



# COVID-19 Response

## CARES ACT & FAMILIES FIRST RESPONSE ACT FAQs

April 9, 2020

*DARS provides these FAQs in advance of the April 9, 2020 call with Area Agency on Aging Directors.*

### **FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

**How do AAAs draw down the 60 day advance from Families First program funds?**

- *The AMR-OC will allow the 60 day advance drawdown on the request page.*

**Are there any match requirements? Service match (congregate and home delivered meals) is not required for these FFCRA funds.**

- *Match is waived for the 15% service funding. However, if taken, Area Plan Administration match is required at the normal 25% match rate.*

**What is the grant period during which funds may be spent?**

- *These funds will expire September 30, 2021.*

**Will carryover restrictions for regular 2020 OAA funds be relaxed in light of recommendations Families First Funds be expended first?**

- *The carryover limit will be waived for FY2021*

**What is the anticipated impact of state budget cuts on AAA Programs?**

- *Currently, we do not know of any impact to AAA programs at this time.*

### **CORONAVIRUS AID, RELIEF, & ECONOMIC SECURITY (CARES) ACT**

**Is there an estimate of Virginia's share of OAA Funding from the CARES Act?**

- *No, we do not have an estimate at this time. However, funds are expected in the next week or two. However, we do expect that the funds for Title IIIC will be more than those received from the FFCRA. There will also be additional Title IIIB and IIIE funds.*

**Regarding nutrition, what flexibilities are available in the CARES Act?**

- *Waiver of service match*
- *100% transfer authority between C-1 and C-2 is presumptively approved with no need for a waiver*
- *"Home-bound" includes individuals practicing social distancing*
- *Waiver of DRI/DGAs for meals purchased supplemental funding*
- *These flexibilities apply to funding awarded under the CARES Act (Supplemental #3), the Families First Response Act (Supplemental #2), and regular OAA for the duration of the public health emergency*

## **ADDITIONAL NUTRITIONAL GUIDANCE**

### **What is the definition of a COVID-19 meal?**

- *Technically, any meal that is served in response to the national Major Disaster Declaration of March 13, 2020 is part of the COVID-19 response. However, because DARS is required to track funding and service units separately, there will be different designations, such as Families First Coronavirus Response Act (FFCRA) meals, CARES Act meals, and COVID-19 (VA Major Disaster) meals.*

### **Are there changes to nutrition guidelines?**

- *Yes, the CARES Act waives the DRI/DGA requirements of emergency meals during the pandemic. However, this information is still evolving. DARS was recently provided with the following information related to this topic:*
  - *Meals funded through Disaster Relief Funds following a declaration of a major disaster, Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid Relief and Economic Security (CARES) Act are not required to meet the DGAs and the DRIs, but the ACL encourages the use of these standards to help older adults maintain their health and manage their chronic conditions and to provide quality service.*
  - *While Congress provided for the waiver of DRIs and DGAs during the COVID-19 pandemic, they made it clear that ACL should encourage programs to provide nutritious meals when available. However, when meals that do not meet the DRIs/DRAs are unavailable, they encouraged ACL to urge programs to provide meals that meet, at a minimum, no less than 1/3 of the recommended daily caloric intake for an older individual. As an example, the recommended daily caloric intake for a 70-year old is 1600. Under no circumstances should a meal be provided that is less than 534 calories.*

### **Are we permitted to send out shelf-stable meals, and if so how often?**

- *Up to 10 emergency meals can be provided at a time if the congregate sites are closed. Please see the information below from the Congregate Nutrition Service Standard.*

### **Emergency Meals**

- *There are two situations when emergency meals may be provided:*
  - *Anticipatory – Meals sent home from the congregate meal site at the beginning of the winter and/or summer storm season, in anticipation of inclement weather. Participants are instructed to store the meals until needed in case of congregate meal site closure for inclement weather or other emergencies.*
  - *Actual emergency meals – Meals sent in response to an actual weather or emergency event which necessitates closure of the congregate meal site for more than one week.*

### **Requirements:**

1. *No more than 5 meals may be provided at one time in anticipation of seasonal weather emergencies. If known emergency events and site closures have caused participants to eat their emergency meals, subsequent replacements may be provided in 5 meal allotments.*
2. *In the event of an actual weather or other emergency, the number of meals provided shall be based on the amount of time the congregate site is closed. Up to 10 meals may be provided at one time, if the congregate meal site will be closed for more than one week.*

3. *Documentation shall show the number of meals and client names receiving emergency meals. Signatures are preferred, but at a minimum, the client name and number of eligible meals per client shall be reported for entry in the DARS-VDA approved client database.*
4. *In order to be counted as eligible meals, the emergency meals shall meet nutrient content guidance as outlined in the DARS-VDA menu planning guidelines.*

**Please clarify how we are to count home delivered meals for our congregate folks.**

- *Early guidance said to count them as HDM and loosened restrictions on assessments. Most recent guidance seemed to suggest that they continue to be counted under congregate meals. A definitive answer will help PeerPlace entry and appropriate charges. If you are providing “emergency meals”, usually shelf stable meals, to your congregate clients, then they can be counted as congregate. However, this is a long-term pandemic that may require providing a more nutrient dense home delivered meal, at which time, the CM clients should be converted to HDM with the appropriate funding designation.*

**Regarding HDM clients, will anyone on our HDM list prior to the COVID crisis continue to be counted as simply HDM or will they need to be entered in PeerPlace with the FFCRA or COVID identifier?**

- *DARS recommends converting all HDM and CM clients to HDM status during the State of Emergency with the appropriate funding designation.*

**Can CM clients be enrolled in HDM for a temporary time due to COVID-19?**

- *Yes. You may want to plan on these clients being a part of the program for the year.*

**If we take on new HDM clients during the pandemic how do we assess them?**

- *New clients will have to be assessed, but the assessments can be conducted by phone.*

**Are we required to complete pages 1-4 of the UAI for new HDM clients or for CM clients that are switching over to HDM during the pandemic?**

- *Completion of the UAI has been waived; just a VA Quick Form is acceptable. The NSI can be waived during the pandemic, if you do NOT have the work force to complete it with the client.*

**If we just do the quick form, at what point will a full assessment need to be done on those clients?**

- *DARS have not made a decision about when assessments/reassessments will be due.*

**If we enroll new HDM clients, do we include them in the Event (unit list) with our existing (pre-COVID-19) clients, or make a separate Event for them?**

- *They need to be separate and there will be guidance provided shortly on how to record the units separately. For now, keep them separate.*

**If we enroll clients temporarily due to COVID-19, do we need to collect their income and expense information?**

- *You would ask the federal poverty questions on the VA Quick Form. Income and expense data is not be used to determine eligibility for meals. DARS anticipates that Families First and the CARES Act will provide ample funds to provide the meals.*

**Do we have to move all the CM clients to home delivered or since this is an emergency can we keep them in congregate?**

- *If this is considered an emergency meal, then they can stay a CM client. Although with the length of time this pandemic is expected to go on, you may want to convert them to HDM clients, as there will be additional funding to support this program. The VA Quick Form is fine for HDM clients during the crisis. UAI Part A HDM assessments will be waived during this period since the meal participants are homebound as a result of the State of Emergency declaration. If you do not have the staff capacity to complete the NSI at this time, this can be done later.*

**Do we need to report the unmet need/underserved clients for COVID cases?**

- *No*

**Does this mean our congregate nutrition clients are eligible for HDM even though they may drive?**

- *Correct*

**The Act indicates we can serve caregivers of seniors, how do you determine caregivers (spouse, daughter, live in friend.....all?) and what about their ages?**

- *Per DARS HDM Service Standard: Home delivered meals provided under the National Family Care-giver Support Program (Title III-E, Supplemental Services) can be counted as NSIP meals if they are provided to the older care recipient, a caregiver over the age of 60, or a caregiver under the age of 60 who is the spouse of the care recipient. If the meal is provided to a caregiver under age 60 who is not a spouse, Title III-E, Supplemental Services funds may be used but the meals are not NSIP eligible meals.*

**Do RDs need to review and sign off on menus during the crisis?**

- *No, unless you have staff capacity to do this. The DRIs/DGAs have been waived during the pandemic.*

**Is there any leverage for disabled homebound people under 60?**

- *No. Unfortunately, ACL has not issued a waiver to allow meals for individuals with disabilities under the age of 60, unless they are a spouse or child/adult with a disability living with a HDM recipient age 60 or older. However, the OAA does permit the provision of nutrition services 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.*

**How does our AAA complete the new AMR OC and track units in PeerPlace?**

- *DARS has received the funds from the Families First Coronavirus Response Act for Title III-C1 and C2. Because these funds have been issued under a separate grant award number, they must be accounted for separately from the regular issuance of Title III Older Americans Act funding. ACL is requiring a separate supplemental form for financial report submissions. States are required to continue maintaining appropriate records and documentation to support the charges against the Federal awards.*

**Regarding ACL's requirement to seek contributions/donations at meals sites and HDM, while also using Food Bank foods, where donations are not allowed, what do we do about these conflicting programs?**

- *The only meals that we are required to ask for donations are NSIP.*

**Can NSIP allocations be transferred?**

- *No, NSIP allocations may not be transferred because they are not a part of Title III B, III C, III D, or III E.*

**Will NSIP be calculated based on COVID-19 meals served?**

- *No. The COVID-19 crisis is expected to completely skew traditional meal service and meal counts. As a result, ACL is holding harmless meal counts from 2019 and will apply them to 2020 and 2021 NSIP allocations. This will alleviate the need to count COVID-19 meals for purposes of NSIP*

**For the CM participants that were suddenly converted to a home delivery in March, some were DRI/DGA compliant and some were not, how should that be handled/documentated?**

- *ACL is holding harmless the NSIP meal counts during this time.*

**My understanding of the service standards tells me that the March “noncompliant” meals delivered to congregate participants would not be creditable and would have to come out of local funding, correct?**

- *No. Funding can be used from other sources, just not NSIP. ACL is holding us harmless, and because DARS does not have any way to track this separately, use the other sources of funding (i.e. FFCRA, CARES).*

**Can Title III B, III C, III D, or III E monies be transferred between services during the pandemic?**

- *Yes. See the OAA Comparison chart.*

**We are having a hard time securing emergency supplies. Are contracts required? Will the procurement processes be lenient?**

- *DARS has not received any guidance on this. There may be vendors who are willing to fill emergency supply orders without a contract in place.*

**Do congregate emergency meals qualify as COVID-19 meals since they are being provided in response to the centers being closed because of COVID-19?**

- *Yes, all meals will be considered COVID-19 related meals, but will need to be separated into different funding categories as discussed on the webinar.*

**Are COVID-19 meals anything over and above what we would normally serve at the senior centers, so any new participants or additional meals served?**

- *Not necessarily. As discussed in the webinar, there are separate ways to track COVID-19 meals.*

**Due to separate funding being given for COVID-19, we want to be sure to accurately record our COVID-19 meals vs non-COVID-19 meals. Please advise.**

- *Use FFCRA first, then the CARES Act next, then the other sources of funds. The AAAs can decide on their AMR from which “buckets” they are seeking reimbursement. This may not necessarily line up with the service units in PeerPlace.*

**We are mailing our Congregate Meals folks a packet every two weeks that includes any new pandemic information, puzzle pages, infographics encouraging gentle exercise, healthy eating tips, suggestions for staying in touch with others, etc. Could that count as Soc/Rec? We're getting extremely good and touchingly grateful response to these.**

- *Yes, wonderful!*