

# **HCBS Pre-Conference Intensive: Aging and Disability 101**

**Aging & Disability 101**  
**Challenge Accepted: An Informative  
and Interactive Session with ACL**

Aging & Disability 101 Pre-Conference Intensive

*ADvancing States – HCBS Conference*

# **Challenge Accepted: An Informative and Interactive Session with ACL**

**Edwin L. Walker**

Deputy Assistant Secretary for Aging  
Administration for Community Living

November 10, 2020

# Our Mission and Vision

## **Mission**

Maximize the independence, well-being, and health of older adults, people with disabilities, and their families and caregivers

## **Vision**

All people, regardless of age and disability, live with dignity, make their own choices, and participate fully in society

# ACL Priorities

- ACL is committed to the fundamental principle that older adults and people with disabilities of all ages should be able to live where and with whom they choose and fully participate in their communities.
- By funding core programs and investing in research, sharing best practices, and sparking innovation, ACL helps the disability and aging networks provide local services and supports that make this principle a reality for millions.

# A Sample of Current Areas of Focus

- Rebalancing the Nation's Long-Term Services and Supports System
- Supporting Family Caregiving
- Combating Social Isolation
- Integrating Healthcare and Social Services

# Pillars



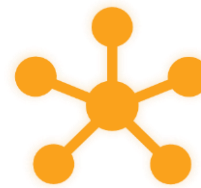
Connecting  
people to  
resources



Protecting  
rights and  
preventing  
abuse



Supporting  
families and  
caregivers



Strengthening  
Aging &  
Disability  
Networks



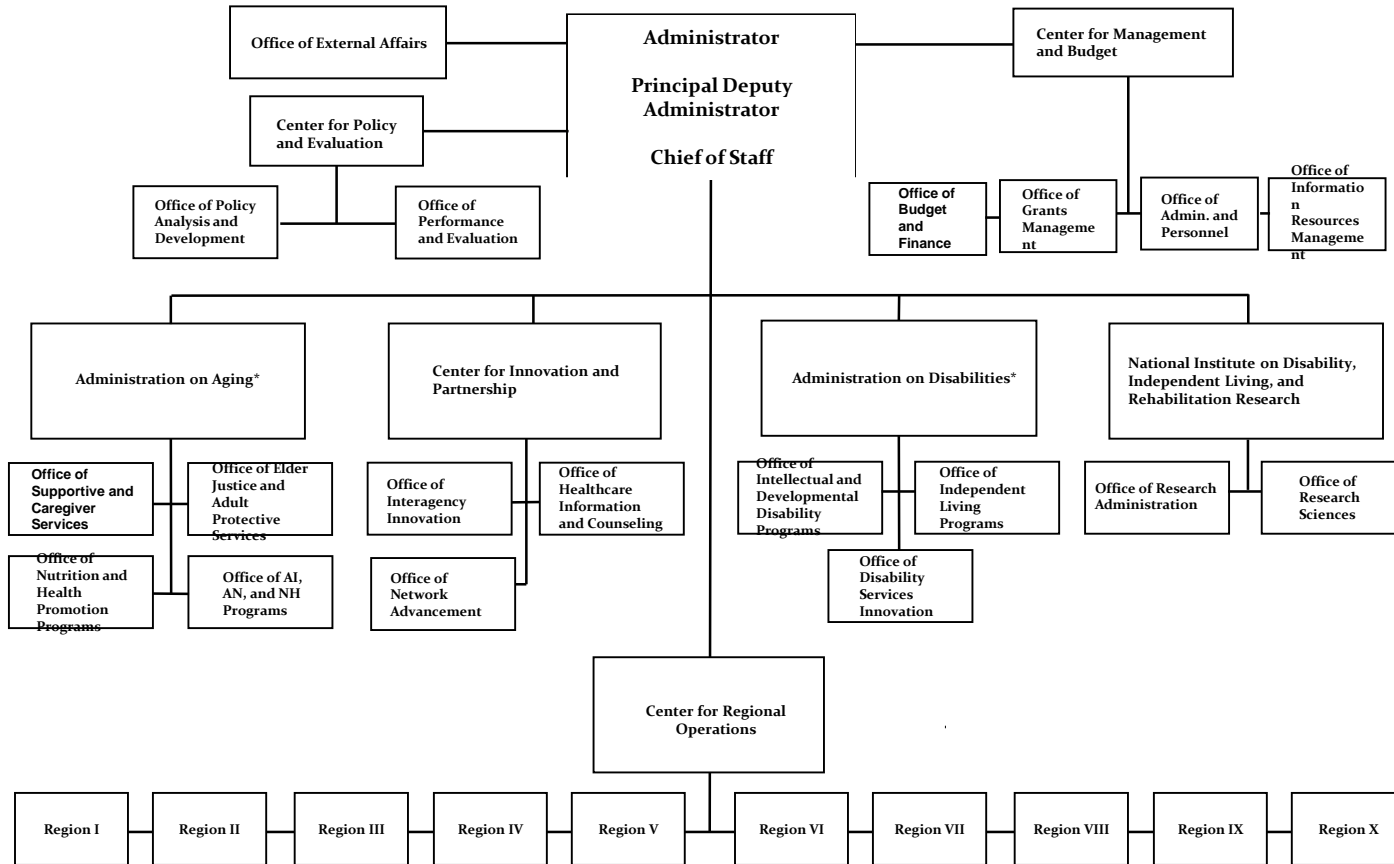
Expanding  
employment  
opportunities

# Authorizing Statutes

- Older Americans Act
- Public Health Service Act
  - Limb Loss Resource Center
  - Lifespan Respite Care Act
  - Traumatic Brain Injury Reauthorization Act
- Omnibus Budget Reconciliation Act
  - State Health Insurance Assistance Program
- Elder Justice Act
- Health Care Fraud & Abuse Control
  - Senior Medicare Patrol
- Medicare Improvements for Patients & Providers Act
- Developmental Disabilities Assistance & Bill of Rights Act
- Rehabilitation Act
  - National Institute on Disability, Independent Living & Rehabilitation Research
  - Independent Living Services
  - Centers for Independent Living
- Assistive Technology Act
- Help America Vote Act
- Christopher & Dana Reeve Paralysis Act



# ADMINISTRATION FOR COMMUNITY LIVING ORGANIZATIONAL CHART



\* The Administration on Aging is headed by the Assistant Secretary for Aging, who is also the ACL Administrator. The Deputy Assistant Secretary for Aging supports the Assistant Secretary in overseeing the Administration on Aging. The Deputy Assistant Secretary for Aging also serves as the Director of the Office of Long-Term Care Ombudsman Programs consistent with Section 201 of the Older Americans Act.

\*\* The Administration on Disabilities is headed by a Commissioner who also serves as: the Commissioner of the Administration on Developmental Disabilities as described by the Developmental Disabilities Act; and the Director of the Independent Living Administration, reporting directly to the ACL Administrator in carrying out those functions, consistent with Section 701A of the Rehabilitation Act.



U.S. Department of  
Health & Human Services

# Regions



Hawaii

Puerto Rico  
U.S. Virgin Islands

# ACL Regional Administrators

## Region I: CT, MA, ME, NH, RI, VT

- [Jennifer Throwe](#)  
Boston, MA

## Region II: NY, NJ, PR, VI

- [Kathleen Otte](#)  
New York, NY

## Region III: DC, DE, MD, PA, VA, WV

- [Rhonda Schwartz](#)  
Philadelphia, PA

## Region IV: AL, FL, GA, KY, MS, NC, SC, TN

- [Costas Miskis](#)  
Atlanta, GA

## Region V: IL, IN, MI, MN, OH, WI

- [Amy Wiatr-Rodriguez](#)  
Chicago, IL

## Region VI: AR, LA, OK, NM, TX

- [Derek Lee](#)  
Dallas, TX

## Region VII: IA, KS, MO, NE

- [Lacey Boven](#)  
Kansas City, MO

## Region VIII: CO, MT, UT, WY, ND, SD

- [Percy Devine](#)  
Denver CO

## Region IX: CA, NV, AZ, HI, GU, CNMI, AS

- [Percy Devine](#)  
San Francisco, CA

## Region X: AK, ID, OR, WA

- [Shelly Zylstra](#)  
Seattle, WA

# ACL Organization

ACL is led by:

A. Assistant Secretary

B. Director

C. Administrator

D. Commissioner



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# Aging Network Structure

What is the correct order for addressing issues and needs of older individuals by aging network organizations?

- A. Client, Local provider organization, Contractor, AAA, State Unit on Aging
  - B. Client, Local provider organization, AAA, State Unit on Aging, ACL
  - C. Local provider organization, AAA, State Unit on Aging, ACL, Client
  - D. ACL, AAA, State Unit on Aging, Local provider organization, Client
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- D. ACL, AAA, State Unit on Aging, Local provider organization, Client



# Overview of Older Americans Act

by

Carol V. O'Shaughnessey

*Wears the Crown*





# 1965: Three Important Program Enacted

- Medicare
- Medicaid
- Older Americans Act (OAA)



***“Every State and every community can now move toward a coordinated program of services and opportunities for our older citizens.”***

*President Lyndon B. Johnson, July 1965*

# Frequent Questions and Key Information



# Interstate Funding Formula

## **Title III B, C, & D – Formula Grants**

- What is the basis for the allocation of funds to States?
  - A. Based on the States' population aged 60 years and older and Hold Harmless*
  - B. Based on the States' population aged 65 years and older and Hold Harmless*
  - C. Based on the States' population aged 70 years and older and Hold Harmless*

# Interstate Funding Formula

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# Interstate Funding Formula

## **Title III E – Formula Grants**

- What is the basis for the allocation of funds to States?
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  - C. Based on the States' population aged 70 years and older*


# Interstate Funding Formula

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# Interstate Funding Formula

## **NSIP (Nutrition Services Incentive Program) Formula Grants**

- What is the basis for the allocation of funds to States?
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    - B. Based on the States' population aged 70 years and older*
    - C. Based on the number of qualified meals served in previous fiscal year*
    - D. Based on number of total meals served by all nutrition programs*
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# Interstate Funding Formula

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  - C. *Based on the number of qualified meals served in previous fiscal year*
  - D. *Based on number of total meals served by all nutrition programs*




# Intrastate Funding Formula (IFF)

## OAA Requirements

States shall:

- 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—
  - the geographical distribution of older individuals in the State; and
  - 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

# Intrastate Funding Formula (IFF) ACL Guidelines

- “Best available data” is the most recent census data.
    - More recent data of equivalent quality available in the State may be considered.
  - The IFF request for approval shall include:
    - a descriptive Statement;
    - a numerical Statement; and
    - a list of the data used (by planning and service area).
  - The IFF request for approval shall also include information on how the proposed formula will affect funding to each planning and service area.
  - States may use a base amount in their IFFs to ensure viable funding across the entire state.
- 

# Title III Fiscal Operations -- Match

Can Title III funds be used as match (non-federal share) for other federal programs?

- Yes
- No



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- As a general rule, this is not permitted.
- But in the following instance, it is possible:
  - A local provider may only use Title III funds as match for other federal program funds
    - where that program's statute permits it; and
    - the program provides allowable services under Title III,
      - e.g., transportation services for seniors, respite care for caregivers of seniors, etc.; and
    - such services are part of the overall comprehensive system of services in the planning and service area.
- It is imperative to note that Title III grantees may not use other federal funds to meet the match (non-federal share) requirements of Title III services.

# What are Title III-B “Priority Services”?

- The State agency is required to determine a minimum adequate proportion of III-B funds that must be expended by AAAs for:
    - Access services such as transportation, health services, mental health services, outreach, information and assistance, and case management services;
    - In-home services, such as housekeeping, chore and personal care; and
    - Legal assistance
  - *The State agency may grant a waiver to a AAA regarding expenditure of funds on any of the above categories of services if the AAA demonstrates such services are provided by other resources in the planning and service area, and are sufficient to meet the assessed need.*
- 

# 2020 Reauthorization Changes: Title III-C Nutrition Services

- Which NEW issue was added to the 2020 reauthorization of the OAA that relates to the senior nutrition program? (*select one*)
  - A. Hunger
  - B. Food
  - C. Malnutrition
  - D. Meals

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  - C. **Malnutrition**
  - D. Meals






# Purpose of OAA Title III-C Nutrition Services Program

What are the 3 purposes of the Older Americans Act nutrition program? (*select 3*)

- A. Promote the health and well-being of older people
  - B. Meet the food and nutrition needs of older adults
  - C. Reduce hunger, food insecurity and malnutrition of older adults
  - D. Promote socialization of older individuals
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# Title III-C Eligibility and Targeted Populations

Which of the following statements are true: *(select all that apply)*

- A. Nutrition services are intended to reach every individual who is eligible.
  - B. Nutrition programs should target older individuals who are in greatest social and economic need
  - C. Older adults with dementia, who are at risk for institutional care, may be targeted for nutrition services.
  - D. All of the above.
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# National Nutrition Standards

What two national standards are the key nutrition requirements for the OAA nutrition program (*select 2*)?

- A. Dietary Reference Intakes (DRIs)
  - B. Aging National Nutrition Standards (ANNS)
  - C. Older Americans Nutrition Guidelines (OANG)
  - D. Dietary Guidelines for Americans (DGAs)
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# True or False? – Same Nutrition Standards

All states should have the same nutrition standards since they are all based on the Dietary Guidelines for Americans (DGAs) and the Dietary Reference Intakes (DRIs).



# True or False? – Same Nutrition Standards

All states should have the same nutrition standards since they are all based on the Dietary Guidelines for Americans (DGAs) and the Dietary Reference Intakes (DRIs).

- False. While required to meet the DGAs and DRIs, each SUA develops its own unique policies, procedures and reporting mechanisms based on the needs of their populations and their state priorities.



# True or False? -- Nutrition Analysis

All states should require nutrition analysis of their menus because the OAA requires meals meet the Dietary Guidelines for Americans (DGAs) and the Dietary Reference Intakes (DRIs).



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- False. While required to meet the DGAs and DRIs, each SUA develops its own unique policies, procedures and reporting mechanisms based on the needs of their populations and their state priorities.




# True or False? – Homebound

States may only provide home delivered meals to homebound older adults.



# True or False? – Homebound

States may only provide home delivered meals to homebound older adults.

- False.
    - The OAA defines eligible populations for both congregate and home delivered meals as older adults (60 years or older) and spouses of any age.
  - A home delivered meal is a meal provided to a qualified individual in his or her home.
    - The OAA does not contain language that limits home delivered meals to only homebound persons.
    - SUAs and AAAs may develop their own unique policies, procedures and reporting mechanisms based on the needs of their populations and their state priorities.
- 

# Senior Nutrition Program (SNP)


Which of the following is true? *(select all that apply)*

- A. SNPs must serve people on a first-come, first serve basis and cannot establish priority systems.
- B. Nutrition programs should target older adults who are in greatest social and economic need.
- C. Private pay meal programs are not permitted since SNPs may not establish cost-sharing for Title III services.
- D. If an SNP has a long waiting list, new applicants should just be told to contact another meal program, and not put their names on the waiting list for Title III.




# Senior Nutrition Program (SNP)

Which of the following is true? *(select all that apply)*

- ~~A. SNPs must serve people on a first come, first serve basis and cannot establish priority systems. *(This is false because the OAA makes clear that not all eligible persons can be served. This is the rationale for targeting populations with greatest social and economic need therefore, SNPs may establish priority systems)*~~
  - B. Nutrition programs should target older adults who are in greatest social and economic need.**
  - ~~C. Private pay meal programs are not permitted since SNPs may not establish cost sharing for Title III services. *(This is false because private pay meal programs do not utilize OAA funds and therefore SNPs can charge for these services)*~~
  - ~~D. If an SNP has a long waiting list, new applicants should just be told to contact another meal program, and not put their names on the waiting list for Title III. *(This is false because all eligible individuals should be offered the opportunity to participate in the OAA SNP, including when a waiting list exists)*~~
- 


# ACL Points of Contact for Nutrition Program

A State Unit on Aging should contact these ACL staff with questions about the senior nutrition program (*select 2*)?

- A. ACL Legal Services Staff
  - B. ACL Regional Office Staff
  - C. ACL National Nutritionist
  - D. ACL Ombudsman Staff
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# Health Promotion/Disease Prevention -- Title III-D

## *“Evidence-Based” Requirement*

*“A State’s Health Promotion/Disease Prevention allocation may only be used for activities which have been demonstrated through rigorous evaluation to be evidence-based.”*

### Evidence-based programs:


- are shown to be effective at helping participants adopt healthy behaviors, improve their health status, and reduce their use of hospital services and emergency room visits
- can mitigate the negative impact of chronic diseases and related injuries, such as falls
- empower older adults to take control of their health by maintaining a healthy lifestyle through increased self-efficacy and self-management
- provide the greatest impact given available funding

# Do exercise programs meet the criteria for evidence-based programs?

- *Yes*
- *No*



# Do exercise programs meet the criteria for evidence-based programs?

- There are some exercise programs that meet the evidence-based program requirements and there are some that do not.
  - States must refer to the ACL criteria.
  - Questions to be reviewed include:
    - *Does the program have research results published in a peer-reviewed journal?*
    - *Has it been proven effective with older adults in an experimental or quasi-experimental setting?*
- 

# National Family Caregiver Support Program

## Title III-E

### Caregivers eligible to receive services:

- Adult family members/other informal caregivers age 18 and older providing care to *older individuals* (age 60+) or to *individuals of any age with Alzheimer's disease* and related disorders.
- Older relatives - *not a parent* - age 55 and older providing care to children under the age of 18;
- Older relatives - *including parents* - age 55 and older providing care to adults ages 18-59 with disabilities.

# National Family Caregiver Support Program Title III-E

The NFCSP authorizes five categories of services:

- **information** to caregivers about available services
- **assistance** to caregivers in gaining access to the services
- individual **counseling**, organization of support groups, and caregiver training
- **respite care**; and
- **supplemental** services, on a limited basis


## True or False? – NFCSP Services Earmarked

Funds under the National Family Caregiver Support Program are “earmarked” or targeted for specific services, e.g. respite?



# True or False? – NFCSP Services Earmarked

Funds under the National Family Caregiver Support Program are “earmarked” or targeted for specific services, e.g. respite?

- False. Funds are not earmarked or targeted for any specific service. States have the flexibility to determine the funding allocated to provide the five categories of services authorized.
  - The OAA calls for States to implement a comprehensive caregiver program which includes the five services outlined, however; a State may address one or more of the service categories with other sources of funding.
- 

# NFCSP - Supplemental Services

Does the *"on a limited basis"* for Supplemental Services mean a 20% cap?


- Yes
- No





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- No. While the decision has always been the state's, early in the program's history, and at the request of a number of states, AoA provided guidance suggesting that states may want to limit expenditures on Supplemental Services to around 20% of their total allotment (i.e., five services at about 20% each); however, this was only a suggestion.
  - States are free to place ceilings on the amounts spent on Supplemental Services or limit the duration or number of episodes of services provided under this category.
  - Either scenario would be acceptable.
- 

# Are ramps and home modifications allowable items under Title III-E, Supplemental Services?

- Yes
- No



## Are ramps and home modifications allowable items under Title III-E, Supplemental Services?

- Yes.
  - The Supplemental Services category is intended to be a very flexible set of funds that can meet the varied and often rapidly changing needs of a family caregiver.
  - Over the years, Supplemental Services have been used to pay for such things as home modifications, wheelchair ramps, lifts in vans, legal services, home appliances to make the caregiver's work easier, consumable and durable medical supplies, etc.
  - Decisions for what is allowable has largely been left to the SUAs and AAAs.
- 

# Components of the Title VI program

- Parts A/B: These funds cover Nutrition and Supportive Services for eligible Tribal elders.
  - Part A: Nutrition and Supportive Services for American Indians and Alaskan Natives.
  - Part B: Nutrition and Supportive Service for Native Hawaiians
- Part C: Caregiver Services

# Who does Title VI serve?

- Title VI provides services to tribal elders and their caregivers.
- Individual programs determine the age when someone is considered a tribal elder, and therefore eligible for services.
- However, Title VI funding is determined based on the number of elders over the age of 60.


# True or False? -- Tribal Elders

Since Title VI is funded, States and AAAs have no responsibility to serve Tribal elders?




# True or False? -- Tribal Elders

Since Title VI is funded, States and AAAs have no responsibility to serve Tribal elders?

- **False.** SUAs are responsible under Title III to provide services to Indian tribes, tribal organizations and Native Hawaiian organizations and to coordinate with Title VI funded programs.
  - Title III contains numerous references to services to Indian tribes, tribal organizations and Native Hawaiian organizations as well as references to Title III/VI coordination.
    - (Sections 102, 201, 301, 305, 306, 307, 310, and 614 all reference SUA/AAA relationship to Tribes)
- 

# Title VII – Vulnerable Elder Rights Protection

- Long-Term Care Ombudsman Program
  - Prevention of Elder Abuse, Neglect and Exploitation
  - State Legal Assistance Development Program
- 



# Long-Term Care Ombudsman

## Title VII, Chapter 2



States' Long-Term Care Ombudsman Programs work to resolve problems related to the health, safety, welfare, and rights of individuals who live in LTC facilities.

# Challenges Experienced by State Ombudsmen

- Ability to perform effective system-level policy advocacy
- Ability to communicate to the general public and media
- Full-time position
- Designate individuals (and local entities, in many states)
- Relationship with local Ombudsman entities
- Access to adequate legal counsel
- Conflicts of Interest – both organizational and individual

# Prevention of Abuse, Neglect, Exploitation

## Title VII, Chapter 3

The Abuse, Neglect, Exploitation program:

- Trains health care providers, law enforcement officers, and other professionals on how to recognize and respond to elder abuse;
- Supports outreach and education campaigns to increase public awareness of elder abuse and how to prevent it;
- Supports the efforts of state and local elder abuse prevention coalitions and multidisciplinary teams.

# Legal Assistance Development Program

## Title VII, Chapter 4

State staff who ensure:

- Leadership in securing legal rights;
- Coordination of the provision of legal assistance;
- Provision of technical assistance and training
- Promotion of financial management services of those at risk of conservatorship;
- Understanding rights and exercise of choices of those at risk of guardianship;
- Improvement in quality and quantity of legal services to older individuals

# Elder Rights Protection -- Legal Assistance


Which sections(s) of the OAA provide support for legal assistance services, such as funding for civil legal representation for older adults with social or economic needs?

- A. Title III-B
- B. Title IV
- C. Title VII
- D. All of the above



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  - B. Title IV
  - C. Title VII
  - D. **All of the above**
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# Elder Rights Protection – Economic Security


Which programs administered by ACL support economic security for older adults?

- A. National Center on Elder Abuse
- B. Pension Counseling and Information Programs
- C. National Indigenous Elder Justice Initiative
- D. National Resource Center on Women and Retirement Planning



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# Elder Rights Protection – Elder Abuse

Which important state and local program investigates abuse of older adults and adults with disabilities?

- A. National Long-Term Care Ombudsman Program
  - B. Legal Services for the Elderly
  - C. Adult Protective Services
  - D. Pension Counseling Centers
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# Elder Rights Protection – Long-Term Care Facilities

Which program advocates for residents of long-term care facilities, board and care homes, and assisted living facilities?

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