

CHAPTER 5
AREA AGENCY ON AGING & DISABILITY OPERATION
AND
PROVISION OF SUPPORTIVE SERVICES

5-1 AUTHORITY

(1) Older Americans Act

OAA Section 305 (42 U.S.C. 3025) Organization

OAA Section 305 (a)(1)(E) divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5)(A), designate the entire State as a single planning and service area), in accordance with guidelines issued by the Assistant Secretary, after considering the geographical distribution of older individuals in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal assistance, the distribution of older individuals who have greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such areas, the distribution of older individuals who are Indians residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, the location of units of general purpose local government within the State, and any other relevant factors.

(2) Designation of Planning and Service Area

TCA 71-2-104 (a) Creation and composition of commission

The commission (TCAD) shall be designated as the sole state agency to plan and administer all state activities related to and authorized under the Older Americans Act, except for Title V activities under the Older Americans Act which shall be administered by the department of labor and workforce development.

The State Agency procedures for designation of planning and service areas are found

in Section 0030-1-5-.01 of the Rules of the State of Tennessee.

(3) State-Funded Home and Community Based Services

Section 0030-2-.01 of the Rules of TCAD regarding State-Funded Home and Community Based Services for Elderly and Disabled Adults sets forth the responsibility for TCAD to implement the state-funded long-term care home and community based services program authorized by TCA Section 71-5-1416 which states that “Subject to the availability of funding, the commissioner shall designate in each year's appropriations bill an amount of money that can be used to increase access to home and community-based services in the state-funded options program for persons who do not qualify for medicaid long-term care services. This funding may be used to provide services such as home-delivered meals, homemaker services and personal care, and to reduce the waiting list for these services under the options program, or to offer transportation services or assistance to non-medicaid-eligible individuals.”

5-2 DESIGNATION OF AREA AGENCIES ON AGING AND DISABILITY

The State Agency procedures for designation of Area Agencies on Aging and Disability (AAAD) are found in Section 0030-1-5-.02 of the Rules of the State of Tennessee.

**5-3 AREA AGENCY ADVOCACY, PLANNING, AND SYSTEMS
DEVELOPMENT RESPONSIBILITIES**

- (1) The Older Americans Act (OAA) intends that the AAADs shall be the focal points in the planning and service area relative to all aging issues on behalf of all older persons in the planning and service area. In accordance with the OAA, the AAADs shall proactively carry out, under the leadership and direction of the State agency, a wide range of functions related to advocacy, planning, coordination, inter-agency linkages, information sharing, brokering, monitoring and evaluation, designed to lead to the development or enhancement of comprehensive and coordinated community based systems in, or serving, each community in the planning and service area. These systems shall be designed to assist older persons in leading independent, meaningful and dignified lives in their own homes and communities as

long as possible. Each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income older individuals, including low-income minority older individuals, older individuals with limited English, and older individuals residing in rural areas.

- (2) Since 2001, the AAADs have also been charged with administering services for adults with disabilities through the state-funded OPTIONS for Community Living program. (TCA 71-2-104 (a) Creation and composition of commission)

5-3-.01 OLDER AMERICANS ACT ADVOCACY

Advocacy responsibilities of the AAAD:

- (1) The AAAD shall serve as the public advocate for the development or enhancement of comprehensive and coordinated community-based systems of services in each community throughout the planning and service area.
- (2) In carrying out this responsibility, the AAAD shall:
 - (a) monitor, evaluate, and, where appropriate, comment on all policies, programs, hearings, levies, and community actions, which affect older persons;
 - (b) solicit comments from the public on the needs of older persons;
 - (c) represent the interests of older persons to local level and executive branch officials, public and private agencies or organizations;
 - (d) consult with and support the State's Long-Term Care Ombudsman program and state administered Public Guardianship for the Elderly Program; and
 - (e) undertake on a regular basis activities designed to facilitate the coordination of plans and activities with all other public and private organizations, including units of general-purpose local government, with responsibilities affecting older persons in the planning and service area to promote new or expanded benefits and opportunities for older persons.
- (3) Each AAAD shall undertake a leadership role in assisting communities throughout the planning and service area to target resources from all appropriate sources to meet the needs of older persons with greatest economic or social need, with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English, and older individuals residing in

rural areas. Such activities may include location of services, the accessibility of facilities where services or public benefits are delivered, and specialization in the types of services most needed by these groups to meet this requirement.

- (4) Each AAAD, in order to be a more visible advocate for older residents of the planning and service area shall:
 - (a) use stationary with the planning and service area (PSA) designated and AAAD contact information;
 - (b) use name cards with the name of the staff person and position displayed;
 - (c) print a brochure with information about the AAAD for distribution in the PSA;
 - (d) prominently display “Area Agency on Aging and Disability” signage directing visitors to the AAAD building and/or office; and
 - (e) list the “Area Agency on Aging and Disability” in the local phone book.
- (5) No requirement in this section shall be deemed to supersede a prohibition contained in the Federal appropriation on the use of Federal funds to lobby the Congress; or the lobbying provision applicable to private nonprofit agencies and organizations contained in OMB Circular A-122.

5-3-.02 OLDER AMERICANS ACT PLANNING

OAA Section 306 (42 U.S.C. 3026) Area Plans

- (1) An AAAD must engage in a continuous process of planning for older persons within the planning and service area (PSA). The AAAD must develop and administer an area plan for a comprehensive and coordinated community-based service delivery system in the PSA in compliance with all applicable laws and regulations including all requirements of these policies. The planning process must reflect the following activities:
 - (a) preparation and development of an area plan for a planning and service area based upon a uniform format for area plans within the State, prepared in accordance with section 307(a)(1);
 - (b) provision, through a comprehensive and coordinated system, for supportive services, nutrition services, and senior centers, within the PSA;
 - (c) provision of assurances that an adequate proportion, as required under section

307(a)(2), of the amount allotted for part B to the planning and service area;

- (d) access to services;
- (e) in-home services;
- (f) legal assistance;
- (g) senior centers;
- (h) coordination with agencies, that develop or provide services for individuals with disabilities, in planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities and older individuals at risk for institutional placement;
- (i) consideration of the view of recipients of services;
- (j) serve as the advocate and focal point for older individuals;
- (k) provision of assistance to older individuals caring for relatives who are children, and respite for families;
- (l) establishment of an advisory council;
- (m) establishment of effective and efficient procedures for coordination of services with other agencies;
- (n) coordination with mental health service providers;
- (o) facilitation of the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community based settings;
- (p) provision of assurances that available case management services are provided to persons at risk of institutionalization;
- (q) provision of assurances that the agency on aging carries out the State Long-Term Care Ombudsman program;
- (r) provision of a grievance procedure for older individuals who are dissatisfied with or denied services;
- (s) establishment of procedures for coordination of services;
- (t) assessment and prioritization of the kinds and levels of services needed by older persons in the PSA;
- (u) provision of ongoing quality assurance/monitoring activities designed to obtain

- feedback useful for revision and refinement of goals and objectives;
- (v) assignment of adequate numbers of qualified staff and financial resources to carry out planning responsibilities;
 - (w) establishment of procedures that provide for the involvement of participants and service provider agencies in the planning process; and
 - (x) development of a documented method for distributing available resources throughout the PSA in an equitable manner according to need.

5-3-.03 SYSTEMS DEVELOPMENT

- (1) According to the OAA, the AAAD is mandated to implement a comprehensive and coordinated system for the purpose of facilitating accessibility to and utilization of, all supportive services and nutrition services provided within the planning and service areas. The system shall develop and make the most efficient use of supportive services and nutrition services and use available resources efficiently.
- (2) Tennessee HCBS Law mandates that the AAAD will provide a single point of entry system to access home and community based services for older persons and other adults with disabilities. The goal is to provide a customer driven seamless system of service delivery allowing the AAAD to arrange services through a combination of funding sources. This system will provide an opportunity for matching consumers with the most efficient, economical service package for meeting the needs of those at risk of losing their independence, thus enabling the consumer to avoid premature long-term care institutionalization.
- (3) In concert with the Aging and Disability Resource Center (ADRC) initiative set forth by the Administration on Aging, each AAAD will take steps to meet the standards of a fully functioning ADRC.

5-3-.04 DIRECT PROVISION OF SERVICES BY THE AREA AGENCY AND DISABILITY (AAAD)

(1) Older Americans Act (OAA)

General Rule. The AAAD must contract with service providers to provide all OAA services under the area plan, except for information and assistance services and case management (see OAA Section 307 (a) (8) State Plans). The AAAD shall submit a waiver request and obtain approval from the State Agency in order to provide direct services funded by OAA. No supportive services, nutrition services, or in-home services will be directly provided by the AAAD, except where, in the judgment of the State Agency, provision of such services by the AAAD is necessary to assure an adequate supply of such services, or where such services are directly related to such AAAD administration functions, or where such services of comparable quality can be provided more economically by the AAAD. The contracts shall include the scope of services provided by the State Agency for Ombudsman, Transportation, Nutrition, Legal Assistance, Senior Centers, and other services as specified in each area plan.

(2) OPTIONS for Community Services (OPTIONS)

General Rule. The AAAD must contract with service providers to provide OPTIONS services under the area plan, except for information and assistance services and service coordination which the AAADs may provide directly. The services funded through the State for this program include homemaker services, personal care services, and home delivered meals. Other services provided by State of Tennessee funding may be authorized by the AAAD director on a case-by-case basis provided the cost does not exceed \$7,000 annually.

5-3-.05 SERVICE PROVIDER RESPONSIBILITIES and REQUIREMENTS

(1) Older Americans Act Regulations

- (a) Service provider general requirements are found in Section 1321.65 of the Older Americans Act Regulations.
- (b) Contracts and Agreements—The initial year of the new area plan cycle shall require a well-publicized request for proposal for services included in the area plan. Contracts in subsequent years may be negotiated with existing providers

or request for proposals may be issued each year. Each contract for OAA services or agreement between the AAAD and service provider will specify that:

- (i) services will be provided to older individuals who have the greatest social need with particular attention to low-income minority individuals; and
 - (ii) service providers receiving state appropriations or OAA funds must comply with TCAD contracting guidelines, program standards and service descriptions including the use of standardized contract format and scopes of service distributed by TCAD as minimum requirements for respective services.
- (c) Licensure Requirements. The AAAD shall assure that all agencies, organizations and individuals providing OAA services under the area plan are, where appropriate, properly licensed in accordance with the regulations of the State and/or local public jurisdiction requiring such licensing, or meet the requirements for licensure.
- (d) Bonding. The AAAD shall require agencies, organizations and individuals providing services under the area plan to obtain sufficient bond coverage for protection of the AAAD and the State Agency from theft, forgery, embezzlement and fraud losses by the service provider agency, any of its agents or employees, full or part-time.
- (e) Insurance Requirements. The AAAD shall assure that it and all agencies, organizations and individuals providing services under the area plan either provide a statement of self-insured status or procure and maintain payment of premiums on policies of insurance coverage to:
- (i) adequately protect personal and real property whose acquisition cost was borne in whole or in part as a direct charge to Title III or state funds from loss or damage; and
 - (ii) adequately cover all claims which may arise related to accidents involving personal injuries and/or use of products and services under the area plan.
- (f) All service providers either private for-profit or not-for-profit organizations must be incorporated under the laws of the state in which their principal place of

business is located.

- (g) AAADs must take affirmative measures to assure that small businesses and agencies and organizations operated or owned by minorities or women are utilized as contractors and suppliers for goods and services funded under the area plan.
- (h) AAADs are encouraged to be in accordance with 45 CFR, 74.22 which states “consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, recipients are encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).”
- (i) Contributions for Aging Program Services. The AAAD shall assure that all agencies and organizations providing services under the area plan shall provide the older persons receiving such services with the opportunity to contribute all or part of the costs of the services provided. Specific instructions are found in the fiscal chapter of this manual for the management of contributions and the cost-share procedures.
- (j) Code of Conduct
 - (i) No service provider staff person or agent shall solicit or accept gratuities, favors, or anything of monetary value from service provider contractors, potential contractors or participants.
 - (ii) To the extent possible under local, state, and federal law, rules, and regulations, penalties or other disciplinary actions will be applied for violations of this code by employees of OAA service provider agencies.
- (k) Nepotism – Hiring of Relatives
 - (i) Two or more members of an immediate family shall not be employed by a OAA or state appropriation service provider of the AAAD if such employment will result in an individual supervising a member of his/her immediate family, or if one member occupies a position which has influence over another's employment, promotion, salary administration and other related management or personnel considerations.
 - (ii) For the purpose of this policy, the immediate family shall include spouse,

mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, grandmother, grandfather, grandson, and granddaughter.

- (iii) This policy shall be applicable for multipurpose agencies only for that program component which is funded wholly or in part by OAA funds or State of Tennessee appropriations for aging programs.

(2) OPTIONS for Community Living Program

- (a) The OPTIONS Program is designed to provide older consumers and other adults with disabilities age 18 and above with choices for home and community based services. The purpose of the OPTIONS Program is to enable consumers to live independently in their own homes or in a community integrated setting. The OPTIONS Program is further intended to promote increased coordination in planning, give special attention to consumers views, provide greater respect for consumer preferences, and to allow consumer selection of providers as well as services.
- (b) The AAAD shall serve as the single point of entry for the OPTIONS Program. The AAAD shall provide intake, screening, in-home assessment, service coordination, and re-assessment.
- (c) The AAAD shall conduct ongoing recruitment and authorization of service providers throughout the year as needed. Services include homemaker, personal care, home delivered meals and other in-home services as justified by the AAAD and approved by the State agency.
- (d) The AAAD shall follow the policies and procedures outlined in the "OPTIONS" Chapter.
- (e) Annual service provider contracts shall be renegotiated based upon performance and satisfactory compliance with contract specifications and quality assurance monitoring.

5-3-.06 DESIGNATION OF COMMUNITY FOCAL POINTS

- (1) The resources made available to the AAAD under the OAA are to be used to finance those activities necessary to achieve elements of a community-based system. For the purpose of assuring access to information and services for older persons, the AAAD

shall:

- (a) with the approval of the State agency, define “community” for the purposes of focal point designation; and
 - (b) work with elected community officials, community leaders and other applicable agencies and institutions in the planning and service area to designate one or more focal points on aging in each community, as appropriate.
- (2) In making this designation, the AAAD must:
- (a) give special consideration to multipurpose senior centers; and
 - (b) assure that services financed under the OAA and state funds in, or on behalf of, the community, will be either based at, linked to or coordinated with the focal points designated.
- (3) Specify in the area plan the communities in which it proposes to designate and develop focal points. In making the determination, the AAAD must consider:
- (a) communities with the greatest incidence of older persons with the greatest economic or social need;
 - (b) the delivery pattern of services funded under the OAA and funded from other sources;
 - (c) the location of multi-purpose senior centers and congregate nutrition sites;
 - (d) the geographic boundaries of communities and natural neighborhoods; and
 - (e) the location of facilities suitable for designation.
- (4) In developing collocation of services, an AAAD must:
- (a) establish guidelines for operating schedules at the focal point which are convenient for older persons in the community;
 - (b) assure that the community focal point coordinates with existing information and assistance and emergency service programs; and
 - (c) encourage other service providers to co-locate their services at the community focal point and coordinate with other services provided at the focal point.

5-4 ORGANIZATION AND STAFFING OF THE AREA AGENCY ON AGING AND DISABILITY

5-4-.01 ELIGIBLE ORGANIZATION UNIT

According to OAA, an AAAD may be either:

- (1) An agency whose single purpose is to administer programs for older persons; or,
- (2) A separate organizational unit within a multi-purpose agency that functions only for purposes of serving as the Area Agency on Aging. A multi-purpose agency must delegate all necessary authority and responsibility under the OAA and other state and federally funded programs to the separate organizational unit within the agency. The AAAD Director must be directly supervised by the multi-purpose agency's Executive Director. If the board of the organizational unit has members that include staff from TCAD, TennCare, or service providers with a current contract with the AAAD, those members must sign a conflict of interest statement that precludes them from voting on or discussing issues related to the administration of the Area Plan.

5-4-.02 AUTHORITY OF THE AREA AGENCY ON AGING AND DISABILITY

The AAAD must have legal authority and organizational capacity to develop the area plan on aging, and to carry out effectively the functions and responsibilities prescribed for an AAAD under Section 306 of the OAA and other state and federally funded programs addressing the needs of older persons and other adults with disabilities to the separate organizational unit within the agency.

5-4-.03 AAAD STAFFING REQUIREMENTS

- (1) The AAAD must develop and implement a staffing plan consistent with federal and state requirements which sets forth the number and type of personnel employed and the timetable for hiring staff to carry out the functions of the AAAD. The AAAD is responsible for:
 - (a) recruiting and employing adequate numbers of staff members to develop and administer the area plan, and
 - (b) carrying out the functions and responsibilities prescribed by the OAA and other state and federally funded programs addressing the needs of older persons and

other adults with disabilities, and its accompanying regulations and these policies.

- (2) The AAAD will be headed by a qualified individual (director), who is assigned full-time solely on the planning, development and implementation of the area plan, management and operation of daily activities of the AAAD, and advocacy on behalf of all older persons within the PSA. The director shall meet the qualifications as referenced in the AAAD Staffing Chart at the end of this chapter of the manual.
- (3) Adequate numbers of qualified staff are to be assigned full-time or part-time to the AAAD for the development and administration of the plan and the conduct of required AAAD functions. Minimum standards for the number and types of staff positions, as referenced in the AAAD Staffing Chart at the end of this chapter, in addition to the director, shall be:
 - (a) a financial specialist, qualified by education and/or financial experience who, along with other AAAD assigned responsibilities, shall be responsible for the fiscal accounting of the AAAD, budgeting, financial monitoring of, and technical assistance to service providers on a full-time basis as referenced in the AAAD Staffing Chart at the end of this chapter of the manual;
 - (b) a program specialist/coordinator, who along with other AAAD assigned responsibilities, shall be responsible for program monitoring/quality assurance of, and technical assistance to service providers on a full-time basis as referenced in the AAAD Staffing Chart at the end of this chapter of the manual;
 - (c) adequate secretarial and clerical support as referenced in the AAAD Staffing Chart at the end of this chapter in the manual; and
 - (d) additional staff may be needed to insure effective monitoring of service contracts issued by the AAAD. Requests for less than the minimum number of staff positions must be submitted as a waiver to these state policies on the appropriate area plan exhibit form and include a detailed justification statement.
- (4) Approval of the AAAD's staffing plan shall be through approval of the area plan.
- (5) To the maximum extent feasible, the AAAD should provide opportunities for volunteer service to individuals including, but not limited to, college and high school students, older persons, adults with disabilities, and others.

- (6) The AAAD shall submit in the area plan a Training and Staff Development Plan for staff, service providers and volunteers. The plan should include conferences, meetings and in-service training organized for staff or service providers. In addition to the plan:
 - (a) staff shall attend State sponsored training events;
 - (b) staff shall acquire continuing education to maintain certification and/or licensure for their respective program or position requirements;
 - (c) staff shall be encouraged to attend community or regional training events that will enhance their job performance; and
 - (b) each staff member's personnel file shall include documentation of all training, including but not limited to Title VI, HIPPA, and Emergency Preparedness.

5-4-.04 AAAD ADVISORY COUNCIL FUNCTIONS AND COMPOSITION

- (1) General requirements for AAAD advisory councils are found in Section 1321.57 of the Older Americans Act Regulations.
- (2) The opinions and recommendations of the advisory council are to be solicited by the AAAD director and governing body, and are to be given serious consideration, prior to determining particular actions and formulating policies.
- (3) The advisory council shall participate in the development and implementation of the area plan. Such area plan shall contain a written statement from the chairperson of the advisory council verifying the council's participation. The area plan does not require approval by the AAAD advisory council, but does require a review and an opportunity to comment.
- (4) The AAAD advisory council shall function in an advisory rather than a policy making or decision making capacity.
- (5) An individual, whose salary is paid for in whole or in part through OAA and State appropriated funds, may not serve as a voting member of an AAAD or service provider agency advisory council.
- (6) No person who is on the AAAD or service provider agency board of directors shall serve as a voting member of the advisory council for such body.
- (7) The AAAD must provide staff and assistance to the advisory council.

- (8) The advisory council shall adopt bylaws which establish tenure of membership, rotation of terms, methods of selection of membership and number of members. Such methods shall provide for appropriate social, economic, professional, and geographic representations

5-5 AREA PLAN PURPOSE, CONTENT, SUBMISSION, REVIEW AND APPROVAL PROCESS

5-5-.01 PURPOSE OF THE AREA PLAN

- (1) The area plan for programs on aging is a detailed statement of the manner in which the AAAD is developing a comprehensive and coordinated community-based system throughout the planning and service area (PSA) for all services authorized under Title III of the OAA. The AAAD may receive funding under the OAA only under an approved area plan. An AAAD may expend funds under the OAA only for activities under its approved plan.
- (2) An area plan will be for a two, three or four year period specified by the State Agency and shall be updated annually as specified by the State Agency.
- (3) An AAAD must submit its area plan, or any amendment, to the State Agency in accordance with the uniform area plan instructions and on the uniform area plan format provided by the State Agency.
- (4) The State will allocate federal funds to PSAs in conformity with the intrastate funding formula as described in Section 0030-1-10-.01 of the Rules of the State of Tennessee.

5-5-.02 CONTENT OF AREA PLAN

Requirements for content of an area plan on aging are found in Section 306(a) through 306(f) of the Older Americans Act.

5-5-.03 SUBMISSION OF THE AREA PLAN

- (1) An area plan must be submitted to the State Agency in accordance with the schedule and procedures established by the State Agency. In developing the area plan, the AAAD shall allow sufficient time for the completion of the review process.

- (2) The area plan must be approved by the governing board of the AAAD and signed by the chair of the advisory council.
- (3) At least two weeks prior to submission of the completed area plan, the AAAD shall conduct a public hearing(s) for the purpose of providing the opportunity for older persons, the general public, officials of general purpose local government and other interested parties to comment on the area plan.

5-5-.04 REVIEW OF THE AREA PLAN

The following schedule outlines the basic process for review of area plans:

- (1) One hard copy with original signatures and one e-mailed version of the area plan or annual update must be submitted to the State Agency in accordance to the timetable established by the State Agency. Plans should be mailed or delivered to the Supervisor of the Planning and Evaluation.
- (2) The State Agency will conduct a review of each area plan or update and will provide the AAAD written recommendations or conditions of the plan within 30 days after it is submitted.
- (3) Any questions or assistance needed on the area plan format, criteria for approval, instructions, review comments or other aspects of area plan development and review should be directed to the Supervisor of Planning and Evaluation.
- (4) If substantive questions concerning an area plan arise during the State Agency's review process which are not covered clearly by instructions or these policies, the Supervisor of Planning and Evaluation will refer the question to the Executive Director of the State Agency.

5-5-.05 PROCEDURES FOR APPROVAL OF THE AREA PLAN

- (1) The State Agency will approve an area plan or update when the plan meets all of the requirements prescribed by the State Agency.
- (2) The State Agency shall notify the AAAD of its approval of the area plan through the issuance of a written "Notification of Contract Award" (NCA).
- (3) For approval of subsequent year area plan operations, the NCA shall be issued prior to the beginning of the budget year for which the award is being made, if federal

appropriations have been made.

- (4) When the State Agency does not have authorization to obligate OAA funds at the beginning of a fiscal year, and if the AAAD begins a second or subsequent budget year during this period, the NCA shall be issued when funds are available. This award will cover program expenses retroactively to the beginning date of the budget year.
- (5) The "Notification of Contract Award" shall be issued to the AAAD. The award shall include:
 - (a) Federal funds for planning and administration budget activities at a 75% federal/25% nonfederal cost sharing ratio; and supportive service budget activities at an 85% federal/15% nonfederal cost sharing ratio (5% state/10% local).
 - (b) State appropriated funds for multipurpose senior center funds (at a match ratio 50/50); state nutrition funds (90/10 match ratio); guardianship funds (no match required); homemaker funds (90/10 match ratio); and caregiver match (75/25 match ratio).
- (6) The State Agency will require in writing the AAAD's acceptance of the NCA as approved, including any budget revisions under which the award of funds is made, by the proper signing of contracts covering the budget period.
- (7) The AAAD must operate the plan in accordance with the contract.
- (8) No funds will be released to an AAAD until the contracts are properly signed and returned to the State Agency.

5-5-.06 APPROVAL OF AN AREA PLAN WITH CONDITIONS

- (1) The State Agency may approve an area plan or update with conditions when necessary.
- (2) The conditions of approval will be in writing and will be clearly noted on the NCA form or on an attachment.
- (3) All conditions placed on an approved area plan will be consistent with the authority delegated to the Commission as the State Agency on Aging and Disability.
- (4) When an area plan is approved with conditions, it shall be incumbent upon the grantee to meet these conditions within the specified time frame.

5-5-.07 REVISIONS AND AMENDMENTS TO THE AREA PLAN

- (1) Whenever there is any material change in the content or administration of the area plan as approved, or in the operation of the AAAD affecting the plan, the area plan shall be appropriately revised. The nature and extent of the revision will determine what actions shall be taken by the AAAD and the State Agency.
- (2) An AAAD must amend the plan if:
 - (a) a new or amended state or federal statute or regulation requires a new provision, or conflicts with any existing plan provision;
 - (b) a U.S. Supreme Court decision changes the interpretation of an applicable statute or regulation;
 - (c) the AAAD proposes to change the designation of the single organizational unit or component unit; or
 - (d) the State Agency requires further annual amendments.
- (3) The following types of revisions shall require prior approval of the State Agency:
 - (a) Significant changes in plan objectives;
 - (b) Significant changes in program content; or
 - (c) New programs to be initiated with OAA funds.
- (4) Those revisions described in (2) and (3) require the prior approval of the State Agency. Although the AAAD may make other minor revisions to its area plan without prior approval, it is expected to maintain close communication with the State Agency in implementing such revisions.
- (5) The State Agency will review a request for a revision at any time.

5-5-.08 STANDARDS FOR CONDUCTING PUBLIC HEARINGS FOR REVIEW OF AREA PLANS AND AMENDMENTS OF THE PLAN

- (1) At least two weeks before submitting an area plan to the State Agency, an AAAD must hold at least one public hearing. Public hearing(s) must be held within the geographical boundaries of the planning and service area (PSA) for which the area plan is developed.
- (2) The AAAD must give adequate notice to older persons and adults with disabilities,

public officials and other interested parties of the time(s), date(s), and location(s) of the public hearing(s).

- (3) The AAAD must hold the public hearing(s) at a time and location that permits older persons and adults with disabilities, public officials and other interested persons reasonable opportunity to participate.
- (4) The AAAD will develop procedures to assure effective participation of actual or potential consumers of services under the area plan at the local level through public hearings.
- (5) The AAAD must submit the area plan and amendments for review and comment, to the AAAD advisory council prior to submission to the State Agency. The advisory council shall review the area plan before the AAAD conducts public hearings on the plan. If comments made at the public hearing result in changes to the area plan, the advisory council shall make provisions for a final review of the area plan prior to the AAAD's submission of the area plan to the State Agency.
- (6) The AAAD must apply the following standards in the conduct of its public hearing(s).
 - (a) The public hearing(s) must be scheduled to allow sufficient time for review of the area plan by the advisory council at least one week prior to the date of the public hearing(s).
 - (b) Public hearings should be conducted at easily accessible public locations, such as community centers, public auditoriums, public schools or community colleges, senior centers, or county courthouses.
 - (c) Available transportation resources should be used to insure that as many older persons and adults with disabilities as possible are able to attend the public hearing(s).
 - (d) Notice of time and place of the public hearing(s) must be given at least two weeks in advance of the hearing(s), for example, by paid advertisement or news release in the local county/district newspaper, radio, or television station(s). Wherever possible, notice should be given to possible participants through senior centers, nutrition sites, county courthouses, and post offices.
 - (e) Participants in the public hearing should be asked to register by county.

- (f) Members of the AAAD advisory council should be in attendance, introduced, and assist in the conduct of the hearing(s). Also, a list of the names of the AAAD advisory council members, their addresses, and the counties they represent should be provided at the hearing.
 - (g) The director, or program leader, should present each program objective and allow for discussion or questions on each. All questions or comments from participants should be recorded either by tape recording or by secretary.
 - (h) As a minimum, the hearing(s) must include the following:
 - (i) an explanation of the OAA and a description of services funded under the Act;
 - (ii) an explanation of the function and responsibilities of an AAAD, what an area plan represents, the period of time it covers, and why a public hearing is required;
 - (iii) an explanation of the differences between national, state and locally developed objectives;
 - (iv) an explanation of all terms and phrases used in presenting the objectives which may not be easily understood by participants; and
 - (v) details and explanations of proposals to pay for program development and coordination as a cost of supportive services.
 - (i) Complete copies of the area plan must be made available for public inspection at least in each county of the PSA and provision should be made for receiving comments and questions outside of the public hearing(s).
 - (j) Documentation of the methods used to distribute aging and disability funds, within State Agency guidelines, among service providers must be available at the public hearing(s).
 - (k) The AAAD must obtain review and comment from the general public including older persons, government, and the aging and disability service network prior to using additional amounts of direct supportive service funds for program development and coordination.
- (7) The results of the public hearing must be reported in the area plan in the appropriate exhibit. Significant comments made during the hearing and the response by the

- AAAD toward incorporation of these comments into the area plan must be included.
- (8) Summaries of the comments made at the public hearing(s) must be available at the office of the AAAD after the public hearing(s).
 - (9) Participation of the Advisory Council must be reported in the area plan in the appropriate exhibit.
 - (10) All records of the public hearing(s) must be on file at the AAAD as a part of the official area plan file.

5-5-.09 SUSPENSION OF AREA PLANS

The State Agency's procedures for suspension of area plans are found in Section 0030-1-5-.05 of the Rules of the State of Tennessee.

5-5-.10 TERMINATION OF AREA PLAN FUNDING

The State Agency's procedures for termination of area plans are found in Section 0030-1-5-.06 of the Rules of the State of Tennessee.

5-5-.11 CLOSE-OUT PROCEDURES

When federal support for an area plan is terminated on completion of the final approved budget year or earlier, the following policies and procedures shall adhere.

- (1) The AAAD shall immediately refund to the State Agency any unencumbered balance of cash advanced to the AAAD.
- (2) The AAAD shall complete and submit to the State Agency, within sixty (60) days after the date of completion or termination, a final program and financial report and any other financial or performance reports required as a condition of the grant.
- (3) The State Agency shall make a settlement for any upward or downward adjustments to the federal share of costs after these reports are received.
- (4) The AAAD shall dispose of all equipment and supplies purchased with OAA funds in accordance with those procedures described in the Financial Chapter of these policies. Any funds realized from the sale of such equipment or supplies are an adjustment in program costs.
- (5) In the event a final audit has not been performed prior to closeout of the grant, the

State Agency retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

- (6) The AAAD shall provide for the closeout of all service providers in accordance with the Financial Chapter of these policies.

5-6 PROGRAM REPORTING AND REVIEW REQUIREMENTS FOR AREA AGENCIES ON AGING AND DISABILITY

5-6-.01 QUARTERLY REPORTS

- (1) AAADs funded under the OAA, or other federal projects, and state appropriations must prepare and submit quarterly program reports to the State Agency.
- (2) Data submitted in these reports are based on the state fiscal year, which begins on July 1 and ends the following June 30, regardless when funding started.
- (3) Reports are due in the State Agency's office on the twentieth (20th) day of the month following the quarter being reported on. If the due date falls on a weekend or holiday, the reports will be due on the following workday.
- (4) Required reports must be submitted to the State Agency according to the instructions and schedule provided. Failure to comply with the report requirements may result in either withholding of funds or possible suspension/termination of operations. This procedure is necessary since late or improperly completed reports often prevent the State Agency from complying with Administration on Aging (AoA) report requirements or from properly carrying out its management function.
- (5) The State Agency requires each AAAD to establish a program reporting system that will insure the provision of accurate program reports from service providers covered by the area plan. Such reports are deemed necessary for the AAAD to meet its reporting requirements to the State Agency and to facilitate proper administration of the area plan.

5-6-.02 MONITORING AND PROGRAM REVIEW

- (1) Monitoring is the ongoing process by which the AAAD systematically gathers and assembles data about activities and programs carried out under the area plan to assure that they operate within the constraints of legislative and administrative

regulations, policies, guidelines, rules and contractual agreements.

- (2) Program Review is the periodic process by which the AAAD gathers and analyzes all available information through use of a structured tool, during an desk review or on-site visit, in order to identify the strengths and weaknesses and determine the efficiency and effectiveness of activities carried out under the area plan. An on-site visit is followed-up with a formal written report to the service provider. The formal report shall be issued within 30 working days of the site visit. If there are findings, the AAAD requests that the contractor provide a plan of correction. After review and technical assistance (if needed) the AAAD shall approve the plan of correction and review the results during the next review.
- (3) The AAAD shall monitor each service provider annually prior to re-contracting. A Civil Rights (Title VI) review shall be a component of the service provider review.
- (4) The AAAD shall use the approved TCAD monitoring tools when conducting the annual review.
- (5) The AAAD shall require the service provider to submit a plan of correction to address any findings sited during monitoring activities.
- (6) The written records and work papers of monitoring activities of the AAAD must be maintained for a minimum of three years in the AAAD's official files, permitting authorized persons to review the information.

5-7 CONFIDENTIALITY REQUIREMENTS FOR PARTICIPANT INFORMATION

Confidentiality requirements for participant information are found in Section 0030-1-5-.08 of the Rules of the State of Tennessee.

5-8 PUBLIC INFORMATION REQUIREMENTS FOR AREA AGENCIES ON AGING AND DISABILITY AND SERVICE PROVIDER AGENCIES (FREEDOM OF INFORMATION)

5-8-.01 OPEN MEETINGS

Open meetings requirements are found in Section 0030-1-5-.09 of the Rules of the State of Tennessee.

5-8-.02 FREEDOM OF INFORMATION

Freedom of information requirements are found in Section 0030-1-5-.10 of the Rules of the State of Tennessee.

5-8-.03 PUBLICATIONS

- (1) Any books, reports, pamphlets, papers or articles based on activities receiving support from aging funds under the OAA must contain acknowledgment of that support.
- (2) The State Agency reserves the option to receive free of charge up to ten (10) copies of any publication developed as part of AAAD planning and supportive service operations, and ten (10) copies of any publication based upon such operations.
- (3) The Administration on Aging (AoA) reserves the option to receive free of charge up to twelve (12) copies of any publication developed as part of AAAD planning and supportive service operations, and two (2) copies of any publication based upon such operations.
- (4) Where AAAD planning and supportive service operations result in a book or other material, the copyright policies in the Fiscal Chapter shall be followed.

5-9 ENFORCEMENT OF FEDERAL AND STATE LAWS, POLICIES AND REGULATIONS

- (1) An AAAD must assume full contractual responsibility for assuring that all funds awarded to it under the Older American Act, as amended, and under State of Tennessee, or other federal appropriations, are utilized in accordance with all federal and state laws, rules, policies and procedures contained in or referenced by the State Agency's Program and Policy Manual for Programs on Aging and Disability.
- (2) The AAAD must have written procedures which are approved by the State Agency for complying with all of its functions as required by federal and state laws and regulations, and by these policies. All written policies and procedures must be available for inspection on request at the AAAD.
- (3) The AAAD must insure that officials and employees of all service provider agencies

who may come in direct contact with older persons are aware of their responsibility under the Adult Protection Act of 1978 T.C.A. Section 14-25-103 and Section 71-6-110 as listed below

71-6-103. Rules and regulations --- Reports of abuse or neglect --- Investigation --- Providing protective services --- Consent of adult --- Duties of other agencies. ---

(a) The commissioner has the discretion to adopt such rules, regulations, procedures, guidelines, or any other expressions of policy necessary to effect the purpose of this part insofar as such action is reasonably calculated to serve the public interest.

(b)(1) Any person, including, but not limited to, a physician, nurse, social worker, department personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause reports to be made in accordance with the provisions of this part. Death of the adult does not relieve one of the responsibility for reporting the circumstances surrounding the death. However, unless the report indicates that there are other adults in the same or similar situation and that an investigation and provision of protective services are necessary to prevent their possible abuse, neglect or exploitation, it shall not be necessary for the department to make an investigation of the circumstances surrounding the death; provided, that the appropriate law-enforcement agency is notified.

(2) If a hospital, clinic, school, or any other organization or agency responsible for the care of adults has a specific procedure, approved by the director of the county office of the department, for the protection of adults who are victims of abuse, neglect, or exploitation, any member of its staff whose duty to report under the provisions of this part arises from the performance of the staff member's services as a member of the staff of the organization may, at the staff member's option, fulfill that duty by reporting instead to the person in charge of the organization or the organization head's designee who shall make the report in accordance with the provisions of this chapter.

(c) An oral or written report shall be made immediately to the department upon knowledge of the occurrence of suspected abuse, neglect, or exploitation of an adult. Any person making such a report shall provide the following information, if known: the name and address of the adult, or of any other person responsible for the adult's care; the age of the adult; the nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect, or exploitation; the identity of the perpetrator, if known; the identity of the complainant, if possible; and any other information that the person believes might be helpful in establishing the cause of abuse, neglect, or exploitation. Each report of known or suspected abuse of an adult involving a sexual offense which is a violation of §§ 39-13-501 --- 39-13-506 which occurs in a facility licensed by the

department of mental health and developmental disabilities as defined in § 33-2-402, or any hospital shall also be made to the local law enforcement agency in the jurisdiction where such offense occurred.

71-6-110. Violation of duty to report. --- Any person who knowingly fails to make a report required by this chapter commits a Class A misdemeanor. [Acts 1978, ch.899, § 1; T.C.A., § 14-2610; Acts 1986, ch. 630, § 15; T.C.A., § 14-25-110; Acts 1989, ch. 591, § 111.]

5-10 NON-DISCRIMINATION POLICIES AND REQUIREMENTS

Each AAAD will provide assurances that all activities conducted by the AAAD, service providers, or contracting agencies receiving funds under an area plan, comply with all pertinent laws and regulations.

5-10-.01 CIVIL RIGHTS

- (1) In accordance with Title VI of the Civil Rights Act of 1964 (45 CFR, Part 80), "No person in the United States shall, on the grounds of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." See http://www.law.cornell.edu/uscode/html/uscode42/usc_sec_42_00002000---e002-.html
- (2) In accordance with T.C.A. 4-21-302, *et. seq.*, any program participant or potential beneficiary of any program or project funded by the Tennessee Commission on Aging and Disability under the OAA, or other federal projects, who suspects denial of any services, benefits or financial assistance, on the basis of race, creed, color, sex, age or national origin, or who suspects that such factors affect the quality, quantity, or range of services, benefits or financial assistance extended, shall have the right to file a complaint in accordance with the Tennessee Commission on Aging and Disability and AAAD Title VI of the Civil Rights Act Implementation Plan, and established procedures there under, and to expect a proper investigation of the complaint.
- (3) As required in the State Agency on Aging and Disability, Title VI of the Civil Rights Act Implementation Plan, all recipients of awards, whether AAADs, grantees, sub-grantees, contractors or sub-contractors shall post, in a conspicuous place, notices

setting forth the procedure for filing grievances of discriminating practices and shall make available a copy of the procedures to all program participants or potential beneficiaries upon request.

5-10-.02 AFFIRMATIVE ACTION

- (1) In accordance with Title VII of the Equal Employment Opportunity Act of 1972 (29 CFR, Part 1608 and 45 CFR, Part 70 "It shall be an unlawful employment practice for an employee (public or private) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex or national origin."
- (2) Each AAAD shall develop and implement an affirmative action plan, which complies with the regulations and guidelines of the U.S. Equal Employment Opportunity Commission and the requirements of 5 CFR, Part 900, Subpart F, "Standards for a Merit System of Personnel Administration."
- (3) The AAAD must keep in its official files, a current, approved affirmative action plan as a component of its area plan or area plan update. No area plan will be approved for funding without an approved affirmative action plan.

5-10-.03 NON-DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES

- (1) In accordance with the Rehabilitation Act of 1973, Sections 503 and 504 (45 CFR, Part 84), "employers and contractors must take affirmative action to provide employment opportunities for individuals with disabilities and are prohibited from discrimination against individuals on the basis of their disability."
- (2) Employers and contractors also must make a reasonable accommodation to the physical and mental limitation of an employee or applicant unless the employer or contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the employer or contractor's business.
- (3) AAADs must make assurances that discriminatory practices prohibited by this Act and accompanying regulations are not practiced in any programs funded under the area plan.

5-10-.04 NON-DISCRIMINATION AGAINST VETERANS

- (1) The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (U.S.C.A. Title 38, Chapter 2012) requires government contractors with federal contracts or subcontracts of \$10,000 or more to take affirmative action "to employ and advance in employment:
 - (a) qualified Vietnam era veterans during the first four years after their discharge; and
 - (b) qualified disabled veterans through their working life if they have 30% or more disability."
- (2) The Vietnam era has been defined as August 5, 1964 through May 31, 1975.
- (3) AAADs should incorporate provisions of this Act, where applicable, into their affirmative action practices and inform contractors and sub-grantees of the requirements.

5-10-.05 AGE DISCRIMINATION

- (1) In accordance with the Age Discrimination Act of 1975 regulations, (29 CFR, Section 860.1), "No person in the U.S. shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (U.S.C.A. Title 42 Chapter 2000).
- (2) In accordance with the Age Discrimination in Employment act of 1967, "it shall be unlawful for an employer to refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age." (U.S.C.A. Title 29 Chapters 621-634)
- (3) Within the definitions of U.S.C.A. Title 29 Chapter 14, Section 631, these prohibitions outlined in paragraph (2) are limited to individuals who are at least forty (40) years of age but less than seventy (70) years of age.
- (4) In accordance with 45 CFR, 1321.17(c), but subject to the requirements of merit system guidelines of local governments, preference shall be given to persons aged

sixty (60) or over for any paid staff positions (full or part-time) within the AAAD or service provider agencies for which such persons qualify.

AAAD STAFFING

Staff Positions	Responsibilities	Qualifications	Minimum Full-Time Equivalent
Older Americans Act			
Director	Oversight of AAAD operation; Planning and development of Area Plan; Management and operation of all program and fiscal aspects	Master's Degree and five years experience in supervision or management in field of gerontology, aging programs or related field of social work. Bachelor's Degree in a related field and seven years of related experience may be substituted for the Master's Degree	1 FTE
Financial Specialist	Fiscal functions of AAAD; Financial accounting; Budgeting; Technical assistance to service providers and Financial monitoring	Bachelors Degree in Accounting or related degree in an area of financial management and minimum of 2 years experience requiring financial expertise	1 FTE
Quality Assurance	Provide technical assistance to service providers; Develop district Q&A Plan; Monitoring service providers, Approve Plans of Correction	RN, BSN or Bachelor's Degree in social work, gerontology, psychology, sociology, counseling or related field.	1 FTE

Staff Positions	Responsibilities	Qualifications	Minimum Full-Time Equivalent
Program Specialist/Coordinator, Assistant Director	Duties as assigned by Director	Bachelor's Degree in social work or related field and minimum of 2 years experience in Social Service Program implementation	.05 – 1 FTE
Management Information Specialist	Manage databases; Compile reports; Maintain resource directory; SRT; Analyze data	Proven familiarity with software and hardware installation and customization; Ability to provide help desk support on hardware, software, communications; Ability to develop and conduct training; Oral and written skills; Working knowledge of software packages; Programming experience; BS Degree, preferably in Computer Science, or other computer-related field with data-base experience, hardware experience, and/or 5 year's relative experience	1 FTE
Family Caregiver Coordinator	Disseminate caregiver information; Organize support groups; Maintain records; Compile reports; Oversee caregiver needs assessments; Arrange for caregiver services; Assist with Area Agency functions as assigned by the AAAD Director	Bachelor's Degree in social work or related field, or RN	A designated coordinator, full-time or part-time as deemed necessary

Staff Positions	Responsibilities	Qualifications	Minimum Full-Time Equivalent
Support Staff	Assist AAAD program staff (Letters, faxes, documents, telephone, meeting coordinator, etc.)	Computer skills; Verbal and written skills; Ability to organize files; Correspondence; Faxing; Minimum of High School Education with emphasis in business, preferably post secondary clerical skills training	Full-time or part-time as deemed necessary
Information & Assistance Specialist	Telephone Information Assistance and Referral; Comprehensive telephone screening; Assist with appointments for in-home assessment visits; Assistance with case file development	AIRS Certified Information and Referral Specialist – Aging, according to AIRS Standards within 2 years of employment; Written/Verbal communications skills; Minimum of completion of grade 12, preferred at least 2 years college and minimum of 2 years employment in field of social work.	1 – 2 FTE As deemed necessary
OPTIONS for Community Living			
I&A Specialist	Disseminate information and make referrals; Telephone screening; Telephone counseling; Enter data into Beacon/SAMS database	Written/Verbal communications skills. Minimum of completion of grade 12, prefer at least 2 years college and minimum of 2 years employment in field of social work. AIRS Certified Information and Referral Specialist – Aging, according to AIRS Standards within first 2 years of employment	1 dedicated FTE

Staff Positions	Responsibilities	Qualifications	Minimum Full-Time Equivalent
Service Coordinator	In-home assessments; Development and management of Care Plans; Referral and arrange services; Re-assessment	BS Degree in social work, psychology, gerontology, sociology, counseling, nursing, or equivalent degree; or Licensed Practical Nurse/Registered Nurse or BS Degree with minimum of 2 years experience working with older persons and/or adults with disabilities; or Minimum of completion of 2 years of accredited college or university and 2 years experience in the field of social work or related field	1 FTE Plus additional FTEs as deemed necessary by caseload
Other Staff			
Adequate numbers of staff, qualified by education and experience, assigned for the development and administration of the plan and to conduct other required AAAD functions	Based on the needs of the individual AAAD planning and service area	Qualifications will be developed in keeping with responsibilities assigned to the position	Full-time or part-time as deemed necessary

SHIP			
SHIP Coordinator	Cooperate with CMS requests to recruit/train volunteers; Maintain current knowledge of Medicare and Medicaid and other health insurance; Telephone counseling to beneficiaries; Compile reports; Communication skills; Work with media; computer skills	Preferably a Bachelor's Degree and 2 years experience in advocacy or information and assistance. A high school education and 4 years experience in advocacy or information and assistance may be substituted.	1 dedicated FTE
Guardianship for the Elderly			
Guardian	Manage Guardianship Program	See the Guardianship for the Elderly Chapter in this Policy Manual	1 dedicated FTE