



AAA Input Meeting: Division for Aging Services New Regs Team

September 12, 2024



Agenda



- Welcome and DAS Team Introduction
- Overview Process
- Status update
 - ACL Clarifications
 - Grievance vs. Appeal
 - Public Hearings
- Internal Implementation
 - Flexibilities under an MDD
 - Maintenance of Effort
 - Reallotments
 - Transfers
- Grab & Go
- Q & A
 - Follow up on Emergency Plan

ACL Clarifications - Grievance



- OAA Language – Grievance vs. Appeal
- Grievance example:
 - A client was denied a home-delivered meal (or another service) or service is not provided as expected
 - Client may start by filing a grievance with the service provider
 - If no resolution - grievance could escalate to the AAA
 - If not resolved at AAA level – escalate to DARS
 - If a client contacts ACL, ACL will direct the client to follow the SUA grievance process

ACL Clarification - Appeal



- Appeal example:
 - AAA's area plan is not approved or a if a service provider was not awarded a contract by a AAA following an RFP
 - First level appeal – follow up with AAA
 - Second level appeal – DARS
 - Vary based on circumstances surrounding state laws/regulations or requirements for appeals

Public Hearings

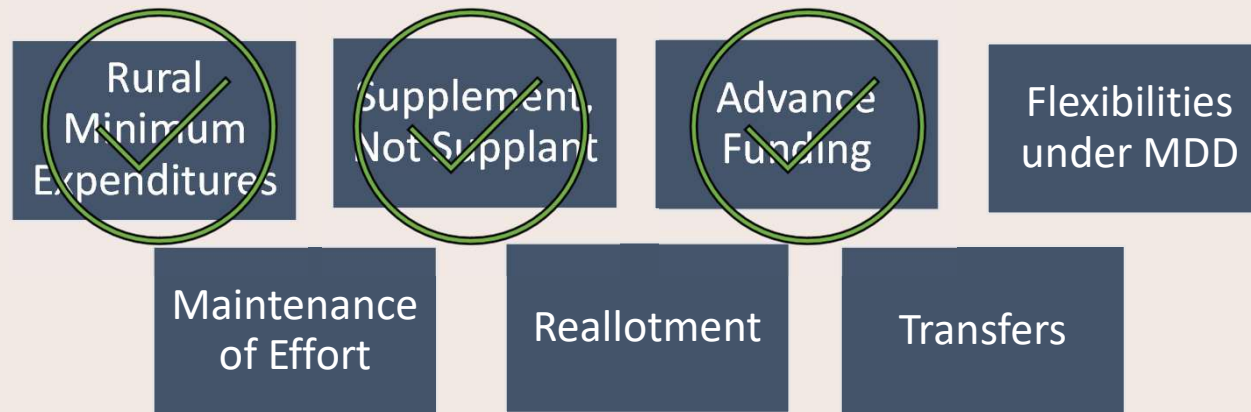


- DARS is required to conduct a public hearing on State Plans. There is no specific order in which the public hearing must be held. This may occur before the draft State Plan is publicized or after (or both). The public hearing **MUST** be held prior to submitting the State Plan to ACL.
- AAA Area Plans that are completed on a four year cycle, the public hearing must be held every four years prior to submitting the finalized version to DARS.
- ACL does not prescribe additional standards or formats for public hearings

Internal Implementation: P&Ps



- DARS is working to document current internal processes and mechanisms to ensure compliance with SUA operational requirements.
- Many of these areas stem from 45 CFR § 1321.9(c)(2) provisions.
- These items are not expected to require a CAP.



Flexibilities under a MDD



- **Definition:** “Major Disaster Declaration” – a Presidential declaration under the Stafford Act for any natural or manmade event that has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond.
- **Policy:** Should a State or Tribe (Title VI grantee) request and receive a Major Disaster Declaration (MDD) by the President under the Stafford Act, it triggers disaster relief authority in the Older Americans Act (OAA). Once an MDD request by a State is approved, Section 310(c) permits states to use any portion of the funds made available under sections of the Act for disaster relief for older individuals. In this regard, flexibility is provided for States – without the need for a separate application, transfer request, or request for a waiver to use existing allocations already made to them under the Act for disaster relief.

Procedural Implementation



- DARS shall communicate to the AAAs and service providers instructions outlining SUA expectations for eligibility, use, and reporting of services and funds provided under these flexibilities and include the Ombudsman as set for the in Part 1324, subpart A if funding for the Ombudsman program is affected.
- The instructions will be provided in an MDD Training Document (hosted on the Providers' Portal) along with any pertinent information given to the States from the federal government.
- Further information will be disseminated using the best available methods at the time of the MDD in conjunction with federal, state, tribal, and local partners.

Maintenance of Effort



- **Definition:** “Maintenance of effort” – the requirement placed upon federally funded Title III grant programs that an SUA must demonstrate that the level of **State** funding for a particular program remains relatively constant from year to year.
- **Policy:** DARS must expend for both services and administration at least the average amount of State funds reported and certified as expended under the State plan for these activities for the three previous fiscal years for Title III. The amount certified must at least meet minimum match requirements from State resources. Any amount of State resources included in the Title III maintenance of effort certification that exceeds the minimum amount mandated becomes part of the permanent maintenance of effort. Excess State match reported on the Federal financial report does not become part of the maintenance of effort unless the DARS certifies the excess.

Procedural Implementation



- Annually, DARS extracts an expenditure data report from FRATE.
- The report parameters include only those state funded expenditures applicable to Title III programs for the previous federal fiscal year.
- The expenditure data is reconciled to the yearly compiled VDA-AMR, Cardinal appropriations and expenditures report, and the DARS Grant Workbook (applicable projects).
- The mandatory data and financial elements are certified by the Commissioner and submitted to ACL by the required deadline.

Reallotments



- **Definition:** “Reallotments” – redistribution of previously allotted unused federal funds resulting in a revised apportionment of grant awards to SUAs.
- **Policy:** DARS must annually review and notify the Assistant Secretary for Aging prior to the end of the fiscal year in which grant funds were awarded if there is funding that will not be expended within the grant period for Title III or VII that the State agency will release to the Assistant Secretary for Aging. Consequently, DARS must also request to receive any released funds to expend within the grant period from the Assistant Secretary for Aging. DARS must use the most current intrastate funding formula to disburse any additional funds.

Procedural Implementation



- DARS receives a notification of instructions for the Older Americans Act Title III and VII expenditure and reallocation document from the ACL Regional Office. The form instructs SUAs to comply with the reallocation reporting requirements below.
- Submit a statement, signed by the authorized official, that all current Federal Fiscal Year (FFY) Title III and Title VII formula grant funds will be expended.
- Complete the amount, if any, of the current FFY Title III and/or Title VII formula grant funds that will not be used by September 30 and will be released for reallocation.

Procedures (cont)



- The opportunity to request additional current FFY Title III and/or Title VII formula grant funds, if any become available via the reallocation process, which would be expended by September 30 of the following year.
- If funds become available during the reallocation process, ACL issues selected SUAs a NOA indicating the award, dollar amount, and applicable period of performance. DARS will distribute these funds according to the current IFF process.

Transfers



- **Definition:** “Transfers” – service allotments made by the State agency to move funds between certain programs within statutory limits. These programs include: Supportive Services and Senior Centers (III-B), Congregate Meals (III-C1), and Home-Delivered Meals (III-C2).
- **Policy:** DARS shall not delegate to an area agency on aging or any other entity the authority to make a transfer. The transfer limits for federal funding is up to 40% between Title III-C1 and C-2 per section 308(b)(4)(A) of the Act and up to 30% between Title III, parts B and C per section 308(b)(5)(A) of the Act. Transfer of funds between other federal awards is not permitted. The transfer limits for state funding is up to 40% between Community Based Services, Transportation, and Home Delivered Meal service categories. Transfers of state fund between OAA General, Supplemental Nutrition, CCEVP, and Ombudsman are not allowable.

Procedural Implementation



- DARS provides each AAA with the yearly allocation prior to making any transfer.
- Next, DARS enters the estimated obligations in the annual budget submission document disseminated to each AAA that includes a transfer of 15% from Title C1 to C2 and 20% from C1 to III-B.
- These transfers may be reversed upon AAA request.
- Agencies can request additional transfers of up to 25% between Title III-C1 and C2 and up to 10% between Title III-C and B.

Procedures (cont)

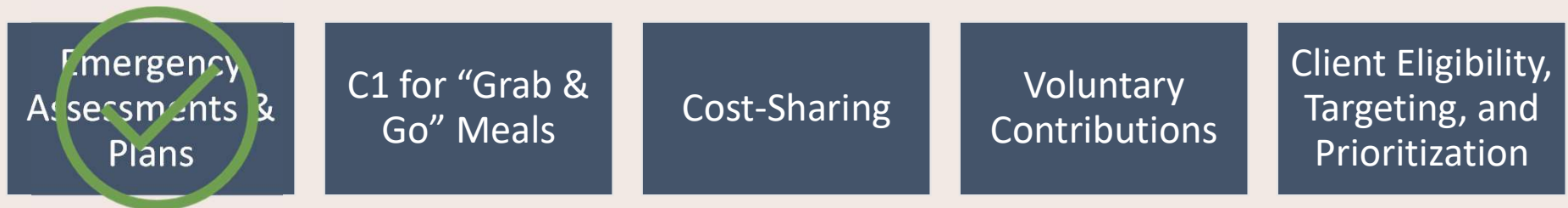


- **Timeframe:** Transfer amendments (budget modification) may be submitted to change funding levels between programs. Federal fund amendments may be requested up to June 30 of each year and state general funds amendments up to March 31.
- **Contract modifications:** Any transfers subsequent to the original budget submission requires a contract modification from one funding category to another. The contract modification must be executed by both DARS and the AAA.

DARS & AAAs: Straightforward



- Continued collaboration between DARS & AAAs
- Some of these items will likely require a CAP due to the products that will be impacted.
- Examples:



Grab & Go Meals – C1



- **Definition:** “Grab & Go Meals” – shelf-stable, pick-up, carry-out, drive-through, or similar meals provided under Title III-C1.
- **Policy:** Grab and Go Meals provided shall not exceed 25 percent of the funds expended by the State agency or any area agency on aging under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers are completed. Grab & Go Meals provided to complement the congregate meal program may also be used: during disaster or emergency situations affecting the provision of nutrition services; to older individuals who have an occasional need for such meal; and/or to older individuals who have a regular need for such meal, based on an individualized assessment, when targeting services to those in greatest economic need and greatest social need.

Procedural Implementation



- Starting with FFY26, AAAs must identify in their area plan, details of Grab & Go meals to include:
 - How these meals will be provided to clients
 - The locations where Grab & Go meals will be distributed
 - How the participants will be prioritized if there is a waiting list – including those with the greatest social and economic need
- Recording service units:
 - Meal units and participants must be counted under C1
 - Nutrition education, nutrition counseling, and other nutrition services may be provided

Grab & Go - PeerPlace



- PeerPlace Reports Used for AMR Reporting: The number of “Units” and “Unduplicated Individuals Served” for both Grab and Go Home Delivered Meals and Congregate Meals can be found on the PeerPlace report named, “Service and Units Summary” and “Service and Units Summary Report with Subcontractor Data”. These are located on the “State_Service_Type” tab (Service and Units Summary Report) or “State_Service_Type_Roll_Up” tab (Service and Units Summary Report with Subcontractor)
- The “State Service Type” (row) values used to display this new data are:
 - Grab and Go HDM
 - Grab and Go CM

Grab & Go PeerPlace (cont)



- Software updates to the “AAA Service Summary” reports series are in process. These updates include adding designated rows for “Grab and Go HDM” and “Grab and Go CM”, but in the interim, the “Service and Units Summary” and “Service and Units Summary with Subcontractor Data” can be used for AMR Reporting purposes
- Service type mapping requests to add these two new services at your agency should be submitted via an online helpdesk ticket in PeerPlace.
 - Which service types are needed? (both options or just one category)
 - What program in PeerPlace do you want the new services setup in?
- Questions: Please contact the NWD Helpdesk at:
NWDHelp@dars.virginia.gov

Grab & Go - AMR



- Only 25% of congregate meal dollars can be used to claim Grab & Go (no cap on HDM)
- Other funds may be used
- AMR captures Grab & Go under both congregate and home delivered meals
- Each category logs total meals and individuals served
- October 1, 2024 – September 30, 2025 – track units to assess programmatic utilization, community need, and anticipated costs

AMR Draft Example

PSA: 0								
Month:								
YTD Expenditures		Nutrition						
Funding Source		Congregate	Congregate Grab & Go Meals	Home Delivered	Home Delivered Grab & Go Meals	Home Delivered Fee for Service	Nutrition Counseling	Nutrition Education
Older Americans Act								
	Title III-B							
	Title III-C(1)							
	Title III-C(2)							
	Title III-D							
	Title VII - Ombudsman							
	Title VII - Elder Abuse							
Other Funds								
	Other Non-Federal							
	Voluntary Contributions							
	Fees							
Other Federal								
	DMAS - Ombudsman							
	Other Local Federal Funding							
	NSIP							
General Funds								
	OAA General							
	Community Based							
	Transportation							
	Home Delivered Meals							
	Supplemental Nutrition							
	CCEVP							
	Ombudsman							
Total Cash								
In-Kind Amount								
Service Data:								
Actual Number of Units								
Unit Defined as:		Eligible Meals	Meals	Meals	Meals	Non NSIP Meals	Hours	Sessions
Unit Cost								
Actual Persons Served								

AMR Draft Requirements Page



VIRGINIA DEPARTMENT FOR AGING
AND REHABILITATIVE SERVICES

DIVISION FOR AGING SERVICES

Title III-C1 Services			
Federal Share (85% or less)			
Non-Federal Share plus State Share (15% or more)			
State Share (5% or more)			
Grab & Go (25% or less)			
Title III-C2 Services			
Federal Share (85% or less)			
Non-Federal Share plus State Share (15% or more)			
State Share (5% or more)			

Emergency Management



- Reviewing documentation submitted with the Area Plan
- COOP Plans
- Emergency and Disaster Readiness Plans
- Service Plans that include emergency planning
- Emergency Operations Plans
- Disaster Preparedness and Recovery Plans
- Emergency Preparedness Plans

OAA Regulatory Resources



- Resources available:
 - USAging's Analysis - [Crosswalk](#)
 - ACL – “Back to Basics” [webinar series](#), [Federal Regulations](#)
 - DAS [e-newsletter](#)
 - CFO Quarterlies (October 23 from 10-11:00a.m.)
- Mark your calendars for AAA engagement and input dates:
 - Oct 16
 - Nov 13
 - Dec 18
 - Jan 15