



AAA Input Session

February 19, 2025



Agenda



- State Plan Amendments: Update & Finalize Key Provisions
 - Program Development & Coordination Activities (PDCA)
 - Grab & Go
 - Greatest Economic Need (GEN) and Greatest Social Need (GSN)
- Area Plan: Updates to the Process
 - Waiver Requests
- AAA Monitoring and AAA Assurances: Updates
- Wrap-Up
- [Reference Slides]

State Plan Amendments

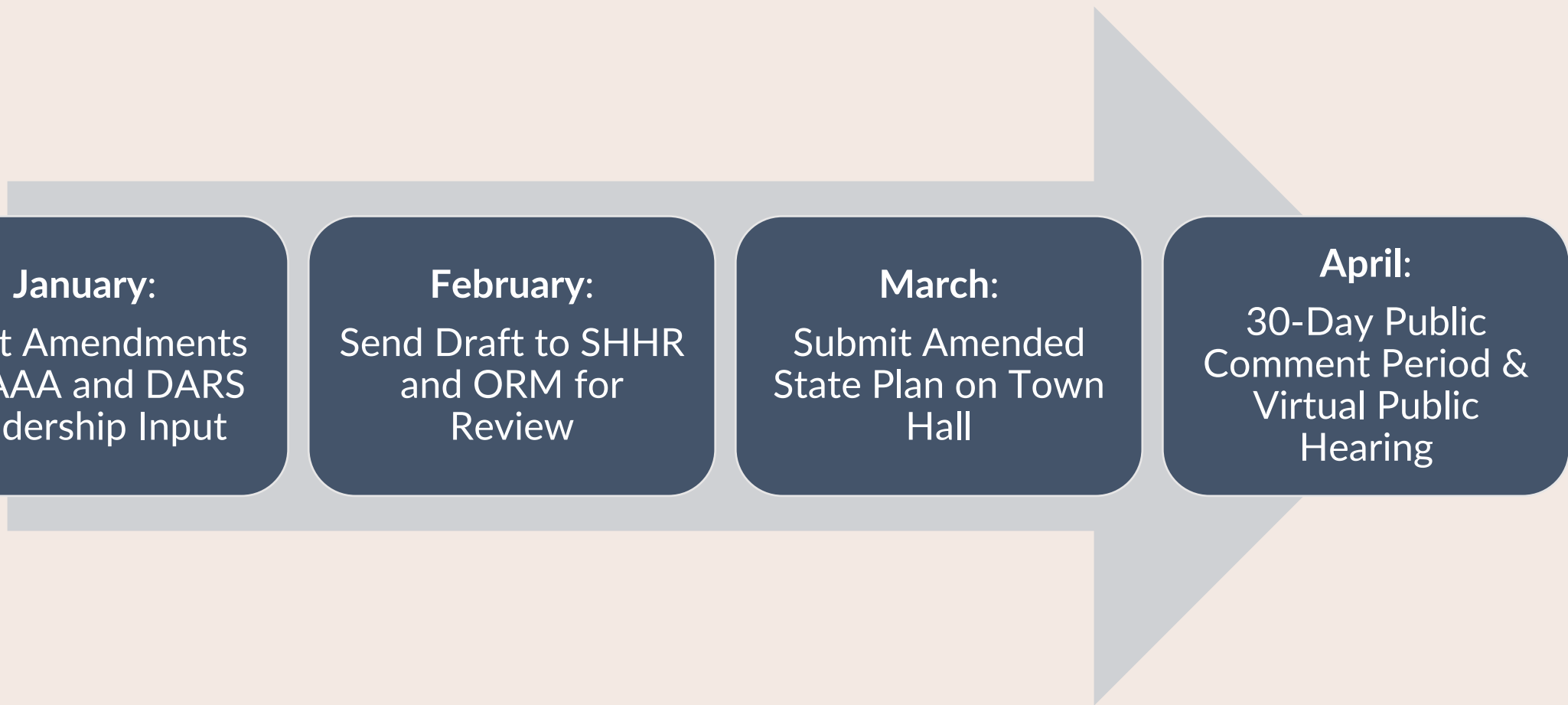
Refresher from January 15, 2025

State Plan for Aging Services



- DARS is hoping to avoid a Corrective Action Plan (CAP) for the State Plan for Aging Services
- ACL has finalized the new State Plan Guidance - effective January 13, 2025
- To avoid a CAP, these are the **hard deadlines**:
 - **June 1**: Submit a draft amended State Plan to the ACL Regional Administrator (Stephanie Cole) for review and input
 - **July 1**: Submit a final/signed amended State Plan to ACL Central Office, via our Regional Administrator, for review and potential approval
- OAA-required tasks that must be accomplished before June:
 - 30-day public comment period
 - [Virtual] public hearing

Expected Timeline



January:

Draft Amendments for AAA and DARS Leadership Input

February:

Send Draft to SHHR and ORM for Review

March:

Submit Amended State Plan on Town Hall

April:

30-Day Public Comment Period & Virtual Public Hearing

Timeline Continued

May:

Make Revisions &
Engage ACL
Regional
Administrator (RA)

June:

Submit Draft Plan to
ACL RA; Obtain
SHHR/Governor
Approvals

July:

Submit Final/Signed
Plan to ACL

October:
Plan Starts

Amendments Required

Logistic Updates

- Cover Page
- Table of Contents
- [Remove Appendix 6]

Minor Updates

- Letter from the Secretary
- Letter from the Commissioner
- Verification of Intent
- Attachment A: Assurances
- New Attachment D: Geographic Service Boundaries (remove Appendix 6)

Substantive Updates

- **Attachment B: Information Requirements**
- New Attachment E: Evidence of Public Comment

Attachment B: Existing



- The following prompts have not changed, but DARS needs to update our responses:
 - Low Income Minority Older Adults
 - Rural Areas – Hold Harmless
 - Rural Areas – Needs and Fund Allocations
 - Assistive Technology
 - Minimum Proportion of Funds
 - Assessment of Statewide Service Delivery
 - Emergency Preparedness Plans: Coordination & Development
 - Emergency Preparedness Plans: Involvement of the Head of the State Agency

Attachment B: Revised



- The following prompts have been revised and DARS will need to update our responses:
 - Greatest Economic and Greatest Social Need
 - Activities to Increase Access and Coordination for Older Native Americans
 - Funding Allocation – [LTC] Ombudsman Program

Attachment B: New



- The following prompts have been added and DARS needs to prepare new responses:
 - Native Americans: Greatest Economic and Greatest Social Need
 - Grab & Go Meals
 - Funding Allocation – Elder Abuse, Neglect & Exploitation
 - Monitoring of Assurances
 - State Plans Informed by and Based on Area Plans
 - Public Input and Review
 - Program Development and Coordination Activities (PDCA)
 - Legal Assistance Developer

Program Development and Coordination Activities (PDCA)

Decision and Implementation

Moving Forward with Option 1



Virginia will not permit III-B funds for PDCA

- This is noted in the draft amended State Plan for Aging Services Attachment B
- Reminder: LTC Coordinating Activity service will be ending
- There is always the potential to re-evaluate and switch to allow for PDCA using III-B funding for the next State Plan.

DARS seeks confirmation from the AAAs that there is consensus on this decision.

Grab & Go Meals

Decision and Implementation

Moving Forward with A & B



Given the information we have at hand now, DARS will permit Grab & Go using III C-1 funds for:

- (A) During disaster or emergency situations affecting the provision of nutrition services, and
- (B) To older individuals who have an occasional need for such meal

Lacking adequate information and evidence to complete the State Plan requirements, DARS will not allow Grab & Go using III C-1 funds (at least for now) for:

- (C) 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
- This can be re-evaluated over the next two years in preparation for the submission of Virginia's 2027-2031 State Plan for Aging

DARS seeks confirmation from the AAAs that there is consensus on this decision.

Grab & Go Examples: A & B



A: Disasters or Emergencies

- Examples include inclement weather, power outages, water issues, & when a congregate site is closed unexpectedly due to staff illness
- Includes the distribution of boxes of **shelf-stable** meals to III C-1 participants twice per year in anticipation of potential future emergencies

B. Occasional Needs

- Examples include temporary or time-limited medical or disability reasons, caring for a sick grandchild, & scheduling conflicts for other personal appointments
- Includes distribution of meals in advance or takeaway meals if the individual cannot stay to eat the meal on-site

Grab & Go Meals may be provided to existing or active Congregate Meal Site Participants

Tracking Grab & Go Meals

AAA Reporting of Units and Expenditures

- PeerPlace for tracking Grab & Go units
- AMR for tracking Grab & Go expenditures
 - This may require further budget reconciliation activity with DARS Fiscal Team

DARS Activities

- Update Service Standards
- Monitoring AAA data
- On-site monitoring
- DARS-AAAs engage during disasters
- DARS provides ongoing technical assistance to AAAs

AAA Activities

- Tracking (column 1)
- Account for the Final Rule requirements in Area Plans
- Consult with participants, nutrition services providers, and the AAA Advisory Council
- Seek public comment on Grab & Go in Area Plans
- Integrate Grab & Go into AAA satisfaction surveys for participants
- Include Grab & Go in the AAA's annual program evaluation process

Area Plan Requirement



- If the AAA wants to use III C-1 funds for Grab & Go meals, the AAA must include the following in the AAA's Area Plan:
 1. Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meals program, and a commitment to monitor impact on congregate meals program participation;
 2. Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need;
 3. Description of the eligibility criteria for service provision;
 4. Evidence of consultation with nutrition and other direct services providers, other interested parties, and the general public regarding the need for and provision of such meals; and
 5. Description of how provision of such meals will be coordinated with nutrition and other direct services providers and other interested parties.

Citation: 45 CFR § 1321.65(b)(10)

Greatest Economic and Social Needs

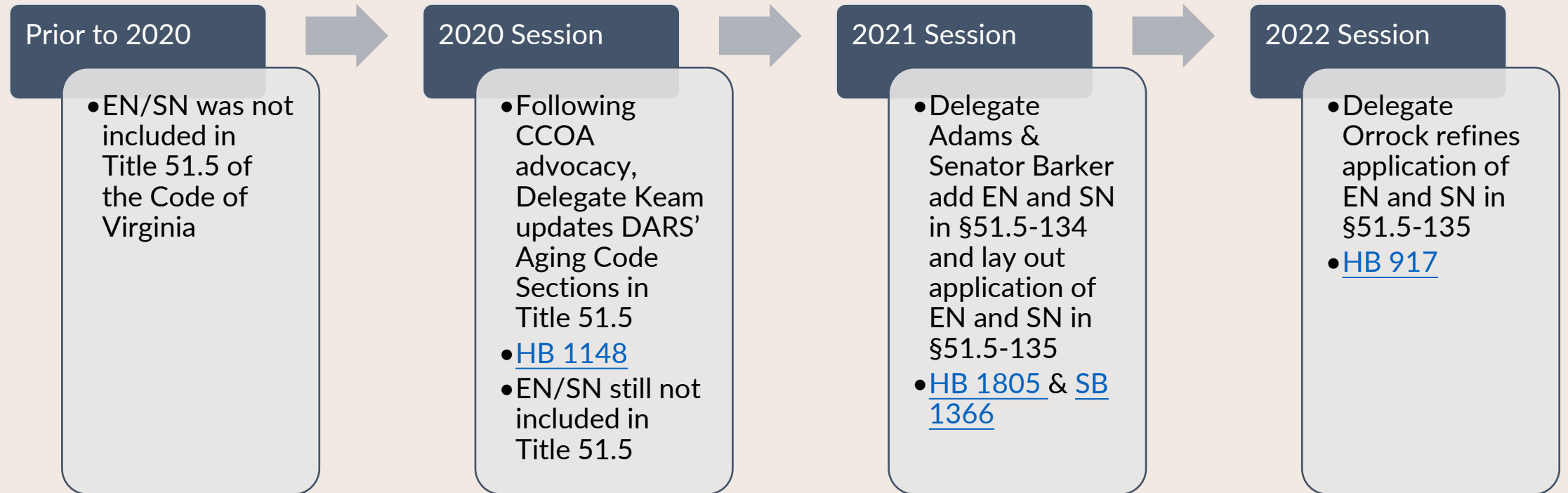
Targeting, Eligibility, and Prioritization

OAA GEN & GSN



- Older Americans Act (OAA) Statute Section 102
- (23) The term “greatest economic need” means the need resulting from an income level at or below the poverty line.
- (24) The term “greatest social need” means the need caused by noneconomic factors, which include—
 - (A) physical and mental disabilities;
 - (B) language barriers; and
 - (C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—
 - (i) restricts the ability of an individual to perform normal daily tasks; or
 - (ii) threatens the capacity of the individual to live independently.

History of EN/SN in Virginia



EN = Economic Need
SN = Social Need

2020 Legislation (Keam)



- Added AAAs under the purview of DARS' Human Subject Research oversight
- Updated/Added broad definitions for OAA service categories (e.g., In-Home Services)
- Updated the terminology for “aging services” throughout
- Removed the requirement for DARS to provide information on special care units
- Moved the provisions for the State Long-Term Care Ombudsman Program to a different Article (13)
- Repealed the defunct Respite Care Grant Program (Article 8)

2021 Legislation (Barker/Adams)



- § 51.5-134: Adds the following definitions:
 - "Economic need" means the need resulting from an income level at or below the poverty line.
 - "Social need" means the need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently.
- § 51.5-135: Adds the following language in Subsection A:
 - *In providing aging services, the Department shall use available resources to provide services to older persons with the greatest economic needs and those with the greatest social needs.*

2022 Legislation (Orrock)



- Makes the following changes to § 51.5-135 Subsection A:
 - ~~In providing aging services, the~~ *The* Department shall use available resources to provide services to older persons with ~~the~~ greatest economic needs and those with ~~the~~ greatest social needs. *In allocating resources to provide aging services, the Department (i) shall prioritize providing services to those with the greatest economic need and (ii) among individuals with comparable levels of economic need, may prioritize providing services to individuals with the greatest social need.*

2024 OAA Final Rule: GEN



- 45 CFR § 1321.3 Greatest Economic Need:
- Greatest economic need, as used in this part, means the need resulting from an income level at or below the Federal poverty level and as further defined by State and area plans based on local and individual factors, including geography and expenses.

2024 OAA Final Rule: GSN



- 45 CFR § 1321.3 Greatest Social Need:
- Greatest social need, as used in this part, means the need caused by noneconomic factors, which include:
 - (1) Physical and mental disabilities;
 - (2) Language barriers;
 - (3) Cultural, social, or geographical isolation, including due to:
 - (i) Racial or ethnic status;
 - (ii) Native American identity;
 - (iii) Religious affiliation;
 - (iv) Sexual orientation, gender identity, or sex characteristics;
 - (v) HIV status;
 - (vi) Chronic conditions;
 - (vii) Housing instability, food insecurity, lack of access to reliable and clean water supply, lack of transportation, or utility assistance needs;
 - (viii) Interpersonal safety concerns;
 - (ix) Rural location; or
 - (x) Any other status that:
 - (A) Restricts the ability of an individual to perform normal or routine daily tasks; or
 - (B) Threatens the capacity of the individual to live independently; or
 - (4) Other needs as further defined by State and area plans based on local and individual factors.

OAA Final Rule Terms

Targeting

- Think outreach and engagement activities
- Who really needs OAA services and how do we make them aware of the available services and how to access them?

Eligibility

- Think qualifying for a service or minimum eligibility criteria to receive a service
- Which older adults qualify for/are eligible to receive the OAA service?

Prioritizing

- Think about prioritizing certain older adults in the delivery of OAA services
- With limited funding, which eligible older adults will be prioritized for the service?

Attachment B Requirements



- A State agency's response must establish how the State agency will:
 - (1) **identify** and consider populations in greatest economic need and greatest social need;
 - (2) describe how they **target** the identified the populations for service provision;
 - (3) establish **priorities** to serve one or more of the identified target populations, given limited availability of funds and other resources;
 - (4) establish methods for serving the **prioritized** populations; and
 - (5) use data to **evaluate** whether and how the prioritized populations are being served

VA: Identifying



- Context: : While there are differences in phrasing between the OAA Statute, OAA Final Rule, and Virginia Statute, there are no conflicts
- Response: DARS adopts the OAA statutory and ensuing regulatory definitions for GEN and GSN

VA: Targeting (“Outreach”)



- Context: This included how DARS and the AAAs will target (i.e., engage in activities to reach) GEN and GSN populations
- Response:
 - Weldon Cooper Aging Data Dashboard
 - DARS & AAAs: General outreach and programming efforts
 - DARS & AAAs: Tribal engagement and collaboration
 - DARS & AAAs: Through workgroups, taskforces, and advisory boards
 - DARS & AAAs: Collaboration with other agencies and organizations
 - AAAs through Area Plans
 - **Other Suggestions?**

VA: Prioritizing



- Context: § 51.5-135
- Response: Virginia's aging network follows a standard prioritization for receipt of OAA services and placement on any potential waiting lists as follows:
 - 1. First, individuals who have GEN and have one or more GSN
 - 2. Second, individuals who have a GEN only
 - 3. Third, individuals who have one or more GSN only
- Leading up to the development of the next State Plan for Aging Services, DARS will:
 - Consider and review AAA prioritization approaches that best meet the needs of the AAA's PSA and align with the operations of the AAA and its ensuing services, and
 - Consult with AAAs on prioritization process and consider further refining and testing modeling options to ensure that the intent of the OAA is preserved and maximized
- **Feedback?**

VA: Evaluating

- Context: This is an area that needs to be beefed up; the strategies outlined below mirror efforts underway in other states
- Response: DARS will –
 - Cross-reference Weldon Cooper Aging Data Dashboard population data and AAA client demographic data
 - (1) Pull a statewide sample annually to identify alignment and address potential gaps on a statewide level
 - (2) During AAA monitoring, review the PSA's population data and the AAA's client demographic data to identify alignment and address potential gaps
 - AAA Area Plans will also cover enhanced content on targeting and serving individuals with GEN and GSN

Area Plan Waivers

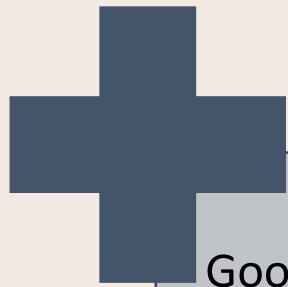
An Overview of Changes and Process

General Updates on Area Plan



- Information that now in the Annually Required Documents
- NWD Area Plan pages have been removed
- Area Plan organization
- Increased number of narrative sections to comply with CFR
- Increased emphasis on GEN and GSN
- Waiver changes
- Service page changes

Area Plan Cycle Updates



Good News:

The changes DARS is making to the Area Plan Template will bring it into compliance with the OAA Final Rule by the October 1, 2025 deadline.

Virginia will not need to request a Corrective Action Plan (CAP) from ACL for the Area Plan.

Potentially Bad News:

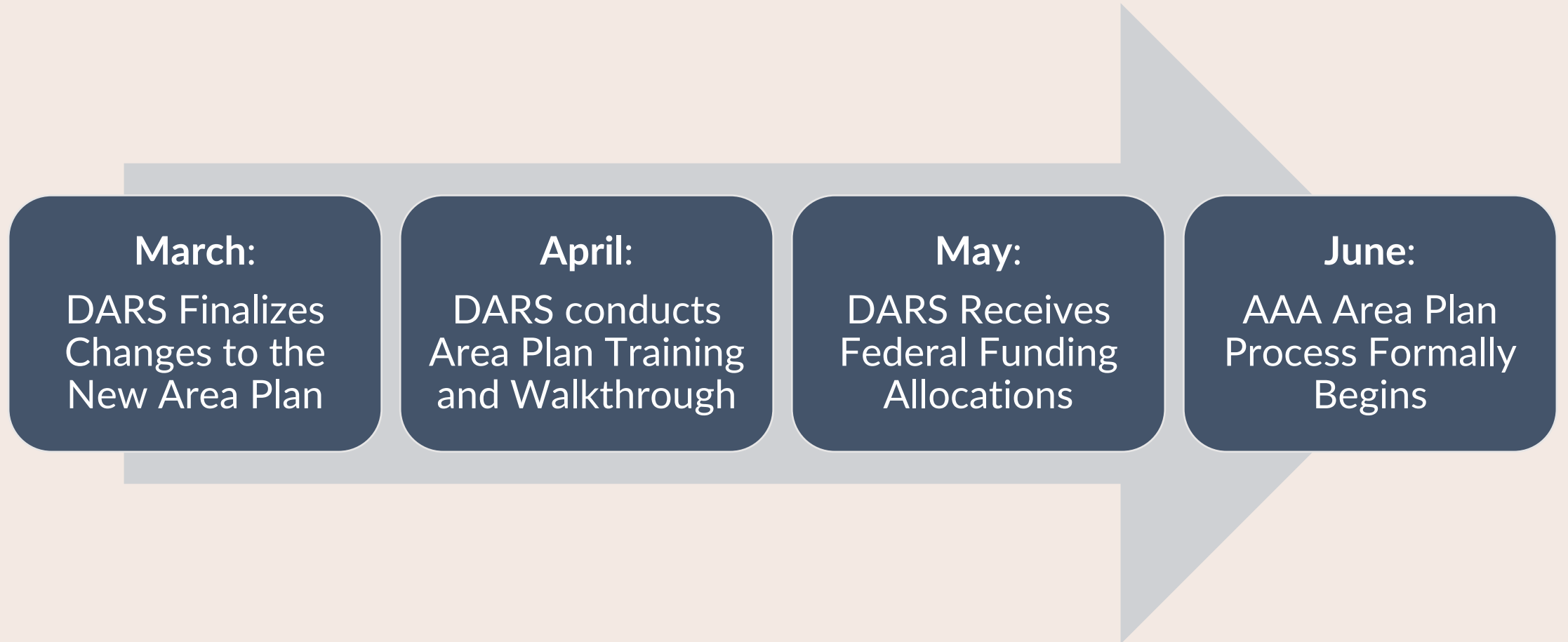
AAAs will need to complete a new Area Plan for the remainder of the FY 2024-2027 Area Plan Cycle to ensure that it includes all the required elements. So...



DARS is preparing a comprehensive roll out for the new Area Plan Template that includes:

- Earlier Access to the Area Plan Template
- Written Instructions
- Virtual Trainings
- Virtual Office Hours

Expected Area Plan Timeline



Timeline Continued

July:
AAA Conduct Public Hearings and 30-Day Public Comment Periods

Early August:
AAA Submit Area Plans to DARS for Review

September:
DARS Follows-Up with AAAs and Finalizes Contracts with AAAs

October:
Area Plans Executed

Minimum Adequate Proportion

Former

- Called the Waiver to Provide Priority Services
- Was separate from the Area Plan Document

Changes

- Now called the Minimum Adequate Proportion Waiver
- Included within the Area Plan Document

Requirements

- Completion only required if proposed spending is below the 15-5-1 percentage levels
- Still requires a public hearing, justification and supporting documents

Citations: OAA 306(c), 307(a)(2), 316 and 22VAC30-60-100(A)

WAIVER TO PROVIDE PRIORITY SERVICES

22VAC30-60-100 Grants To Area Agencies On Aging, Department for Aging and Rehabilitative Services Regulations, Virginia Administrative Code:

The Virginia Department for Aging and Rehabilitative Services may waive the requirement [for priority services] described in 22VAC30-60-100 A through 22VAC30-60-100 C for any category of services described in that section if the Area Agency on Aging demonstrates to the department that services being provided in such category in the area are sufficient to meet the need for such services in such area.”

“Before an Area Agency on Aging requests a waiver pursuant to 22VAC30-60-100 F, the Area Agency on Aging shall conduct a public hearing as follows:

1. The Area Agency on Aging requesting a waiver shall notify all interested persons of the public hearing.
2. The Area Agency on Aging shall provide interested persons with an opportunity to be heard.
3. The Area Agency on Aging requesting the waiver shall receive, for a period of 30 days, any written comments submitted by interested persons.

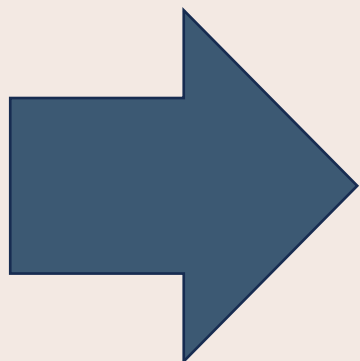
The Area Agency on Aging shall furnish a complete record of the public comments with the request for the waiver to the Virginia Department for Aging and Rehabilitative Services.”

(Check if a waiver is requested)

- _____ **15% Access Services** – defined by the Older American’s Act, Section 306(a)(2)(A) as care coordination, information and referral/assistance, and transportation.
- _____ **5% In-Home Services** – defined by the Older American’s Act, Section 102(30) as adult day care, checking, chore, homemaker, personal care, residential repair and renovation.
- _____ **1% Legal Assistance** – defined by the Older American’s Act, Section 102(33) as legal advice and representation provided by an attorney including counseling or other assistance by a paralegal or law student supervised by an attorney or counseling or representation by a ~~nonlawyer~~ where permitted by law.

Date of Public Hearing: _____

Provide documentation in the box below that supports this request. Attach a complete record of the public comments.



MINIMUM ADEQUATE PROPORTION WAIVER

As permitted by the Older Americans Act (OAA), the Virginia Department for Aging and Rehabilitative Services (DARS) may waive the Minimum Adequate Proportion (MAP) requirement described in 22VAC30-60-100 A through C for any category of services described in 22VAC30-60-100 if the Area Agency on Aging (AAA) demonstrates to DARS that services being provided in such category in the planning and service area (PSA) are sufficient to meet the need for such services.

Public Hearing Requirement for MAP Waiver Requests:

Before an Area Agency on Aging (AAA) requests a MAP Waiver, it must conduct a public hearing as follows:

1. The AAA must notify all interested parties about the public hearing.
2. Interested individuals must be given an opportunity to provide input at the public hearing.
3. The AAA must accept written comments from interested parties for 30 days
4. The AAA must submit a complete record of the public comments along with the MAP Waiver request to DARS.

Indicate which service category a MAP Waiver is requested:

<input type="checkbox"/>	15% Access Services – defined by the OAA, Section 306(a)(2)(A) as care coordination, communication, referral, information and assistance (CRIA) and transportation.
<input type="checkbox"/>	5% In-Home Services – defined by the OAA, Section 102(30) as adult day care, checking, chore, homemaker, personal care and residential repair and renovation.
<input type="checkbox"/>	1% Legal Assistance – defined by the OAA, Section 102(33) as legal advice and representation provided by an attorney including counseling or other assistance by a paralegal or law student supervised by an attorney or counseling or representation by a nonlawyer, where permitted by law.

Public Hearing Date:

Provide justification below that demonstrates support for this MAP Waiver request. Submit a complete record of the public comments and any supporting documentation for review:

Cost Sharing Waiver

Former

- All Area Plan Waivers (Direct Service, Cost Sharing, Alternative Fee Scale) were included on one page by program

Changes

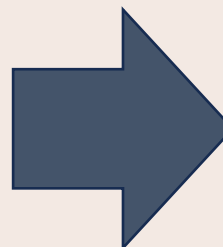
- Cost Sharing, Alternative Fee Scale and Direct Service Waivers have been separated out
- Cost Sharing Waiver can be for specific services, or all allowed services

Requirements

- Completion only required if requesting a waiver
- Indicate all services or specifically named services
- Justification still required

Citations: OAA 315(a)(1),315(a)(6) and 2024 Appropriation Act - Item 317

Area Plan Services X if you are applying for a Waiver	Direct Service Waiver	Cost Sharing/Fee for Services Waiver	Alternative Cost Sharing/Fee for Services Scale Waiver
Group 1: In-Home Services			
Adult Day Care			
Checking			
Chore			
Homemaker			
Personal Care			
Group 2: Access Services			
Care Coordination			
Care Transitions			
Communication, Referral, Information & Assistance			
Options Counseling			
Transportation			
Assisted Transportation			
Group 3: Legal Assistance			
Legal Assistance			
Group 4: Client Services			
Assistive Technology / DME / PERS			
Consumable Supplies			
Emergency Services			
Title III Employment Service			
Long-Term Care Coordinating Activity			
Medication Management			
Money Management			
Outreach/Public Information & Education			
Residential Repair and Renovation			
Socialization & Recreation			
Volunteer Program			



COST SHARING WAIVER

As permitted by Section 315(a) of the Older Americans Act (OAA), the Virginia Department for Aging and Rehabilitative Services (DARS) is permitted to implement cost sharing for all services funded by the OAA by recipients of the services except for the following which is not permitted by the OAA:

1. Communication, Referral, Information and Assistance (CRIA), Outreach/Public Information and Education (PIE), Care Coordination
2. Ombudsman, Elder Abuse Prevention, Legal Assistance, or other consumer protection services
3. Congregate and Home Delivered Meals
4. Any services delivered through tribal organizations

An Area Agency on Aging (AAA) can request a waiver to the DARS cost sharing policy and receive approval if the AAA can adequately demonstrate that –

1. a significant proportion of persons receiving services under the OAA have incomes below the threshold established in DARS policy; or
2. cost sharing would be an unreasonable administrative or financial burden upon the AAA.

As required in the Virginia Appropriation Act, DARS cannot waive cost sharing for programs provided solely with state general funds that are not used as OAA match funds. It is the intent of the Virginia General Assembly that state general funds continue to be subject to a cost sharing program.

The Area Agency on Aging requests a Cost Sharing Waiver:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | For all services allowed by the OAA |
| <input type="checkbox"/> | For one or more specific services identified below |

Identify the specific services the AAA is requesting a Cost Sharing Waiver for, if applicable, and provide the reason(s) for the Cost Sharing Waiver request, including a detailed explanation that adequately demonstrates the need for a Cost Sharing Waiver. Submit any supporting documentation for review.

Alternative Fee Scale Waiver



Former

- All Area Plan Waivers (Direct Service, Cost Sharing, Alternate Fee Scale) were included on one page by program

Changes

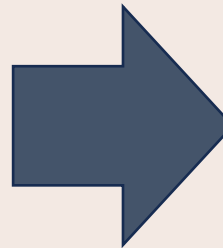
- Waivers have been separated out
- Alternative Fee Scale Waiver can still be requested for all services where cost sharing is allowed

Requirements

- Completion only required if requesting a waiver
- Must submit the Alternative Fee Scale for DARS review
- Rationale and Justification is required.
- Must provide details on funding source, governing board review and approval

Citations: OAA 315(a)(1),315(a)(6); 2024 Appropriation Act - Item 317; VDA Cost Sharing Policy

Area Plan Services	Direct Service Waiver	Cost Sharing/Fee for Services Waiver	Alternative Cost Sharing/Fee for Services Scale Waiver
X if you are applying for a Waiver			
Group 1: In-Home Services			
Adult Day Care			
Checking			
Chore			
Homemaker			
Personal Care			
Group 2: Access Services			
Care Coordination			
Care Transitions			
Communication, Referral, Information & Assistance			
Options Counseling			
Transportation			
Assisted Transportation			
Group 3: Legal Assistance			
Legal Assistance			
Group 4: Client Services			
Assistive Technology / DME / PERS			
Consumable Supplies			
Emergency Services			
Title III Employment Service			
Long-Term Care Coordinating Activity			
Medication Management			
Money Management			
Outreach/Public Information & Education			
Residential Repair and Renovation			
Socialization & Recreation			
Volunteer Program			



ALTERNATIVE FEE SCALE WAIVER

Area Agencies on Aging (AAAs) must adhere to the DARS Sliding Fee Scale in use with Older Americans Act (OAA) and state general fund cost sharing programs. If the AAA wishes to request an Alternative Fee Scale Waiver, the AAA must complete the sections below.

As required by the OAA, Virginia cannot permit cost sharing by a low-income older individual if the income of such individual is at or below the federal poverty line.

The AAA requests an Alternative Fee Scale Waiver

State the service(s) that an Alternative Fee Scale Waiver is being requested:

Provide adequate justification and rationale for the Alternative Fee Scale Waiver request. State if it has been approved by the governing board, when that occurred and/or when the Alternative Fee Scale was last reviewed by the governing board and the current funding source for the service(s). Submit the AAA's proposed Alternative Fee Scale for review.

Draft

Direct Service Waiver



Former

- All Area Plan Waivers (Direct Service, Cost Sharing, Alternative Fee Scale) were included on one page by program

Changes

- Waivers have been separated
- Must be completed for **each** service the AAA can request a waiver for
- Categorically approved services do not need a waiver form completed
- Waiver form indicates reason for request

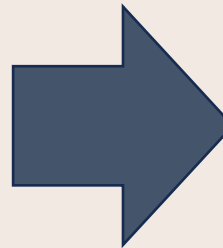
Citations: OAA 307(a)(8)(A) and 45 CFR 1321.65(b)(7)(i-iii)

Direct Service Waiver

Requirements

- The specific service must be stated on the waiver from request
- The reason(s) for the request must be indicated:
 - Direct Service is necessary to ensure adequate supply
 - Service are directly related to AAA's administrative functions
 - Direct Service is more economical and of comparable quality
- Justification is still required. Efforts to locate service providers, details regarding cost of services in the PSA and governing board review and approval must all be detailed.
- All records related to the waiver request must be maintained for monitoring purposes.

Area Plan Services X if you are applying for a Waiver	Direct Service Waiver	Cost Sharing/Fee for Services Waiver	Alternative Cost Sharing/Fee for Services Scale Waiver
Group 1: In-Home Services			
Adult Day Care			
Checking			
Chore			
Homemaker			
Personal Care			
Group 2: Access Services			
Care Coordination			
Care Transitions			
Communication, Referral, Information & Assistance			
Options Counseling			
Transportation			
Assisted Transportation			
Group 3: Legal Assistance			
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Assistive Technology / DME / PERS			
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Emergency Services			
Title III Employment Service			
Long-Term Care Coordinating Activity			
Medication Management			
Money Management			
Outreach/Public Information & Education			
Residential Repair and Renovation			
Socialization & Recreation			
Volunteer Program			



DIRECT SERVICE WAIVER FORM

The Area Agency on Aging (AAA) requests a Direct Service Waiver for the following service:

Reason for the Direct Service Waiver request (check all that apply):

<input type="checkbox"/>	Providing services by the AAA is necessary to assure an adequate supply
<input type="checkbox"/>	Services are directly related to the AAA's administrative functions
<input type="checkbox"/>	Services can be provided more economically, and with comparable quality, by the AAA

Provide detailed justification for this request. Include any efforts the AAA made to locate a service provider, details regarding the costs of services in the planning and service area (PSA) and any other information relevant for consideration. Include information regarding governing board review and approval. All records related to this request must be maintained for monitoring purposes.

Draft

Public Input Requirements



- **Reminder:**
 - 4-Year Area Plan Requires: Public hearing and 30-Day Public Comment Period
 - Amendments to the Area Plan (Years 2-4): Require 30-Day Public Comment Period

Waiver	Part of the 4-Year Area Plan	Changes to the Area Plan (Years 2-4)	Approval Duration
Minimum Adequate Proportion (MAP) Waiver	Include a specific reference to the MAP Waiver in notices for public input	Amendment = <u>Public hearing and</u> 30-day public comment period required	For all four of these: If approved, the waiver is good for 4 years or the remainder of the current Area Plan cycle
Cost Sharing Waiver	For these 3: Follow standard Area Plan public input requirements; No specific reference to these waivers is required in notices for public input	For these three: Amendment = 30-day public comment period required	
Alternative Fee Scale Waiver			
Direct Service Waiver			

AAA Monitoring and Assurances

Updates

Monitoring Guide OR

What to Expect When You're Expecting A Monitoring Visit



- Context: The monitoring process needs standardizing and a reference for AAAs
- Response: This document is one of four, which further includes the Monitoring Tool and a to-be-developed Reference Guide

Monitoring Guide	Monitoring Tool	Reference Guide	AAA Assurances Checklist
<ul style="list-style-type: none">• Provides a digestible outline of the monitoring process	<ul style="list-style-type: none">• Outlines specific items that the Monitoring Team will be reviewing during an on-site visit	<ul style="list-style-type: none">• Will contain references to requirements in the OAA, CFR, DARS Services Standards, or other documents that connect why DARS is asking for certain documents	<ul style="list-style-type: none">• Will be integrated into the Monitoring Process (see next slide)

These four items, once finalized, will live together on the SharePoint site for reference.

AAA Assurances Checklist



- Context: OAA language includes required AAA Assurances, OAA Sect. 306
- Response: DARS has developed an AAA Assurances Checklist that is divided into 4 sections:

Area Plan Contract Checklist

- This portion consists of assurances that DARS feels are activities or documents that are developed and reviewed as part of the inherent process of AAA work.
- e.g., developing an Area Plan, budgeting for MAP, description of Health Education activities, etc.

Annual Documents

- These items are created and then stored in the SharePoint folder for each AAA to update annually.
- e.g., Advisory Council information and emergency plans

Area Plan Inclusion

- These are items that will need to be included in the updated Area Plan with further description about how the AAA intends on following through with these activities.
- e.g., coordination with mental health services and coordination with VATS

Monitoring Activities

- These items will be covered during on-site monitoring visits and AAAs will need to share information or provide evidence to DARS of their completion.
- e.g., grievance policies, engagement in advocacy activities, copies of service provider agreements

The full list AAA Assurances will also be updated and attached to the upcoming modification to the DARS-AAA contracts.

Wrap Up: Next Steps



- State Plan: In March, expect more information about the draft amended State Plan virtual public hearing and 30-day public comment period through the Virginia Town Hall website
- Area Plans: In March and April, expect more information about the roll out of the new Area Plan, which will include:
 - New Area Plan Template
 - Corresponding Instructions
 - Virtual Trainings
 - Virtual Office Hours
- Emergency Preparedness Materials: Coming soon!
- Next AAA Input Session: March 26, 2025 from 3-4:00 P.M.

January 15, 2025

Slides on PDCA

For Reference

PDCA: Defined



- Program Development and Coordination Activities (PDCA)
- Defined in 45 CFR 1321.3:
- “Means those actions to plan, develop, provide training, and coordinate at a systemic level those programs and activities which primarily benefit and target older adult and family caregiver populations who have the greatest social needs and greatest economic needs, including development of contracts, commercial relationships, or private pay programs.”
- “Direct services exclude State or Area Plan Administration and PDCA.”

PDCA: Contextualized

Can Be or Includes:

- Development of Private Pay Programs
- Development of Contracts and Commercial Relationships (CCR)
- Exploring a new service that is not currently provided by the AAA
 - Costs associated with research, planning, and training needed in the lead up to “standing up” a new service
 - Example: Housing Navigation
- Exploring 5310 transportation grants



When It Matters:

When OAA Title III-B Funds are Used to Support It

Cannot Be or Does Not Include:

- OAA Direct Services
 - PDCA is not a direct service under the OAA
- Area Plan Administration (APA)
 - APA deals with the implementation of OAA programs and specifically the development and delivery of OAA direct services
 - PDCA goes beyond what is entailed in APA

If an AAA uses non-OAA funds for PDCA: It is permissible, and the OAA Final Rule PDCA restrictions or parameters don't apply.

If Not Permitted with OAA \$



- If a State does not allow Title III-B funds to be used for PDCA:
 - The State Plan would indicate that the SUA will only permit Title III-B funds to be used for APA and direct services, and Title III-B funds cannot be used for PDCA.
 - Not explicitly required, but reasonably assumed: A SUA should also develop and have a P&P indicating/reinforcing that decision.
 - Nothing further would be required by SUA or AAAs.

If Permitted with OAA \$

Step 1:

- The SUA could first indicate in the State Plan that they will permit AAAs to use III-B funds for PDCA, and they could identify some potential opportunities or ways that might occur.
- To gather this type of information, the SUA could informally engage with the AAAs in the lead up to drafting the State Plan.

Step 2:

- AAA Area Plans, developed after the State Plan, would then describe an AAA's intentions to use III-B funds for PDCA in more detail or with more specificity.

Step 3:

- The SUA's subsequent State Plan would then be able to further detail how III-B funds have been used for PDCA recently by AAAs and what is expected for III-B funds for PDCA by AAAs moving forward.

State Plan & Area Plans: If OAA funds are permitted for PDCA, an AAA's plans for PDCA use must be included in what is published for public comment.

The SUA & AAA would likely also need P&Ps operationalizing PDCA use.

PDCA: State Plan Requirements



- 45 CFR 1321.27 (h): Certification that any PDCA shall meet the following requirements:
 - (1) The State agency shall not fund PDCA as a cost of Supportive Service under Area Plans until [the AAA] has first spent 10% of the total of its combined allotments under Title III on the Administration of Area Plans;
 - (2) PDCA must only be expended as a cost of State Plan Administration, Area Plan Administration, and/or Title III, Part B Supportive Services;
 - (3) SUAs and AAAs shall, consistent with the Area Plan and budgeting cycles, submit the details of proposals to pay for PDCA as a cost of Title III, Part B Supportive Services to the general public for review and comment; and
 - (4) Expenditures by the SUA and AAAs on PDCA are intended to have a direct and positive impact on the enhancement of services for older individuals and family caregivers in the PSA.
- See also: [ACL State Plan Guidance: Attachment B Information Requirements](#)

PDCA: Virginia Impacts



- Regardless of the decision to allow or not allow Title III-B funds for PDCA, the current service “Long-Term Care Coordinating Activity” will be discontinued.
 - DARS consulted with ACL on this.
 - ACL indicates that this service does not meet the minimum criteria for an allowable OAA “direct service” and it falls within the realm of PDCA.
 - Eight of 25 AAAs currently allocate OAA funds to LTC Coordinating Activity in their Area Plans.
 - Starting October 1, 2025, this will not be included in the Area Plans or permitted with Title III-B funds.

PDCA: Addt'l Considerations

- PDCA is Still Somewhat Abstract: Fine Line



- Tracking & Monitoring Use
 - DARS does not currently have mechanisms in place to track or monitor the use of OAA funds for PDCA to ensure compliance with the OAA Final Rule requirements
 - For example: The requirement that the AAA first spend 10% of the total of its combined allotments under Title III on APA before spending III-B funds on PDCA
- What We Know Is Still Limited
 - While ACL intends to issue additional guidance on this topic, it is unclear when that will be issued.

January 15, 2025

Slides on Grab & Go Meals

For Reference

Level Setting: Title III-C

C1: Congregate Meals

- Establishment and operation of congregate sites that provide at least one hot or other appropriate meal per day on 5 or more days a week (except in rural areas when not feasible and under a waiver)

C2: Home-Delivered Meals

- Establishment and operation of HDM program that provides at least 1 HDM per day, which may consist of hot, cold, frozen, dried, canned, or fresh foods, on at least 5 or more days a week (except in rural areas when not feasible and under a waiver)

Source: Older Americans Act, 42 USC §§ 3030e and 3030f

Note: Stay tuned for potentially more guidance from ACL for DARS on <5 days per week waivers

Grab & Go: Allowances

C1: Congregate Meals

- Federal regulatory and funding cap restrictions/limitations apply
- State Plan & Area Plan requirements must be met

C2: Home-Delivered Meals

- Permitted with no restrictions/limitations
- DARS will be incorporating this in the Area Plan Template for transparency

Grab & Go Meals – Defined



- **Definition:** includes **shelf-stable**, pick-up, carry-out, drive-through, or similar meals provided under Title III-C1
- **Funding Cap:** Grab & Go Meals provided shall not exceed 25% of the funds expended by the State agency or any AAA 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
 - The SUA has a funding cap, and each AAA has their own funding cap
- **Allowance Applications:** Such meals can be provided to complement the congregate meal program:
 - (A) During disaster or emergency situations affecting the provision of nutrition services;
 - (B) To older individuals who have an occasional need for such meal; and/or
 - (C) 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; and

Source: 45 CFR § 1321.87(a)(1)(ii)

Grab & Go: PeerPlace & AMR



- To better understand the current scope of Grab & Go using C1 funds by AAAs, DARS implemented changes to the AMR to capture the meal units that AAAs need to map through PeerPlace
- However, only 8 AAAs have been mapped so far
- DARS will be reaching out to the remaining AAAs to ensure all AAAs are mapped
 - You never know when you will need to capture C1 Grab & Go for an emergency (A) or occasional need (B)
- Capturing this data is essential to DARS' understanding of Grab & Go using C1 for future planning and potential allowances

State Plan Amendment

- The practical reality is DARS still does not know enough about Grab & Go, including:

ACL's Interpretation or Application of the Regulatory Requirements

- Still New
- All states are trying to figure this out

Minimal Reporting Data is Available from the AAAs on Current Use

- Too short of data collection period
- Not enough AAAs entering data

Interplay between C1 Waivers for <5 Days Per Week and the Grab & Go C1 Permissions/Restrictions

- DARS will be working through this as needed with the relevant AAAs

- Nonetheless, a State Plan Amendment is required to be submitted to ACL by July 1, 2025 (following a 30-day public comment period and prior administration approvals)

45 CFR § 1321.87(a)(1)(ii)



- Title III C-1 funds may be used for shelf-stable, pick-up, carry-out, drive-through, or similar meals, subject to certain terms and conditions:
- (A) Such meals must not exceed 25 percent of the funds expended by the State agency under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers as set forth in 45 CFR § 1321.9(c)(2)(iii) are completed;
- (B) Such meals must not exceed 25 percent of the funds expended by 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 as set forth in 45 CFR § 1321.9(c)(2)(iii) are completed;
- (iii) Such meals are to be provided to complement the congregate meal program:
 - (A) During disaster or emergency situations affecting the provision of nutrition services;
 - (B) To older individuals who have an occasional need for such meal; and/or
 - (C) 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; and

State Plan Requirement



- 45 CFR § 1321.27(j): If the SUA allows for Title III, part C-1 funds to be used for Grab & Go, the SUA must include the following in the State Plan:
 1. Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meals program, and a commitment to monitor the impact on congregate meals program participation;
 2. Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need;
 3. Description of the eligibility criteria for service provision;
 4. Evidence of consultation with AAAs, nutrition and other direct services providers, other stakeholders, and the general public regarding the provision of such meals; and
 5. Description of how provision of such meals will be coordinated with AAAs, nutrition and other direct services providers, and other stakeholders.

Source: 45 CFR § 1321.27 (j); Draft State Plan Guidance from ACL, Attachment B, Pages 33-34