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| POLICY TRANSMITTAL NO. 05-13 | DATE: MAY 10, 2005 |
| AGING SERVICES DIVISION | DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH |

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:105-10, Table of Contents; 105-10-3; 105-10-41; 105-10-50.1 through 105-10-51; 105-10-61; 105-10-85; 105-10-89; 105-10-90.1; through 105-10-91; 105-10-94; 105-10-105.1 through 105-10-110.1; and 105-10-112 through 105-10-113.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

The revisions to Subchapter 10 of Chapter 105: (1) provide clearer oversight and guidance to Aging Services Division (ASD) staff and contract providers; (2) incorporate requirements of the Office of Management and Budget (OMB) Notice of Action 0985-0008, OMB Circular A-133, and Section 212A of Title 74 of the Oklahoma Statutes (74 O.S. § 212A); (3) incorporate Oklahoma State Department of Health (OSDH) Food Service Establishment Regulation OAC 310:256-5-9; and (4) revoke a section to accommodate the transfer of state funded senior centers funding to the Oklahoma Department of Commerce (ODOC).

340:105-10-3 is amended to include OMB Notice of Action 0985-0008 requirements for clarity to definitions.

340:105-10-41 is amended to reflect Title III direct services allowed by the State Plan on Aging.

340:105-10-50.1 is amended to include OMB Notice of Action 0985-0008 requirements for clarity to the Older American Act (OAA) Title III services taxonomy.

340:105-10-51 is amended to include clarity to the intake procedures for OAA participants.

340:105-10-61 is amended to include OMB Notice of Action 0985-0008 requirements for clarity to information and assistance services.

340:105-10-85 is amended to include the proper home delivered meal temperatures.

340:105-10-89 is amended to include appropriate language regarding disease prevention and health promotion services.

340:105-10-90.1 is amended to include monitoring guidance and the OMB Notice of Action 0985-0008 requirements for clarity of the National Family Caregiver Support Program.

340:105-10-91 is amended to include the OMB Notice of Action

0985-0008 requirements for clarity of the homemaker service standards.

340:105-10-94 is revoked to accommodate the transfer of state funded senior centers funding to ODOC.

340:105-10-105.1 is amended to include guidance to grantee agencies regarding income generated from OAA funded programs.

340:105-10-106 is amended to include corrected authority references.

340:105-10-107 is amended to update language and format.

340:105-10-108 is amended to include OMB Circular A-133 requirements for audits of government entities and nonprofits receiving less than \$25,000 federal and state funds.

340:105-10-109 is amended to include OMB Circular A-133 requirements for audit of profit-making grantees.

340:105-10-110 is amended to include OMB Circular A-133 requirements for audit of local governments and nonprofit organizations expending \$500,000 or more in federal funds.

340:105-10-110.1 is amended to include 74 O.S. § 212A requirements for audit of government entities and nonprofit agencies receiving between \$25,000 and \$500,000 in federal and state funds.

340:105-10-112 is amended to include time extensions for audit reports not submitted within 150 days after the fiscal year end.

340:105-10-113 is amended to include reference to OMB Circular A-133.

Original signed on 3-25-05

Roy R. Keen, Director
Aging Services Division

Sharon Neuwald, Interim Administrator
Office of Planning, Policy & Research

WF # 04-26 (DT)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

INSERT

340:105-10, Table of Contents

340:105-10, Table of Contents, pages 1-4, revised 5-12-05

340:105-10-3

340:105-10-3, pages 1-12, revised 5-12-05

340:105-10-41

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340:105-10-50.1

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340:105-10-51

340:105-10-51, pages 1-7, revised 5-12-05

340:105-10-61

340:105-10-61, 1 page only, revised 5-12-05

340:105-10-85

340:105-10-85, 1 page only, revised 5-12-05

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340:105-10-89, pages 1-3, revised 5-12-05

340:105-10-90.1

340:105-10-90.1, pages 1-3, revised 5-12-05

340:105-10-91

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340:105-10-106

340:105-10-106, 1 page only, revised 5-12-05

340:105-10-107

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REMOVE

INSERT

340:105-10-108

340:105-10-108, 1 page only, revised
5-12-05

340:105-10-109

340:105-10-109, 1 page only, revised
5-12-05

340:105-10-110

340:105-10-110, 1 page only, revised
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340:105-10-112

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340:105-10-113

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340:105-10-3. Definitions

(a) Definitions. The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Abuse" means the willful:

- (A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or
- (B) deprivation by a person, including a caregiver, of goods or services necessary to avoid physical harm, mental anguish, or mental illness.

"Act" means the Older Americans Act (OAA) of 1965 as amended.

"Activities of daily living (ADL)" means:

- (A) eating;
- (B) dressing;
- (C) bathing;
- (D) toileting;
- (E) transferring in and out of bed or chair; and
- (F) walking.

"Area Agency on Aging (AAA)" means an agency designated under the OAA, Section 305(a)(2)(A) or a State Agency performing the functions of AAA under the OAA, Section 305(b)(5).

"CFR" means Code of Federal Regulations in the Federal Register published by the United States (U.S.) Department of Health and Human Services, Office of Human Development, and Administration on Aging (AoA).

"Caregiver" means an adult family member, or another person, who is an informal provider of in-home and community care to a person 60 years of age or older.

"Case management service" means a service provided to an older person, at the direction of the older person or a family member of the older person:

(A) by a person who is trained or experienced in the case management skills required to deliver the services and coordination described in (B) of this paragraph;

(B) to assess the needs, and arrange, coordinate, and monitor an optimum package of services to meet the needs of the older person; and

(C) including services and coordination, such as:

(i) comprehensive assessment of the older person's physical, psychological, and social needs;

(ii) development and implementation of a service plan with the older person to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older person, including coordination of the resources and services with:

(I) any other plans existing for various formal services, such as hospital discharge plans; and

(II) the information and assistance services funded by Title III of OAA;

(iii) monitoring formal and informal service delivery to ensure services specified in the plan are provided;

(iv) periodic reassessment and revision of the status of the older person with:

(I) the older person; or

(II) if necessary, a primary caregiver or family member of the older person; and

(v) advocacy on behalf of the older person for needed services or resources in accordance with the wishes of the older person.

"Child" means a person who is not older than 18 years of age.

"Commissioner" means the federal Commissioner of AoA.

"Comprehensive and coordinated system" means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

(A) facilitate accessibility to and utilization of all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization;

(B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older persons;

(C) use available resources efficiently and with a minimum of duplication; and

(D) encourage and assist public and private entities having unrealized potential for meeting the service needs of older persons to assist the older persons on a voluntary basis.

"Construction," with respect to multipurpose senior centers, means building a new facility, including the costs of land acquisition and architectural and engineering fees or making modifications to or in connection with an existing facility in excess of double the square footage of the original facility and all physical improvements.

"DHS" means Oklahoma Department of Human Services.

"Department" means U.S. Department of Health and Human Services (DHHS).

"Direct services" means any activity performed to provide services directly to an older person by the staff of a service provider, an AAA, or a State Agency in a single planning and service area.

"Disability" means a mental or physical impairment, or a combination of mental and physical impairments, resulting in substantial functional limitations in one or more of the major life activities of:

(A) self-care;

(B) receptive and expressive language;

(C) learning;

(D) mobility;

(E) self-direction;

(F) capacity for independent living;

- (G) economic self-sufficiency;
- (H) cognitive functioning; and
- (I) emotional adjustment.

"Disease prevention and health promotion services" means providing:

- (A) health risk assessments;
- (B) routine health screening, such as hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, oral health, and nutrition screening;
- (C) nutritional counseling and educational services for older persons and their primary caregivers;
- (D) health promotion programs, including programs relating to prevention and reduction of effects of chronic disabling conditions, such as osteoporosis, cardiovascular disease, dental care, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;
- (E) programs regarding physical fitness, group exercise, and music, art, and dance movement therapy, including programs for multigenerational participation provided by:
 - (i) an institution of higher education;
 - (ii) a local educational agency, as defined in Section 1471 of the Elementary and Secondary Education Act of 1965; or
 - (iii) a community-based organization;
- (F) home injury control services, including screening of high risk home environments and provision of educational programs on injury prevention, such as fall and fracture prevention;
- (G) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under Title XVIII of the Social Security Act;

(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;

(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

(K) gerontological counseling; and

(L) counseling regarding social services and follow-up health services based on any of the services described in (A) through (K) of this subsection.

"Elder abuse" means abuse of an older person.

"Eldercare (National Campaign)" means the AoA sponsored program to establish and promote public and private partnerships addressing the needs of the growing population of older persons and their caregivers.

"Ethnicity status." See "Race or ethnicity status."

"Fiscal year (FY)" means the federal fiscal year, October 1 through September 30.

"Focal point" means a facility established to encourage the maximum collocation and coordination of services for older persons.

"Frail" means a condition of functionally impaired determined because the older person:

(A) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

(B) due to a cognitive or other mental impairment, requires substantial supervision because the person behaves in a manner posing a serious health or safety hazard to self or another person.

"Grandparent or older person who is a relative caregiver" means a grandparent, stepgrandparent, or relative of a child by blood or marriage, who is 60 years of age or older and:

(A) lives with the child;

(B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

(C) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

"Grantee agency" means an agency that receives funds granted or awarded by the sponsoring agency. The AAAs are grantees of the State Agency and the service providers are grantees of the AAAs.

"Grantor agency" means an agency that grants or awards funds to another entity. The State Agency is the grantor agency for the AAAs and the AAAs are the grantor agencies for the service providers.

"Greatest economic need" means the need resulting from an income level at or below the poverty line.

"Greatest social need" means the need caused by non-economic factors, including physical and mental disabilities; language barriers; and cultural, geographical or social isolation, including that caused by racial or ethnic status that restricts the person's ability to perform normal daily tasks or threatens the person's capacity to live independently.

"Impairment in activities of daily living" means the inability to perform one or more of the six ADL without personal assistance, stand-by assistance, supervision, or cues.

"Impairment in instrumental activities of daily living" means the inability to perform one or more of the eight IADL without personal assistance, stand-by assistance, supervision, or cues.

"Informal care" means care not provided as part of a public or private formal service program.

"Information and assistance (I & A)" means a service for older persons that:

(A) provides older persons current information on services available within their communities;

(B) links older persons with the opportunities and services available within their communities; and

(C) establishes adequate follow-up procedures to the maximum extent practicable.

"In-home service" means:

(A) services of homemakers and home health aides;

(B) visiting and telephone reassurance;

(C) chore maintenance;

(D) in-home respite care for families, including adult day care as a respite service for families;

(E) minor modification of homes necessary to facilitate the ability of older persons to remain at home, and not available under other programs. Not more than \$250 per client may be expended annually for such modification; and

(F) personal care services.

"Instrumental activities of daily living (IADL)" means:

(A) preparing meals;

(B) shopping for personal items;

(C) managing medication;

(D) managing money;

(E) using the telephone;

(F) doing heavy housework;

(G) doing light housework; and

(H) making use of available transportation without assistance.

"Legal assistance" means legal advice and representation by an attorney to an

older person who has economic or social needs and includes, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney and counseling or representation by a non-lawyer where permitted by law.

"Living alone" means a one person household, using the census definition of household, where the householder lives by himself or herself in an owned or rented place of residence in a non-institutional setting, including board and care facilities, assisted living units, and group homes.

"Low income minority elderly" means a minority older person with annual income at or below the federally established poverty line.

"Low income non-minority elderly" means an older person who is not a minority with an annual income at or below the federally established poverty line.

"Means testing" means the use of an older person's income or resource to deny or limit the person's receipt of services.

"Minority elderly" means a person age 60 or older who is:

- (A) American Indian or Alaskan Native;
- (B) Asian;
- (C) Black or African American;
- (D) Hispanic or Latino; or
- (E) Native Hawaiian or Other Pacific Islander.

"Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, to include the provision of health, such as mental health, social, nutritional, and educational services and facilities for recreational activities for older persons.

"NAPIS" means the National Aging Program Information System.

"Nonprofit" means an agency, institution, or organization owned or operated by one or more corporations or associations having no part of the net earnings or benefit of any private shareholder or individual.

"**OAA**" means the Older Americans Act of 1965, as amended.

"**OKDHS**" means Oklahoma Department of Human Services.

"**Older person**" or "**older individual**" means anyone 60 years of age or older.

"**Periodic**," as used in the OAA with respect to evaluations of and public hearings on activities carried out under State and Area Plans, means, at a minimum, once each fiscal year.

"**Planning and service area (PSA)**" means an area designated by the State Agency under Section 305(a)(1)(E) of the OAA, as amended, for the purposes of developing and coordinating service systems.

"**Poverty**" means the income level defined each year by the Office of Management and Budget (OMB), and adjusted by the DHHS Secretary in accordance with subsection 673(2) of the Community Services Block Grant Act. The annual DHHS Poverty Guidelines provide dollar thresholds representing poverty levels for households of various sizes.

"**Poverty line**" means the official poverty line as defined by OMB in accordance with Section 673(2) of the Community Services Block Grant Act, per Section 9902(2) of Title 42 of the U.S. Code.

"**Project**" as used in Section 306(a)(1) of the OAA with respect to the provision of supportive and nutrition services, means an entity awarded a subgrant or contract from an AAA to provide services under the Area Plan.

"**Race or ethnicity status**" reflects the requirements of OMB for obtaining information from persons regarding their self-identification of race and ethnicity.

(A) Race includes:

(i) American Indian or Alaskan Native: a person having origins in any of the original peoples of North America, including Central America, and who maintains tribal affiliation or community attachment;

(ii) Asian: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;

(iii) Black or African American: a person having origins in any of the black racial groups of Africa;

(iv) Native Hawaiian or Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and

(v) White: a person having origins in any of the peoples of Europe, the Middle East, or North Africa.

(B) Ethnicity includes:

(i) Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, Central or South American, or other Spanish culture or origin, regardless of race; and

(ii) Not Hispanic or Latino.

"Rural" means an area not defined as urban by AoA.

"Rural counties" means counties not considered urban as defined by AoA.

"Rural elderly" means older persons not considered living in urban counties as defined by the federal AoA.

"SUOA" means Special Unit on Aging, a unit of OKDHS Aging Services Division.

"Service provider," as used in Section 306(a)(1) of the OAA with respect to the provision of supportive and nutrition services, means an entity awarded a subgrant or contract from an AAA to provide services under the Area Plan.

"Severe disability," as used to carry out the provisions of the OAA, means a severe chronic disability attributable to mental or physical impairment of a person that:

(A) is likely to continue indefinitely; and

(B) results in substantial functional limitation in three or more of the major life activities of:

(i) self-care;

(ii) receptive and expressive language;

(iii) learning;

- (iv) mobility;
- (v) self-direction;
- (vi) capacity for independent living; and
- (vii) economic self-sufficiency.

"Sponsoring agency" means a multipurpose or umbrella organization of a grantee.

"State Agency" means the agency designated by the state under Section 305(a)(1) of the OAA, as amended. In Oklahoma, the State Agency is OKDHS.

"Subgrantee" means an agency that subcontracts with a grantee agency. Subgrantee usually refers to the service provider, but it is possible for a service provider to subcontract with another entity.

"Taxonomy" means the uniform set of service definitions and service unit measures adopted by the federal AoA for national reporting on programs and activities under Title III of the OAA.

"Unit of general purpose local government" means:

- (A) a political subdivision of the state having general authority and not limited to only one function or combination of related functions; or
- (B) an Indian tribal organization.

"Urban" means areas defined by AoA comprised of an:

- (A) urbanized area, a central place and its adjacent densely settled territories with a combined minimum population of 50,000; or
- (B) incorporated place or census designated place with 20,000 or more inhabitants.

"Urban counties" means urban areas as defined by AoA. Counties in Oklahoma considered urban are:

- (A) Canadian;

(B) Cleveland;

(C) Comanche;

(D) Creek;

(E) Garfield;

(F) Logan;

(G) McClain;

(H) Oklahoma;

(I) Osage;

(J) Pottawatomie;

(K) Rogers;

(L) Sequoyah;

(M) Tulsa; and

(N) Wagoner.

(b) **Authority.** The authority for this Section is OMB Notice of Action 0985-0008.

340:105-10-41. Title III direct services waivers

(a) **Policy.** Provisions under the Older Americans Act (OAA), including subsequent amendments, specify which Title III direct services are authorized as well as prohibited under the law. Direct services otherwise prohibited by OAA may be permitted by the State Agency if, in the judgment of the State Agency, provision of such services is:

- (1) necessary to ensure an adequate supply of such services;
- (2) related to the administrative functions of the Area Agency on Aging (AAA); or
- (3) more economical and of comparable quality. ■ 1

(b) **Authority.** The authority for this Section is Section 307(a)(8) of the OAA of 1965, as amended.

(c) **Procedures.** The State Agency determines that one or more of the criteria listed in (a) of this Section are met for an AAA to provide direct services when the requirement:

(1) necessary to ensure an adequate supply of services is considered met. The AAA can document that it has not received any proposals to deliver a service in all or a portion of the planning and service area, after the AAA has carried out the request for proposals (RFP) process in accordance with OAC 340:105-10-101;

(2) services related to AAA administrative functions is considered met. Services consist of advocacy, assessment and screening, follow-up and evaluation, information and assistance (I&A), and placement. The State Plan on Aging:

(A) indicates all AAAs are allowed to directly provide I&A services; and

(B) names the AAAs allowed to directly provide case management services; or

(3) more economical and of comparable quality is considered met. The AAA service grant application substantiates that, according to AAA standard RFP evaluation criteria, it proposes to provide a priority service that is more cost effective and of a comparable quality. The cost is calculated on a per unit of service basis.

(d) **Cross references.** See OAC 340:105-10-40 and 340:105-10-101.

INSTRUCTIONS TO STAFF

1. The Area Agency on Aging (AAA) requests and documents the justification for

the granting of authority to provide a direct service for the duration of the approved Area Plan, or for all or part of the period of a proposed Area Plan.

PART 7. PROGRAM STANDARDS FOR SERVICES FUNDED UNDER TITLE III**340:105-10-50.1. Title III services taxonomy**

(a) **Rule.** Parts B, C, D, and E of Title III authorize the development of a variety of services to meet the needs of older persons. A comprehensive listing of services that may be funded, service definitions, and service units are included in (1) through (15) of this paragraph.

(1) Personal care - one hour; provides personal assistance, stand-by assistance, supervision, or cues.

(2) Homemaker - one hour; provides assistance preparing meals, shopping for personal items, managing money, using the telephone, or doing light housework.

(3) Chore - one hour; provides assistance with heavy housework, yard work, or sidewalk maintenance.

(4) Home delivered meal - one meal; provides a qualified person at his or her place of residence a meal that:

(A) complies with the Dietary Guidelines for Americans, published by the Secretary of the United States Department of Health and Human Services (DHHS);

(B) provides, if one meal is served, a minimum of 33 and 1/3 percent of the current daily recommended dietary allowances (RDA) and dietary reference intakes (DRI) as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences;

(C) provides, if two meals are served together, a minimum of 66 and 2/3 percent of the current daily RDA. Although there is no requirement regarding the percentage of the current daily RDA an individual meal must provide, a second meal is balanced and proportional in calories and nutrients; and

(D) provides, if three meals are served together, 100 percent of the current daily RDA. Although there is no requirement regarding the percentage of the current daily RDA an individual meal must provide, a second and third meal is balanced and proportional in calories and nutrients.

(5) Adult day care or adult day health - one hour; provides personal care for dependent adults in a supervised, protective, and congregate setting during some

portion of a day. Services offered in conjunction with adult day care or adult day health typically include social and recreational activities, training, counseling, and services such as rehabilitation, medications assistance, and home health aide services for adult day health.

(6) Case management - one hour; provides assistance either in the form of access or care coordination in circumstances where the older person is experiencing diminished functioning capacities, personal conditions, or other characteristics requiring the provision of services by formal service providers or family caregivers. Case management activities include:

- (A) assessing needs;
- (B) developing care plans;
- (C) authorizing and coordinating services among providers; and
- (D) providing follow-up and reassessment, as required.

(7) Congregate meal - one meal; provides a qualified person in a congregate or group setting, a meal that:

- (A) complies with the Dietary Guidelines for Americans, published by the Secretary of DHHS;
- (B) provides, if one meal is served, a minimum of 33 and 1/3 percent of the current daily RDA and DRI as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences;
- (C) provides, if two meals are served together, a minimum of 66 and 2/3 percent of the current daily RDA. Although there is no requirement regarding the percentage of the current daily RDA an individual meal must provide, a second meal is balanced and proportional in calories and nutrients; and
- (D) provides, if three meals are served together, 100 percent of the current daily RDA. Although there is no requirement regarding the percentage of the current daily RDA an individual meal must provide, a second and third meal is balanced and proportional in calories and nutrients.

(8) Nutrition counseling - one session per participant; provides individualized guidance to a person who is at nutritional risk because of health or nutrition history, dietary intake, medications use, or chronic illnesses, or to caregivers. Counseling is

provided one-on-one by a registered dietician and addresses the options and methods for improving nutrition status.

(9) Assisted transportation - one one-way trip; provides assistance and transportation, including escort, to a person who has difficulties, physical or cognitive, using regular vehicular transportation.

(10) Transportation - one one-way trip; provides transportation using a vehicle for a person who requires help in going from one location to another. Does not include any other activity.

(11) Legal assistance - one hour; provides legal advice, counseling, and representation by an attorney or other person acting under the supervision of an attorney.

(12) Nutrition education - one session per participant; a program promoting better health by providing accurate and culturally sensitive nutrition, physical fitness, or health information, as it relates to nutrition, information, and instruction to participants, caregivers, or both, in a group or individual setting overseen by a dietitian or person of comparable expertise.

(13) Information and assistance - one contact; a one-on-one contact between a service provider and an older client or caregiver. Activities involving contact with multiple current or potential clients or caregivers, such as publications, publicity campaigns, and other mass media activities, are not counted as a unit of service. Internet Web site hits are counted only if information is requested and supplied. This service:

(A) provides older persons with current information on services available within their communities;

(B) links older persons with the opportunities and services available within their communities; and

(C) establishes adequate follow-up procedures, to the maximum extent practicable.

(14) Outreach - one contact; provides persons with intervention initiated by an agency or organization for the purpose of identifying potential clients or their caregivers and encouraging their use of existing services and benefits. Outreach is a one-on-one contact between a service provider and an older client or caregiver. Activities involving contact with multiple current or potential clients or caregivers,

such as publications, publicity campaigns, and other mass media activities, are not counted as a unit of service.

(15) Funded "Other" category.

(A) Advocacy or representation - one hour; provides action taken on behalf of an older person to secure his or her rights or benefits. Advocacy or representation includes receiving, investigating, and working to resolve disputes or complaints. It does not include services provided by an attorney or person under the supervision of an attorney.

(B) Education or training - one session; provides formal and informal opportunities for older persons to acquire knowledge, experience, or skills. Includes individual or group events designed to increase awareness.

(C) Health promotion - one event; provides health promotion or disease prevention information, instruction, or activities, such as exercise, to participants, caregivers, or both, in a group or individual setting. Examples include:

(i) individual health screenings, such as blood pressure screenings. The event is documented by a participant sign-in sheet at the time of the screening; or

(ii) a health promotion program in an individual or group setting. The program is counted as one event.

(D) Home repair - one job; provides minor repairs, modifications, or maintenance on a home owned and occupied by an eligible participant, up to \$250 annually per participant.

(E) Coordination of services - unit to be determined by Aging Services Division (ASD); provides for the administration or delivery of a service for which direct cost is not funded by Title III. The AAA contacts ASD regarding use of this category.

(F) National Family Caregiver Support Program service categories are:

(i) information services - one activity; provides caregivers information on resources and services available to the public or persons within their communities. Information services are for activities directed to large audiences of current or potential caregivers, such as disseminating publications, conducting media campaigns, and other similar activities;

(ii) access assistance – one contact; assists caregivers in obtaining access to the services and resources available within their communities. To the maximum extent practicable, access assistance ensures persons receive the services needed by establishing adequate follow-up procedures. Internet Web site hits are counted only if information is requested and supplied;

(iii) counseling - one session; assists caregivers in making decisions and solving problems relating to their caregiver roles. This includes counseling to individuals, support groups, and caregiver training of individual caregivers and families;

(iv) respite care - one hour; provides temporary, substitute supports or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers. When the specific service units purchased via a direct payment, such as cash or voucher, can be tracked or estimated, the service unit is reported by hour; otherwise, the unit of service is one payment. Respite care is:

(I) in-home respite, such as personal care, homemaker, and other in-home respite;

(II) respite provided by attendance of the care recipient at a senior center or other nonresidential program; or

(III) institution respite provided by placing the care recipient in an institutional setting, such as a nursing home for a short period of time as a respite to the caregiver or summer camp as a respite for grandparents caring for children; and

(v) supplemental services – provides services on a limited basis to complement the care provided by caregivers. The unit and service are determined by ASD. The AAA contacts ASD regarding use of this category.

(b) **Authority.** The authority for this Section is the Office of Management and Budget Notice of Action 0985-0008 and Sections 339 and 371 through 373 of the Older Americans Act of 1965, as amended.

(c) **Procedures.** The AAA:

(1) incorporates provisions of the rule into its policies and procedures manual;

(2) provides technical assistance to prospective service project applicants regarding the rule in the development of services; and

(3) utilizes the rule as an indicator in the evaluation of service project proposals.

(d) **Cross references.** See OAC 340:105-10-40 and 340:105-10-51.

340:105-10-51. General Title III service standards

(a) **Policy.** Parts B, C, D, and E of Title III provide funding for a variety of services to meet the needs of older persons. All such services meet service specific standards as well as the general standards given in (1) through (19) of this subsection.

(1) Project sponsors who are the recipients of grant awards may be public, private for-profit, or nonprofit agencies or organizations, institutions, political subdivisions of the state, or Indian tribal organizations demonstrating to the Area Agency on Aging (AAA) a capacity for the effective delivery of nutrition, supportive services, or both, throughout the project service area. Project sponsors serve all eligible persons in the project service area and do not limit participation to their own membership or residents, such as church memberships or residents of a day care program.

(2) Project services are provided to persons 60 years of age and older unless otherwise allowed for in the eligibility requirements of a specific service.

(3) Project services are located in communities with the greatest occurrence of older persons in greatest economic and social need with particular attention to low income minority persons and older persons residing in rural areas. The project documents in its written grant agreement with the AAA:

(A) assurance that, to the extent possible, the project serves low income minority persons and older persons residing in rural areas in accordance with their need for services;

(B) specific objectives outlining how the project satisfies the service needs of low income minority persons and older persons residing in rural areas served by the project. These objectives reflect the Area Plan objectives for targeting these persons;

(C) information on the extent the project met its objectives for serving low income minority persons and older persons residing in rural areas during the previous fiscal year, if previously funded; and

(D) other targeting activities required for specific funded services, as appropriate, such as targeting activities for outreach services.

(4) Projects provide recipients with the opportunity to contribute to the cost of services, with the restrictions in (A) through (G) of this paragraph.

(A) Contributions are voluntary and no otherwise eligible person is denied service

because he or she chooses not to or cannot contribute to the cost of services.

(B) Participants are advised of the opportunity to contribute to the cost of programs through:

(i) individual consultation when they enter the program to include a written suggested contribution schedule;

(ii) written brochures about the program and written schedules of activities of the program; and

(iii) signs posted at the project site.

(C) The participant's privacy regarding contributions is protected at all times.

(D) The project advisory council develops a suggested contribution schedule for funded services taking into consideration the income ranges of older persons in the community and the project's other means of income. Means testing is not used to determine suggested contributions.

(E) Congregate and home delivered meals participants are allowed to use United States (U.S.) Department of Agriculture food benefits to contribute toward the cost of their meals.

(F) The project utilizes appropriate procedures to safeguard and account for all contributions.

(G) The project uses participant contributions to expand funded services.

(5) Projects conform to the Title III fiscal accounting and program reporting systems as implemented by the State Agency and AAAs. All records are managed according to the guidelines in (A) through (D) of this paragraph.

(A) Older Americans Act (OAA) grantees maintain adequate and separate accounting and fiscal records, and account for all funds provided by any source to pay the cost of the OAA funded project. Grantees permit audit, examination, or both, of all such records, procedures, and accounts at any reasonable time by authorized personnel of the U.S. Department of Health and Human Services, the Oklahoma Department of Human Services (OKDHS), the State Auditor and Inspector, and other appropriate state entities. Authorized personnel are given open and complete access to the grantees' accounting records and practices, and to any other items of the service provider pertinent to the performance or

payment of the grant in order to audit, examine, and make excerpts of records.

(B) All financial and program records, supporting documents, statistical records, and other records pertaining to the Title III services are retained by the grantee for at least three years. In the case of litigation, claim negotiation, audit, or other pending action before the end of the three year period, the records are retained until such action is completed, and until all issues arising from it have been resolved, or until the end of the regular three year period, whichever is later.

(C) Permanent records are maintained at the project office.

(D) The project is responsible for providing the appropriate security, confidentiality, and accommodations for the proper maintenance and organization of program records and reports.

(6) Where feasible and appropriate, projects make arrangements for the availability of services to older persons in weather related emergencies.

(7) Projects assist participants in taking advantage of benefits or services under other programs.

(8) Project staff report to the appropriate officials any situation that places the participant, his or her household, or both, in imminent danger.

(9) Projects coordinate Title III services with other appropriate services in the community, including Title VI Native American nutrition programs. Appropriate coordination efforts include:

(A) joint planning;

(B) information sharing; and

(C) negotiation of written agreements.

(10) Projects establish and maintain an advisory council to advise the projects on all matters relating to the delivery of project services, per OAC 340:105-10-52.

(11) Projects ensure appropriate intake information is gathered on each participant.

(A) Participants receiving Title III:

(i) personal care, homemaker, chore, home repair, home delivered meals,

adult day health or adult day care, or case management services, information is gathered on Form AG-2-A, Older Americans Act Assessment, Parts I and II, and includes at a minimum:

(I) identifying information;

(II) household composition;

(III) ability to perform activities of daily living (ADLs);

(IV) ability to perform instrumental activities of daily living;

(V) support system;

(VI) participant signature or witness signature if participant is unable to sign;

(VII) explanation of donation system;

(VIII) release of information authorization; and

(IX) status related to poverty level;

(ii) congregate meals, nutrition counseling, assisted transportation, outreach, or information and assistance, information is gathered on Form AG-2-A, Part I, and includes at a minimum:

(I) identifying information;

(II) household composition;

(III) participant signature or witness signature if participant is unable to sign;

(IV) explanation of donation system;

(V) release of information authorization; and

(VI) status related to poverty level;

(iii) home delivered meals, congregate meals, case management, or nutrition counseling, project staff ensure Form AG-2-A, Part I, Determine Your

Nutritional Risk Checklist, assessment of nutritional status, is completed; and

(iv) National Family Caregiver Support Program services, information is gathered on an approved intake form and includes at a minimum:

(I) the family caregiver's identifying information;

(II) the caregiver's relationship to the care receiver;

(III) the care receiver's identifying information; and

(IV) a written description of the caregiver's current situation, including the care receiver's need for assistance due to inability to perform specific ADLs or need for supervision due to Alzheimer's disease or other dementia.

(B) Project staff:

(i) obtain from participants of other Title III services not given in (A) of this paragraph, or their informants, only information necessary to provide the appropriate Title III service(s) and ensure the safety and well-being of participants;

(ii) ensure assessment procedures are conducted in a confidential manner, with only the intake person, the participant, and other persons approved by the participant in attendance;

(iii) conduct an assessment of each participant upon his or her entry into a Title III service, with, at a minimum, annual reassessments; and

(iv) conduct a reassessment of in-home service participants every six months, at a minimum.

(C) Income source information is not required to receive Title III services and may only be used to assist the client in determining eligibility for programs with income guidelines.

(12) Projects have procedures, approved by the AAA, to ensure strict confidentiality is maintained regarding all participant information. Projects ensure identifying participant information is disclosed only when staff have obtained the informed consent of the participant or his or her legal representative. Exceptions to the rules in this paragraph include court orders, reporting possible neglect, abuse, or both,

and monitoring of project records by federal, state, and AAA officials.

(13) Project staff post grievance procedures in a public area of the project facility and comply with AAA grievance procedures for Title III participants.

(14) Projects comply with the Americans with Disabilities Act, Section 504 of The Rehabilitation Act of 1973, and Title VI of The Civil Rights Act of 1964. A public notice of civil rights compliance is posted in a public area in all project facilities and offices.

(15) Projects comply with the Oklahoma Open Meetings Act when conducting public meetings. Public meetings are held in handicap accessible facilities with provisions for interpreters, as needed.

(16) Project staff conduct ongoing public information activities to ensure the general public is aware of each project and the services it provides. All materials produced by or for the project include a statement that:

(A) the project does not discriminate in admissions, access, treatment, or employment in its programs or activities on the basis of race, creed, color, sex, age, ancestry, national origin, religion, or disability; and

(B) a portion of the project costs are met by state and federal OAA funds from the AAA and OKDHS.

(17) Project staff provide or arrange for orientation and ongoing training for all staff engaged in the implementation of the project. Training is designed to enhance staff performance as related to specific job responsibilities of each staff member. Projects authorize staff time to attend AAA and State Agency sponsored training as funds permit. Minimum orientation or training topics include:

(A) the OAA, as amended, and related regulations;

(B) the OKDHS Policies and Procedures Manual for Title III of the OAA, as amended;

(C) the AAA Title III policies and procedures manual;

(D) all program and fiscal reports, as appropriate;

(E) assessment procedures;

(F) the aging network; and

(G) specific job duties.

(18) Project staff participate in regularly scheduled assessments and evaluations by the AAA.

(A) The AAA schedules assessments at least 30 days in advance at a time mutually convenient for the AAA and the project.

(B) The AAA informs the project director of the areas to be covered during the assessment.

(C) The project director makes arrangements for site visits as requested by the AAA.

(19) The project allows unscheduled or unannounced visits by the AAA for the purposes of:

(A) investigating alleged problems;

(B) monitoring corrective action; or

(C) evaluating the normal daily activity of the project.

(b) **Authority.** The authority for this Section is Parts 1321.11, 1321.51, 1321.63(b), 1321.65, and 1321.67 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** The AAA is required to:

(1) incorporate the standards into its policies and procedures manual;

(2) provide training on the standards to Title III project directors and other appropriate staff;

(3) monitor the compliance of Title III projects with the standards; and

(4) provide ongoing technical assistance to Title III projects regarding the standards.

(d) **Cross references.** See OAC 340:105-10-40, 340:105-10-50.1, and 340:105-10-52.

340:105-10-61. Information and assistance services

(a) **Policy.** All providers of information and assistance (I & A) services comply with standards listed in OAC 340:105-10-50.1(a)(13), 340:105-10-51 and 340:105-10-61 through 340:105-10-63. I & A services for older persons include services:

- (1) providing current information on services available within their communities;
- (2) linking older persons to the opportunities and services available within their communities; and
- (3) establishing adequate follow-up procedures, to the maximum extent practicable.

(b) **Authority.** The authority for this Section is the Office of Management and Budget Notice of Action 0985-0008 and Section 102(29) of the Older Americans Act of 1965, as amended.

(c) **Procedures.** The Area Agency on Aging implements this Section by:

- (1) incorporating the provisions in this Section into its Title III policies and procedures manual;
- (2) providing technical assistance to prospective service project applicants regarding the policy in the development of services; and
- (3) utilizing the policy as an indicator in the evaluation of service project proposals.

(d) **Cross references.** See OAC 340:105-10-50.1(a)(13), 340:105-10-51, 340:105-10-54(a)(3), 340:105-10-62, and 340:105-10-63.

340:105-10-85. Home delivered meals packaging and delivery

(a) **Policy.** Home delivered meals are packaged and delivered to ensure temperature control and prevent contamination and spillage.

(b) **Authority.** The authority for this Section is Oklahoma State Department of Health Food Service Establishment Regulations OAC 310:256-5-9 and Title 45 of the Code of Federal Regulations, Part 1321.11.

(c) **Procedures.** This Section is implemented by including procedures for:

(1) packaging and handling up to the point of delivery of the meals.

(A) Hot foods are maintained at a minimum of 140 degrees Fahrenheit.

(B) Cold foods are maintained at a temperature no more than 41 degrees Fahrenheit.

(C) Frozen foods are maintained frozen and hard;

(2) performing temperature checks at least quarterly on a random basis to ensure food is delivered at the proper temperature. Documentation of these checks is maintained by the provider and monitored by the Area Agency on Aging;

(3) packaging and packing cold, hot, and frozen foods separately;

(4) packaging meals individually and in secondary insulated food carriers to meet established safety and sanitation standards;

(5) delivering meals within one hour of packaging; and

(6) dating all disposable meal containers.

(d) **Cross references.** See OAC 340:105-10-50.1(a)(4), 340:105-10-51, 340:105-10-68, 340:105-10-70, 340:105-10-74 through 340:105-10-79, 340:105-10-82 through 340:105-10-84, and 340:105-10-86.

340:105-10-89. Disease prevention and health promotion services

(a) **Policy.** The Area Agency on Aging (AAA) makes grants to local entities to provide disease prevention and health promotion services and information at multipurpose senior centers, congregate meal sites, through home delivered meals programs, or other appropriate sites. Disease prevention and health promotion services include:

- (1) health risk assessments;
- (2) routine health screening, such as hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, oral health, and nutrition screening;
- (3) nutritional counseling and educational services for older persons and their primary caregivers;
- (4) health promotion programs, including programs relating to prevention and reduction of the effects of chronic disabling conditions, such as osteoporosis; cardiovascular disease; dental care; alcohol and substance abuse reduction; smoking cessation; weight loss and control; and stress management;
- (5) programs regarding physical fitness, group exercise, and music, art, and dance movement therapy, including programs for multigenerational participation provided by:
 - (A) an institution of higher education;
 - (B) a local educational agency, as defined in Section 1471 of the Elementary and Secondary Education Act of 1965; or
 - (C) a community-based organization;
- (6) home injury control services, including screening of high risk home environments and provision of educational programs on injury prevention, such as fall and fracture prevention;
- (7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;
- (8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under Title XVIII of the Social Security Act;

(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

(10) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

(11) gerontological counseling; and

(12) counseling regarding social services and follow-up health services based on any of the services described in (1) through (11) of this subsection.

(b) **Authority.** The authority for this Section is Sections 102(12), 361, and 362 of the Older Americans Act of 1965, as amended.

(c) **Procedures.** The requirements for implementing this Section are outlined in this subsection. The AAA:

(1) receives input from other entities in the planning and service area involved with disease prevention and health promotion regarding targeting of funds;

(2) considers use of funds to expand successful disease prevention and health promotion activities currently funded by Title III-B or other sources in the community, such as annual health fairs or periodic health screenings at nutrition sites;

(3) seeks technical assistance, as appropriate, from the State Agency staff; and

(4) submits a plan to the State Agency to include:

(A) services funded. Services funded do not include those for which payment may be made under Titles XVIII and XIX of the Social Security Act;

(B) projected expenditures for each service; and

(C) specific objectives to target services to the medically underserved older persons in the planning and service area (PSA). The definition of medically underserved used to allocate the funding is stated in the Area Plan and chosen from:

(i) the definition outlined by the Public Health Service Bureau of Health Care Delivery, Department of Health and Human Services;

(ii) a definition developed by the Oklahoma State Department of Health; or

(iii) any other definition in keeping with the intent of assisting medically underserved older persons.

(d) **Cross references.** See OAC 340:105-10-50.1(a)(15)(C) and 340:105-10-51.

340:105-10-90.1. National Family Caregiver Support Program

(a) **Policy.** The Area Agency on Aging (AAA) awards grants to entities to provide support services, including information and assistance, counseling, support groups, respite, and other home- and community-based services to families caring for their frail older members. The National Family Caregiver Support Program also recognizes the needs of grandparents who are caregivers of grandchildren and other older persons who are relative caregivers of children who are age 18 and younger. National Family Caregiver Support Program services include:

- (1) information services;
- (2) access assistance;
- (3) counseling;
- (4) respite care; and
- (5) supplemental services, on a limited basis.

(b) **Authority.** The authority for this Section is the Office of Management and Budget Notice of Action 0985-0008 and Sections 371 through 374 of the Older Americans Act of 1965, as amended, Public Law 106-501, Grants for State and Community Programs on Aging.

(c) **Procedures.** The requirements for implementing this Section are outlined in this subsection. The AAA:

- (1) incorporates the provisions of this Section into the Title III policies and procedures manual;
- (2) provides technical assistance to prospective and funded Title III projects regarding this rule;
- (3) monitors Title III project compliance according to OAC 340:105-10-43, except on specific projects where the State Agency has agreed with the AAA to provide a service and monitoring is not required. The project:

(A) gathers information on an approved intake form, including, at a minimum:

- (i) the family caregiver's identifying information;

- (ii) the caregiver's relationship to the care receiver;
 - (iii) the care receiver's identifying information; and
 - (iv) a written description of the caregiver's current situation, including the care receiver's need for assistance due to inability to perform specific activities of daily living (ADLs) or need for supervision due to Alzheimer's disease or other neurological and organic brain dysfunction;
 - (B) conducts, at a minimum, annual visits to participants to assess the satisfaction and quality of services;
 - (C) ensures the safety and protection of the participants; and
 - (D) receives in-service training each fiscal year specifically designed to increase the project's knowledge and understanding of the programs and participants served;
- (4) targets services to older persons in greatest social and economic need and older persons who care for a child with mental retardation or developmental disabilities;
- (5) may provide support services to caregivers providing care for frail older family members who are 60 years or older and unable to perform at least two ADLs without substantial human assistance or require substantial supervision due to a cognitive or other mental impairment.
- (A) ADLs include:
 - (i) dressing;
 - (ii) bathing;
 - (iii) eating;
 - (iv) transferring;
 - (v) toileting; and
 - (vi) walking.
 - (B) A caregiver is an adult family member or another person who is an informal provider of in-home and community care to an older person.

(C) Informal means the care is not provided as part of a public or private formal service program;

(6) may provide support services on a limited basis to grandparents and older persons who are relative caregivers.

(A) Child means a person who is not older than 18 years of age.

(B) Grandparent or older person who is a relative caregiver means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and:

(i) lives with the child;

(ii) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

(iii) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally;

(7) ensures the cost of carrying out the program meets the requirement of a minimum non-federal share of 25 percent. The non-federal share is provided from state and local sources;

(8) may not use funds to supplant, replace, or in substitution for, any funds expended under any federal, state, or local law for the same purposes; and

(9) considers awarding funds to expand successful caregiver activities currently in communities, such as respite providers, support groups, outreach, information and assistance, adult day services, counseling, and case management.

(d) **Cross references.** See OAC 340:105-10-37, 340:105-10-38, 340:105-10-40, 340:105-10-41, 340:105-10-43, 340:105-10-44, and 340:105-10-50.1(a)(15)(F).

340:105-10-91. Homemaker service standards

(a) **Policy.** The homemaker service provides assistance to persons 60 years of age or older with:

- (1) preparing a meal;
- (2) shopping for personal items;
- (3) managing money;
- (4) using the telephone; or
- (5) doing light housework, which is limited to:
 - (A) dusting;
 - (B) vacuuming;
 - (C) mopping floors;
 - (D) cleaning bathroom and kitchen;
 - (E) making beds; and
 - (F) maintaining safe environment.

(b) **Procedures.** The requirements for implementing the homemaker service standards are outlined in this subsection.

- (1) The Area Agency on Aging (AAA):
 - (A) incorporates the homemaker service standards into its Title III policies and procedures manual;
 - (B) provides technical assistance to homemaker service providers regarding the standards; and
 - (C) utilizes the standards as an indicator in the evaluation of service provider proposals and in the assessment of funded projects.
- (2) The service provider:

(A) verifies, by completing Form AG-2-A, Older Americans Act Assessment, Parts I and II, participants who receive homemaker services have:

(i) functional, physical, or mental impairments, or limitations preventing them from providing the service for themselves; and

(ii) an unavailable or insufficient informal support network, for example, family, friends, or neighbors, capable of meeting their needs;

(B) initiates a written service plan for each participant based on the results of Form AG-2-A;

(C) staff receive in-service training at least twice each fiscal year specifically designed to increase their knowledge and understanding of the program and participants and to improve their skills at tasks performed in the provision of service. Comprehensive records identifying dates of training and topics covered are maintained in each employee's personnel file. An individualized in-service training plan is developed for each staff person, when performance evaluations indicate a need;

(4) conducts home visits to each participant at least twice each fiscal year to evaluate service provision; and

(5) checks references on all homemakers.

(c) Authority. The authority for this Section is the Office of Management and Budget Notice of Action 0985-0008 and Title 45 of the Code of Federal Regulations, Part 1321.11.

(d) Cross references. See OAC 340:105-10-50.1(a)(2), and 340:105-10-51.

340:105-10-105.1. Commercial and contractual activities of Area Agencies on Aging and Title III projects

(a) **Policy.** Area Agencies on Aging (AAAs) and Title III projects may engage in commercial and contractual activities compatible with the development or enhancement of comprehensive and coordinated service delivery systems for older persons. Commercial and contractual activities do not include activities an AAA or Title III Project performs pursuant to the Older Americans Act (OAA) program. This Section applies to Title III projects only when Title III facilities and staff are utilized in the performance of commercial and contractual activities. The AAA or Title III project performing commercial or contractual activities provides assurances to:

(1) demonstrate:

(A) a loss or diminution in the quantity or quality of OAA services provided, or to be provided, by the agency has not resulted and will not result from such contract or relationship; and

(B) the quantity or quality of OAA services to be provided will be enhanced as a result of such contract relationship;

(2) disclose:

(A) the identity of each nongovernmental entity with which the agency has a contract or commercial relationship relating to providing services to older persons;

(B) the nature of such contract or relationship; and

(C) all sources and expenditures of funds the agency receives or expends to provide services to older persons for the purpose of monitoring compliance with the OAA, including conducting an audit;

(3) maintain the integrity and public purpose of OAA services provided;

(4) not use OAA funds received to pay any part of a cost, including an administrative cost, incurred to carry out a contract or commercial relationship.

(A) Income generated from OAA funded programs provided to non-OAA participants is considered, akin to program income, service reimbursement. The complete cost of the service is reimbursed to the OAA funded program. No OAA funds are construed as having paid for a non-OAA service. Contract income

above the actual cost of the service does not fall under the provision of Section 315 of the OAA.

(B) AAAs require OAA service providers to submit annual verification of the service cost computed in accordance with General Accepted Accounting Principles by a non-biased, qualified person, such as a certified public accountant (CPA).

(C) AAAs review the service cost methodology annually in accordance with General Accepted Accounting Principles using a qualified individual such as a CPA to either approve it or disapprove it and work with the service provider to obtain suitable information. The final computation, once approved by the AAA, is submitted to Aging Services Division annually in the AAA approved grants; and

(5) preference in receiving OAA services will not be given to particular older persons as a result of a contract or commercial relationship.

(b) **Authority.** The authority for this Section is the Administration on Aging letter dated November 19, 2003; Oklahoma Department of Human Services Special Unit on Aging Policy Memo 04-05; and Sections 306(a)(13) through (16) of the Older Americans Act, as amended.

(c) **Cross references.** There are no cross references for commercial and contractual activities.

340:105-10-106. Audits for Title III projects and Area Agencies on Aging

(a) **Policy.** The Assistant Secretary for Aging and the Comptroller General of the United States (U.S.), authorized personnel of the U.S. Department of Health and Human Services; State Auditor and Inspector; and other appropriate state entities or any of their duly authorized representatives have open and complete access to any books, documents, papers, records, and any other items of the Older Americans Act grantee pertinent to the performance or payments of grants or contracts received through the State Agency or the Area Agency on Aging. Grantees arrange for independent audits or fiscal reviews of Older Americans Act and state funds as required by federal and state law and State Agency rules.

(b) **Authority.** The authority for this Section is the Single Audit Act Amendments of 1996, Public Law 104-156; Office of Management and Budget Circular A-133; and Part 1321.11 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** The procedures for implementing this Section are outlined in OAC 340:105-10-107 through 340:105-10-113.

(d) **Cross references.** See OAC 340:105-10-107 through 340:105-10-113.

340:105-10-107. Audits of grantees receiving state funds only

(a) **Policy.** Audit and fiscal review policy for grantees receiving state funds only are the same as for grantees receiving federal funds except the State Agency reserves the right to modify such policy as appropriate. Factors considered in the modification of audit and fiscal review policies are:

- (1) source of state funding;
- (2) amount of funding award;
- (3) availability of other grantee audits of award funds;
- (4) purpose, scope, and duration of the Title III project or Area Agency on Aging (AAA) service;
- (5) number and nature of transactions involved in the Title III project or AAA service; and
- (6) availability of audit funds.

(b) **Authority.** The authority for this Section is Part 1321.11 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** Procedures for implementing this Section are described in this subsection. The grantor:

- (1) considers the factors outlined in (a) of this Section; and
- (2) outlines audit policy for state funds in the grant or contract agreement.

(d) **Cross references.** See OAC 340:105-10-106 and 340:105-10-108 through 340:105-10-113.

340:105-10-108. Audits of government entities and nonprofits receiving less than \$25,000 in federal and state funds from all sources

(a) **Policy.** Government entities and other nonprofits receiving less than \$25,000 in federal and state funds from all sources are monitored by the Area Agency on Aging (AAA) or pass through agency.

(b) **Authority.** The authority for this Section is the Office of Management and Budget Circular A-133.

(c) **Procedures.** Procedures to implement this Section are described in this subsection.

(1) Agencies subject to this Part receive a monitoring visit from the AAA or pass through agency to include, at a minimum:

(A) testing of a minimum of ten percent of all project expenditures for the period under review;

(B) testing of items listed in the current fiscal assessment tool;

(C) preparation of a report to include a narrative description of project operations;

(D) verification of the scope and time frame of the review;

(E) a description of the findings regarding internal controls, accounting methods, and procedures;

(F) schedules of:

(i) balance sheet;

(ii) budget compared to actual revenue and costs; and

(iii) findings, questioned costs, and recommendations; and

(G) an account of the grantee's response to findings, questioned costs, and recommendations.

(2) Monitoring visits are conducted within 30 days after each project year.

(d) **Cross references.** See OAC 340:105-10-106 through 340:105-10-107, and 340:105-10-109 through 340:105-10-113.

340:105-10-109. Audits of profit-making grantees

(a) **Policy.** Each profit-making grantee of Older Americans Act (OAA) funds obtains an annual audit of OAA funds to meet the Office of Management and Budget (OMB) Circular A-133 standards for a program audit or limited scope audit.

(b) **Authority.** The authority for this Section is OMB Circular A-133 and the contract between the pass through agency and the for-profit grantees.

(c) **Procedures.** Procedures for implementing this Section are described in this subsection. The audit:

(1) period is the same as the project's fiscal year;

(2) report is specific to the grant-funded project, and is not a single audit of the entire grantee agency;

(3) is conducted by a Certified Public Accountant according to generally accepted government auditing standards; and

(4) cost is not charged to federal funds and is not used to meet match requirements.

(d) **Cross references.** See OAC 340:105-10-106 through 340:105-10-108 and 340:105-10-110 through 340:105-10-113.

340:105-10-110. Audits of local governments and nonprofit organizations expending \$500,000 or more in federal funds from all sources

(a) **Policy.** Local governments and nonprofit organizations expending \$500,000 or more in federal funds from all sources in a year are required to obtain annual audits on such funds unless the grantee has a constitutional or statutory requirement for less frequent audits. All audits and accompanying reports must comply with the appropriate Federal Register Office of Management and Budget (OMB) Circular, as described in (c) of this Section.

(b) **Authority.** The authority for this Section is OMB Circular A-133; the Single Audit Act Amendments of 1996, Public Law 104-156; and Section 212A of Title 74 of the Oklahoma Statutes.

(c) **Procedures.** Audits:

(1) are subject to the provisions of OMB Circular A-133 and the Single Audit Act Amendments of 1996. Each audit states it is made in accordance with the provisions of OMB Circular A-133;

(2) meet the content and format requirements of Circular A-133;

(3) are arranged by following the procurement standards of OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments or Circular A-110, Uniform Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations;

(4) are made by a certified public accountant (CPA) who meets the independence standards specified in government auditing standards. Selected auditors are registered with the office of the Oklahoma Accountancy Board and have a current permit to practice;

(5) are made in accordance with generally accepted government auditing standards covering financial and compliance audits;

(6) encompass the grantee's fiscal year; and

(7) are supported by working papers available for review by the Oklahoma Department of Human Services.

(d) **Cross references.** See OAC 340:105-10-106 through 340:105-10-109 and 340:105-10-110.1 through 340:105-10-113.

340:105-10-110.1. Audits of government entities and nonprofit agencies receiving between \$25,000 and \$500,000 in federal and state funds from all sources

(a) **Policy.** Government entities and nonprofit agencies receiving more than \$25,000 in federal and state funds and less than \$500,000 in federal funds from all sources are required to obtain annual audits on such funds unless the grantee has a constitutional or statutory requirement for less frequent audits.

(b) **Authority.** The authority for this Section is Section 212A of Title 74 of the Oklahoma Statutes and the contract between the Area Agency on Aging and the subgrantee.

(c) **Procedures.**

(1) The audit:

(A) is a certified independent audit of the agency's entire operations conducted in accordance with generally accepted government auditing standards;

(B) includes financial statements prepared in accordance with generally accepted accounting principles;

(C) includes a Supplementary Schedule of State and Federal Awards listing all state and federal revenues and expenditures by contract;

(D) covers the period for which the contract was in effect;

(E) is performed by a certified public accountant or public accountant who has a valid and current permit to practice accountancy in Oklahoma; and

(F) is not charged to federal funds or to meet match requirements.

(2) The Oklahoma Department of Human Services retains the right to examine and audit paperwork.

(d) **Cross references.** See OAC 340:105-10-106 through 340:105-10-113.

340:105-10-112. Audit report and fiscal review report distribution

(a) **Policy.** Audit reports of Area Agencies on Aging (AAAs) and audit and fiscal review reports of Title III projects are transmitted to the State Agency within 150 days after the end of the fiscal year being audited or within 30 days after the completion of the audit or fiscal review report, whichever comes first.

(b) **Authority.** The authority for this Section is Part 1321.11 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** The procedures for implementing this Section are described in this subsection.

(1) Each audit or fiscal review report submitted to the State Agency is accompanied by completed Form SUOA-S-81, Audit Report Transmittal. This form is completed in a format prescribed by the State Agency.

(2) Each audit report is accompanied by properly executed copies of equipment, food, and food supplies inventories, as appropriate.

(3) Multiple copies of AAA and Title III project audit and fiscal review reports are submitted to the State Agency in quantities prescribed.

(4) Audit and fiscal review reports are submitted by the auditor to the organization audited, and to those requiring or arranging for the audit or fiscal review.

(5) Grantees submit copies of audit or fiscal review reports to their grantor agency.

(6) Audit and fiscal review reports are made available for public inspection within 30 days after completion of the report.

(7) Requests for time extensions are submitted to the State Agency when the audit report or fiscal review report cannot be submitted within 150 days after the fiscal year end.

(d) **Cross references.** See OAC 340:105-10-106 through 340:105-10-111 and 340:105-10-113.

340:105-10-113. Resolution of findings

(a) **Policy.** Clearance of audit reports and resolution of audit findings on Area Agencies on Aging (AAAs) and Title III projects is the responsibility of the grantor agency.

(b) **Authority.** The authority for this Section is Part 1321.11 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** The procedures for implementing this Section are described in this subsection.

(1) The AAA or Title III project submits audit and fiscal review reports as outlined in OAC 340:105-10-112.

(2) The grantor agency provides written acknowledgement to the AAA or Title III project of the receipt of audit and fiscal review reports.

(3) The grantor agency monitors the compliance of the grantee agency with audit and fiscal review findings or recommendations within six months of the completion of the audit or fiscal review.

(4) The grantor agency monitors the compliance of the grantee with Office of Management and Budget Circular A-133.

(5) The State Agency regularly reviews the audit clearance activities of each AAA.

(6) The State Agency reserves the right to suspend funds or to effect de-designation of any AAA demonstrating unwillingness or inability to resolve reasonable audit or fiscal review recommendations concerning Title III projects within a six month period after the completion of the audit or fiscal review.

(d) **Cross references.** See OAC 340:105-10-106 through 340:105-10-112.