



AAA Input Meeting: Division for Aging Services New Regs Team

October 16, 2024



Agenda



- Welcome from the DAS Team
- Monitoring
 - Procedural Review
- Process Review
 - Grievance and Appeal Components
 - Records Retention
- Priority Service Spending
 - Minimum and Historical Services and Percentages
 - Waivers
- Policies and Procedures
 - Buildings, Renovations, Maintenance, and Equipment
 - Voluntary Contributions
 - Cost Sharing
 - Program Income
 - Fixed Amount Subawards
- Emergency Management Information
- Q & A

Grievance Process Components



- Client notified of service denial or termination
- Client unsatisfied with service delivery
- If the client requests a grievance, send an explanation of process
- Client offered time to grieve the decision
- Advance to Executive Director/CEO - Investigation
- Resolution - written decision notification sent to client
- Second level - may further grieve to the Executive Committee
- Final decision at local level

Appeals Process Components



- Pending more information

Complaint Process



- 22VAC30-60-80
- If a citizen, organization, or local government should believe an Area Agency on Aging or its Area Plan for Aging Services substantially fails to comply with the provisions of the Older Americans Act, as amended, the complaint shall be addressed in writing to the Commissioner of the Virginia Department for Aging and Rehabilitative Services, detailing the reasons and bases for the complaint
- A complaint can be initiated at the local level with the ombudsman program, for reporting complaints to the Virginia Department for Aging and Rehabilitative Services

Records Retention



- 22VAC30-60-520. Area agency record retention requirements
- Fiscal records shall be maintained for five years from the date the Virginia Department for Aging and Rehabilitative Services submits to the U.S. Department of Health and Human Services its final expenditures report for the funding period. This period may be extended, if an audit, litigation, or other action involving the records is started before the end of the five-year period and the records must be retained until all issues arising from the action are resolved or until the end of the five-year period, whichever is later
- Applicable to program records such as client records, assessments, surveys, etc.

Priority Services Spending



An Area Agency on Aging shall spend:

- At least 15% of its Title III-B allotment for services associated with access to other services: care coordination, communication, information, assistance and referral (CRIA), and transportation.
- At least 5% of its Title III-B allotment for in-home services: adult day care, checking, chore, homemaker, checking, personal care, residential repair and renovation services, and in-home respite care.
- At least 1% of its Title III-B allotment for legal assistance.

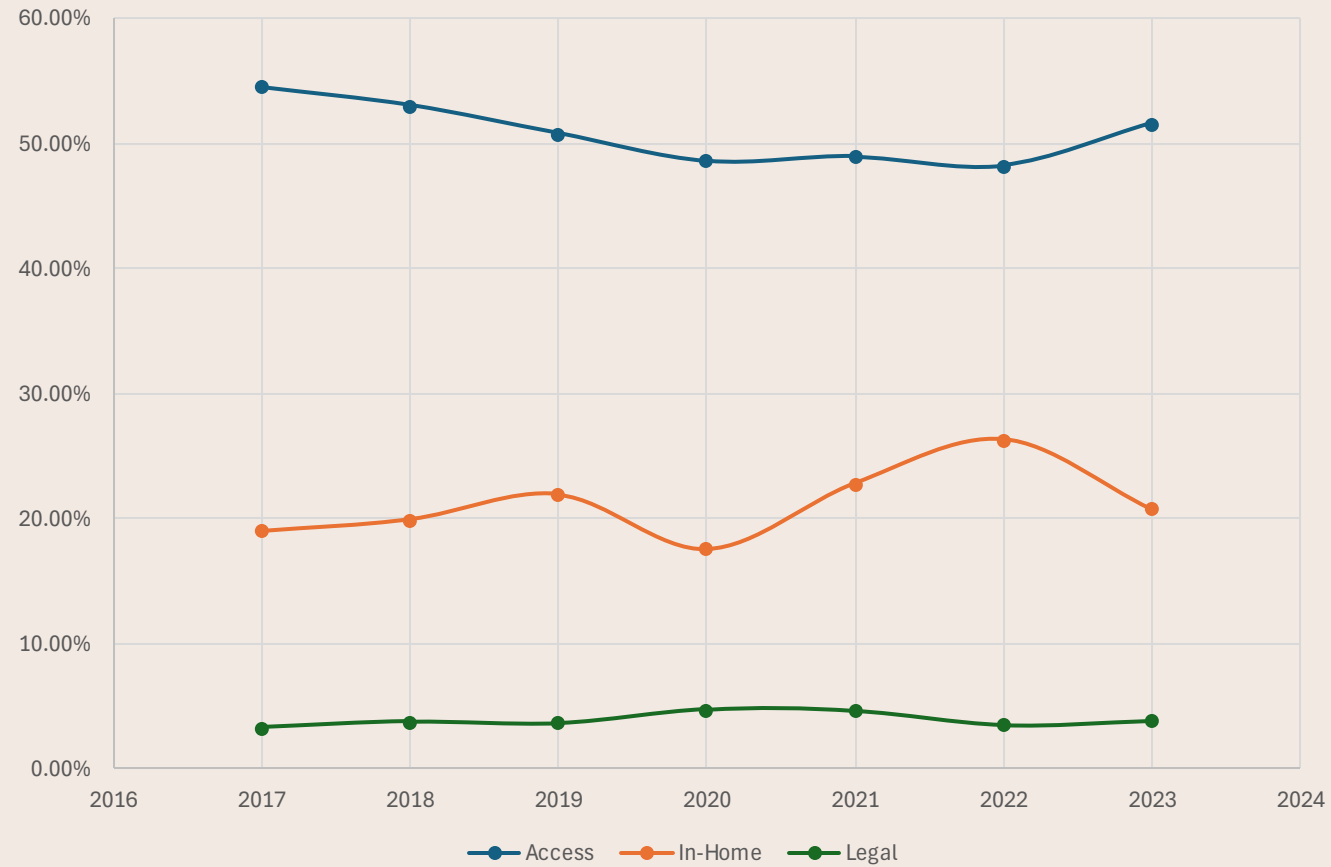
Historical Spending



FFY	Access	In-Home	Legal
2023	51.65%	20.80%	3.83%
2022	48.23%	26.31%	3.52%
2021	48.99%	22.79%	4.62%
2020	48.66%	17.58%	4.69%
2019	50.81%	21.92%	3.64%
2018	53.10%	19.93%	3.78%
2017	54.62%	19.08%	3.26%

Spending Chart

Priority Spending History



Priority Services (cont.)



- 22VAC30-60-100 Priority Services
- DARS may waive the spending requirement for any category of services if the Area Agency on Aging demonstrates that services being provided in such category in the area are sufficient to meet the need for services in such area.
- Before an Area Agency on Aging requests a waiver, the Area Agency on Aging shall conduct a public hearing.

Steps for a Public Hearing



- The Area Agency on Aging requesting a waiver shall notify all interested persons of the public hearing.
- The area agency shall provide interested persons with an opportunity to be heard.
- The Area Agency on Aging requesting the waiver shall receive, for a period of 30 days, any written comments submitted by interested persons.
- The AAA shall furnish a complete record of the public comments with the request for the waiver to DARS.
- Acceptance will be documented in the area plan (initial or modification).

Previous Policies & Procedures

Rural
Minimum
Expenditures

Supplement,
Not Supplant

Advance
Funding

Flexibilities
under MDD

Maintenance
of Effort

Reallotment

Transfers

'Grab & Go'
Meals

Buildings, Renovations, Maintenance, & Equipment



- **Definitions:** “Buildings” – a permanent, stationary structure that is habitable by humans, such as a house, office building, church, museum, or other similar structure.
- “Alterations or Renovations” – changes to a building or facility that can affect its usability or access such as remodeling, designing, or replacing parts.
- “Maintenance” – activities that keep assets operating efficiently under normal conditions.
- “Equipment” – tangible, nonexpendable, personal property having a useful life of more than one (1) year.
- “Capital project” – a project that helps maintain or improve an asset, often called infrastructure. It is a new construction, expansion, renovation, or replacement project for an existing facility or facilities.

Policy



- **Policy:** Promote stewardship in the planning, design, construction and maintenance of the physical environment so that it is cohesive, contextual, aesthetic, sustainable and enduring so as to protect the health, welfare, and safety of the older adults, staff, and other community members. The Area Agency shall obtain written approval from the State Agency before making purchases of equipment and capital projects having an acquisition cost of Five Thousand Dollars (\$5,000.00) or more.

Procedural Implementation



- **Procedure:** Buildings and equipment, where costs incurred for altering or renovating, utilities, insurance, security, necessary maintenance, janitorial services, repair, and upkeep to preserve buildings and equipment in an efficient operating condition, including acquisition and replacement of equipment, may be an allowable use of funds, and the following apply:
 - Costs are only allowable to the extent not payable by third parties through rental or other agreements;
 - Costs must be allocated proportionally to the benefiting grant program;
 - Construction and acquisition activities are only allowable for multipurpose senior centers.

Senior Centers

- In addition to complying with the requirements of the Act, as set forth in section 312 ([42 U.S.C. 3030b](#)), as well as with all other applicable Federal laws, the grantee or subrecipient as applicable must file a Notice of Federal Interest in the appropriate official records of the jurisdiction where the property is located at the time of acquisition or prior to commencement of construction, as applicable. The Notice of Federal Interest must indicate that the acquisition or construction, as applicable, has been funded with an award under Title III of the Act, that the requirements set forth in section 312 of the Act ([42 U.S.C. 3030b](#)) apply to the property, and that inquiries regarding the Federal Government's interest in the property should be directed in writing to the Assistant Secretary for Aging.

Additional Procedures



- Alterations and renovations are allowable for facilities providing direct services or those used to conduct area plan administration activities
- **Purchase Authorization:** AAA shall submit requests for purchase approval to the State Agency as needed, but no later than sixty (60) days before the end of the program year.
- **Inventory:** The AAA shall maintain an up-to-date inventory of all new equipment and capital projects currently on hand with the State Agency.
- **Condition:** All equipment and capital projects must remain in working order.

Voluntary Contributions



- **Definition:** “Voluntary Contributions” – non-coerced donations or other personal resources by individuals receiving services under the Act.
- **Policy:** Voluntary contributions must be allowed and may be solicited for all services for which funds are received under the Older Americans Act, consistent with section 315(b) (42 U.S.C. 3030c-2(b)). The AAA/Service Provider shall publish a schedule of suggested contributions and must advise clients of the opportunity to contribute towards the cost of the service. In no case shall the AAA/Service Provider deny the provision of service to a consumer who is unable or unwilling to make a contribution. Voluntary contributions must be used to expand the service for which the contribution was given.

Procedural Implementation



- Procedure for voluntary contributions: The AAA must consult with the relevant service providers and older individuals in the planning and service area to determine the best method for accepting voluntary contributions. The AAA and service providers shall not means test for any service for which contributions are accepted, or deny services to any individual who does not contribute to the cost of the service.

Procedures Cont.



- The suggested contribution levels must be based on the actual cost of services.
- Voluntary contributions shall be encouraged for individuals whose self-declared income is at or above 185 percent of the Federal poverty level. Assets, savings, or other property owned by an older individual or family caregiver may not be considered when seeking voluntary contributions from any older individual or family caregiver.
- The method of solicitation must be noncoercive, and the solicitation must meet all the requirements of this procedure and be conducted in such a manner so as not to cause a service recipient to feel intimidated, or otherwise feel pressured into making a contribution.

Procedures Cont. II



- All recipients of services must be provided an opportunity to voluntarily contribute to the cost of the service; clear information, including information in alternative formats and in languages other than English in compliance with Federal civil rights laws, explaining there is no obligation to contribute, and the contribution is voluntary; and protection of privacy and confidentiality of each recipient with respect to the recipient's income and contribution or lack of contribution.
- Means testing is prohibited.
- Services shall not be denied because the older individual or family caregiver will not or cannot make a voluntary contribution.

Procedures Cont. III

- AAAs and Service Providers must establish appropriate procedures to safeguard and account for all contributions. Per 22VAC30-60-90, at a minimum, participant contributions shall employ one or more of the following precautions:
 - have two persons count all cash contributions;
 - deposit the amount intact;
 - make deposits on a daily basis;
 - maintain all cash contributions in a secure place until deposit;
 - regularly justify cash counts against deposit receipts received from the bank;
 - for home-delivered meals, maintain lock boxes in the vans and encourage mailed contributions;
 - provide a clearly stated policy concerning provision of client receipts, in duplicate, for each cash transaction; and
 - rotate staff periodically, if staffing permits.

Procedures Cont. IV



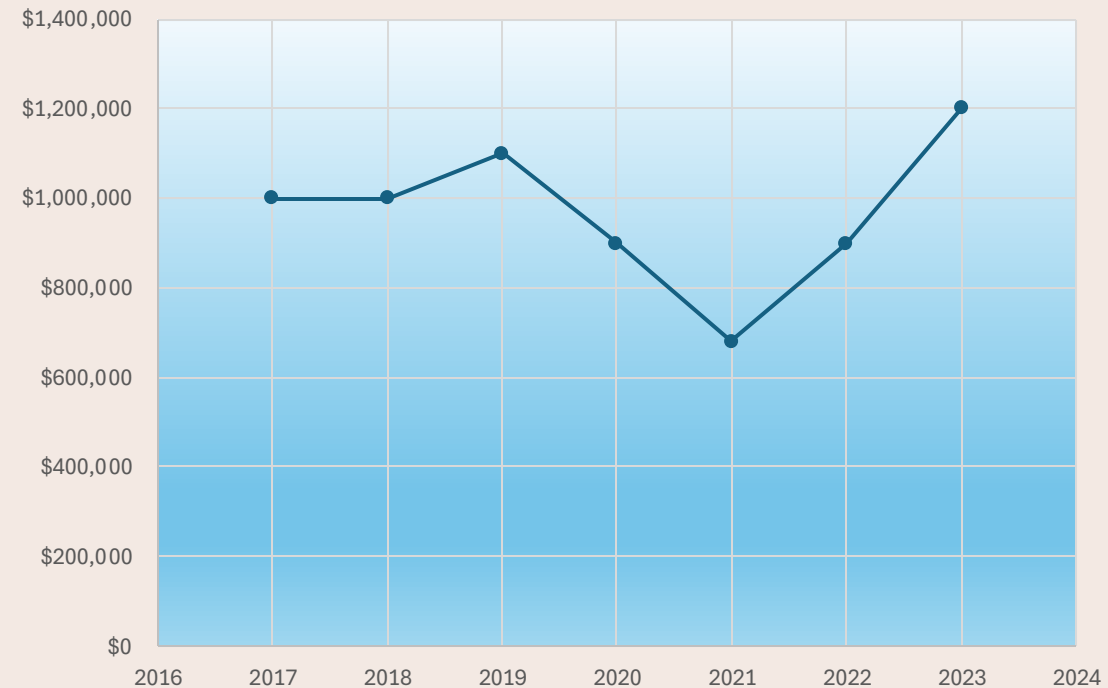
- Amounts collected are considered program income FFY23 - \$1.2M recorded statewide
 - Congregate meals - \$400K
 - Home delivered meals -\$380K
 - Emergency services - \$290K
 - Transportation - \$75K

Statewide Contributions



FFY	Contributions
2023	\$1.2M
2022	\$900K
2021	\$680K
2020	\$900K
2019	\$1.1M
2018	\$1.0M
2017	\$1.0M

Voluntary Contributions



Cost Sharing

- Definition: “Cost Sharing” – requesting payment using a sliding scale, based only on an individual’s income and the cost of delivering the service, in a manner consistent with the exceptions, prohibitions, and other conditions laid out in the Act.
- Policy: Cost sharing is permitted for all services funded by the Older Americans Act funds except CRIA (communication, information, and referral/assistance), outreach, benefits counseling, care coordination, ombudsman, elder abuse prevention, legal assistance or other consumer protection services, congregate and home delivered meals, and any services delivered through Tribal organizations.

Procedural Implementation



- A AAA may receive a waiver of cost sharing policies, if the AAA adequately demonstrates:
 - A significant proportion of persons receiving services under the Act have incomes below the threshold; or
 - That cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.
- The “VDA Sliding Fee Scale”, revised annually, is the scale to be used as the basis for assessing fees. This scale is based on the most recent published Federal Poverty Guidelines. The Northern Virginia AAAs in Planning and Service Area 8A-8E are to follow the “Northern Virginia VDA Sliding Fee Scale”. An AAA may request an alternative to the “VDA Sliding Fee Scale” for Older Americans Act funding by completing the appropriate waiver in the Area Plan.

Cost Sharing Applicability



Criteria eligible to participate in cost sharing:

- Be based solely on individual income and the cost of delivering services;
- Be communicated including in written materials and in alternative formats upon request;
- Explain there is no obligation to contribute, and the contribution is voluntary;
- Be conducted in such a manner so as not to cause a service recipient to feel intimidated, or otherwise feel pressured into making a contribution;
- Protect the privacy and confidentiality of each recipient with respect to the recipient's income and contribution or lack of contribution.

Additional Procedures



- Individuals shall be determined eligible to cost share based solely on a confidential declaration of income and with no requirement for verification
- Cost sharing is prohibited as follows:
 - By a low-income older individual if the income of such individual is at or below the Federal poverty level;
 - For the following services:
 - Information and assistance, outreach, benefits counseling, or case management services;
 - Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services;
 - Congregate and home-delivered meals; and
 - Any services delivered through Tribal organizations.

Final Cost Share Items



- Means testing is prohibited.
- Services shall not be denied because the older individual or family caregiver will not or cannot make a cost sharing contribution.
- AAAs must ensure that appropriate procedures to safeguard and account for all cost sharing contributions are established.
- All cost sharing contributions collected are considered program income.
- All program income must adhere 22VAC30-60 requirements.

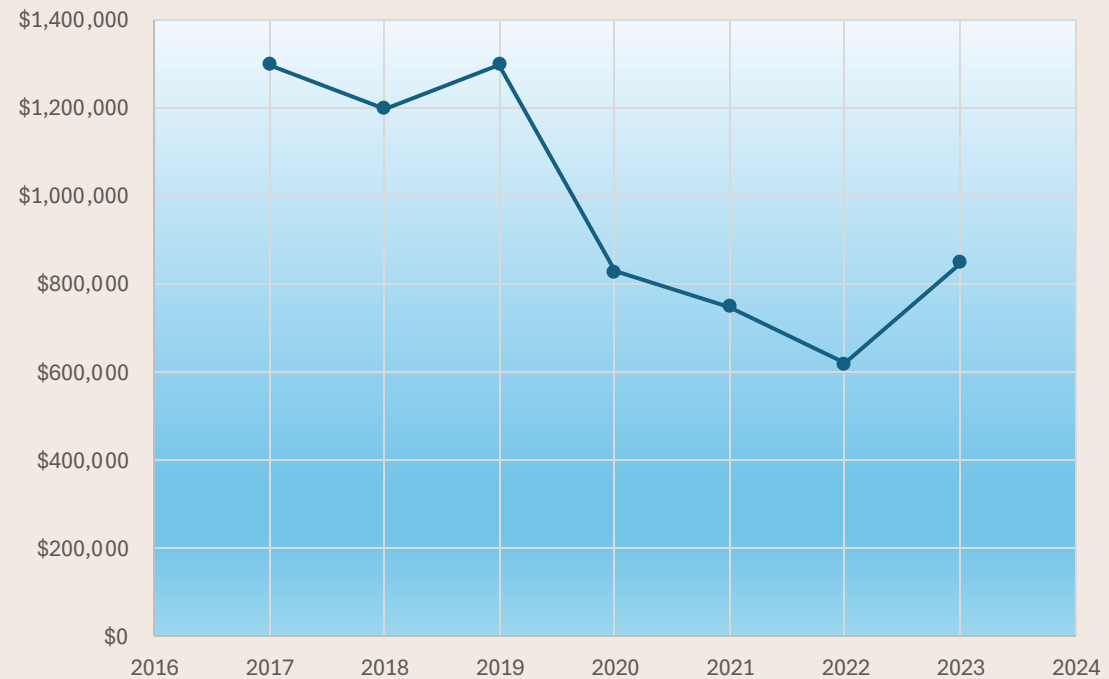
Cost Share Services

- FFY23 - \$850K recorded statewide
 - Adult Day Care - \$210K
 - Homemaker - \$160K
 - Personal Care - \$160K
 - HDM FFS - \$120K
 - Transportation - \$75K

Statewide Cost Share

FFY	Cost Share
2023	\$850,000
2022	\$620,000
2021	\$750,000
2020	\$830,000
2019	\$1,300,000
2018	\$1,200,000
2017	\$1,300,000

Cost Share



Program Income



- Definition: “Program Income” – gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance (2 CFR 200.1 Definitions).
- Policy: An Area Agency on Aging shall formally adopt written policies and procedures, approved by the governing board, regarding collection, disposition, and accounting for program income, including participant contributions, and interest and other investment income earned on advances of federal and state funds (22VAC30-60-400).

Use of Program Income



- Program income is subject to the following requirements:
 - Voluntary contributions and cost sharing payments are considered program income;
 - Program income collected must be used to expend a service where it was originally collected;
 - Program income must be expended prior to requesting additional federal funds
- All program income must adhere to the requirements found in 22VAC30-60 (<https://law.lis.virginia.gov/admincode/title22/agency30/chapter60/>)

Fixed Amount Subawards



- Definition: “Fixed Amount Subawards” – a type of grant or cooperative agreement pursuant to which the Federal agency or pass-through entity provides a specific amount of funding without regard to actual costs incurred under the Federal award. This type of Federal award reduces some of the administrative burden and record-keeping requirements for both the recipient or subrecipient and the Federal agency or pass-through entity.
- Policy: With prior written approval from the Federal Agency, Fixed Amount Subawards may be provided on fixed amounts up to the simplified acquisition level.

Procedural Implementation



- The Federal agency or pass-through entity may use fixed amount awards if the project scope has measurable goals and objectives and if accurate cost, historical, or unit pricing data is available to establish a fixed budget based on a reasonable estimate of actual costs.
- Budgets for fixed amount awards are negotiated with the recipient or subrecipient and the total amount of Federal funding is determined in accordance with the recipient's or subrecipient's proposal.
- There is no expected routine monitoring of the actual costs incurred by the recipient or subrecipient.
- Payments must be based on meeting specific requirements of the Federal award such as milestones, units, or completion.

Emergency Management



- Federal Emergency Management Agency (FEMA)
- Virginia Department of Emergency Management (VDEM)
 - Emergency Operations Center (EOC)
 - Virginia Emergency Response Team (VERT)
- Local Emergency Managers
- AAA Emergency and Disaster Readiness/Preparedness Plans
- AAA Continuity of Operations Plan (COOP)
- Building Specific Emergency Plans
- Disaster Recovery Plans

Federal, State, and Local Roles



- FEMA – priority is meeting the immediate lifesaving and life-sustaining needs of states
- State and local governments work year-round preparing for disasters, recovery, and joint training activities
- Emergency Support Functions (ESF)
 - #1 Transportation, #2 Communication, #3 Public Works and Engineering, #4 Firefighting, #5 Emergency Mngmt, #6 Mass Care, Housing and Human Services, etc.
- Pre-established relationships with key stakeholders to provide needed services within each community

Local Emergency Contacts



- <https://lemd.vdem.virginia.gov/Public/>

Locality	Name	Title	Public Email/Website	Address	Office Phone
Prince William County	Christopher Shorter	County Executive	pwcem@pwcva.gov	1 County Complex Court, MC470 Prince William, VA 22192-9201	703-792-7050
Pulaski County	Brad Wright	Emergency Management Coordinator	bwright@pulaskicounty.org	143 Third Street NW Suite 1 Pulaski, VA 24301	540-994-2574
Radford City	Rodney A. Haywood	Emergency Management Coordinator	rodney.haywood@radfordva.gov	1500 Wadsworth St Radford, VA 24141	540-731-3617
Rappahannock County	Darren Stevens	Emergency Management Coordinator	esc@rappahannockcountyva.gov	PO Box 519 Washington, VA 22747	540 675 5330
Richmond City	Anthony McLean	Deputy Coordinator	Anthony.McLean@rva.gov	201 E. Franklin Street Richmond, VA 23219-2211	804-646-2504

Additional Contact



- Virginia Emergency Support
 - TEL (804)267-7600
 - TDD (804)674-2417
 - FAX (804)272-2046
- 211 Virginia
- Near the VA Border
 - TEL (800)230-6977
 - NC and TN also have 211 Centers

Declaration

Effective Date of this Executive Order

This Executive Order shall be effective September 25, 2024, and shall remain in full force and effect for 45 days pursuant to § 44-146.17(A)(1) of the *Code*, unless sooner amended or rescinded by further executive order.

Termination of this Executive Order is not intended to terminate any federal type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of September 2024.



Glenn Youngkin, Governor

Attest:



Kelly Gee, Secretary of the Commonwealth

State and Federal Status



- Gov. – 9/25, Pres. ED – 9/29, Pres. MDD – 10/1
- Governor Declaration – readies state and local resources
- Emergency Declaration – immediate and short-term assistance for saving lives, public health, and protecting property
- Major Disaster – long-term recovery and resources available to communities and survivors to supplement state and local aid
- Giles, Grayson, Smyth, Tazewell, Washington, Wythe, and Galax
 - May include grants for temporary housing and repairs, low-cost loans for uninsured property loss, and other recovery efforts

Emergency Plan



- Mark Evans, Safety and Risk Manager
 - Mark.Evans@dars.virginia.gov, (804)662-7481
- Contact and support – updated annual action plans, COOP reviewed annually, and other local plans
- Preliminary review of plans submitted
- Assist agencies to meet compliance/requirements
- What training and opportunities are available?

OAA Regulatory Resources



- Resources available:
 - USAgings' 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:
 - Nov 13
 - Dec 18
 - Jan 15