Department for Aging and Independent Living) designed to lead to development or enhancement of comprehensive and coordinated community based systems designed to assist older persons in leading independent, meaningful and dignified lives in their own homes and communities as long as possible. (45 CFR Part 1321.7)

In monitoring and evaluating programs and activities of each contract agency, the Department for Aging and Independent Living shall:

- (1) Evaluate the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State and determine the extent to which existing public or private programs need such need (OAA Section 307(a)(3)(A)); and
- (2) Conduct periodic evaluations of, and public hearings on, activities and projects carried out under the State Plan, including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, or disabilities (with particular attention to low-income minority older individuals, older individuals with limited

<b>GENERAL ADMINISTRATION</b> <b>Monitoring, Evaluation, and Corrective Action</b> <b>Department for Aging and Independent Living</b> <b>Responsibilities – Monitoring and Evaluation</b>	<b>DAIL-GA-1.22.1</b>
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English proficiency, and older individuals residing in rural areas) (OAA Section 307 (a) (4).

In addition, 45 CFR Part 1321.11, states that the State agency shall develop policies to address the manner in which the State agency will monitor the performance of all programs and activities initiated under the Older Americans Act for quality and effectiveness. The Department, by policy, shall monitor all other programs for which the Department has administrative responsibility. (910 KAR 1:220, Section 3 (10)).

Monitoring is a process designed to strengthen the quality of services provided to clients in conformity with applicable laws and regulations. Some of the ways to accomplish this are as follows:

- Identify areas in which the agency performs well and encourage continued exemplary performance;
- Identify areas in which the agency is deficient and corrective action is required;
- Identify areas in which the agency is technically compliant with regulations but improvement can be made;
- Identify technical assistance needs; and
- Identify training needs.

## **II. Responsibilities**

**A.** The Department for Aging and Independent Living (DAIL) by Policy and Procedure shall carry out the following:

1. Monitor and assess services as approved in the plans submitted by the AAALs or other contract agencies and determine compliance with contract requirements, approved plans, and with applicable federal and state statutory requirements.
2. Conduct annual (or more frequently, if indicated) on-site monitoring visits to all contract agencies;
3. Conduct on-site visits to assess and approve potential new service delivery sites;
4. Monitor, through on-site visits, the implementation of new programs;
5. Conduct on-site visits when problems occur to assess and make recommendations for improvement and to bring the program into compliance with the contract;

<b>GENERAL ADMINISTRATION</b> <b>Monitoring, Evaluation, and Corrective Action</b> <b>Department for Aging and Independent Living</b> <b>Responsibilities – Monitoring and Evaluation</b>	<b>DAIL-GA-1.22.1</b>
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6. Conduct on-site follow-up visits, as appropriate, to assure that the plan of correction has been implemented;
7. Conduct monitoring through the review and analysis of reports submitted to the Department by the AAAILs or other contract agencies;
8. Submit written evaluation of findings with recommendations regarding on-site monitoring visits to the contract agencies within 10 days of the monitoring visits;
9. Submit written evaluation of findings and recommendations regarding review and analysis of reports to the contract agencies, if indicated; and
10. Provide training to AAAIL and local programs on self evaluation and monitoring.

**B. Pre-Monitoring/Assessment Visit**

Prior to the on-site visit, DAIL staff must perform certain tasks to prepare for the visits, such as:

1. Review in-house documents related to the specific AAAIL or other contractor:
  - a) Approved plans;
  - b) Contract (Master Agreement);
  - c) Current financial status of programs and administration;
  - d) Current program reports that indicate clients served and services provided;
  - e) Pending issues or corrective action plans;
  - f) Most recent monitoring report(s) for the AAAIL or other contractor;
  - g) Subcontracts of the AAAIL or other contractors; and
  - h) Other related documents.
2. Notify AAAIL or other contractor of Impending Visit  
 The monitoring schedule will be set by the Branch Manager of the Community Opportunities Branch in advance of the monitoring visits. All programs will be monitored during the same on-site visit. All on-site monitoring will be conducted based on mutually agreeable dates between the AAAIL or other contractor and the Department between October through March annually.

<b>GENERAL ADMINISTRATION</b> <b>Monitoring, Evaluation, and Corrective Action</b> <b>Department for Aging and Independent Living</b> <b>Responsibilities – Monitoring and Evaluation</b>	<b>DAIL-GA-1.22.1</b>
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Completion of the nutrition program monitoring including visits to nutrition sites, home delivered meal routes, and central kitchens may be completed as part of the monitoring process. In addition all policy and procedures and documents will be reviewed regarding the nutrition program by the Dietetics Educator with the Department.

Visits will consist of the administrative monitoring and review of all programs administered by the AAAIL or other contractor. The regional liaison will complete the administrative and Title III sections of the monitoring tool. Program coordinators will complete the section of the tool that corresponds to the program for which they are responsible.

### **C. Liaisons**

#### **Area Plan Reviews**

Each region submits to The Department by February 28th (other dates as program requires) annually the plan or revisions to the plan. The liaison is responsible for reviewing the plan and coordinating with program coordinators to ensure each program area is reviewed, recommendations for revisions are made and final approval is made. The reviews are to be completed prior to May 15<sup>th</sup> annually for the Department to enter into a contract with the AAAIL or other contractor.

The liaison is responsible for reviewing the entire plan to become familiar with the AAAIL or contractor and how they carry out the service provisions required by each program, regulations and their contracts. Program coordinators will review the program sections to ensure compliance with the program requirements and provide written comments to the liaison by the due date established each year by the Commissioner. The liaison will compile all comments into one report for submission to AAAIL or contractor.

Once the contractor responds to the report with either clarifications or changes to the plan, the liaison will distribute to the program coordinators for review with due date for response or approval. The liaison will continue to compile information for one report and distribute information until the sections of the plan for all programs are approved. Once all sections of the plan are approved, the liaison will prepare the approval letter and ensure that the Financial Management Branch

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representative has the original plan with all corrections and modifications.

### **Desk Top Monitoring**

Each contractor is responsible for submitting quarterly reports for March, June, Sept. and December which are due on the 15<sup>th</sup> of the following month, i.e. March report is due April 15<sup>th</sup>. These reports are received by the Financial Management Branch and distributed to the program coordinators for review.

If the report is appropriate and nothing further is needed from the contractor the program coordinator shall file the report in the central file and complete the check list in the front of the file. When clarification is needed on a report, the program coordinator will prepare a letter of findings or recommendations and submit to the liaison. The liaison will submit the letter to the branch manager for approval and send to the AAAIL or contractor. This will keep the liaison informed of issues and keep the liaison as the point person for the AAAIL or contractor. Once the AAAIL or contractor responds to the letter, the liaison will forward to the program coordinator. A letter of approval or further correction will be prepared by the program coordinator within 10 days of The Department's receipt of the response and follow the same process as above. The liaison or program coordinator is responsible to monitor the central files to ensure that the monitoring reports are filed and marked on the check list. The central files are to be monitored twice a year, December and June. When there are items missing the liaison or program coordinator will notify their Branch Manager.

### **On Site Monitoring**

The regional liaison or program coordinator is responsible for leading the on-site review by keeping the on-site visit on schedule, coordinating time and documents and providing the AAAIL director or contract program coordinator with an entrance conference (summary of the process and expectations during the review). The liaison is also responsible for completing the administrative and Title III components of the monitoring tool and conducting the exit conference.

The program coordinators will complete the program sections of the monitoring tool and the regional liaison will be responsible for informing the monitoring team when their monitoring tools and reports are due to

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the liaison. Once the liaison compiles the entire monitoring tool and program reports, one report is written with the findings and recommendations. The liaison will complete the report and forward to the monitoring team members and their branch manager for review. Any corrections are then made and once final approved is obtained from the branch manager the report is sent to the AAAIL director or contract program coordinator. **The final report must be sent within 10 business days of the completed monitoring visit.**

The AAAIL or contractor has 10 business days to respond in writing to the findings and recommendations with a plan of correction. When the plan of correction is received each program coordinator that required correction or explanation must review the plan and determine if it is acceptable or if further information or correction is needed. The liaison will establish the deadline for the program coordinators to have the review completed and a written report submitted to the liaison. The liaison has ten days from the date the plan of correction is received to respond in writing for additional clarifications or corrections, or to send a letter of successful completion of monitoring.

All letters to the ADD/AAAIL or contractor must be reviewed by the Branch Manager prior to sending.

**D. Program Coordinators**

The program coordinators are responsible for reviewing reports, documents and sections of the AAAIL’s or contractor’s plans that pertain to their program area of assignment. The program coordinators are also part of the on-site monitoring team and conduct desk top monitoring as necessary to ensure the AAAILs or contractors are providing services as required under the Master Agreement and Plan.

**Area or Program Plan Review**

The program coordinator is assigned the appropriate section of the plans for each AAAIL or contractor to be reviewed and comments, corrections or clarifications submitted to the regional liaison by the date specified at the beginning of the plan review process. The program coordinator is responsible for listing in writing the specific information needed to be changed or clarified in the plan to the liaison so that it can be copied into one document for distribution to the AAAIL or

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contractor. The liaison should not have to re-write the information provided and shall not have to delay correspondence to the AAAIL or contractor because a program coordinator has not completed the reviews and reports.

Once the AAAIL or contractor receives the comprehensive report from the liaison and responds back the liaison will distribute to the program coordinators for review. If further changes or clarifications are needed the program coordinator is to repeat the steps above, if no further information or changes are needed the program coordinator informs the liaison in writing (email) that the section is approved.

#### **Desk Top Monitoring**

Each AAAIL or contractor is responsible for submitting quarterly reports for March, June, Sept. and December which is due on the 15<sup>th</sup> of the following month, i.e. March report is due April 15<sup>th</sup>. These reports are received by the Financial Management Branch and distributed to the program coordinators for review.

If the report is appropriate and nothing further is needed from the AAAIL or contractor the program coordinator shall file the report in the central file and complete the check list in the front of the file. When clarification is needed on a report submitted, the program coordinator will prepare a letter of findings or recommendations and submit to the liaison. The liaison will submit the letter to the branch manager for approval and send to the AAAIL or contractor. This will keep the liaison informed of issues in the region and keep the liaison as the point person. Once the AAAIL or contractor responds to the letter, the liaison will forward to the program coordinator. A letter of approval or further correction will be prepared by the program coordinator within 10 days of The Department's receipt of the response and follow the same process as above. The liaison is responsible to monitor the central files to ensure that the monitoring reports are filed and marked on the check list. The central files are to be monitored twice a year, December and June. When there are items missing the liaison will notify their Branch Manager.

#### **On Site Monitoring**

The program coordinators will complete the program sections of the monitoring tool and prepare a written report of findings and

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recommendations to be submitted to the regional liaison on or before the date set by the liaison. The written report of findings and recommendations must also be reviewed and approved by the Commissioner prior to sending; therefore a quick turnaround is expected. The report must be sent to the AAAIL or contractor within 10 business days of completing the monitoring. If the program coordinator is the lead on the monitoring, they will coordinate all reports.

The AAAIL or contractor has 10 business days to respond in writing to the findings and recommendations with a plan of correction. When the plan of correction is received each program coordinator that required correction or explanation must review the plan and determine if it is acceptable or if further information or correction is needed. The liaison will establish the deadline for the program coordinators to have the review completed and a written report submitted to the liaison. The liaison has ten days from the date the plan of correction is received to respond in writing for additional clarifications or corrections or to send a letter of successful completion of monitoring.

**E. Financial Management Branch**

The financial management branch is responsible for reviewing reports, documents and sections of the plans that pertain to budgets, finances and contracts. The financial management branch staff are also part of the on-site monitoring team and conduct desk top monitoring as necessary to ensure the AAAIL or contractor is providing services and spending allocations as required under the Master Agreement and plans.

**Plan Review**

The financial management staff is assigned the appropriate section of the plan for each AAAIL or contractor to be reviewed. Comments, corrections or clarifications should be submitted to the regional liaison or program coordinator by the date specified at the beginning of the plan review process. The financial management staff is responsible for listing in writing the specific information needed to be changed or clarified in the plan to the liaison so that it can be copied into one document for distribution to the AAAIL or contractor. The liaison should not have to re-write the information provided and shall not have



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to delay correspondence to the AAAIL or contractor because a financial management staff has not completed the reviews and reports.

Once the AAAIL or contractor receives the comprehensive report from the liaison or program coordinator and respond back, the liaison will distribute to the financial management staff for review. If further changes or clarifications are needed, repeat the steps above. If no further information or changes are needed, the financial management staff informs the liaison or program coordinator in writing (email) that the section is approved.

#### **Desk Top Monitoring**

Each AAAIL or contractor is responsible for submitting quarterly reports for March, June, Sept. and December which are due on the 15<sup>th</sup> of the following month, i.e. March report is due April 15<sup>th</sup>. These reports are received by the Financial Management Branch and distributed to the program coordinators for review. The financial management staff is to review the reports to ensure they are in line with the requirements laid out in the Plan and Master Agreement. This review will help identify areas that are over or under spending based on the amount of time left in the contract year.

If the report is appropriate and nothing further is needed the financial management staff shall inform the liaison or program coordinator of such. When clarification is needed on a report, the financial management staff will prepare a letter of findings or recommendations and submit to the liaison. The liaison will submit the letter to the branch manager for approval and send to the AAAIL or contractor. This will keep the liaison or program coordinator informed of issues and keeps them as the point person for the AAAIL or contractor. Once the AAAIL or contractor responds to the letter the liaison will forward to the financial management staff. A letter of approval or further correction will be prepared by the financial management staff to the liaison. The liaison has 10 days from The Department's receipt of the response and must follow the same process as above.

#### **On Site Monitoring**

The financial management staff will complete the financial sections of the monitoring tool and prepare a written report of findings and

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recommendations. The report should be submitted to the regional liaison on or before the date set by the liaison. The written report of findings and recommendations must also be reviewed and approved by the Commissioner prior to sending; therefore a quick turnaround is expected. The report must be sent to the AAAIL or contractor within 10 business days of completing the monitoring.

The AAAIL or contractor has 10 business days to respond in writing to the findings and recommendations with a plan of correction. When the plan of correction is received the financial management staff that required correction or explanation must review the plan and determine if it is acceptable or if further information or correction is needed. The liaison will establish the deadline for the financial management staff to have the review completed and a written report submitted to the liaison. The liaison has ten days from the date the plan of correction is received to respond in writing for additional clarifications or corrections, or to send a letter of successful completion of monitoring.

**F. Contacting the AAAIL or Contractor**

The regional liaison is responsible for making contact with the AAAIL regarding all matters related to the Area Plan and monitoring. For a specific program contact only, the program coordinator will make the contacts with contractors. This is to ensure consistent documentation and keeps the AAAIL and contractor from receiving multiple emails, letters and phone calls related to the plans and monitoring.

Program coordinators and financial management staff may contact AAAIL or contractor regarding matters not related to the monitoring process or plans as necessary to relay program or financial information, to answer questions or provide technical assistance.

**III. Desk Reviews**

Desk reviews are pre-monitoring activities that are conducted prior to the on-site visit and responsibility for the desk review monitoring is the responsibility of each regional liaison, program coordinator and the Financial Management Branch.

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The following chart describes the documents to be reviewed, time line and who is responsible:

<b>Document</b>	<b>Time line</b>	<b>Responsible Staff</b>	<b>Duties</b>
Plan review	Submitted annually by Feb 28 and review complete by May 1 annually	Regional liaison Program Coordinator Financial Management	Coordinate review Review program section Review budgets/financials
Request for Proposal	Completed by June 1 annually (each region is on a different cycle, review year that they solicit)	Regional liaison  Financial Management	Review program sections Review financials
Master Agreement	Prior to June 1 annually	Financial Management	Prepare and process
Program components of Master Agreement	Prior to April annually	Program Coordinators	Review program accuracy
Current financial reports of programs / administration	Quarterly	Financial Management Program Coordinators	Review financials Review program accuracy
Current program reports that indicate clients served and services provided.	Quarterly	Financial Management  Program coordinator	Match to master agreement Prepare NAPIS report  Review consistency with area plan
Pending issues or corrective action plans	Quarterly and annually	Regional liaison Program Coordinators	Review consistency with plan of correction.
AAAIL monitoring of subcontractors	As submitted and at least annually for all	Regional Liaison	Review subcontractor monitoring and follow-up on corrective actions

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	subcontractors		
Subcontracts of service providers	Annually, prior to July 1	Financial Management	Review and approve by mid June annually

#### **IV. On-Site Reviews**

On-site monitoring/assessments are interrelated activities consisting of staff interviews, document reviews and observation of related activities, etc. The process of staff interviews and document reviews will be guided by use of the document, “Kentucky Department for Aging and Independent Living, Guide for Monitoring Administration and Contracts”.

##### **A. Introduction, Entrance**

During the introduction and entrance conference the DAIL regional liaison will discuss with the ADD/AAAIL or contractor staff the purpose of the visit; subject area(s) to be monitored; documents to be reviewed; individuals to be interviewed; sites to be visited, if any; and scheduled timeframes.

##### **B. Completing the Monitoring Guide**

The monitoring guide is used to keep the process on track and to record information as it is shared by the AAAIL or contractor during the interview and review of documents.

Each member of the monitoring team has a section specific to the area they are to monitor. The financial management branch staff person will complete the financial monitoring section, and program coordinators will complete the section that corresponds to their programs, i.e., SHIP, SCSEP, Case Management, TBI, HSL, CDO, etc.

##### **C. Review of Documents**

The monitoring guide will direct you to documents that are needed to be reviewed either on-site or as part of the desk top review. The documents include the following. Additional items or tools may be used to monitor specific programs.

1. Approved plan;
2. Subcontracts (review using the “Guide for Reviewing a Subcontract” **appendix C** );
3. Cost allocation plan, financial record/reports,

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4. Fidelity bond (must be on Listing of Approved Sureties, check <http://www.fms.treas.gov/c570/c570.html> to insure the company is an approved company. The bond must be sufficient to cover the amount of money available to the AAAIL or contractor for the first quarter of the fiscal year (the largest amount held by the AAAIL or contractor);
5. Position descriptions;
6. Time and attendance records (is time allocated in area plan same as what they are charging on timesheets)
7. Program statistical data indicating goals/objectives, accomplishments, and analysis method and reports;
8. Policies and procedures related to financial management, personnel, purchases/procurement (RFP's with evaluation criteria, etc.), outreach, training and coordination, information and assistance services, volunteer activities, other programmatic areas, etc. with documentation that relevant policies/procedures are transmitted to subcontractors;
9. Technical assistance documentation;
10. Documents of coordination and planning activities;
11. Documentation of program income, including policies/procedures of method for collecting, recording, spending, etc.
12. Information regarding area agency council members and activities/minutes of meetings;
13. Training plan and record of training provided;
14. Client records;
15. Waiting lists;
16. Methods for prioritizing clients to be served;
17. Correspondence;
18. Monitoring reports and related correspondence (separate checklist for nutrition, senior centers and adult day care services)
19. Client grievance and hearing policies/procedures
20. Others as required by monitoring guide

#### **D. Exit Conference**

The regional liaison shall meet briefly with the ADD/AAAIL or contractor staff at the end of the on-site monitoring visit in order to

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discuss the preliminary findings and recommendations. It is important to inform the ADD/AAAIL or contractor staff that the findings and recommendations discussed may not be all inclusive as there may have been something overlooked. However the written report will include all findings and recommendations from the monitoring visit.

Answer any questions that may arise. Any questions that cannot be answered on-site are to be recorded and discussed with the branch manager for clarification and response.

**V. Statement of Findings and Recommendations**

The regional liaison is responsible for compiling all program and financial findings and recommendations into one comprehensive report within 10 working days after completion of the monitoring visit. The 10 days includes approval of management prior to sending the report to the AAAIL or contractor.

The format for the letter of findings and recommendations is attached as **Appendix D**

**VI. Plan of Correction**

The regional liaison, upon receipt of the plan of correction, will distribute the response to the monitoring team members that had findings and/or recommendations. The liaison will instruct the monitoring team of when written feedback is due. The report for further clarification or modification or the letter of notification of successful completion of monitoring (**Appendix E**) is due back to the AAAIL or contractor within 10 working days, and the letter again must be approved by management prior to being sent.

**VII. Notification of Successful Completion of Monitoring**

Once all program coordinators, financial management branch staff and the regional liaison have approved the monitoring or plan of correction the monitoring is completed. After all monitoring team members have reviewed and approved their section of the monitoring (plan of correction) the liaison prepares notification of success completion of monitoring letter and submits to their branch manager for final approval prior to sending to the AAAIL or contractor.

<b>GENERAL ADMINISTRATION Monitoring, Evaluation, and Corrective Action Department for Aging and Independent Living Responsibilities – Monitoring and Evaluation</b>	<b>DAIL-GA-1.22.1</b>
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**VIII. Filing of Reports**

Once the monitoring is completed, the monitoring tool and all correspondence are filed in the current year file on the AAAIL or contractor for which the monitoring was completed. It is the responsibility of the regional liaison to file the monitoring documents and mark the file check list.

<b>GENERAL ADMINISTRATION</b> <b>Monitoring, Evaluation, and Corrective Action</b> <b>Area Agency on Aging and Independent Living –</b> <b>Monitoring and Evaluation</b>	<b>DAIL-GA-1.22.2</b>
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**Area Agency on Aging and Independent Living – Monitoring and Evaluation**

The Area Agency on Aging and Independent Living shall:

- (1) Permit staff of the Cabinet for Health and Family Services, persons acting for the Cabinet for Health and Family Services, and staff designated by appropriate Federal agencies to monitor and evaluate all programs and activities initiated under the Older Americans Act and all other programs for which the Department for Aging and Independent Living has administrative responsibility;
- (2) Respond to monitoring reports prepared by the Department for Aging and Independent Living by submission of and compliance with a corrective action plan based on monitoring findings;
- (3) Be responsible for fiscal or program exceptions established by evaluation, monitoring or audit and promptly settle any monitoring, fiscal and program audit exceptions by making direct payment, or reduction of future reimbursement, or by other methods approved by the Cabinet for Health and Family Services;
- (4) Furnish appropriate technical assistance to providers of supportive services; nutrition services, or multipurpose senior centers in the planning and service area covered by the Area Plan and conduct an annual evaluation of the effectiveness of outreach conducted under Section 306(a)(5)(B) of the Older Americans Act; (OAA 306(a)(6)(B))
- (5) Conduct periodic evaluations of, and public hearings on, activities carried out under the Area Plan; (OAA 306(a)(6))
- (6) Monitor, evaluate, and, where appropriate, comment on all policies, programs, hearings, levies, and community actions which affect older persons; (45 CFR 1321.61(b)(I) and OAA 306(a)(6)(D))
- (7) Monitor and evaluate services as approved in the Area Plan to determine compliance with contract requirements, and with applicable federal and state statutory requirements;
- (8) Annually, or more often if necessary, conduct monitoring of all subcontractors for programmatic and fiscal compliance with the terms and conditions of their contract and requirements of the Department for Aging and Independent Living and the Administration on Aging.
- (9) Submit written findings with recommendations regarding on-site monitoring visits and reports to the service providers;
- (10) Submit written findings, corrective action plans (if necessary), desk-top monitoring and any follow-up information to the Department for Aging and Independent Living no later than May 30 of each year.



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- (11) Require the service provider to permit staff of the Cabinet for Health and Family Services, persons acting for the Cabinet for Health and Family Services, and staff designated by appropriate Federal agencies to monitor and evaluate all programs and activities initiated under the Older Americans Act and all other programs for which the Department for Aging Services has administrative responsibility; and
- (12) Require the service provider to have provision for interview of clients by persons and agencies listed in (9), above, and the Area Agency on Aging and Independent Living, except where confidentiality requirements are applicable.
- (13) Annually, or more often if necessary, evaluate each program/service administered by the Area Agency on Aging and Independent Living , for quality assurance to determine the impact of the service or service outcome, and for program improvement.
- (14) Require each provider under contract with the Area Agency on Aging and Independent Living to have formal procedures to complete an in-house evaluation of services provided.

(See Chapter 1, Section 1.12, Confidentiality and Disclosure; Chapter 16, Long Term Care Ombudsman)

<b>GENERAL ADMINISTRATION Monitoring, Evaluation, and Corrective Action Corrective Action</b>	<b>DAIL-GA-1.22.3</b>
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### **Corrective Action**

The Department for Aging and Independent Living shall take corrective action when a contractor is not fulfilling its contract.

Contractors shall respond to Department for Aging and Independent Living' monitoring with submission of and compliance with corrective action plans in accordance with Department for Aging and Independent Living specifications. The Department for Aging and Independent Living shall monitor and follow-up with contractors to assure that required corrective action is taken.

#### Procedure:

Several courses of action shall be available to the Department for Aging and Independent Living to assure contract compliance. The actions are presented in ascending order but are not necessarily to be performed in sequence, depending on the seriousness of the problem.

Upon identification of the deficiency, the Department for Aging and Independent Living shall:

- (1) Notify the contractor, describing the precise nature of the problem, identify the corrective action desired and the time frame in which the action should be taken or the problem should be resolved. The contractor shall submit a written corrective action plan as specified by the Department for Aging and Independent Living. In cases where contractor deficiencies appear to endanger or seriously affect the health or welfare of participants or staff, corrective measures shall be taken immediately;
- (2) Monitor and follow-up, to assure that action was taken and the problem or deficiency resolved. The contractor shall submit documentation to confirm the problem or deficiency was resolved; and
- (3) Notify other licensing or regulatory agencies if the problems are within their jurisdiction.

In the event of the contractor's continued non-compliance, the following procedures shall be implemented:

- (1) The Department for Aging and Independent Living shall notify the contractor of the continuing problem or deficiency and the action to be taken.

<b>GENERAL ADMINISTRATION Monitoring, Evaluation, and Corrective Action Corrective Action</b>	<b>DAIL-GA-1.22.3</b>
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- (2) The Department for Aging and Independent Living shall advise the Secretary of the Cabinet for Health and Family Services of the problem and make a recommendation for Cabinet for Health and Family Services' action.
- (3) The contractor shall be advised of the actions that will be taken if non-compliance continues. Actions include but are not limited to the following:
  - (a) Renegotiation of the contract;
  - (b) Employment of financial sanctions; and
  - (c) Cancellation of the contract

<b>GENERAL ADMINISTRATION Needs Assessment and Priority Setting</b>	<b>DAIL-GA-1.23</b>
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### **Needs Assessment and Priority Setting**

The Department for Aging and Independent Living shall request that the Area Agency on Aging and Independent Living use needs assessment, data analysis, area plans, local program analysis, and expert groups and individuals to identify and update the identification of needs of the elderly in Kentucky in conjunction with the State Plan process. The needs assessment and program analysis shall provide another means of coordination of needs and services, and shall provide area-specific information and a statewide summary. Persons age sixty-(60) and over who are frail, homebound due to illness or incapacitating disability, or otherwise isolated shall be given priority in the delivery of services.

The Department for Aging and Independent Living shall request that the Area Agency on Aging and Independent Living submit objectively collected statistically valid data with evaluative conclusions concerning the unmet need for supportive services, nutrition services, and multipurpose senior centers, gathered pursuant to Section 307(a) of the Older Americans Act and provided to the Commissioner on Aging. The evaluation shall consider all services in these categories regardless of the source of funding for the services. This information shall conform to guidance issued by the Administration on Aging.

Activities that shall be conducted to evaluate and determine the needs, specific groups within the aging population, and services which shall be addressed or receive top priority include the following:

- (1) Review and analyze the findings of the needs assessment and other surveys and documents that provide information regarding the needs of the elderly;
- (2) Compile and analyze data obtained from area and local program plans;
- (3) Conduct public hearings, compile, and analyze data obtained;
- (4) Review and analyze census and other data which reflect the status of the elderly;
- (5) Gather and analyze client data from the Homecare Program and other applicable information systems;
- (6) Analyze program performance reports;
- (7) Analyze financial reports;
- (8) Conduct literature search;
- (9) Distribute needs assessment information related to the delivery or planning of services to the elderly; and
- (10) Establish statewide service priorities based on the needs assessment.

(See Chapter 1, Section 1.27, Public Hearings)

<b>GENERAL ADMINISTRATION Participant Responsibilities</b>	<b>DAIL-GA-1.24</b>
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### **Participant Responsibilities**

In order to receive services from any program or service administered by the Department for Aging and Independent Living, the participant shall agree to receive services, sign an application requesting services, agree to provide information necessary to complete a plan of care, participate in the development of a plan of care, and cooperate with service providers. In any situation where the client is unable to cooperate and make decisions regarding service needs, the family or other caregiver must agree to cooperate on behalf of the client.

The service providers and the participant and family shall treat one another with mutual respect. None of the parties shall subject another to physical abuse, sexual harassment or verbal abuse. None of the parties shall subject another to possible physical harm through a display or handling a weapon, nor endanger another by an animal.

A provider may, upon due notice, suspend the provisions of a service to an otherwise eligible client where the provider, upon consultation with the Area Agency on Aging and Independent Living determines that to provide the service poses a danger to any person. Such suspension may remain in effect until the Area Agency on Aging and Independent Living determines that the danger has been abated or eliminated.

#### Procedure:

- (1) Each participant shall sign an application for services within 30 days of receiving services.
- (2) The participant shall signify the following voluntarily by signing the application:
  - (a) Verification of income, if questionable (except for Title III, which prohibits a means test);
  - (b) Release of information to specified agencies;
  - (c) Access by the Cabinet and the area development district to the Participant's records for monitoring purposes; and
  - (d) Understanding by the participant of "Participant Responsibilities"
- (3) If the client is unable for physical or mental reasons to consent and has a legal guardian, caregiver, spouse or other proxy, that person must sign the application.
- (4) Should either party feel that an offense has occurred, recourse shall be sought through the mediation, grievance, or complaint procedures

<b>GENERAL ADMINISTRATION Participant Responsibilities</b>	<b>DAIL-GA-1.24</b>
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established by the provider, the area development district or the Department.

- (5) Participant services are not to be suspended by a provider agency until the case manager, center director or agency director has determined that the provisions of the care plan cannot be met due to the behavior of the participant or family. Services may be suspended if the service provider or case manager deems that a worker will be at imminent risk or danger. The provider agency shall report suspension of services immediately to the Area Agency on Aging and Independent Living who shall investigate the suspension and make a final determination.
- (6) In situations of suspension as described in (5) above, a written report that documents the grounds requiring suspension, attempts to resolve the situation, and written notice that the client may file a grievance, shall be forwarded to the area development district or to the Department for Aging and Independent Living if the area development district provides case management directly.
- (7) When conflicts or disagreements occur involving either staff or participants regarding mutual respect, the following steps shall be followed:
  - (a) A verbal warning to the staff or participant for the- first conflict;
  - (b) A written warning for a second conflict;
  - (c) Suspension;
  - (d) In situations of suspension as described in (5) above, a written report which documents the grounds requiring suspension, attempts to resolve the situation, and written notice that the client may file a grievance, shall be forwarded to the area development district or to the Department for Aging and Independent Living if the area development district provides case management directly; and
  - (e) Detailed written records shall be maintained for the service provider.

<b>GENERAL ADMINISTRATION Participant Responsibilities Exclusion Policy</b>	<b>DAIL-GA-1.24.1</b>
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### **Exclusion Policy**

The following shall be excluded from Chapter 1, Section 1.24, Participant Responsibilities:

- (1) Residents and family members who receive services under the Long Term Care Ombudsman Program
- (2) Participants and providers of Intake and Referral, Outreach and Legal Assistance
- (3) Congregate services provided in or arranged by a senior citizens center, nutrition site or other provider. Senior centers, nutrition sites, day care or other congregate programs may develop and display conspicuously a policy of mutual respect as appropriate for the congregate location.

<b>GENERAL ADMINISTRATION Personnel</b>	<b>DAIL-GA-1.25</b>
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### **Personnel**

The Department for Aging and Independent Living, as the State Unit on Aging, shall have an adequate number of qualified staff to carry out the functions prescribed in 45 CPR 1321.9 of the Older Americans Act Regulations and all other programs for which the Department has administrative responsibility.

The Department for Aging and Independent Living is designated to develop and administer the State Plan. The State Plan shall provide that, subject to the requirements of merit employment systems of State and local governments, preference shall be given to individuals age sixty (60) or older for any staff positions (full or part-time) in State and Area Agencies on Aging and Independent Living for which such individuals qualify. (OAA Section 307(a) (11))

The Department for Aging and Independent Living shall comply with the Kentucky Administrative Regulations governing Personnel.



<b>GENERAL ADMINISTRATION Public Hearings Area Agency Scheduled</b>	<b>DAIL-GA-1.26</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Public Hearings Area Agency Scheduled**

Area Agencies on Aging and Independent Living shall conduct public hearings on Area Plans prior to their submission to the Department for Aging and Independent Living. Amendments to Area Plans determined by the Department to be non-administrative in nature shall also be subject to public hearings.

The Area Agency on Aging and Independent Living shall comply with the following provisions in scheduling public hearings:

- (1) The selected hearing site shall be that most readily accessible to all residents in the planning and service area.
- (2) Notice of the hearing date, time and location shall be advertised in the area media at least ten (10) days prior to the hearing.
- (3) A copy of the Area Plan or amendment shall be available for public review during the 10 working day period prior to the scheduled public hearing and the opportunity for review publicly advertised.
- (4) A verbal presentation on the Plan or amendment shall be given at the public hearing and written summaries of the Plan or amendment made available for distribution. Area Agency staff shall be present to respond to questions from the audience, which shall be encouraged.
- (5) The Area Agency shall elicit from the audience both verbal and written recommendations and extend for a period of up to two (2) weeks the opportunity to submit comments.
- (6) All written suggestions and summaries of verbal comments shall be kept on file by the Area Agency on Aging and Independent Living for the duration of the Plan.

<b>GENERAL ADMINISTRATION</b> <b>Public Hearings State Agency Scheduled</b>	<b>DAIL-GA-1.27</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Public Hearings State Agency Scheduled**

The Department for Aging and Independent Living shall, when deemed appropriate, utilize public hearings as one method of obtaining both proactive and reactive community and consumer participation in prioritizing and evaluating activities and projects carried out under the State Plan.

The Department for Aging and Independent Living shall:

- (1) The State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities (with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas);
- (2) The State agency will:
  - (a) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;
  - (b) issue guidelines applicable to grievance procedures required by section 306(a)(10); and
  - (c) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316
- (3) The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.(Section 315 (1))
- (4) Afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316 (Section 307 (5) (c)).

(See Chapter 1, Section 1.28, Public Participation)

<b>GENERAL ADMINISTRATION Public Participation</b>	<b>DAIL-GA-1.28</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Public Participation**

The Department for Aging and Independent Living shall consider the views of older persons and the general public in developing and administering the State Plan in conformity with 45 CFR 1321.27.

The Department for Aging and Independent Living shall:

- (1) Utilize methods which may include but are not limited to public hearings, in receiving public and consumer participation in identifying service needs and establishing funding priorities prior to the submission of the State Plan for federal approval;
- (2) When appropriate, advertise the date, time, location and purpose of each public hearing in at least one (1) major newspaper in the planning and service area in and for which the hearing is being held;
- (3) Respond to requests of the Institute for Aging for information and submit for its review and comment proposed plans, budgets, programs, policies and general initiatives;
- (4) Elicit input from appropriate external sources as opportunities present themselves;
- (5) Require Area Agencies on Aging and Independent Living to develop procedures for receiving community and consumer participation in the planning and service delivery process in conformance with 45 CFR 1321.57(c) and 1321.61(b); and
- (6) Review and consider comments received regarding program plans, budgets, policies and general initiatives, and make changes when feasible and in the best interests of those individuals for whom the programs are designed.

(See also Chapter 1, Section 1.2, Advisory Council (DAIL); Chapter 1, Section 1.8, Area Agency on Aging and Independent Living Responsibilities; Chapter 1, Section 1.26, Public Hearings (Area Agency Scheduled); Chapter 9, Financial Management 9.21, State Plan)

<b>GENERAL ADMINISTRATION Records Checks, Police</b>	<b>DAIL-GA-1.29</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Records Checks, Police**

In all programs administered by the Department for Aging and Independent Living, all applicants for employment and volunteers with direct client contact shall be requested to authorize the release of police records to the Area Development District using the "Request for Police Record Search" form. An applicant or volunteer with any criminal record may be employed only with the approval of the Executive Director of the Area Development District. It shall not be a condition of employment for the applicant to authorize the release of police records.

It shall not be a condition of participant eligibility in the Title V program for the applicant to authorize the release of police records. Title V participants applying to be employed by the Area Development District or service provider in direct ongoing program responsibilities shall authorize the release of police records.

<b>GENERAL ADMINISTRATION Required Services</b>	<b>DAIL-GA-1.30</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 2</b>

### **Required Services**

The Department for Aging and Independent Living shall assure that the Area Agency on Aging and Independent Living allots an adequate proportion of its funding under Title III-B, excluding amounts waived or used for administration, for the provision of the following categories of services:

- (1) Services associated with access to services (transportation, outreach, and information and referral);
- (2) In-home services (homemaker, home health aide, visiting and telephone reassurance, chore maintenance, supportive services for families of elderly victims of Alzheimer's disease and related disorders; and
- (3) Legal assistance

The Area Agency on Aging and Independent Living shall specify annually in the Area Plan, as submitted or as amended, in detail the amount of funds expended for each category during the fiscal year most recently concluded.

Before the Area Agency on Aging and Independent Living may request a waiver of the requirement for the three (3) service categories listed above to be funded, the Area Agency on Aging and Independent Living shall conduct a public hearing notifying all interested parties in the area and affording the public an opportunity to testify or comment.

The Department for Aging and Independent Living, in approving area agency plans under Section 306(a) (2) Area Plans (Older Americans Act), shall waive the requirement described in such clause if the Area Agency on Aging and Independent Living demonstrates to the Department for Aging and Independent Living that services being furnished in the category in the area are sufficient to meet the need for such services. Before an Area Agency on Aging and Independent Living requests a waiver, the Area Agency on Aging and Independent Living shall conduct a timely public hearing. The Area Agency on Aging and Independent Living shall:

- (1) Notify all interested parties in the area of the public hearing and furnish interested parties an opportunity to testify; and
- (2) Prepare a record of the public hearing conducted and shall furnish the record, with the request for waiver made to the Department for Aging and Independent Living.

Whenever the Department for Aging and Independent Living proposes to grant a waiver to an Area Agency on Aging and Independent Living:

<b>GENERAL ADMINISTRATION Required Services</b>	<b>DAIL-GA-1.30</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 2 of 2</b>

- (1) The Department shall publish the intention to grant such a waiver together with the justification for the waiver at least thirty (30) days prior to the effective date of the decision to grant the waiver;
- (2) An individual or service provider from the area with respect to which the proposed waiver applies may request a hearing before the State agency on the request for waiver; and
- (3) The Department shall afford such individual or service provider an opportunity for a hearing within the 30-day period prior to the effective date of the decision to grant the waiver.

If the Department grants a waiver of the requirement the following information shall be provided to the Commissioner, Administration on Aging (AoA):

- (1) A report regarding such waiver that details the demonstration made by the Area Agency on Aging and Independent Living to obtain such waiver;
- (2) A copy of the record of the public hearing conducted which indicates the notification of all interested parties and the testimony of such individuals; and
- (3) A copy of the record of any public hearing conducted by the Department for Aging and Independent Living for an individual or service provider from the area to which the waiver applies.

(See Chapter 1, Section 1.26, Public Hearings - Area Agency Scheduled)

<b>GENERAL ADMINISTRATION Service Provider Responsibilities</b>	<b>DAIL-GA-1.31</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities**

The responsibilities of service providers shall be specified in the Area Plan of each Area Agency on Aging and Independent Living.

<b>GENERAL ADMINISTRATION</b> <b>Service Provider Responsibilities</b> <b>Service Provider Responsibilities – Nutrition</b>	<b>DAIL-GA-1.31.1</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities – Nutrition**

Services shall be provided in accordance with Department for Aging and Independent Living's Nutrition Program beginning at Chapter 17.



<b>GENERAL ADMINISTRATION</b> <b>Service Provider Responsibilities</b> <b>Service Provider Responsibilities – Homecare</b>	<b>DAIL-GA-1.31.2</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities – Homecare**

Services shall be provided in accordance with Department for Aging and Independent Living's Homecare Program beginning at Chapter 13.

<b>GENERAL ADMINISTRATION Service Provider Responsibilities Service Provider Responsibilities – Adult Day Care</b>	<b>DAIL-GA-1.31.3</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities – Adult Day Care and Alzheimer’s Respite**

Services shall be provided in accordance with the Department for Aging and Independent Living’s Adult Day Care/Alzheimer’s Respite program beginning in Chapter 2.

<b>GENERAL ADMINISTRATION Service Provider Responsibilities Service Provider Responsibilities – Personal Care Attendant</b>	<b>DAIL-GA-1.31.4</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities – Personal Care Attendant Program**

Services shall be provided in accordance with the Department for Aging and Independent Living's Personal Care Attendant Program (PCAP) beginning with Chapter 18.

<b>GENERAL ADMINISTRATION Service Provider Responsibilities Service Provider Responsibilities – Long Term Care Ombudsman</b>	<b>DAIL-GA-1.31.5</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities – Long Term Care Ombudsman**

Services shall be provided in accordance with the Department for Aging and Independent Living's Kentucky Long Term Care Ombudsman Program beginning at Chapter 16.

<b>GENERAL ADMINISTRATION</b> <b>Service Provider Responsibilities</b> <b>Service Provider Responsibilities – Title III</b>	<b>DAIL-GA-1.31.6</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Service Provider Responsibilities – Title III**

The service provider, in accordance with 45 CFR 1321.65, shall:

- (1) Provide the Area Agency on Aging and Independent Living with statistical and other information which enables the Area Agency on Aging and Independent Living in a timely manner, to conform with State required planning, coordination, evaluation and reporting provisions;
- (2) Specify methods for satisfying the service needs of low-income minority individuals in the area served, including efforts to provide services to low-income minority individuals at least in proportion to the number of low-income minority older persons in the population serviced by the provider;
- (3) Provide recipients with an opportunity to contribute to the cost of the service;
- (4) Provide consentient advocacy to the older person in bringing to the attention of appropriate public figures for resolution, conditions or circumstances which place the older person, or the household of the older person, in imminent danger;
- (5) Arrange for the availability of services to older persons in weather related emergencies when feasible and appropriate;
- (6) Assist participants in receiving benefits under other programs; and
- (7) Assure that all services funded through the Area Agency on Aging and Independent Living are coordinated with other appropriate services in the community, and that duplication of services is avoided when possible.

Services shall be provided in accordance with applicable Title III (Chapter 22) and the Department for Aging and Independent Living's Nutrition Program (Chapter 17).

(See also Chapter 1, Section 1.8, Area Agency Responsibilities; Chapter 22, Title III)

<b>GENERAL ADMINISTRATION</b> <b>Service Provider Responsibilities</b> <b>Service Provider Responsibilities – Title V</b>	<b>DAIL-GA-1.31.7</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

**Service Provider Responsibilities – Title V**

Services shall be provided in accordance with Department for Aging and Independent Living's Title V program beginning with Chapter 20, Senior Community Services Employment Program (SCSEP).

<b>GENERAL ADMINISTRATION State Agency Responsibilities</b>	<b>DAIL-GA-1.32</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **State Agency Responsibilities**

The Department of, Aging Services shall be the leader relative to aging issues on behalf of all older persons in the Commonwealth. The Department shall proactively carry out a wide range of functions related to advocacy, planning, coordination, interagency linkages, information sharing, brokering, monitoring and evaluation, designed to lead to the development or enhancement of comprehensive and coordinated community-based systems in, or serving communities throughout the Commonwealth. These systems shall be designed to assist older persons in leading independent, meaningful, and dignified lives in their own homes and communities as long as possible. (Section 45 CFR 1321.7)

The Department for Aging and Independent Living shall:

- (1) Designate Area Agencies on Aging and Independent Living for the purpose of carrying out the policies of the Department at the planning and service area level;
- (2) Designate as its Area Agencies on Aging and Independent Living only those agencies within the planning and service areas which have the capacity and make the commitment to fully carry out the activities described for Area Agencies on Aging and Independent Living in Older Americans Act Regulation 45 CFR 1321.53; and
- (3) Assure that the resources made available to Area Agencies on Aging and Independent Living, under the Older Americans Act, are used to carry out the activities described for Area Agencies on Aging and Independent Living in Older Americans Act Regulation 45 CFR 1321.53.

(See Chapter 1, Section 1.8, Item 1.8.3, Designation, Area Agencies on Aging)

<b>FINANCIAL MANAGEMENT State Plan</b>	<b>DAIL-GA-1.32.1</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 6</b>

## State Plan

The Department for Aging and Independent Living shall develop, and submit for Federal approval and funding, a State Plan for the delivery of services to the elderly in accordance with the provisions of Section 307 of the Older Americans Act and which advances the State Agency mission as set forth under 45 CFR 1321.7. Administration of the State Plan shall be subject to all Federal legislative and regulatory provisions and Department for Aging and Independent Living policies. All requirements set forth under 45 CFR 1321.5 – 1321.75

The Section 307 includes:

- (1) Section 307(a) Each State, in order to be eligible for grants from its allotment under this title for any fiscal year, shall submit to the Assistant Secretary a State plan for a two-, three-, or four year period determined by the State agency, with such annual revisions as are necessary, which meets such criteria as the Assistant Secretary may by regulation prescribe.
- (2) Section 307(a) (1), 45 CFR 1321.21 Require each area agency on aging designated under section 305(a) (2) (A) to develop and submit to the State agency for approval, an area plan meeting the requirements of section 306.
- (3) Section 307(a)(2)(A) Evaluate need for supportive services, nutrition services, and multipurpose senior centers within the State; develop a standardized process to determine the extent to which public or private programs and resources that have the capacity and actually meet such need and specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended to provide each of the categories of services specified in section 306(a)(2).
- (4) Section 307(a)(3)(B) The State agency will with respect to services for older individuals residing in rural areas—
  - (a) Provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;
  - (b) Identify, for each fiscal year to which the plan applies, the projected costs of providing such services;
  - (c) Describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.
- (5) Section 307(a) (4) The State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or



<b>FINANCIAL MANAGEMENT State Plan</b>	<b>DAIL-GA-1.32.1</b>
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- disabilities **(with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)**).
- (6) Section 307(a)(5) The State agency will afford an opportunity for a hearing upon request to any area agency on aging submitting a plan under this title, to any provider of services or to any applicant to provide a service.
- (7) Section 307(a) (6) The State agency will make reports to the Commissioner as required.
- (8) Section 307(a)(7)(A) The State agency will provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract. (B) Conflicts of interest are prohibited.
- (9) Section 307(a)(8)(A) No supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—
- (a) Provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;
  - (b) Such services are directly related to such State agency's or area agency on aging's administrative functions; or
  - (c) Such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.
- (10) Section 307(a) (9) The State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.
- (11) Section 307(a) (10) The special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.
- (12) Section 307(a)(11), 45CFR 1321.73 With respect to legal assistance, all statutory and regulatory provisions concerning the purpose of making the award; the definition of legal services; the conditions legal assistance providers must meet; case priorities; and limitations on information about income and resources shall be met.
- (13) Section 307(a)(12) Pertaining to the prevention of abuse of older individuals—

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- (a) Any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—
  - 1. public education to identify and prevent abuse of older individuals;
  - 2. receipt of reports of abuse of older individuals;
  - 3. active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and
  - 4. referral of complaints to law enforcement or public protective service agencies where appropriate;
- (b) The State will not permit involuntary or coerced participation in the program of services described in this paragraph by alleged victims, abusers, or their households; and
- (c) All information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency.

(14) Section 307(a) (13) The State will assign personnel to provide leadership in developing legal assistance programs for older individuals throughout the State.

(15) Section 307(a)(14) **With respect to the fiscal year preceding the fiscal year for which such plan is prepared—**

- (a) **Identify the number of low-income minority older individuals in the State, including the number of low income minority older individuals with limited English proficiency; and**
- (b) **Describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.**

(16) Section 307(a)(15) In those planning and service areas in which a substantial number of older persons have a limited English-speaking ability, the State will require the area agency on aging to utilize workers who are fluent in the language spoken and to designate an individual employed by

<b>FINANCIAL MANAGEMENT</b> <b>State Plan</b>	<b>DAIL-GA-1.32.1</b>
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the area agency on aging, or available to such area agency on aging on a full-time basis, to provide counseling to the limited English speaking assist them in participating in programs and receiving assistance under this Act and sensitize staff to linguistic and cultural differences.

- (17) Section 307(a)(16) The State agency will require outreach efforts to identify individuals eligible for assistance under Title III, with special emphasis on older individuals residing in rural areas; older individuals with greatest economic need (**with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas**); older individuals with greatest social need (**with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas**); older individuals with severe disabilities; older individuals with limited English-speaking ability; and older individuals with Alzheimer's disease **and related** disorders with neurological and organic brain dysfunction. Inform the older individuals and the caretakers of such individuals.
- (18) Section 307(a) (17) With respect to the needs of older individuals with severe disabilities, the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies primary responsibility being, to enhance services and develop collaborative programs, to meet the needs of older individuals with disabilities.
- (19) Section 307(a)(18) The area agencies on aging will facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(7), for older individuals who reside at home and are at risk of institutionalization because of limitations on their ability to function independently; are patients in hospitals and are at risk of prolonged institutionalization; or are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.
- (20) Section 307(a) (20) Special efforts will be made to provide technical assistance to minority providers of services.
- (21) Section 307(a) (22) The State agency shall ensure compliance with the requirements specified in section 306(a) (8), If case management services are offered to provide access to supportive services.
- (22) Section 307(a)(23) Demonstrable efforts will be made to coordinate services provided under Title III with other State services that benefit older individuals; and to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day

<b>FINANCIAL MANAGEMENT</b> <b>State Plan</b>	<b>DAIL-GA-1.32.1</b>
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care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

- (23) Section 307(a) (25) The State has in effect a mechanism to provide for quality in the provision of in-home services under Title III.
- (24) Section 307(a) (26) Funds received under Title III will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.
- (25) Section 307(a) (27) **The area agencies on aging will provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.**
- (26) Section 307(a)(29) **The State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.**
- (27) Section 307(a) (30) **The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.**

In addition to section 307, section 305(a) instructs that the State plan shall:

- (1) Identify the single State agency that has been designated to develop and administer the plan.
- (2) Be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives Title III;
- (3) Provide a allocation plan indicating the proposed use of all Title II funds, directly administered by the State agency and the distribution of those funds to each planning and service area;
- (4) The State shall serve as an effective and visible advocate for older individuals by reviewing and commenting upon all State plans, budgets, and policies, which affect older individuals, and providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals. Section 305(a)(1)(D), 45 CFR 1321.33(A)(1)
- (5) Divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5)(A), designate the entire State as a single planning and service area), in accordance with guidelines issued by the Assistant Secretary, after considering the geographical distribution of

<b>FINANCIAL MANAGEMENT</b> <b>State Plan</b>	<b>DAIL-GA-1.32.1</b>
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older individuals in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal assistance, the distribution of older individuals who have greatest economic need (**with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas**) residing in such areas, the distribution of older individuals who have greatest social need (**with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas**) residing in such areas, the distribution of older individuals who are Indians residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, the location of units of general purpose local government within the State, and any other relevant factors, Section 305(a)(1)(E), 45 CFR 1321.43, 1321.45

- (6) In consultation with area agencies, in accordance with guidelines issued by the Assistant Secretary, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—
- (a) the geographical distribution of older individuals in the State; and
  - (b) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals, Section 305(a)(2)(C)(i)(ii), 45CFR 1321.49, 1321.37
- (7) Preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need (**with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas**) and include proposed methods of carrying out the preference in the State plan, Section 305(a)(2)(E), 45CFR 1321.9(1)

<b>FINANCIAL MANAGEMENT</b> <b>State Plan</b> <b>State Plan Amendments, Approval of</b> <b>Amendments</b>	<b>DAIL-GA-1.32.2</b>
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### **State Plan Amendments**

The Department for Aging and Independent Living shall provide for amendments to the State Plan on aging services in accordance with the provisions of 45 CFR 1321.19. The State Plan shall be amended to reflect the following:

- (1) New or revised Federal statutes or regulations
- (2) A material change in any law, organization, policy or State Agency operation
- (3) Information required annually by sections 307 (a) (23) and (29) of the Older Americans Act.

### **Approval of Amendments**

The Department for Aging and Independent Living shall submit for prior approval of the Commissioner of the Administration on Aging proposed amendment(s) to the State Plan required under 45 CFR 1321.17(a) or (f); and shall notify the Commissioner of changes of provisions under 45 CFR 1321.17 (b) through (d).

<b>GENERAL ADMINISTRATION State Plan Hearing Procedures for State Agency</b>	<b>DAIL-GA-1.33</b>
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### **Hearing Procedures for State Agency**

The Department for Aging and Independent Living shall exercise the right of appeal and request for hearing on Federal disapproval of State Plan on Aging Services under the provisions of section 307(c) and section 207(d) of the Older Americans Act which are subject to the provisions of 45 CFR Part 213.

<b>GENERAL ADMINISTRATION Statewide Program Objectives</b>	<b>DAIL-GA-1.34</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

### **Goals and Objectives**

The Department of Aging and Independent Living shall develop statewide program objectives to implement the requirements under Title III of the Older Americans Act, other Federal and State legislation and any subsequent objectives established through the rule making process.

- (1) Goals and objectives of Title III services shall be outlined in the State Plan for Aging Services in compliance with Regulation 45 CFR 1321.17 (b)
- (2) Goals and objectives shall be subject to all applicable Federal and State statutory and regulatory provisions for public hearings and public participation in the development process
- (3) Goals and objectives shall be advanced in all contractual arrangements for program administration in which the Department for Aging and Independent Living may enter
- (4) Goals and objectives shall be subject to all monitoring and evaluation requirements as determined by the Department for Aging and Independent Living' policy
- (5) When necessary, goals and objectives shall be subject to revision and/or corrective action to obtain contract compliance or general advancement toward attainment



<b>GENERAL ADMINISTRATION Volunteers</b>	<b>DAIL-GA-1.35</b>
<b>Effective Date: December 30, 2009</b>	<b>Page 1 of 1</b>

## **Volunteers**

Each Area Agency on Aging and Independent Living shall develop mechanisms for volunteer recruitment and training.

The Department for Aging and Independent Living shall coordinate with the Foster Grandparent Program, Retired Senior Volunteer Program, Senior Centers, and other agencies or organizations in the provision of meaningful volunteer services. The Department shall review proposals for continuation of volunteer programs, comment to the respective agencies, and submit letters of support upon request of the applicant agencies.

Each participating area agency on aging shall:

- (1) Establish procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with older individuals eligible under this chapter,
- (2) Ensure that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided,
- (3) Provide for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate,
- (4) Encourage individuals who distribute nutrition services under subpart 2 to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including influenza, pneumonia, and shingles, in the individuals' communities
- (5) The Department for Aging and Independent Living shall comply with and transmit information to Area Agencies on Aging and Independent Living on the Fair Labor Standards Act Section 3(e)(4)(A)(ii) pertaining to volunteers. This Section of the regulation does not permit a current worker to perform hours of volunteer service for a public agency when such work involves the same type of services, which the individual is employed to perform for the same public agency.

<b>GENERAL ADMINISTRATION Waivers</b>	<b>DAIL-GA-1.36</b>
<b>Effective Date: March 1, 2011</b>	<b>Page 1 of 1</b>

## Waivers

A waiver of the Department for Aging and Independent Living's administration and program requirements based on Federal or State laws and regulations shall be allowed by the Department for Aging and Independent Living only when there is Federal or State statutory provision to grant a waiver.

Pursuant to Section 307(a)(8)(A), 42 U.S.C. 3027, a plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by an area agency on aging in the State, unless, in the judgment of the State agency:

- 1) Provision of such services by the area agency on aging is necessary to assure an adequate supply of such services;
- 2) Such services are directly related to such area agency on aging's administrative functions; or
- 3) Such service can be provided more economically, and with comparable quality, by such area agency of aging.

Regarding case management services, if the area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.

The plan may specify that an area agency on aging is allowed to directly provide information, assistance, and outreach.

A waiver request to provide supportive services, nutrition services or in-home services is required from the AAAIL. The waiver shall be requested as part of the submission of the AAAIL's area plan and if granted, is in effect for the period of the plan.

The request process shall follow that which is attained in the area plan instructions.

An AAAIL shall request a waiver to provide direct services as required by the Older Americans Act. This is usually completed during the plan process, but may be necessary, should the AAAIL loose or cancel a contract. A waiver can only be granted once the AAAIL has completed a procurement process with no response or responsible bidder and has exhausted all avenues to find or negotiate the provision of such services. The waiver may only be granted for the plan period. The Older Americans Act also outlines those services exempt from a required waiver.

<b>GENERAL ADMINISTRATION</b> <b>Participant Feedback and Satisfaction</b>	<b>DAIL-GA-1.37</b>
<b>Effective Date: December 30,2009</b> <b>Revised Date: September 13, 2011</b> <b>Revised Date: September 26, 2011</b>	<b>Page 1 of 1</b>

### **Participant Feedback and Satisfaction**

Each AAAIL shall assure participants have an opportunity to evaluate the services they receive. Client Satisfaction Surveys (CSS) are required for all programs and must be completed at least annually. Surveys may be implemented through interviews, written surveys, postcard surveys, or focus groups, or a combination of these. The regional process should be outlined in the AAAIL Area Plan and approved by DAIL. The AAAIL should analyze survey results and use the results for a review of quality measures, determine the impact of the services or service outcomes, and for program improvement. Results should also be shared with the AAAIL Aging Advisory Council.

#### Procedure:

- (1) AAAIL must have a written Policy and Procedure for assuring Client Satisfaction Surveys (CSS)
- (2) Provider CSS must be prior approved by the AAAIL
- (3) Surveys should be completed, compiled, and submitted to DAIL by June 30 of each year.
- (4) Process must comply with AAAIL contract outcomes.

<b>GENERAL ADMINISTRATION Personal Services Agencies</b>	<b>DAIL-GA-1.38</b>
<b>Effective Date: July 15, 2010</b>	<b>Page 1 of 1</b>

### **Personal Services Agencies**

Any contracting entity with the Area Agencies on Aging and Independent Living (AAAIL) operating as a personal services agency shall abide by KRS 216.710 – KRS 216.716.

In accordance with KRS 216.710 (8), a "Personal services agency" means any person, business entity, corporation, or association, either for-profit or not-for-profit, that directly provides or makes provision for personal services through:

- (a) Its own employees or agents;
- (b) Contractual arrangements with independent contractors; or
- (c) Referral of persons to render personal services if the person making the referral has an ownership or financial interest that is realized from the delivery of those services

<b>GENERAL ADMINISTRATION Bed Bug Infestation</b>	<b>DAIL-GA-1.39</b>
<b>Effective Date: August 2011</b>	<b>Page 1 of 2</b>

### **Bed Bug Infestations**

A bedbug infestation does not pose a health and safety issue and is therefore not a reason to stop service delivery. *The AAAIL continues to be responsible for ensuring service delivery to clients according to the assessed needs and plan of care even in the event of a bedbug infestation.*

The AAAIL shall comply with the General Administration Requirements, which shall include:

- (1) Remain responsible for ensuring service delivery
- (2) Maintain written policy and procedures to ensure a plan for the continuity of services, in the event that the AAAIL terminates a subcontractor or the subcontractor is not providing the required services;
- (3) Ensure the continued operation of services affected by the termination or loss of service provider;
- (4) Ensure service continuity for the protection of the health, safety and welfare of the clients receiving services;
- (5) Secure all program/client records, facilities under program control, and equipment; and
- (6) Contact the Department immediately if termination of a sub-contract is necessary and submit an emergency plan of action for Department approval within 10 days of action, with a temporary plan submitted within 90 days.

The recommendation of spray supplies is for the family to determine if they want to have the sprays and to use them or if the workers want to have spray for their own use upon leaving the home to spray for their own belongings, car, etc. Providers are not allowed to spray any type of chemicals for pest infestation in a client's home.

The AAAIL shall comply with the General Administration requirements and shall be responsible for ensuring service delivery to the clients according to the assessed needs and plan of care even in the event of a bedbug infestation. AAAIL policy and procedures need to ensure that the confidentiality and dignity of clients are maintained and follow general procedures for confidentiality. Following the recommendation of wearing paper shoes, gloves, and hair protection (removing

<b>GENERAL ADMINISTRATION</b> <b>Bed Bud Infestation</b>	<b>DAIL-GA-1.39</b>
<b>Effective Date: August 2011</b>	<b>Page 2 of 2</b>

upon exiting from home and sealing in plastic bag, not to reuse) aides in preventing carrying pests from one home to another.

Clients are responsible for determining how to combat pest infestation within their own residence. Providers are not allowed to spray any type of chemical for pest infestation in a client's home. However; educating the community is the first step towards safety, proper management, and elimination of this problem.

Combating pest infestation is the responsibility of the client or landlord subrogation.

The use of mattress cover, steam cleaning, and pest control are all items that are at the discretion of the client and the cost of such would be incurred by client/family. The provider agency can suggest these measures to the clients but cannot require them to follow with the purchase or use. The providers should make available to their staff the protective garments to assist in reducing the spread of the infestation.

<b>DEPARTMENT FOR AGING AND INDEPENDENT LIVING</b> <b>Cost Sharing</b>	<b>DAIL-GA-1.40</b>
<b>Effective Date: November 2, 2012</b>	<b>Page 1 of 3</b>

**Policy Statement:**

The Department for Aging and Independent Living shall require cost sharing on the following services funded by the Older Americans Act (Title III B and Title III E), and Kentucky state general funds. Personal Care; Homemaker; Chore; Adult Day Care; Assisted Transportation; Disease Prevention and Health Promotion and Part E respite and supplemental services: PCAP: Homecare

Services that may not cost share are: Information and Assistance; Outreach; Benefits Counseling; Case Management; Ombudsman; Elder Abuse Prevention; Legal Assistance; Congregate or Home Delivered Meals: Consumer Directed Option: Hart Supported Living or Kentucky Caregiver Support Program.

**Legal Authority:**

**Procedure:**

- 1) The AAAIL shall be responsible for determining cost sharing paying status, using the following criteria:
  - a) Allow the client to self-declare income for OAA funded programs only;
  - b) Consider extraordinary out-of-pocket expenses to determine a client's ability to pay;
  - c) Document in a case record a waiver or reduction of fee due to the extraordinary out-of-pocket expenses;
  - d) If a client is unwilling to disclose information, they may pay the full cost of the service;
  - e) A fee shall not be assessed to an eligible individual who meets the definition of "needy aged" as governed by KRS 205.010(6)
  - f) SSI income or a food stamp allotment shall not be deemed available to other family members;
  - g) The applicant receiving SSI benefits or a food stamp allotment shall be considered a family of one (1) for the purpose of fee determination.
  - h) Assets, Savings and Property owned shall not be considered when determining cost sharing amounts.
  - i) An eligible person shall be charged a fee determined by the cost of the service unit multiplied by the applicable percentage rate based upon income and size of family using 130% of the official poverty income guidelines published annually in the Federal Register by the United States Department of Health and Human

Services. Service unit cost shall be determined by the state agency or contracting entity in accordance with its contract. The copayment amount shall be based on the household's percentage of poverty, as follows:

Percentage of Poverty	1 Person	2 Person	3 Person or More
0-120%	0%	0%	0%
130%-149%	20%	0%	0%
150%-169%	40%	20%	0%
179%-189%	60%	40%	20%
190%-209%	80%	60%	40%
210%-229%	100%	80%	60%
230%-249%	100%	100%	80%
250% and Above	100%	100%	100%

- j) A contribution from an individual, family, or other entity shall be encouraged;
  - k) Suggested contribution or donation rates may be established; however, pressure shall not be placed upon the client to donate or contribute;
  - l) Services shall not be withheld from an otherwise eligible individual based upon the individual's failure to voluntarily contribute to support services and the individuals will be made aware of said policy.
- 2) The Area Agency on Aging and Independent Living shall:
- a) Develop a Policy and Procedure for the implementation of cost sharing in the district;
  - b) Review and approve the provider procedure implemented by a service provider for the collecting, accounting, spending, and auditing of fees and donations;
  - c) Provide oversight of cost sharing implementation thru in house evaluation or monitoring;
  - d) Insure income derived from the fees collected must be used to expand the service for which such payment was given in the district from which the fee was collected and not used as match to support the program.
- 3) Service Providers shall:
- a) Clearly state eligible individuals cannot be denied services based upon their failure to pay the cost share amount for Older Americans Act programs;
  - b) Develop a procedure to ensure cost share contribution is to be mailed directly to the provider agency;



<b>DEPARTMENT FOR AGING AND INDEPENDENT LIVING Cost Sharing</b>	<b>DAIL-GA-1.40</b>
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- c) Insure income derived from the fees collected must be used to expand the service for which such payment was given in the district from which the fee was collected and not used as match to support the program;
- d) Issue a receipt of payment upon request to any recipient making a payment;
- e) Establish appropriate procedures to safeguard and account for all funds collected through the cost sharing process;
- f) Retain all records of all revenue collected thru cost sharing;
- g) Protect the privacy and confidentiality of each service recipient with respect to the declaration or non-declaration of individual income and to any share of the cost paid or unpaid by the individual;
- h) Report all revenue generated by the implementation of cost share to the Area Agency on Aging and Independent Living on the **Monthly Invoice** under the category of "Cost Share".

<b>GENERAL ADMINISTRATION Anti-Bullying</b>	<b>DAIL-GA-1.41</b>
<b>Effective Date: July 15, 2014</b>	Page 1 of 2

## **Policy**

The Department for Aging and Independent Living is committed to all services being provided in a safe and civil environment. The intent of this policy is to protect seniors, employees, and volunteers from harassment, intimidation, or bullying.

## **Bullying Defined**

Harassment, intimidation, or bullying means any intentional written, verbal, or physical act, when act:

- Physically harms a person or damages the person's property;
- Has the effect of substantially interfering with a person's ability to obtain services or perform their job duties;
- Is severe, persistent, or pervasive that it creates an intimidating or threatening environment; or
- Has the effect of substantially disrupting the orderly operation of the facility.

Harassment, intimidation or bullying can take many forms including: slurs, rumors, jokes, innuendo's, demeaning comments, cartoons, pranks, gestures, physical attacks, threats, or other written, oral or physical actions.

"Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other agency policies.

## **Area Agency on Aging and Independent Living Responsibility**

Each Area Agency on Aging and Independent Living shall have a policy and procedure regarding Bullying that addresses the following items.

1. Rules and Expectations for behavior of program participants, staff, and volunteers.
  - a. Behaviors, activities and actions that are prohibited.
  - b. Evaluation through satisfaction surveys.
  - c. Methods for enforcement.
2. Reporting procedures of incidents by staff and participants. All incidents shall be documented.

<b>GENERAL ADMINISTRATION Anti-Bullying</b>	<b>DAIL-GA-1.41</b>
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3. Include planned opportunities for discussions regarding challenges and solutions.
4. Include requirements for increasing awareness among facilities for which services are provided.
5. Methods to assist those being bullied.
  - a. Emphasize the importance of standing up for their rights.
  - b. Provide assistance for managing anger.
  - c. Establish boundaries.
  - d. Ensure they know who to report future incidents.
  - e. Encourage continued participation in program to ensure they are connected with the community.
6. Methods to address the bully including
  - a. Discuss issues and explain policy and procedure requirements.
  - b. Find ways to assist them to remain involved and establish friendships.
  - c. Refer for counseling.
  - d. Referral to law enforcement when appropriate.

<b>Department for Aging and Independent Living Travel Expenditures</b>	<b>DAIL-GA-01.42</b>
<b>Effective Date: July 15, 2014</b>	<b>Page 1 of 1</b>

### **Policy Statement**

Allocation of funding to the Area Agencies on Aging and Independent Living (AAA's) for administrative and service provision shall have limited allowance for travel.

### **Legal Authority**

200 KAR 2:006

CHFS contract agreement between Area Development Districts for the AAA and DAIL

### **Procedure**

1. Funds provided to the AAAILs for administrative and service dollars will have limited allowance for travel.
2. The Department will consider approval of use of state and federal funds for travel only when all requirements have been met of this SOP and the travel request is allowable and justifiable under the program regulations.
3. Each AAAIL shall abide by State regulation 200 KAR 2:006 including but not limited to mileage rate, per diem rates, and subsistence for all travel.
4. All Out-of-State travel is limited to one training, meeting, or conference per person (funded and allowable by DAIL) across all awards received from DAIL.
5. Additional travel opportunities must receive prior approval by DAIL.
6. Travel requests submitted to DAIL shall be completed on the DAIL Travel Request form.
7. The completed form shall be submitted to the Commissioner's Office at least 30 days prior to travel.