TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:105-1-4; 105-7-2; 105-7-7 through 105-7-8; 340:105-10, Table of Contents; 105-10-3; 105-10-11 through 105-10-12; 105-10-15; 105-10-19; 105-10-21; 105-10-24 through 105-10-25; 105-10-41; 105-10-51; 105-10-54; 105-10-59; 105-10-63; 105-10-68; 105-10-70; 105-10-72; 105-10-75; 105-10-79; 105-10-82; 105-10-84; 105-10-90.1; 105-10-91; 105-10-95; 105-10-97; 105-10-101; 105-10-114; 105-10-120 through 105-10-121; 340:105-11, Table of Contents; 105-11-233 through 105-11-234; 105-11-240; 105-11-245; 105-11-248 through 105-11-252; and 105-11-255.

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

The proposed revisions to Subchapters 1, 7, 10, and 11 of Chapter 105: (1) clarify and bring rules into compliance with state and federal laws and regulations; (2) update language to be consistent with federal and state language and Oklahoma Department of Human Services (OKDHS) forms currently in use; (3) enhance readability for ease of implementation; (4) comply with House Bill (HB) 1963, effective June 9, 2005 that requires criminal background checks for ombudsman, ombudsman volunteers, and ombudsman staff at each Area Agency on Aging (AAA); (5) clarify rules regarding the Nutrition Services Incentive Program; (6) modify grantee requirements regarding staffing and provision of Older Americans Act (OAA) services; (7) update the statement of non-discrimination; (8) clarify re-assessment requirements to incorporate the use of criminal background checks and forms required by recent legislation; (9) specify the number of hours of continuing education required for ombudsman supervisors and ombudsman volunteers; (10) revise salary ranges for persons not eligible for ombudsman volunteer certification; (11) require the ombudsman to disclose current and past appointments, involvement, membership, and interest that could affect objectivity; and (12) add reporting and record keeping to the ombudsman staff training curriculum.

340:105-7-7 and 340:105-7-8 are amended to update language and correct names of forms required.
340:105-10-11 and 340:105-10-25 are amended to clarify Nutrition Services Incentive Program (NSIP) cash payments.
340:105-10-12 is amended to reflect current State Council on Aging by-laws and update language.
340:105-10-15 is amended to include utilizing probationary status, suspension of funding, or other appropriate action if the AAA fails to achieve compliance with outlined requirements.
340:105-10-41 is amended to require the recipient of a direct service waiver to employ a minimum of one staff person for at least 40 hours per week dedicated to a waivered service.
340:105-10-51 is amended to comply with the language of the Civil Rights Act of 1964.
340:105-10-54 is amended to update language and reflect the increase from $150 to $250 in the amount of funds that may be spent annually per participant for Title III home repair service.
340:105-10-59 is amended to require the Title III program participant's re-assessment interview be conducted face-to-face.
340:105-10-63 is amended to increase the staffing hours required for information and assistance (I&A) service from 20 hours per week to 40 hours per week, pending availability of funding, by at least one I&A staff whose primary job is to provide I&A services; and to clarify that I&A functions may not be assigned as a regular, continuing duty of any other AAA staff position.
340:105-10-68 is amended to update language; decrease the minimum number of meals served per site per day from 50 to 25; and clarify procedures relating to meal waiver requests.
340:105-10-70 is amended to delete unnecessary language regarding congregate meals service requests.
340:105-10-72 is amended to specify the required frequency of certain actions; delete language allowing less than a licensed registered dietitian to provide nutrition related services and visit sites; and clarify language regarding meal site staffing patterns.
340:105-10-75 is amended to replace "project dietitian" with "registered dietitian" since a dietitian may also be contracted with or employed by the AAA.
340:105-10-79 is amended to reflect the use of the activity roster generated by the Advanced Information Manager (AIM) program instead of Form SUOA-S-33, Individual Attendance Record.
340:105-10-84 is amended to include service unit costs as one of the factors used by the AAA to determine the numbers served.
340:105-10-90.1 is amended to update language and clarify re-assessment procedures for National Family Caregiver Support Program Title III E services.
340:105-10-91 is amended to correct numbering format.
340:105-10-95 and 340:105-10-97 are amended to update language.

340:105-10-101 is amended to remove the requirement for the AAA to submit all proposed funding awards to for-profit, full-service providers to State Agency for approval prior to issuance of the notification of grant award (NGA).

340:105-10-120 is amended to clarify minimum qualifications for job descriptions.

340:105-10-121 is amended to delete the State Longevity Pay Schedule for AAAs and Title III projects and add the requirement to use a longevity schedule that is fair and equitable to all employees, based on available funding, included in AAA and Title IIII project budgets, and provided for in the AAA policies and procedures manual.

340:105-11-233 is amended to incorporate criminal background checks required for applicants for and incumbents in area ombudsman staff positions.

340:105-11-234 is amended to: (1) reflect the use of Form ADM-130, Request for Background Check, authorizing the Office of the State Long-Term Care Ombudsman to conduct a criminal background check for ombudsman volunteers; (2) allow the state long-term care ombudsman to refuse to designate a person who fails to meet screening standards for volunteers and staff, including criminal background checks; and (3) allow the state long-term care ombudsman to withdraw designation as a representative of the Office from a staff person or volunteer who is convicted of a crime listed in Section 1-1950.1 of Title 63 of the Oklahoma Statutes or listed on the Mary Rippy Violent Offender Registry.

340:105-11-240 is amended to require: (1) a minimum of 40 hours of continuing education and training be provided to ombudsman supervisors per year on a quarterly basis; and (2) each certified ombudsman volunteer to achieve annually a minimum of 18 hours of continuing education relevant to the care of older persons and persons with disabilities.

340:105-11-245 is amended to clarify documentation procedures for facility visits.

340:105-11-248 is amended to require Form ADM-130 for ombudsman volunteers.

340:105-11-249 is amended to reflect a new salary range based on job family descriptor #H26A, Adult Protective Services Specialist, with Office of Personnel Management (OPM) Pay Band I.

340:105-11-250 is amended to reflect a new salary range based on job family descriptor #H26B, Adult Protective Services Specialist, with OPM Pay Band J.

340:105-11-251 is amended to include any person who has been convicted of a crime listed in Section 1-1950.1 of Title 63 of
the Oklahoma Statutes or whose name appears on the Sex Offender Registry or the Mary Rippy Violent Offender Registry as persons not eligible for ombudsman volunteer certification. Obsolete language regarding records of criminal conviction is deleted.

340:105-11-252 is amended to require an ombudsman to disclose current and past appointments, involvement, membership, and interest that may affect or could reasonably be expected to affect the ombudsman's ability to investigate and resolve complaints in an objective and independent manner.

340:105-11-255 is amended to add reporting and record keeping to the ombudsman staff training curriculum.
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.

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340:105-1-4. Responsibilities of Aging Services Division

(a) **Objective.** The overall objective of Aging Services Division (ASD) is to assist older Oklahomans to secure and maintain economic and personal independence and dignity by working toward the establishment of a comprehensive and coordinated system of delivery of needed services.

(b) **Responsibilities.** ASD's specific responsibilities are to:

- (1) ensure the proper and efficient administration of activities in Oklahoma related to the Older Americans Act (OAA);
- (2) provide fiscal support and technical assistance for Oklahoma's 11 Area Agencies on Aging (AAAs);
- (3) develop and implement a State Plan on Aging with the assistance of the State Council on Aging;
- (4) provide consultation and assistance to agencies and individuals in developing services for older persons;
- (5) conduct studies and assessments to determine the current needs of Oklahoma's older population;
- (6) serve as a clearinghouse for the exchange of information and ideas pertinent to older persons;
- (7) work toward the improvement of coordination among federal, state, and local agencies;
- (8) inform the public about the needs of older persons; and
- (9) work toward the enlistment of support and resources within the private sector to assist the aging network in providing needed services to older persons, and provide technical assistance in the development and delivery of services.

(c) **State Plan on Aging.** To be eligible to administer federal grants under OAA, the Oklahoma Department of Human Services is required to develop a State Plan that encompasses and delineates the programmatic commitments that ASD, as the designated State Office on Aging, administers, coordinates, or supervises during a given multi-year period. The State Plan is developed by ASD for approval by the
Governor of the State of Oklahoma and submitted by the Governor to the Assistant Secretary for Aging of the Administration on Aging.

(1) The State Plan identifies the objectives ASD proposes to achieve during the multi-year period and the plan(s) of action that is implemented in order to meet the identified objectives. The State Plan:

   (A) identifies the manner in which the state has been divided into planning and service areas and the designation of AAAs; and

   (B) sets forth the allocation of resources under the program by providing information regarding the methods, data, and rationale used in developing the State Plan and formulating planning priorities.

(2) Prior to submitting the State Plan to the Governor, ASD holds a public hearing(s) on the proposed plan pursuant to Part 1321.27 of Title 45 of the Code of Federal Regulations. A summary of the State Plan is made available to any interested individual, agency, or organization. Public notice of each hearing is provided as required. The complete State Plan is available for inspection and consideration at the office of ASD.

   (A) The State Council on Aging is given an opportunity to review and comment on the State Plan.

   (B) Pursuant to comments made regarding the proposed State Plan from the State Council on Aging and the general public, ASD revises the plan where necessary and appropriate and submits it to the Governor.
340:105-7-2. Eligibility for adult day services

(a) Application process.

(1) An application for adult day services is initiated by a request from an adult wishing to participate, a person responsible for the care of such an adult, or by a referral from an adult day services vendor. The application is documented on Form ADS-RA-1, Adult Day Services Referral/Application.

(2) All adult day services participants must be determined ineligible for the ADvantage Waiver Adult Day Health program.  ■ 1

(A) If the participant is not determined ineligible in four months, the participant may not continue in Oklahoma Department of Human Services (OKDHS) funded adult day services. The authorization is closed and services are terminated.

(B) An exception or extension of the four months rule must be requested.  ■ 1

(3) The service opening date is no earlier than the date on Form ADS-RA-1 or the date of the oral request. If the client does not sign Form ADS-RA-1 at the time of request, a staff member completes the form and explains on the signature line why the client did not sign, such as an oral request.  ■ 1

(A) If the services are court-ordered and there is no Form APS-1, Adult Protective Services Referral, the service opening date is the date of the court order.

(B) If the day services facility makes the referral by sending Form ADS-RA-1, the service opening date is the date the form is stamped "received" in the county office.

(4) An application must be processed within 30 days for public assistance cases and 45 days for non-public assistance cases. The application is:

(A) certified or approved when a client is determined eligible;

(B) denied when a client is determined ineligible; or

(C) canceled when a client requests cancellation prior to other disposition.

(5) In determining eligibility for adult day services, clients must:
(A) receive services in a facility that holds a valid contract with OKDHS for provision of adult day services; and

(B) meet need, age, and income requirements.

(b) Need for adult day services. Adult day services are appropriate for persons who are physically or mentally unable to function totally independently but do not require 24-hour care.

(1) To qualify for adult day services, one of the conditions in (A) and (B) of this paragraph must be met.

(A) Adult day services provide respite or time needed to maintain employment for an adult's primary caregiver.

(B) Adult day services provide beneficial socialization and access to needed therapy for a functionally impaired adult.

(2) If the client is receiving state-funded 24-hour care, adult day services are not approved.

(c) Age. Adult day services are available to impaired adults age 60 years and older. An age waiver may be requested, and is granted by Aging Services Division (ASD) for a person younger than 60 if one of the conditions in (1) and (2) of this paragraph is met.

(1) The adult is suffering from Alzheimer's disease, any other form of dementia, or another degenerative condition, either physical or mental.

(2) The adult has recently sustained a stroke, fracture, paralysis, or other incapacitating condition and the services offered in an adult day services program aids the adult in maintaining or returning to as much of an independent lifestyle as possible, avoiding institutionalization. 2

(d) Income. Sources of income considered, verification, and computation of income for the adult day services program are described in this subsection. Co-payment and maximum allowable income are shown on OKDHS Appendix M-105, Eligibility Schedule/Rates for Adult Day Services. OKDHS Appendix M-105 reflects the sliding fee scale based upon the United States (U.S.) Bureau of Census, National Poverty Guidelines, as printed in the Federal Register. The schedule is subject to change.

(1) Predetermined eligible. Persons are predetermined eligible based on receipt of Public Assistance, Supplemental Security Income (SSI), or Refugee Assistance. If
services are requested by Adult Protective Services (APS), the client is universally approved for 60 days only without regard to income. For APS clients, no co-payment is considered during the 60 calendar days.

(2) **Income eligible.** Income eligibility determination is based upon the amount of the family's gross income and family's size. Family income includes income from predetermined eligible members. ■ 3

(A) Anticipated income is never included in determining eligibility until it is available to and under the control of the client.

(B) Income is computed on a monthly basis. If income is received every two weeks, the weekly rate is determined and multiplied by 4.3 to compute the monthly income. When income is received twice a month, for example, 1st and 15th, it is multiplied by two.

(C) Any income that is received regularly, but in amounts that vary greatly, or income received irregularly is averaged over a six-month period. Examples are overtime pay, sporadic second jobs, irregular child support, and other occasional changes in the monthly gross child support or other monthly gross income. ■ 4

(D) When one or both persons of a married couple is in adult day services, the total gross income of both is considered and eligibility is computed based on one half of the total income.

(3) **Determination of co-payments for persons not predetermined eligible.** In determining the co-payment for persons not predetermined eligible, the guidelines are:

(A) married couple, one spouse in adult day services, the total gross income of both spouses is considered, with the co-payment computed on one half of the total income;

(B) married couple, both in adult day services, the total gross income is divided equally between the two, with the co-payment for each based on the computed individual amount of income; or

(C) single person in adult day services, only the total gross income of that person is considered.

(4) **Sources of income considered.** The sources of income considered in determining monthly gross income are:
(A) wages, such as total money earnings received for work performed as an employee, including armed forces pay, commissions, tips, piece-rate payments, on-the-job training programs, cash bonuses, bonds, pensions, union dues, credit union payments, garnishments, and similar purposes. Tips are not considered part of the wages for Temporary Assistance for Needy Families (TANF) recipients who are participating in the Work Supplementation Program;

(B) net income from self-employment, farm and non-farm, determined by taking 50 percent of the gross income. 5 When a client:

(i) rents a house to someone else, the net income amount considered is 50 percent of the rent. The other 50 percent is allowed for expenses;

(ii) rents a room in his or her house to someone else, the net income amount considered is 75 percent of the rent; and

(iii) provides room and board in his or her home, the net income amount considered is 50 percent of the gross amount charged;

(C) pensions, SSI, survivors' benefits, and Social Security Administration permanent disability insurance, prior to deductions for medical insurance, and Railroad Retirement Insurance;

(D) dividends, interest, and income from estates, trusts, and mineral rights. If this income varies or is received irregularly, it is averaged over six months;

(E) pensions and annuities or retirement benefits paid to a retired person or his or her survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance;

(F) unemployment compensation received from government unemployment insurance agencies or private companies during periods of unemployment and any strike benefits received from union funds;

(G) workers' compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the client;

(H) alimony;

(I) child support;
(J) veterans' compensations and pensions paid periodically by Veterans Affairs to disabled members of the armed forces or to survivors of deceased veterans, as subsistence allowances paid to veterans for veterans' education and on-the-job training, and to ex-servicemen as GI insurance premiums called refunds;

(K) contributions in the form of money received regularly from anyone; and

(L) income of minor children. If the adult in an adult day services program has minor children living in the same home, the children's income is considered.

(5) **Sources of income not considered.** The sources of income not considered monthly gross income are:

(A) per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission of the Court of Claims;

(B) payments made pursuant to the Alaska Native Claims Settlement Act, to the extent that such payments are exempt from taxation under Section 21(a) of the Act;

(C) money received from sale of a resource, such as stocks, bonds, land, house, or car. If the person is in the business of selling such property, the net proceeds are counted as income from self-employment;

(D) withdrawals of bank deposits;

(E) tax refunds, including the Earned Income Credit Advance payment which is received monthly;

(F) gifts or money received occasionally, such as at birthdays, anniversaries, and Christmas;

(G) lump sum inheritances, insurance payments, or one-time lump sum payments;

(H) capital gain;

(I) the value of the food benefit allotment under the Food Stamp Act of 1977, as amended;
(J) any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(K) loans and grants obtained and used under conditions that preclude their use for current living costs;

(L) money received as reimbursement for expenses because of participation in a component of the TANF Work Program;

(M) home produce utilized for household consumption; and

(N) the income of adult children or other relatives residing in the same home as the adult day services participant.

7.

(e) Resources. Resources are not considered in determining eligibility for adult day services.

(f) Notification. A ten-day notice is required for any adverse action. Notification to the client is required and is computer-generated when:

(1) a decision regarding initial eligibility or continued eligibility is made;

(2) there is a change in the client's income or co-payment; and

(3) the client is no longer eligible or requests termination of adult day services.

INSTRUCTIONS TO STAFF

1. Exceptions are referred by e-mail or memo to Aging Services Division (ASD), Attention: Adult Day Services. When a participant is determined ineligible for ADvantage, a notice of denial is placed in the case record.

2. An age waiver is requested by e-mail or memo to ASD, Attention: Adult Day Services and includes the applicant's name, case number, date of birth, worker's assessment of the applicant's condition, and the adult day services center the applicant will attend.

3. Amount and availability of income is verified and documented on page one of Form ADS-RA-1, Adult Day Services Referral/Application.

4. Irregular income. When the client is eligible after averaging the six-month income, he or she is eligible the total six-month period even when the gross
income for one or two months of the period exceeds the maximum allowable gross income. For new applications, if income records for the past six months are not available, use whatever records are available for income averaging. If the client is certified eligible, the income is re-averaged at the point the pre-certification income plus post-certification income equal a period of six months.

(1) In calculating monthly income, cents are carried through all steps of calculation and then rounded to the nearest dollar.

(2) Income such as wages, rental income, and pensions is verified from the source of the income or by official document. Income from self-employment may be verified from documents such as tax returns.

5. If a client considers this method inaccurate, the method for determining self-employment income in the Temporary Assistance for Needy Families (TANF) program may be used.

6. The column in Oklahoma Department of Human Services (OKDHS) Appendix M-105, Eligibility Schedule/Rates for Adult Day Services, appropriate to that family size is consulted to determine the co-payment.

7. If there is no minor child in the home, the first column of OKDHS Appendix M-105 is used for a single individual as well as a couple.
340:105-7-7. Adult day services vendor contracts

(a) Licensure of facility. According to Section 1-873 of Title 63 of Oklahoma Statutes, all adult day services centers must be licensed by the Oklahoma State Department of Health. Failure to comply with state law is grounds for immediate termination of the contract or denial of a contract application.

(b) Application. Applications for a contract to provide adult day services to Oklahoma Department of Human Services (OKDHS) clients are obtained from Aging Services Division (ASD), Attention: Adult Day Services.  ■ 1

(c) Application process. When the completed application packet is received by ASD, a visit is arranged with the facility to conduct a site evaluation. For facilities holding a current contract and applying for renewal, no site evaluation is required.  ■ 2

(d) Facility approved. If a facility meets all minimum standards and requirements, and funding is available, a contract is offered. The facility accepts the offer by returning the properly signed contract within 15 days of the offer. When a contract number is assigned, ASD notifies the facility and the OKDHS county office where the facility is located.  ■ 3

(e) Facility not approved. If an applicant facility fails to meet OKDHS minimum standards and requirements, ASD staff notifies the facility by mail via a letter that includes:

1. a description of the area(s) in which the facility failed to meet standards and requirements;
2. an offer of technical assistance concerning steps needed to comply with the requirements; and
3. a statement the facility may reapply when the operator corrects the deficiencies.

(f) Contract monitoring. ASD staff visits each contracted facility at least once annually to monitor the facility’s compliance with the contractual agreement. ASD staff discusses with the operator any areas that require improvement. If deficiencies are not corrected or showing substantial improvement within that period, procedures for contract termination are initiated. A summary of the findings of each monitoring visit is prepared and a copy is sent to the facility.  ■ 4

(g) Contract reapplication. Performance based contracts for provision of adult day services automatically terminate at the end of the state fiscal year. In April, ASD staff
provides new application packets to each contracted vendor. Applications are evaluated in accordance with subsection (c) of this Section. Procedures for approval or disapproval are followed as outlined in subsections (e) and (f) of this Section. A site visit and evaluation is required when a facility changes location or undergoes major renovation.

(h) Procedures for suspension or termination of contract. If at any point during the contract term a facility fails to meet minimum standards or other contractual requirements, and fails to correct the deficiency within 30 calendar days after notification, contract suspension or termination procedures are initiated.

INSTRUCTIONS TO STAFF

1. All potential vendors are referred to Aging Services Division (ASD), Attention: Adult Day Services.

2. After completing the site evaluation and reviewing the completed application, ASD determines whether the facility will be offered a contract.

3. ASD is responsible for:

   (1) posting the approval to the Information Management System (IMS), Contracts File; and

   (2) providing the facility with an initial supply of forms, including:

       (A) AS-ADS-1, Service/Attendance/Claim Record;

       (B) ADM-12-ADS-SI, Adult Day Service Invoice; and

       (C) ADS-RA-1, Adult Day Services Referral/Application.

4. The original summary is filed in the facility's contract file at ASD.

5. A copy of the letter to the facility is sent to the OKDHS county office, with a memorandum to notify the county that no payment will be made for services rendered after the suspension or termination date.
340:105-7-8. Adult day services rates and claims payment

(a) Rates. A facility that contracts to provide adult day services for Oklahoma Department of Human Services (OKDHS) clients agrees to the reimbursement rate approved by the Oklahoma Commission for Human Services. The current rate is shown in OKDHS Appendix M-105, Eligibility Schedule/Rates for Adult Day Services. The facility:

1. is reimbursed only for days a client is actually in attendance;
2. may set up a sliding fee scale for private pay participants;
3. may not charge the public less than the rate charged OKDHS; and
4. must post all rates in the facility.

(b) Claims. Claims for reimbursement for OKDHS-purchased adult day services are made on Form ADM-12-ADS-SI, Adult Day Service Invoice, attached to Form AS-ADS-1, Service/Attendance/Claim Record. The vendor prepares and attaches Form AS-ADS-1 for each participant for whom payment is claimed and submits it to Aging Services Division, Attention: Adult Day Services.

INSTRUCTIONS TO STAFF

1. Completed claims are forwarded by Aging Services Division to Finance Division for processing and payment.
SUBCHAPTER 10. POLICIES AND PROCEDURES MANUAL FOR TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

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340:105-10-118. Recruitment of Area Agency on Aging or Title III Project personnel [REVOKED]
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340:105-10-120. Area Agency on Aging and Title III project job descriptions
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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 the State Agency performing the functions of an AAA under the OAA, Section 305(b)(5).


**"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.

"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.

"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, AAA, or 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."

"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 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 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.
340:105-10-11. Responsibilities of State Agency

(a) Policy. The State Agency has responsibilities related to the provisions of the Older Americans Act (OAA) to:

1. develop a State Plan on Aging as prescribed by the Administration on Aging;
2. administer the State Plan on Aging;
3. coordinate all state activities related to the purposes of the OAA and actively pursue resource development at all levels of the aging network;
4. serve as an effective and visible advocate for older persons;
5. divide the state into planning and service areas for the purpose of designating Area Agencies on Aging (AAAs);
6. serve as a clearinghouse for the exchange of information pertinent to older persons;
7. provide consultation, technical assistance, and training to AAA and Title III project staffs related to their responsibilities under Title III of the OAA;
8. develop policy and program standards, as appropriate, to carry out the mission of the OAA at all levels of the Title III aging network; and
9. determine election regarding nutrition services incentive program (NSIP) cash payments in lieu of agricultural commodities and products purchased by the United States Secretary of Agriculture for all or any portion thereof.

(b) Authority. The authority for this Section is Section 305(a)(1) and 311(d)(1) of the OAA of 1965, as amended.

(c) Procedures. Procedures are outlined separately in this Part for each area of responsibility identified in (a) of this Section.

(d) Cross references. See OAC 340:105-10-13 through 340:105-10-25.
340:105-10-12. State Council on Aging

(a) **Policy.** The State of Oklahoma has a State Council on Aging that meets the requirements of the Older Americans Act (OAA), and the Aging Services Division's (ASD's) need for statewide representation from older Oklahomans and service providers.

(b) **Authority.** The authority for this Section is Section 305 of the OAA of 1965, as amended and Oklahoma State Council on Aging Bylaws.

(c) **Procedures.** The State Council on Aging is composed of 29 members who are residents of the state and who have demonstrated an interest in, knowledge of, and accomplishments regarding the concerns of older persons. **At least 18 of the members are 60 years of age or older.**

(1) Members of the State Council on Aging include:

   (A) one member appointed by the Governor;

   (B) one member appointed by the President Pro Tempore of the State Senate;

   (C) one member appointed by the Speaker of the House of Representatives; and

   (D) 26 members appointed by the Oklahoma Department of Human Services (OKDHS) Director and include:

   (i) five members who are 60 years of age or older who are participating consumers or volunteers working regularly in aging programs and are chosen from Area Agency on Aging (AAA) advisory council nominees. Each of the AAA advisory councils submit one nominee for consideration from their respective planning and service areas. The consumer members chosen include residents of rural counties and represent citizens from all economic levels;

   (ii) one member from nominees is submitted by entities to include:

   (I) Oklahoma Area Agencies on Aging Association;

   (II) Oklahoma State Department of Health;

   (III) Oklahoma State Department of Mental Health, gerontological representative;
(IV) Older American Volunteer Program Directors Association;

(V) Oklahoma State Nutrition Directors Association;

(VI) Urban League, alternating by term between Oklahoma City and Tulsa chapters;

(VII) Oklahoma Indian Council on Aging;

(VIII) Oklahoma American Association of Retired Persons (AARP);

(IX) Oklahoma Federation of Chapters of the National Association of Retired Federal Employees;

(X) Adult Day Services Association of Oklahoma;

(XI) Oklahoma Alliance on Aging;

(XII) Oklahoma Retired Educators Association; and

(XIII) Silver Haired Legislature Alumni;

(iii) eight at-large members nominated and appointed by the OKDHS Director to ensure ethnic, geographical, and demographical balance in the State Council on Aging.

(2) Duties of the State Council on Aging include:

(A) informing entities of the needs, conditions, and concerns of older Oklahomans to include the:

   (i) Oklahoma Commission for Human Services;

   (ii) OKDHS Director and the Aging Services Division (ASD) director;

   (iii) State of Oklahoma Governor’s Office;

   (iv) Oklahoma State Legislature;

   (v) United States Oklahoma Congressional Delegates;

   (vi) state agencies;
(vii) federal agencies; and

(viii) general public;

(B) reviewing and commenting on all policies, budget appropriations, planning regulations, and legislation that could benefit or adversely impact older Oklahomans, and advocating for concerns and issues of older Oklahomans, maintaining high visibility and a strong voice;

(C) monitoring and evaluating the provision of services to older persons within Oklahoma;

(D) conducting public forums on the needs or conditions of older Oklahomans and seeking public input on programs or issues involving older persons; and

(E) advising the ASD director on all matters pertaining to:

(i) development and implementation of policies, budget appropriations, planning, regulations, and standards;

(ii) effective and efficient administration of division programs;

(iii) development of training and educational programs; and

(iv) administration of other functions of ASD.
340:105-10-15. State Plan administration - Title III compliance monitoring

(a) Policy. The State Agency has responsibility for carrying out all activities under the State Plan on Aging.

(b) Authority. The authority for this Section is Section 303(c)(1) and (2) of the Older Americans Act of 1965, as amended and Parts 1321.7(b) and (c) and 1321.11(b) of Title 45 of the Code of Federal Regulations.

(c) Procedures. The State Agency carries out its responsibilities under the State Plan on Aging by:

1. developing and monitoring a management plan for the State Plan on Aging that includes:
   - overall goals of the plan;
   - measurable objectives outlining what is done to reach the goal;
   - action steps describing how each objective is accomplished, such as specific tasks;
   - staff assignments of responsibility for each objective; and
   - a format for tracking accomplishment of action steps and objectives;

2. submitting to the Administration on Aging regional office all required program and fiscal reports related to State Plan activities;

3. developing and updating a statewide policies and procedures manual for the administration of Title III Older Americans Act programs;

4. developing a format for Area Plans and providing technical assistance for the plans to Area Agencies on Aging (AAAs);

5. reviewing and approving all Area Plans;

6. monitoring AAA program and fiscal reports;

7. annually conducting two desk reviews and a minimum of one on-site assessment of each AAA and forwarding written reports to the AAA;
(8) providing technical assistance to the AAAs, as appropriate;

(9) conducting quality assurance activities related to State Agency functions; and

(10) utilizing probationary status, suspension of funding, or other appropriate action when the AAA fails to achieve compliance with outlined requirements.

340:105-10-19. Revising the boundaries of planning and service areas

(a) **Policy.** The State Agency establishes appropriate procedures for providing due process to affected parties when the State Agency initiates action to:

1. designate an additional planning and service area(s) (PSA(s) in the state;
2. divide the state into different PSAs; or
3. otherwise affect the boundaries of the PSAs.

(b) **Authority.** The authority for this Section is Section 305(b)(5) of the Older Americans Act of 1965, as amended.

(c) **Procedures.**

1. The State Agency:
   
   (A) provides written notice of the proposed action or proceeding affecting PSA boundaries to existing PSAs, and to any other affected parties, including clear documentation of the need for proposed action;
   
   (B) conducts a public hearing on the proposed action or proceeding;
   
   (C) invites the participation at the public hearing of affected Area Agencies on Aging (AAAs), Title III service projects, and older persons; and
   
   (D) requests written comments from the affected AAAs, Title III service projects, and older persons.

2. An adversely affected party involved in the action or proceeding may bring an appeal to the Assistant Secretary for Aging of the Administration on Aging (AoA) on the basis of:

   (A) the facts and merits of the matter that are the subject of the action or proceeding; or
   
   (B) procedural grounds.

3. The procedure for appeal includes the:
(A) State Agency notifies affected parties of the right to appeal in all written notices of the proposed action; and

(B) affected party may appeal in writing to the Assistant Secretary for Aging of the AoA within 30 days of the State Agency decision. Written requests must state:

(i) the decision(s) for which an appeal is being made; and

(ii) legal name(s), address(es), and telephone number(s) of appellant(s).

340:105-10-21. Withdrawal of Area Agency on Aging designation

(a) **Policy.** The State Agency may withdraw the area agency on aging (AAA) designation when it, after reasonable notice and opportunity for a hearing, finds that:

1. the AAA does not meet the requirements of this Part;
2. the area plan or plan amendment is not approved;
3. there is substantial failure in the provisions or administration of the approved area plan to comply with any provision of the Older Americans Act (OAA), applicable regulations, or policies and procedures established and published by the State Agency in the Oklahoma Administrative Code; or
4. activities of the AAA are inconsistent with the statutory mission prescribed in the OAA that it function only as an AAA.

(b) **Authority.** The authority for this Section is Part 1321.35 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.**

1. Prior to withdrawing the AAA designation, the State Agency:

   (A) notifies the AAA in writing of cause for withdrawal of designation;
   (B) conducts a public hearing on proposed withdrawal of AAA designation;
   (C) invites participation in the public hearing of the affected AAA, Title III or Title VII service projects, and older persons;
   (D) requests written comments from the affected AAA, Title III or Title VII service projects, and older persons in the planning and service area;
   (E) notifies the AAA in writing of the decision to withdraw AAA designation; and
   (F) provides to any affected party an opportunity for an appeal of the decision to the Assistant Secretary for Aging of the Administration on Aging, following the procedures in this subparagraph. The State Agency:

   (i) notifies the AAA and all other affected parties of the right to appeal in all written notices of the proposed action;
(ii) accepts and processes all requests for appeal that are submitted in writing to the State Agency within 30 days of the conduct of the public hearing on the proposed action. The written request must outline the:

(I) decision for which the appeal is being made;

(II) legal name, address, and telephone number of the appellant(s); and

(III) documented information regarding how the AAA withdrawal will affect the appellant(s); and

(iii) forwards the appeal request and all supporting documentation to the Assistant Secretary for Aging within 14 days of receipt.

(2) After completing withdrawal of AAA designation procedures, the State Agency:

(A) provides a plan for the continuity of AAA functions and services in the affected planning and service area;

(B) timely designates a new AAA; and

(C) for a period of up to 180 days after final notice of withdrawal of AAA designation, may, if necessary to ensure continuity of the services in a planning and service area:

(i) perform the responsibilities of the AAA; or

(ii) assign the responsibilities of the AAA to another AAA in the planning and service area.

(3) The Assistant Secretary for Aging may extend the 180-day period when the State Agency:

(A) notifies the Assistant Secretary for Aging in writing of its action;

(B) requests an extension; and

(C) demonstrates to the satisfaction of the Assistant Secretary for Aging a need for the extension.

(d) Cross references. See OAC 340:105-10-20 and 340:105-10-30.
340:105-10-24. Policy and program standards

(a) **Policy.** The State Agency on Aging develops policies governing all aspects of programs operated under Title III of the Older Americans Act.

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

(c) **Procedures.** The State Agency develops policies governing all aspects of programs operated under Title III of the Older Americans Act by:

1. **convening** intra and/or interagency task forces to review program issues and make recommendations for policy development;

2. **submitting** proposed policy for review and comment to:
   
   (A) appropriate Title III aging network entities; and

   (B) Oklahoma Department of Human Services:
      
      (i) Policy Management Unit, which prepares and submits it to the Commission for Human Services; and

      (ii) Executive Office; and

3. **distributing the** codified rules to the Title III aging network.

(d) **Cross references.** See OAC 340:105-10-11(a)(8).
340:105-10-25. Commodity and cash in lieu election

(a) Policy. The State Agency determines election regarding nutrition services incentive program (NSIP) cash payments in lieu of agricultural commodities and products purchased by the United States (U.S.) Secretary of Agriculture for all or any portion thereof.

(b) Authority. The authority for this Section is Section 311(d)(1) of the Older Americans Act of 1965, as amended.

(c) Procedures. The State Agency elects to receive agricultural commodities and products purchased by the U.S. Secretary of Agriculture or cash payments in lieu for all or any portion by:

1. determining the capacity level of nutrition programs to utilize commodities;

2. determining if there is any monetary advantage in utilizing commodities;

3. determining if there is an adequate variety of commodities, efficient distribution, and storage facilities;

4. determining the views of the Area Agencies on Aging and local nutrition projects; and

5. submitting election to the federal agency.

(d) Cross references. See OAC 340:105-10-11(a)(9).
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 or 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 the services is:

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

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

(c) **Procedures.** A recipient of a direct service waiver (DSW) must employ a minimum of one staff person for at least 40 hours per week dedicated to a waivered service. 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.
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 services meet service specific standards and the general standards in 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 the 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 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 this paragraph. Older Americans Act (OAA) grantees:

(A) 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;

(B) 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;
(C) allow authorized personnel 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;

(D) retain for at least three years all financial and program records, supporting documents, statistical records, and other records pertaining to the Title III services.

(i) 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.

(ii) Permanent records are maintained at the project office; and

(E) provide 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 reports to the appropriate officials any situation that places the participant, participant's 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 ensures Form AG-2-A, Part I, Determine Your Nutritional Health Checklist, assessment of nutritional status, is completed; and

(iv) National Family Caregiver Support Program (NFCSP) 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) obtains 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) ensures 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) conducts an assessment of each participant upon the participant's entry into a Title III service, with, at a minimum, annual reassessments; and

(iv) conducts 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 obtains the informed consent of the participant or the participant’s legal representative. Exceptions to the rules in this paragraph include court orders, reporting possible neglect, abuse, or both, and monitoring project records by federal, state, and AAA officials.

(13) Project staff posts grievance procedures in a public area of the project facility and complies 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 conducts 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 makes no distinctions on the grounds of race, 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 Aging Services Division.

(17) Project staff provides or arranges 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 participates 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 the 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.
340:105-10-54. Supportive services

(a) Policy. The Area Agency on Aging (AAA) makes grants to local agencies or organizations for the provision of supportive services to older persons. Providers of any such service must comply with all standards outlined in this Subchapter relating to the service(s) provided. Supportive services, for purposes of this Section, include:

1. health, including mental health, education and training, welfare, informational, recreational, homemaker, counseling, or referral services;

2. transportation services to facilitate access to supportive services or nutrition services, and services provided by an AAA in conjunction with local transportation service providers, public transportation agencies, and other local government agencies that result in increased provision of such transportation services for older persons;

3. services designed to encourage and assist older persons to use the facilities and services, including information and assistance services, and language translation services to assist older persons with limited English speaking ability to obtain services;

4. services designed to:

   (A) assist older persons obtain adequate housing, including minor residential repair and renovation projects, up to $250 annually per client, designed to enable older persons maintain their homes in conformity with minimum housing standards;

   (B) adapt homes to meet the needs of older persons who have physical disabilities;

   (C) prevent unlawful entry into residences of older persons, through the installation of security devices and structural modifications or alterations of such residences; or

   (D) assist older persons in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;

5. services designed to assist older persons avoid institutionalization and assist persons in long-term care institutions who are able to return to their communities, including:
(A) client assessments, case management, and development and coordination of community services;

(B) supportive activities to meet the special needs of caregivers, including caregivers who provide in-home services to frail older persons; and

(C) in-home services and other community services, including home health, homemaker, and chore services to assist older persons to live independently in a home environment;

(6) services designed to provide to older persons legal assistance and other counseling services and assistance, including:

(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

(B) representation of persons who are wards, or are allegedly incapacitated, and in guardianship proceedings of older persons who seek to become guardians, if other adequate representation is unavailable in the proceedings;

(C) provision, to older persons who provide uncompensated care to their adult children with disabilities, of counseling to assist such older persons with permanency planning for such children;

(7) services designed to enable older persons to attain and maintain physical and mental well-being through programs of regular physical activity, exercise, music therapy, art therapy, and dance movement therapy;

(8) services designed to provide health screening to detect or prevent illnesses, or both, that occur most frequently in older persons;

(9) services designed to provide for older persons, pre-retirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;

(10) services of an ombudsman at the state level to receive, investigate, and act on complaints by older persons who are residents of long-term care facilities and to advocate for the well-being of such persons;
(11) services designed to meet the unique needs of older persons who are disabled and older persons who provide uncompensated care to their adult children with disabilities;

(12) services to encourage the employment of older workers, including job and second career counseling, and where appropriate, job development, referral, and placement, and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998, Section 2801 of Title 29 of the United States Code;

(13) crime prevention services and victim assistance programs for older persons;

(14) a program, to be known as Senior Opportunities and Services, designed to identify and meet the needs of older persons who are poor, 60 years of age or older, in one or more of the areas of:

(A) development and provision of new volunteer services;

(B) effective referral to existing health, employment, housing, legal, consumer, transportation, and other services;

(C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and

(D) other services as the Assistant Secretary for Aging of the Administration on Aging may determine are necessary or especially appropriate to meet the needs of older persons who are poor and ensure them greater self-sufficiency;

(15) services for the prevention of abuse of older persons in accordance with Section 307(a)(12) of the Older Americans Act (OAA) of 1965, as amended;

(16) in-service training and state leadership for legal assistance activities;

(17) health and nutrition education services, including information concerning prevention, diagnosis, treatment, and rehabilitation of age related diseases and chronic disabling conditions;

(18) services designed to enable mentally impaired older persons to attain and maintain emotional well-being and independent living through a coordinated system of support services;
(19) services designed to support family members and other persons providing voluntary care to older persons who need long-term care services;

(20) services designed to provide information and training for persons who are or may become guardians or representative payees of older persons, including information on the powers and duties of guardians and representative payees and alternatives to guardianships;

(21) services to encourage and facilitate regular interaction between school-age children and older persons, including visits in long-term care facilities, multipurpose senior centers, and other settings;

(22) in-home services defined by the State Agency in the State Plan submitted under Section 307 of the OAA, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for service of the persons described in this paragraph, and in-home services defined by an AAA in the Area Plan submitted under Section 306 of the OAA; and

(23) any other services necessary for the general welfare of older persons, if the services meet standards prescribed by the Assistant Secretary for Aging and are necessary for the general welfare of older persons.

(b) **Authority.** The authority for this Section is Section 321 of the OAA of 1965, as amended.

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

(1) incorporates the provisions in this Section into the Title III policies and procedures manual;

(2) provides technical assistance to prospective service project applicants regarding the policy in the development of Title III-B services; and

(3) utilizes the policy as an indicator in the evaluation of Title III-B service project proposals.

(d) **Cross references.** See OAC 340:105-10-40, 340:105-10-50.1 and 340:105-10-51.
340:105-10-59. Outreach service assessment

(a) Policy. Each person who desires to receive outreach service completes Form AG-2-A, Older Americans Act Assessment, Part I. Form AG-2-A provides the person information about the outreach service and other Title III services, and allows staff to obtain necessary information to better serve the needs of the person as a service participant.

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


INSTRUCTIONS TO STAFF

1. Procedures to implement outreach service assessment consist of:

   (1) an initial interview with the outreach worker to discuss all aspects of program participation, including the opportunity to contribute to the cost of outreach and other Title III services, as appropriate;

   (2) the completion of Form AG-2-A, Older Americans Act Assessment, Part I. The outreach worker may not require written verification of any assessment information. Participant assessment information includes:

      (A) name, address, and telephone number;

      (B) age, sex, race, and date of birth;

      (C) name, address, and telephone number of emergency contact(s);

      (D) name, address, and telephone number of physician;

      (E) special dietary needs, only when participant is applying for congregate meals or home delivered meals services;

      (F) diagnosed medical conditions;

      (G) current medications;

      (H) accommodations required for disabilities;
(I) transportation resources;

(J) Title III services requested or needed;

(K) reasons for requesting outreach or other Title III services;

(L) need for additional community resources;

(M) income sources. 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;

(N) status related to poverty level; and

(3) an annual re-assessment by the outreach worker or another appropriate project staff person. Re-assessments are required every six months for some Title III services, such as home delivered meals. Re-assessment interviews are conducted face-to-face.
340:105-10-63. Information and assistance (I & A) methods

(a) Policy. The Area Agency on Aging (AAA) establishes and maintains information and assistance (I & A) services in sufficient numbers to ensure that all older persons within the planning and service area have reasonably convenient access to such services.

(b) Authority. The authority for this Section is Section 102(29) of the Older Americans Act of 1965, as amended.


INSTRUCTIONS TO STAFF

1. The procedures for implementing information and assistance (I & A) methods are listed in this Instruction.

   (1) Functions of the I & A service.

   (A) Classification system. The I & A service uses a classification system based on standard service terminology, such as United Way of America Services Identification System (INFO-LINE Taxonomy), National Association of State Units on Aging (NASUA), and National Association of Area Agencies on Aging (NAAAA). The I & A service may develop variations in the classification system to adapt it to the community's size, nature, and organizational needs. The classification system is used for purposes of:

   (i) retrieving service information;

   (ii) increasing the reliability of planning data;

   (iii) making comparison and evaluation processes consistent and reliable; and

   (iv) facilitating national comparisons of data.

   (B) Resource file. The I & A service develops, maintains, and uses an accurate, up-to-date resource file that contains information on available community resources and produces detailed data on service providers.
in the area that are responsive to the needs of senior citizens and their caregivers. Requirements for the resource file include:

(i) a profile on each resource organization or agency that includes but is not limited to:

(I) legal name, common name, or acronym;

(II) address;

(III) telephone number(s);

(IV) hours and days of service;

(V) services provided;

(VI) eligibility requirements and intake procedures;

(VII) areas served;

(VIII) accessibility, for example, assistance to barriers, teletypewriter or telecommunication device for the deaf (TTY/TDD) number, languages spoken, availability of home visits for intake, lack of bus route access, or restrictions on facility use;

(IX) sponsoring agency;

(X) fees;

(XI) name and title of contact person; and

(XII) date of last update;

(ii) service or problem categories with extensive cross-referencing;

(iii) methods for continuous and annual updating;

(iv) an alphabetical index; and

(v) a method for verifying profile information.
(C) Inquirer data collection. The I & A service establishes and uses a system of collecting and organizing inquirer data for appropriate referral and to identify gaps in service. Procedures for data collection are listed in this subparagraph.

(i) Confidentiality of inquirer information is ensured at all times by:

(I) maintaining inquirer data in locked files;

(II) allowing access to inquirer data, with identifying information, for trained project staff, AAA, and State Agency monitors only; and

(III) disclosing inquirer data, with identifying information, only with the informed consent, either written or verbal, of the older person or by his or her authorized representative. When verbal consent is obtained, the date and circumstances are documented.

(ii) Data collection forms include at a minimum the information listed in this unit. Inquirers have the right to withhold information not directly relevant to the resolution of their problems. Information includes:

(I) name, address, and telephone number of caller;

(II) name of person for whom services are sought if other than caller;

(III) demographic information, for example age, sex, race or ethnicity, and income, when needed for referral to means tested services;

(IV) problems presented by inquirer and problems as assessed by trained staff or volunteer;

(V) services needed;

(VI) organizations to which inquirer was referred;

(VII) method of contact with I & A service, such as letter, telephone, walk-in, or other;
(VIII) manner in which inquirer learned of the I & A service, such as Eldercare Locator, newspaper, friend, or brochure; and

(IX) follow-up results, including client's receipt or non-receipt of services.

(D) Data analysis and reporting. The I & A service establishes and uses a systematic method of collecting and organizing data that provides support for community planning activities and advocacy. This support is made available to decision makers, advocates, and others, as appropriate, and consists of:

(i) statistics;

(ii) data analysis;

(iii) relevant documentation of service use;

(iv) client characteristics; and

(v) unmet needs, gaps, and duplications in service.

(E) Training. The I & A service provides orientation and ongoing training to paid and volunteer staff. The procedures used are included in this subparagraph.

(i) The I & A service has a written training plan for paid and volunteer staff.

(ii) Orientation to the I & A service for both paid and volunteer staff includes the:

(I) Older Americans Act, as amended, and the National Network on Aging;

(II) role, purposes, and functions of the I & A service;

(III) role of the governing body, for example AAA; and

(IV) administrative structure and policies of the service.
(iii) Training for the I & A specialist includes:

(I) interviewing techniques and attitudes;

(II) listening skills;

(III) communications;

(IV) proper telephone usage;

(V) assessment techniques;

(VI) information giving and referral procedures;

(VII) follow-up;

(VIII) data recording;

(IX) maintenance of records;

(X) organization of the classification system;

(XI) use of resource files including the identification of new resources;

(XII) use of technology; and

(XIII) techniques for handling calls from lonely, suicidal, despondent, or angry callers.

(F) Promotion. The I & A service establishes and maintains a planned program of activities to increase community awareness of I & A services and their objectives by:

(i) implementing publicity plans only after evaluating available resources for handling the resulting volume;

(ii) using various methods to publicize the service including:

(I) personal contact;
(II) speaking engagements;

(III) public service announcements or listings;

(IV) radio or television programs;

(V) paid advertisements;

(VI) feature articles or news stories;

(VII) newsletters;

(VIII) coordination with other organizations, businesses, provider and professional associations, government officials, planning bodies, and similar groups;

(IX) telephone directory listings for all areas served by the I & A service, multiple listings in blue pages or in white pages under Aging Information and Assistance and, to the extent possible, appropriate yellow page listings. The yellow page listings of I & A services provided directly by an AAA, may be combined with the AAA’s yellow page listing;

(X) displays; and

(XI) printed materials, such as brochures, posters, telephone stickers, and business cards;

(iii) operating as part of a larger organization coordinating its publicity and public relations activities with those of its sponsor;

(iv) publicizing its services to special need groups in the community, such as foreign language groups, low income, low income minority, socially isolated, or groups serving disabled populations;

(v) using all publicity techniques as frequently as resources permit; and

(vi) coordinating its public relation activities with those occurring at the national or state level, including the use of national logos.
(G) Access to service. Each I & A service provides reasonably convenient access to help all older persons avail themselves of the services they need as easily as possible, following the guidelines in this subparagraph.

(i) The I & A service coordinates its service delivery with other I & A services, community agencies, and similar organizations to avoid duplication and encourage service integration.

(ii) The I & A service provides immediate, direct client access to the Title III I & A specialist via a separate, clearly identified Senior Info-Line.

(iii) Groups and individuals that have special needs have barrier free access to appropriate I & A services.

(2) Client service delivery functions.

(A) Information giving. The I & A service provides timely, accurate, and pertinent information on available resources to inquirers. Inquirers are encouraged to contact the I & A service again if the information given proves incorrect, inappropriate, or insufficient to link them with the needed services. I & A services are provided by:

(i) face-to-face office contact;

(ii) telephone;

(iii) mail;

(iv) group presentations; and

(v) printed resource directories. Directories:

(I) are printed large enough to be easily read by older persons;

(II) are maintained on computer software, if available, for easier updating;

(III) include 800 numbers, where available;
(IV) include a table of contents and an alphabetized index;

(V) include, in prominent locations, all of the telephone numbers for the AAA and a map of the counties served by the AAA;

(VI) include a state map with a list of all of the AAAs in the state;

(VII) include on the cover the name and telephone number(s) of the I & A service and the geographic area served; and

(VIII) use the same standardized classification system utilized in the resource file, with appropriate cross referencing.

(B) Referral giving. The I & A service provides timely and appropriate assistance services to inquirers via the methods listed in this subparagraph.

(i) Trained staff, paid or volunteer, makes a determination of the inquirer's needs.

(ii) Staff assists the inquirer in identifying appropriate options that provide the necessary services. Multiple referrals are given whenever possible.

(iii) Staff makes direct contact with other agencies for the inquirer, where appropriate.

(iv) Staff refers to an advocacy organization or negotiates on behalf of the inquirer to assist the inquirer obtain a needed service when the inquirer is unable to effectively represent himself or herself, or has a complaint about a service.

(C) Follow-up. The I & A service follows up referral contacts, where appropriate, according to the guidelines listed in this subparagraph. Follow-up is performed:

(i) within 24 hours when an inquirer demonstrates confusion, urgency, or that a crisis exists;

(ii) within one week for referrals that, in the judgment of the I & A specialist, are complex or involve multiple services; and
(iii) **by contacting the:**

(I) inquirer to determine if the service is being provided, and to determine the inquirer's satisfaction with the service; and

(II) organizations to which referrals were made to determine the inquirer's service status.

(D) Advocacy. The I & A service offers advocacy on behalf of a person or group when needed services are not adequately provided. Advocacy efforts:

(i) include the involvement of the individuals and groups concerned;

(ii) are consistent with the policies established by the I & A service's governing body; and

(iii) made through the I & A service do not include legal assistance. Situations requiring legal action are referred to the appropriate legal services program.

(3) Organizational structure.

(A) Auspices. The auspices under which the I & A service operates ensure the achievement of I & A goals and meet all Title III requirements.

(B) Staff. I & A staff are competent, ethical, qualified, and sufficient in number to deliver quality services. The service is staffed at least 40 hours per week, pending availability of funding, by at least one I&A staff whose primary job is to provide I&A services. I&A functions may not be assigned as a regular, continuing duty of any other AAA staff position.

(C) Volunteers. The I & A service makes every effort to involve volunteers in service delivery. When volunteers are utilized, the I & A service:

(i) screens volunteers and selects those capable of performing essential duties;

(ii) provides volunteers with written job descriptions that outline:
(I) needed skills;

(II) duties to be performed; and

(III) lines of supervision;

(iii) designates a coordinator of volunteers who provides ongoing supervision;

(iv) provides to volunteers orientation and ongoing training, as needed;

(v) reimburses volunteers for out-of-pocket expenses, when resources are available; and

(vi) establishes procedures to recognize volunteers for their support, time, and effort, such as certificates and annual luncheons.

(D) Facilities. The I & A service sponsor provides facilities that allow the service to operate effectively and efficiently via the guidelines listed in this subparagraph. The I & A service(s):

(i) provides space to ensure confidential interviewing;

(ii) equips its offices with a telephone system that incorporates the most cost efficient and effective technology possible, within the resources of the service;

(iii) equips its offices with sufficient desks, tables, chairs, supplies, and locking file cabinets;

(iv) provides offices free of architectural barriers to persons with disabilities;

(v) designed to serve walk-ins are accessible by public transportation, where available, have available parking, and are near the population the program is designed to serve; and

(vi) provides for an answering system when staff is not present. The answering system provides callers with the number and office hours of an organization(s) that provides service in an emergency.
340:105-10-68. Congregate meals service standards

(a) **Policy.** The congregate meals service includes the provision of nutrition education and at least one hot or other appropriate meal five or more days per week, at least 250 days per year. The congregate meals service:

(1) is located at congregate settings, including adult day care facilities and multigenerational meal sites, except in rural areas where such frequency is not feasible as defined by the Assistant Secretary for Aging;

(2) provides at least 25 meals per day, including home delivered meals, at each site unless a written waiver is received from the State Agency on this requirement. Funding for a site serving less than 25 meals per day may be withdrawn and reallocated when the site does not have waiver approved by Aging Services Division (ASD). An ASD approved waiver may be withdrawn when a congregate meals site is not determined viable.

(B) A congregate meals site on the list of those serving less than 25 meals per day with a previously approved waiver from ASD on file is reviewed annually for continued viability by the congregate meals project and Area Agency on Aging (AAA). ASD is notified by the AAA in writing when a congregate meals site consistently serves 25 or more meals per day and is removed from the list. Only congregate meals sites without an ASD approved waiver on file must submit requests annually; and

(3) complies with standards outlined in this Section, OAC 340:105-10-51, and 340:105-10-69 through 340:105-10-80.

(b) **Authority.** The authority for this Section is Section 331 of the Older Americans Act of 1965, as amended and Part 1321.11(a) of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** The procedures for implementing this Section include the AAA:

(1) incorporating the provisions in this Section into the Title III policies and procedures manual;

(2) providing orientation to congregate meals service staff on the policy;

(3) monitoring compliance with the policy;
(4) providing ongoing technical assistance to Title III projects regarding the policy;

(5) constructing a list of all cooking and satellite meal sites annually serving less than 25 meals per day;

(6) submitting the list and a written request for a waiver at least 30 days prior to awarding funding for any nutrition project that proposes in the grant application to provide less than 25 meals per day at any site and does not have an ASD approved waiver on file. The written request includes:

(A) status of each site, such as cooking or satellite;

(B) average number of eligible meals served per site per day;

(C) average number of other meals served per site per day;

(D) documentation of the rural nature of the site;

(E) pertinent demographics; and

(F) other factors that justify the waiver; and

(7) maintaining approved waiver requests on file at the AAA and congregate meals project office for review by auditors.

340:105-10-70. Congregate meals service assessment

(a) **Policy.** Each person who desires to participate in the congregate meals service must complete Form AG-2-A, Older Americans Act Assessment, Part 1. Form AG-2-A provides the person information about the service and allows staff to obtain necessary information to better serve the needs of the person as a service participant.

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

(c) **Cross references.** See OAC 340:105-10-50.1(a)(7), 340:105-10-51, 340:105-10-68, 340:105-10-69, 340:105-10-71 through 340:105-10-80, and 340:105-10-86.

**INSTRUCTIONS TO STAFF**

1. **The congregate meals service assessment includes:**

   (1) an initial interview with the outreach worker or site manager to discuss all aspects of program participation, including the opportunity to contribute to the cost of the meals and possible eligibility for home delivered meals;

   (2) completing Form AG-2-A, Older Americans Act Assessment, Part 1. The project does not require written verification of age eligibility, other than the participant’s signature on Form AG-2-A, except when the project management has reasonable cause to question the accuracy of age provided by the participant or the participant’s representative on Form AG-2-A. Participant assessment information includes:

   (A) name, address, and telephone number;

   (B) age, sex, race, date of birth, and signature verification of date of birth;

   (C) name, address, and telephone number of emergency contact(s);

   (D) name, address, and telephone number of physician;

   (E) special dietary needs;

   (F) diagnosed medical conditions;
(G) current medications;

(H) accommodations required for disabilities;

(I) reason(s) for requesting congregate meals service;

(J) transportation resources;

(K) need for additional community services;

(L) income sources. Income source information is not required to receive Older Americans Act Title III services and is only used to assist the client in determining eligibility for programs with income guidelines;

and

(M) status related to poverty level; and

(3) an annual re-assessment.
340:105-10-72. Congregate meals project staffing requirements

(a) Policy. Each congregate meals project maintains sufficient staff to carry out the required service activities.

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

(c) Procedures. The congregate meals project is required to:

(1) employ a full-time director who is empowered with the necessary authority to conduct the daily management and administrative functions of the project;

(2) obtain the services of a licensed registered dietitian (RD) to provide monthly nutrition consultation. The RD:

(A) is an employee or independent consultant hired by the project or the Area Agency on Aging (AAA). A paid caterer or certified dietary manager is not acceptable in this position. If obtaining the services of a licensed RD consultant exceeds three months, the nutrition project or AAA:

(i) provides to Aging Services Division (ASD) documentation of hiring efforts in the form of newspaper advertisements and job announcements;

(ii) requests in writing a temporary waiver for an additional period of time, not to exceed three months; and

(iii) submits a revised budget reflecting the reallocation of funds not used while the position was vacant; and

(B) verifies by signature on the monthly Form SUOA-S-74, Dietary Consultant's Report, the monthly consultation requirements, including: ■ 1

(i) limiting site visits to one per day per RD;

(ii) monitoring food service to include measurement of food temperatures and portion sizes, and assessment of food quality and adherence to contract specifications;

(iii) training staff and volunteers monthly in areas of food service management, nutrition, and sanitation;
(iv) assessing participant satisfaction and preferences;

(v) reviewing menu and commodity utilization;

(vi) coordinating monthly nutrition education programs;

(vii) providing nutrition education and counseling, when appropriate, to meal participants;

(viii) monitoring perpetual inventory;

(ix) documenting site recommendations for improvement;

(x) documenting on the date of the site visit the number of:

(I) reservations;

(II) meals prepared;

(III) meals served; and

(IV) leftovers; and

(xi) providing individual consultation for participants whose nutritional score on Form AG-2-A, Part I, Older Americans Act Assessment, page 3, Determine Your Nutritional Health, is six or more to:

(I) congregate meals participants, upon participant's approval; and

(II) homebound meal participants, where feasible and upon participant's approval; ■ 2

(3) provide quarterly nutrition consultation, which includes:

(A) assessing food preferences; and

(B) preparing menus and documenting nutrition analysis to meet one third recommended dietary allowance for each meal; and

(4) determine appropriate staffing patterns for each meal site in the project service area. AAAs are the final authority on appropriate staffing patterns in the Title III projects.
(d) **Cross references.** See OAC 340:105-10-50.1(a)(4) and (7), 340:105-10-51, 340:105-10-68 through 340:105-10-71, 340:105-10-73 through 340:105-10-80, and 340:105-10-86.

**INSTRUCTIONS TO STAFF**

1. The registered dietitian (RD) **consultant submits** Form SUOA-S-74, Dietary Consultant's Report, to the project director or AAA director, as appropriate, for approval and signature. The signed Form SUOA-S-74 is submitted monthly to Aging Services Division (ASD).

2. The nutrition project provides the RD, at a minimum, a quarterly report of participants whose nutritional score is six or more. The RD documents individual consultation, mailing of educational materials, or denial of consultation on Form SUOA-S-74 or as an attachment to Form SUOA-S-74.
340:105-10-75. Congregate meals planning

(a) **Policy.** The congregate meals project conducts appropriate meal planning for the congregate meals service with the consultation of persons competent in the field of nutrition, food service, and the needs of older persons.

(b) **Authority.** The authority for this Section is Section 339 of the Older Americans Act of 1965, as amended and Part 1321.11 of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** **Menus:**

1. are prepared or approved by a registered dietitian (RD) who considers the special needs of older persons. The RD ensures that each meal served contains at least:
   
   (A) one-third of the current daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences; and
   
   (B) 600 calories. The recommended level is 750 to 850 calories; 1

2. are planned on a quarterly basis with a six week cycle repeated once each quarter. Nutritional adequacy is documented with computer analysis by the RD.

   (A) Maintenance of optimal nutritional status through menu planning is reflected in menus moderate in fat, salt, and simple sugars and high in fiber.

   (B) Form SUOA-S-34, Project Menu Plan – Nutrition Program for the Elderly, is submitted quarterly to the State Agency dietitian for random review;

3. are signed by the RD and posted at the nutrition site;

4. reflect:

   (A) special diets to meet the medical needs of eligible participants; and 2

   (B) where feasible, religious, ethnic, cultural, or regional dietary requirements or preferences of a major portion of the group of participants at a congregate meals site;

5. are served as planned unless the dietitian reviews and approves an appropriate substitution. A complete menu move from one day to another does not constitute a
substitution. When substitutions are made, the project maintains and submits to the State Agency at the end of each month the:

(A) date of substitution;

(B) original menu item(s); and

(C) substituted menu item(s);

(6) are based on accurate production forecasting that does not include a margin for oversized portions or second servings. Leftover foods are not taken from the kitchen by staff, participants, or volunteers;

(7) may include, where feasible, provisions for the celebration of special occasions for participants, for example, birthdays and holidays; and

(8) allow for food items within the meat, vegetable and fruit, and dessert groups to vary for the same days of the week, from week to week, in order to provide a variety of foods and nutrients.


INSTRUCTIONS TO STAFF

1. Menus are developed according to the meal pattern, which includes:

   (1) meat or meat alternate group which is three ounces cooked edible portion of meat, fish, fowl, luncheon meats, eggs, or cheese. Meat alternates may be used occasionally and may include cooked dried beans or peas;

   (2) vegetable and fruit group which is two, one-half cup servings of any vegetable or fruit. Fruit used as a dessert is not counted toward the two servings. Full strength fruit or vegetable juices may be counted toward the required servings. Cooked dry beans and peas may be used as vegetables or meat alternates but cannot be counted as both;

   (3) bread or bread alternate group which is one serving of enriched or whole grain breads, biscuits, muffins, rolls, sandwich buns, cornbread, or other hot breads. Bread alternates may include enriched or whole grain
cereals or cereal products, such as spaghetti, macaroni, dumplings, pancakes, and waffles;

(4) fat exchange group which is one teaspoon of butter or margarine;

(5) dessert group which is one, one-half cup or equivalent serving of desserts, such as puddings, gelatin desserts, ice cream, ice milk, sherbet, cake, pie, cookies, and fruit juices. Fresh or unsweetened fruit is offered, where feasible, to those participants who wish to limit calories;

(6) milk group which is one-half pint of fortified whole, skim, or low fat milk or buttermilk. A variety of milks are provided where feasible;

(7) optional beverages. Appropriate servings of coffee, tea, or decaffeinated beverages may be provided. Optional beverages are not provided with project funds; and

(8) other foods. Appropriate servings of other foods may be added to the meal to provide personal satisfaction and additional nutrition. Vitamins and mineral supplements are not provided with project funds.

2. The guidelines in this Instruction are followed when special diets are provided to meet the medical needs of eligible participants.

(1) A valid written physician's order is on file for each participant receiving a special diet. The physician's order indicates the participant is restricted to the special diet and the duration of the special diet. If the participant is consuming a liquid supplement in addition to a meal, the supplement is not reimbursed through the Nutrition Services Incentive Program as a separate meal.

(2) All special diets are planned and prepared under the supervision of a registered dietitian.
340:105-10-79. Nutrition Services Incentive Program (NSIP)

(a) **Policy.** NSIP rewards, through cash or commodities, the effective performance of Title III-C nutrition projects in the efficient delivery of nutritious meals to older persons. Title III-C nutrition projects maintain certification of eligible participants for NSIP.

(b) **Authority.** The authority for this Section is Section 311 of the Older Americans Act of 1965, as amended.

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

(1) and their respective vendors apply to the appropriate state distributing agency for certification as eligible participants in NSIP;

(2) and vendors accept, store, and use donated food commodities as supplied to them. Donated commodities and cash in lieu of commodities may only be used in the preparation of meals funded through Title III-C.

(A) Vendors allow credit for the amount of commodities used during each billing period.

(B) The amount of credit per pound is determined by Aging Services Division (ASD) and Commodity Distribution Unit (CDU) of the Oklahoma Department of Human Services (OKDHS);

(3) develop management procedures pertaining to handling food commodities;

(4) document:

(A) NSIP foods utilized in each day's menu;

(B) participant eligibility on required State Agency forms to obtain NSIP support for eligible meals. Eligible meals are those meals served to eligible participants in accordance with OAC 340:105-10-69(a)(1) and 340:105-10-83(a);

(C) the number of meals served at nutrition sites; and

(D) age eligibility, only when the project management has reasonable cause to question the accuracy of age provided by the participant or the participant's representative on Form AG-2-A; and
(5) receive NSIP cash or cash and commodity allocations of food commodities from ASD based on the number of eligible meals actually served in the previous year in relationship to the total number of meals actually served by all Title III-C projects. Commodities are distributed to the projects by OKDHS CDU.

(d) **Cross references.** See OAC 340:105-10-50.1(a)(4) and (7), 340:105-10-51, 340:105-10-68 through 340:105-10-78, and 340:105-10-80.

**INSTRUCTIONS TO STAFF**

1. The participant's eligibility and meal reimbursement documentation is recorded on:

   (1) Form AG-2-A, Older Americans Act Assessment, Part I;

   (2) Form SUOA-S-32, Nutrition Project Attendance Form, or an Aging Services Division (ASD) pre-approved comparable form; and

   (3) Activity Roster generated by the Advanced Information Manager (AIM) program.

2. The number of meals served is reported on Form SUOA-S-38, Number of Meals Served. Form SUOA-S-38, and all required documentation, is submitted to ASD no later than the tenth day of the month following the report month. The documentation, on a monthly basis includes, at a minimum:

   (1) nutrition project name;

   (2) Area Agency on Aging name;

   (3) site and county location;

   (4) month and year;

   (5) number of eligible meals budgeted for the month;

   (6) number of eligible meals served during the month;

   (7) number of eligible meals budgeted to date;

   (8) number of eligible meals served to date;
(9) average number of meals budgeted per day;

(10) average number of days served per month;

(11) total number of meals prepared each day, and a monthly total;

(12) number of congregate meals served each day to eligible participants 60 years of age or older, and a monthly total;

(13) number of congregate meals served each day to eligible participants under 60 years of age, such as spouses and adult disabled children, and a monthly total;

(14) total number of congregate meals served each day to eligible participants, (12) and (13) of this Instruction, and a monthly total;

(15) number of home delivered meals served each day to eligible participants 60 years of age or older, and a monthly total;

(16) number of home delivered meals served each day to eligible participants younger than 60 years of age, such as spouses and adult disabled children, and a monthly total;

(17) total number of home delivered meals served each day to eligible participants, (15) and (16) of this Instruction, and a monthly total;

(18) number of congregate meals served each day to guests younger than 60 years of age, and a monthly total;

(19) number of congregate meals served each day to volunteers younger than 60 years of age, and a monthly total;

(20) number of congregate meals served each day to staff younger than 60 years of age, and a monthly total;

(21) total number of meals served each day, (14), (17), (18), (19), and (20) of this Instruction, and a monthly total; and

(22) number of other meals served each day, and a monthly total.
340:105-10-82. Home delivered meals service standards

(a) Policy. The home delivered meals service includes the provision of at least one hot or other appropriate meal to eligible homebound persons in their own home five or more days per week except in rural areas where such frequency is not feasible, as defined by the Assistant Secretary for Aging of the Administration on Aging by regulation and a lesser frequency is approved by the State Agency. All providers of home delivered meals service must comply with applicable standards outlined in OAC 340:105-10-51, 340:105-10-68, and 340:105-10-74 through 340:105-10-79.

(b) Authority. The authority for this Section is Section 336 of the Older Americans Act of 1965, as amended.

(c) Procedures. The procedures for implementing this Section include the Area Agency on Aging:

1. incorporating the provisions in this Section into the Title III policies and procedures manual;
2. providing orientation on the policy to home delivered meals service staff;
3. monitoring compliance with the policy; and
4. providing ongoing technical assistance to Title III projects regarding the policy.

340:105-10-84. Home delivered meals planning

(a) **Policy.** The home delivered meals service conducts appropriate meal planning with the consultation of persons competent in the field of nutrition, food service, and the needs of older persons.

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

(c) **Procedures.** Procedures to implement this Section include the home delivered meals:

1. service complies with the congregate meals planning standards outlined in OAC 340:105-10-75;

2. service makes arrangements for the availability of meals in weather related emergencies, where feasible;

3. numbers served are determined by the Area Agency on Aging based on needs assessment information, allocation of Title III-C(2) funds, and service unit costs;

4. may be hot, cold, frozen, dried, or canned with a satisfactory storage life and must conform to procurement standards outlined in OAC 340:105-10-76; and

5. service may include the delivery of more than one meal for each day's consumption provided that proper storage and heating facilities are available in the recipient's home.

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 (NFCSP) 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. NFCSP 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 a reassessment of NFCSP service recipients annually, at a minimum, to evaluate service provision and update participant status;

(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.

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 the 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;

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

(E) 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 Part 1321.11 of Title 45 of the Code of Federal Regulations.

(d) Cross references. See OAC 340:105-10-50.1(a)(2), and 340:105-10-51.
PART 9. FISCAL AND ADMINISTRATIVE POLICIES FOR AREA AGENCIES ON AGING AND TITLE III PROJECTS

340:105-10-95. Intrastate funding formula

(a) **Policy.** In consultation with Area Agencies on Aging (AAAs) and in accordance with guidelines issued by the Assistant Secretary for Aging of the Administration on Aging (AoA), the State Agency uses the best available data to develop and publish for review and comment a formula for distribution within the state of funds received under Title III that takes into account:

(1) the geographical distribution of older persons in the state; and

(2) the distribution among planning and service areas (PSAs) of older persons with greatest economic need and older persons with greatest social need, with particular attention to low income minority older persons.

(b) **Authority.** The authority for this Section is Section 305 of the Older Americans Act (OAA) of 1965, as amended and **Part 1321.37** of **Title 45** of the Code of Federal Regulations.

(c) **Procedures.** The State Agency implements this Section by:

(1) obtaining input from the AAA, including demographic data, for use in developing the intrastate funding formula;

(2) following guidelines from the regional office of AoA regarding development of the intrastate funding formula;

(3) considering the geographic distribution among PSAs of persons 60 years of age and older in the development of the intrastate funding formula;

(4) considering the distribution among PSAs of older persons in greatest economic need, based on older persons at or below the poverty level as defined by the United States Bureau of Census. Particular attention is paid to low income minority older persons and older persons residing in rural areas, in the development of the intrastate funding formula;

(5) considering the distribution among PSAs of older persons in greatest social need. [OAC 340:105-10-3] Particular attention is paid to low income minority older persons and older persons residing in rural areas, in the development of the intrastate funding formula;
(6) developing an intrastate funding formula that includes:

(A) funds retained for state and AAA administration, and for the State Long-Term Care Ombudsman Program, including:

(i) no more than five percent of Oklahoma's allocation of OAA Title III funds or $300,000, whichever is greater, retained by the State Agency for State Agency administrative costs, unless the total OAA Title III allocation to all states under Section 303 of the OAA exceeds $800,000,000, in which case the State Agency retains five percent of the state's Title III allocation, or $500,000, whichever is greater;

(ii) no more than ten percent of the funds remaining after providing for State Agency administrative costs are awarded for meeting AAA administrative costs. In awarding administrative funds, each PSA is apportioned a minimum of $37,500 unless available funds are insufficient to provide for such an apportionment, in which case the available funds are distributed among the PSAs in equal shares. AAA administrative funds remaining, if any, after making this apportionment are allotted among PSAs in the same proportion as each PSA's age 60 and older population bears to the total state population age 60 and older; and

(iii) no less than one percent of Oklahoma's OAA Title III, Part B allocation is retained for the Long-Term Care Ombudsman Program of the State Agency;

(B) 50 percent of the funds remaining after providing for state and AAA administrative costs and for the Long-Term Care Ombudsman Program are apportioned among PSAs in the same proportion as each PSA's age 60 and older population bears to the total state population age 60 and older;

(C) 50 percent of the funds remaining after the apportionment described in (B) of this paragraph are apportioned among PSAs in the same proportion as each PSA's age 60 and older population living at or below the poverty level bears to the total state population age 60 and older living at or below the poverty level;

(D) all of the funds remaining after the apportionment described in (C) of this paragraph apportioned among PSAs in the same proportion as each PSA's age 60 and older population of minority racial descent bears to the total state population age 60 and older of minority racial descent;

(E) PSAs containing no medically underserved areas are ineligible to receive funds appropriated specifically for disease prevention and health promotion
services. Medically underserved areas mean medically underserved areas
designated by the United States Department of Health and Human Services,
Public Health Service Bureau of Health Care Delivery and Assistance, Office of
Shortage Designation;

(F) allotting each PSA no less than two percent of the sum of the funds
apportioned in (B) through (D) of this paragraph;

(G) allotting each PSA sufficient funds to meet the requirements of Section
307(a)(3)(B) of the OAA. Not less than the total of federal fiscal year 2000
expenditures were allotted to rural areas. Rural areas are defined as those
counties not included in Standard Metropolitan Statistical Areas (SMSA), as
determined by the United States Census Bureau. The amounts necessary to
meet this requirement are:

(i) Areawide AAA - $0;

(ii) Association of South Central Oklahoma Governments (ASCOG) AAA -
$914,127;

(iii) Central Oklahoma Economic Development District (COEDD) AAA -
$803,399;

(iv) Eastern Oklahoma Development District (EODD) AAA - $1,149,319;

(v) Grand Gateway AAA - $876,072;

(vi) Kiamichi Economic Development District of Oklahoma (KEDDO) AAA -
$812,873;

(vii) Northern Oklahoma Development Authority (NODA) AAA - $578,108;

(viii) Oklahoma Economic Development Authority (OEDA) AAA - $252,781;

(ix) Southern Oklahoma Development Authority (SODA) AAA - $900,213;

(x) South Western Oklahoma Development Authority (SWODA) AAA -
$441,543; and

(xi) Tulsa AAA - $0;
(7) publishing the formula listed in this subsection for review and comment by the public. The publication includes:

(A) a descriptive statement of the formula's assumptions and goals;

(B) documentation regarding the application of greatest economic need;

(C) documentation regarding the application of greatest social need;

(D) a numerical statement of the actual funding formula to be used;

(E) a listing of the population, economic, and social data used for each PSA; and

(F) a demonstration of the allocation of funds to each PSA, pursuant to the funding formula;

(8) submitting the formula to the federal Assistant Secretary for Aging for approval; and

(9) implementing the formula in allocating all federal OAA funds.

(d) Cross reference. See OAC 340:105-10-3.
340:105-10-97. Priority supportive services waiver

(a) **Policy.** The State Agency grants a waiver of the priority supportive services funding requirement, *per* OAC 340:105-10-96, for any category of services being furnished sufficiently to meet the need for such services in the planning and service area (PSA), as demonstrated by the Area Agency on Aging (AAA).

(b) **Authority.** The authority for this Section is Section 306(b) of the Older Americans Act of 1965, as amended.

(c) **Procedures.**

(1) The AAA conducts a public hearing regarding its intent to request a waiver on funding a priority supportive services category. Regarding the public hearing, the AAA:

   (A) notifies all interested parties in the area of the nature, date, time, and location of the public hearing;

   (B) furnishes the interested parties an opportunity to testify; and

   (C) prepares a record of the public hearing, including:

      (i) names and addresses of persons in attendance;

      (ii) all testimony;

      (iii) changes made to the AAA's waiver request secondary to testimony; and

      (iv) date, time, location, and duration of hearing.

(2) The AAA submits its written request for a waiver to the State Agency. The waiver request includes the:

   (A) categories of services for which the waiver is requested;

   (B) name, address, and telephone number of the agency(ies) or organization(s) currently providing the service in the PSA;

   (C) number of persons currently receiving the service in the PSA;

   (D) units of service currently being provided in the PSA; and
(E) record of the public hearing as outlined in (1) of this subsection.

(3) The State Agency reviews the waiver request. If the State Agency determines that a waiver should be granted, the State Agency:

(A) publishes the intention to grant such a waiver, together with the justification for the waiver, at least 30 days prior to the effective date of the decision to grant the waiver; and

(B) provides an opportunity for a hearing to any affected person or service provider from the PSA.

(4) The State Agency makes a final determination regarding the waiver request. If the State Agency grants the waiver request, the State Agency provides to the Assistant Secretary for Aging:

(A) report regarding such waiver that includes the AAA waiver request document; and

(B) copy of the record of any hearing conducted by the State Agency at the request of an affected person or service provider.

(d) Cross reference. See OAC 340:105-10-96.
340:105-10-101. Request for proposal procedures

(a) Policy. All Older Americans Act pass through funds are awarded in an open, competitive, and fair manner via the request for proposals (RFP) process. Awards are made to applicants whose proposals include all components of the service(s) outlined in the RFP and who best meet the specifications of the RFP. The Area Agency on Aging (AAA) board of directors is directly responsible for reviewing proposals and awarding funds. This responsibility may not be delegated. The board of directors may not award funds to the AAA or to another subdivision of the sponsoring agency under the auspices of the same board of directors. The board of directors may not award funds to board members or the agencies or organizations they represent. Awarding funds through the RFP process during the plan year is required when:

1. funds are allocated to the AAA at the beginning of the fiscal year;
2. there is significant expansion of a service(s) already funded;
3. funding a new service(s); or
4. funding of an existing service is transferred from a defunct or terminated grantee.

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

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

1. To initiate RFP, the AAA:
   (A) develops specifications for each service to be procured that clearly define the service and how units of service are measured. The specifications include the minimum units of services to be provided, the minimum unduplicated number to be served, if required, and geographic service areas as appropriate;
   (B) develops an RFP guide, grant application package, based on the State Agency standard format;
   (C) submits a proposal guide to the State Agency for approval at least 30 days prior to the announcement of availability of funds as outlined in (1)(D) of this subsection;
   (D) announces the availability of funds and documents the announcement in...
newspapers in the planning and service area (PSA), and concurrently sends a news release to the editor of at least three newspapers and to existing and potential service providers known to the AAA in the PSA.

(i) The announcement runs at least two times in daily papers or two weeks in weekly papers prior to the closing of the application period and in a sufficient number of papers to ensure complete coverage within the PSA.

(ii) The announcement begins at least 21 calendar days prior to the closing of the application period and is repeated at least once no less than five calendar days prior to the date of the proposers' conference.

(iii) All announcements include:

(I) a listing of services for which funding is available and the geographic areas that must be covered for each service;

(II) the address at which service specifications and proposal guide may be obtained;

(III) the closing date and time for application submittal;

(IV) the name and telephone number of a person to contact for additional information; and

(V) the date, time, and location of the proposers' conference, and notification that attendance at the conference is required in order to be considered for funding;

(E) makes proposal guides available for pick up at the AAA office;

(F) mails copies of the proposal guide upon request;

(G) conducts a conference for proposers prior to the deadline for submitting applications and requires applicants to attend the conference in order to be considered for funding. At a minimum, the information discussed during the conference includes:

(i) the RFP guide and all requirements pertaining to submitting an application; and

(ii) all responsibilities associated with the acceptance of Title III funds.
including applicable federal and state statute, policy, certifications, and assurances;

(H) provides other reasonable technical assistance to applicants who request assistance, in writing, no later than seven calendar days prior to the closing of the application period; and

(I) at the close of the application period, evaluates and rates all proposals according to standard criteria based on requirements of the proposal guide. The AAA disqualifies incomplete proposals from evaluation and funding.

(2) The AAA advisory council reviews the proposals and makes recommendations on funding to the AAA board of directors. All decisions related to funding recommendations are conducted in accordance with applicable state and federal conflict of interest laws. The advisory council review is conducted during a scheduled meeting with a quorum present.

(3) The AAA board of directors:

(A) or a subcommittee of the board, reviews all proposals and the recommendations of the AAA staff and advisory council;

(B) approves funding of proposals that best meet or exceed the service specifications and the requirements of the proposal guide. All decisions related to granting awards are made in accordance with applicable state and federal conflict of interest laws, and documented through signed resolutions and minutes of meetings. All decisions are acted on as a board with at least a quorum present at a meeting. The AAA board of directors may not delegate its responsibilities related to granting awards;

(C) issues notification of grant awards (NGAs) to applicants who are approved for funding; and

(D) provides an opportunity for appeal to applicants whose proposals for funding are denied, per OAC 340:105-10-102.

(4) If no complete proposals are submitted for a service(s) or if the AAA board of directors determines that no proposals for a service(s) meet the specifications of the RFP, the AAA, with State Agency approval, has the option of:

(A) reprogramming the funds and issuing a new RFP for a different service(s); or
(B) requesting authority to provide a direct service as provided in OAC...
340:105-10-41; or

(C) revising the initial specifications for the same service(s) and reissuing a new RFP; and

(D) initiating community development activities to create a potential provider of the service(s) as specified in the RFP and, in the interim, requesting approval from the State Agency to temporarily provide the service as a direct service.

(5) When an Older Americans Act Title III funded project elects to voluntarily terminate the contract before the end of a grant year, procedures must be followed as outlined on Form AG-29, Voluntary Withdrawal of a Title III Project. Form AG-29 must be acknowledged, signed, and included as part of the original grant application.

(d) Cross references. See OAC 340:105-10-40, 340:105-10-102, and 340:105-10-104(c)(7).
340:105-10-114. Financial management standards for Area Agencies on Aging and Title III projects

(a) Policy. Each Area Agency on Aging (AAA) and Title III project maintains an accounting system that is in compliance with generally accepted accounting principles. All Title III funds and state and local funds expended to earn or match such funds must be accounted for in accordance with the federal standards outlined in the authorities listed in (b) of this Section.

(b) Authority. The authority for this Section is Part 74 of Title 45 of the Code of Federal Regulations and Federal Register Office of Management and Budget (OMB) Circulars A-87 and A-122.

(c) Procedures. AAAs and Title III projects implement financial management standards in accordance with the federal standards outlined in the authorities in (b) of this Section. On a monthly basis, the Oklahoma Department of Human Services (OKDHS) Aging Services Division (ASD) reviews and reconciles AAA actual monthly expenditure reports for the prior month and adjusts for discrepancies in the following month's payments.


INSTRUCTIONS TO STAFF

1. Reports.

   (1) Area Agencies on Aging (AAAs) and Title III projects complete the reports outlined in (A) through (G) of this Instruction and submit to the grantor agency as indicated.

   (A) Form SUOA-S-20, Project Financial Report is used by AAAs and Title III projects and submitted quarterly.

   (B) Form SUOA-S-6-A, Monthly Summary of Cash Transactions, is used by AAAs and Title III projects and submitted monthly.

   (C) Form SUOA-S-8, Cash Receipts Journal, is used by AAAs and Title III projects and submitted quarterly.

   (D) Form SUOA-S-10, Cash Disbursements Journal, by line item, is used by AAAs and Title III projects and submitted monthly.
(E) Form SUOA-S-11, Cash Disbursements Journal, by allotment, is used by AAAs and Title III projects and submitted monthly.

(F) Form SUOA-S-84, Area Agency Quarterly Summary of Program Income, is used by AAAs only and submitted quarterly.

(G) Form SUOA-S-16, Equipment Inventory, is used by AAAs and Title III projects and is submitted annually.

(2) The grantee agency may use OKDHS forms or computer-generated versions. Any computer-generated form must:

(A) include all of the information on the OKDHS forms that is pertinent to the grantee agency’s reporting requirements; and

(B) be submitted to the grantor agency for approval prior to use.
340:105-10-120. Area Agency on Aging and Title III project job descriptions

(a) Policy. Area Agencies on Aging (AAAs) and Title III projects utilize job descriptions approved by the grantor agency.

(b) Authority. The authority for OAC 340:105-10-120 is Part 1321.11 of Title 45 of the Code of Federal Regulations.

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

(1) AAAs and Title III projects develop job descriptions relevant to their local needs. Job descriptions meet minimum qualifications set by the State Agency, found in Appendix M-14, Job Descriptions for Older Americans Act Network Employees. Duties may be combined between job descriptions to meet local needs.

(2) Except as otherwise specifically stated elsewhere for full-time AAA director, full-time Title III project director, and 40 hours per week information and assistance specialist, AAAs and Title III projects determine the number of positions and types of positions based on local need. Each AAA and Title III project maintains sufficient staff to carry out the required service activities.

340:105-10-121. Area Agency on Aging and Title III project salaries

(a) Policy. Area Agencies on Aging (AAAs) and Title III projects develop competent staff to perform programmatic and financial duties based on local needs, available funding, and market value, provided persons with comparable job family descriptors (JFDs) may not be paid more than the midpoint of a JFD paid within the salary cap set by the State Agency. The total administration costs charged to the Title III grant may not exceed the maximum provided in federal law.

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

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

(1) AAAs and Title III projects determine starting salary for positions based on local needs, available funding, and market value, provided persons with comparable JFDs may not be paid more than the midpoint of the salary range paid by the State Agency for the JFD most like the job in question being done by the AAAs or Title III projects.

(2) Salary advancements are based on acceptable work performance, as evidenced by continued employment with the AAA or Title III project. The AAA may disapprove salary advances of its grantees due to uncertain funding allocations or funding levels. The State Agency may disapprove salary advances of AAAs that it believes may cause the AAA to exceed the maximum administrative cost allowed in federal law.

(3) Longevity payments may be made to all AAA and Title III employees using a longevity schedule that is:

   (A) fair and equitable to all employees;

   (B) based on available funding;

   (C) included in AAA and Title III budgets; and

   (D) provided for in the AAA policies and procedures manual.

SUBCHAPTER 11. STATEWIDE LONG-TERM CARE OMBUDSMAN PROGRAM

PART 37. STATEWIDE LONG-TERM CARE OMBUDSMAN PROGRAM

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340:105-11-233. Policies and procedures specific to the Office of the State Long-Term Care Ombudsman

In accordance with the Older Americans Act, the Office of the State Long-Term Care Ombudsman (Office) is established within the State Agency to carry out a statewide Long-Term Care Ombudsman Program that is under the direct supervision and administration of the State Agency.

(1) The Office staff consists of the state long-term care ombudsman and adequate program and support staff.

(2) Specific staffing requirements for each area Long-Term Care Ombudsman Program are set in accordance with normal State Agency administrative and funding procedures.

(3) The area entity designated to provide ombudsman services must provide an adequate allocation of funds to operate the local program. Costs incurred include, but are not limited to:

(A) reimbursement of travel costs of the ombudsman supervisor and ombudsman volunteers, including travel to and from their assigned facilities and required meetings;

(B) identification badges; and

(C) other incidental costs related to trainings and meetings, including awards and certificates.

(4) The designated area ombudsman staff representatives are housed within the Area Agency on Aging, whenever possible.

(5) Selection of area ombudsman staff representatives is made by the director of the designated area ombudsman entity, with input and recommendations from state ombudsman staff during the interview process, and subject to State Agency approval.

(A) For the purpose of review of qualifications, criminal background checks, and conflict of interest issues, the Office shall have access to applications, resumes, and other personnel information related to applicants for and incumbents in area ombudsman staff positions.
(B) State ombudsman staff are involved at their discretion in interviews of applicants for area ombudsman staff positions as members of an interviewing team. Upon conclusion of the interview process, there is opportunity for discussion and recommendations.

(C) Merit hiring standards are adhered to throughout the hiring process, pursuant to Part 900 of Title 5 of the United States Code and other valid procedures agreed to by the interview team.

(D) Employment of area ombudsman staff is probationary pending the person's satisfactory completion of training prescribed by the state long-term care ombudsman and designation as described in this Part.
340:105-11-234. Designation of area programs and area representatives including staff and volunteers

(a) The Office of the State Long-Term Care Ombudsman (Office) officially designates agencies serving as area or local subdivisions of the Office through an annual designation process, in accordance with State Agency administrative funding procedures.

(1) Staff and volunteer representatives of the Office are officially designated in writing by the state long-term care ombudsman.

(2) Designation as a representative of the Office:

(A) for an area staff person is based on the person meeting criteria necessary to satisfactory performance in the position, including, but not limited to, the person:

(i) is free from any conflict of interest as defined by this policy and in compliance with federal and state statute and does not stand to gain financially through an action or potential action brought on behalf of residents the ombudsman serves;

(ii) meets minimum job qualifications and screening standards set by the Office; and

(iii) satisfactorily completes training prescribed by the state long-term care ombudsman; and

(B) for an ombudsman volunteer is accomplished through a certification process, and based on the person meeting criteria necessary to satisfactory performance in the position, including, but not limited to, the person:

(i) is free from any conflict of interest as required by statute and defined by this Part and does not stand to gain financially through an action or potential action brought on behalf of residents the ombudsman serves;

(ii) meets screening criteria set in this Part;

(iii) satisfactorily completes training prescribed by the state long-term care ombudsman;

(iv) completes and signs Form:
(I) SUOA-S-77, Ombudsman Volunteer Application, agreeing to accept supervision and follow the rules and guidelines of the program; and

(II) ADM-130, Request for Background Check, authorizing the Office to conduct a criminal background check.

(b) The state long-term care ombudsman has the authority to refuse to designate:

(1) a person, staff or volunteer, as a representative of the Office for any reasonable cause related to satisfactory performance in the position, including, but not limited to:

   (A) existence of an unresolved or unresolvable conflict of interest;

   (B) failure to satisfactorily complete training; and

   (C) failure to meet screening standards for volunteers and staff, including criminal background check, or minimum job qualifications for area staff representatives; and

(2) an agency as a subdivision of the Office for any reasonable cause that prevents satisfactory operation of the Long-Term Care Ombudsman Program, including, but not limited to:

   (A) existence of an unresolved or unresolvable conflict of interest;

   (B) failure to provide adequate assurances that program guidelines can be met; and

   (C) failure to provide assurances that the program can be adequately funded.

(c) The state long-term care ombudsman has the authority to withdraw designation as:

(1) subdivision of the Office from an agency when there is:

   (A) existence of an unresolved or unresolvable conflict of interest;

   (B) breach of the confidentiality requirement caused by the action of any staff member of the agency designated as a local subdivision of the Office, or of that agency's sponsoring agency;
(C) failure to adhere to the policies of the Office, federal Administration on Aging regulations, or state or federal law; or

(D) any other unreasonable or prejudicial conduct substantially affecting the Long-Term Care Ombudsman Program; and

(2) a representative of the Office from a staff person or volunteer when there is:

(A) existence of an unresolved or unresolvable conflict of interest;

(B) breach of confidentiality requirement;

(C) failure to adhere to the policies of the Office or state or federal law;

(D) failure to accept program supervision from the Office; or

(E) conviction of a crime listed in Section 1-1950.1 of Title 63 of the Oklahoma Statutes or listing on the Mary Rippy Violent Offender Registry.

(d) The state long-term care ombudsman may withdraw certification of an ombudsman volunteer when the ombudsman:

(1) fails to file monthly reports with the ombudsman supervisor for three consecutive months, unless on an approved leave of absence;

(2) fails to attend three consecutive monthly meetings, unless on an approved leave of absence;

(3) fails to initiate visitation of residents in assigned facility within two months after certification;

(4) misuses the "ombudsman volunteer" title or badge; or

(5) represents himself or herself, either verbally or by wearing a badge, as an ombudsman for a facility for which the volunteer is not certified, without specific authorization by state ombudsman staff.

(e) An agency refused or withdrawn designation as an Area Long-Term Care Ombudsman Program or a person refused or withdrawn designation as an area ombudsman staff representative may appeal the decision.
(1) Designation is not withdrawn until reasonable notice and opportunity for a hearing is provided.

(2) Notification of the right to appeal and the appeal procedures are included in the letter notifying the agency or staff person of a decision to refuse or withdraw designation.

(3) Hearings are conducted by the Appeals Unit of the Oklahoma Department of Human Services.
340:105-11-240. Training

The Office of the State Long-Term Care Ombudsman (Office) prohibits investigation of any complaint by an ombudsman staff person or ombudsman volunteer, unless the person has satisfactorily completed training required by the Office, and has been approved as qualified to investigate such complaints.

(1) Office staff:

(A) orient and train ombudsman staff representatives and determine satisfactory completion of prescribed training;

(B) develop and periodically update core curriculum for use in training ombudsman staff and volunteers;

(C) assist area ombudsman staff in the training of ombudsman volunteers, upon request;

(D) provide, on a quarterly basis, a minimum of 40 hours of continuing education and training to ombudsman supervisors per year;

(E) provide community education in coordination with area staff;

(F) officially certify newly trained ombudsman volunteers who meet screening criteria; and

(G) assist in the development of citizen organizations to participate in the Long-Term Care Ombudsman Program.

(2) Area ombudsman staff representatives:

(A) hold public workshops for community education and volunteer recruitment;

(B) train ombudsman volunteer applicants using the prescribed core training format developed by the Office staff;

(C) submit to Office staff the name and facility assignment and the original signed Form SUOA-S-77, Ombudsman Volunteer Application, of each trained volunteer recommended for certification;
(D) accompany each newly certified ombudsman volunteer on at least one introductory visit to the assigned facility to reinforce training and ensure the ombudsman volunteer's understanding of the ombudsman role; and

(E) hold monthly meetings for continued training and supervision of certified ombudsman volunteers to achieve a minimum of 18 hours per volunteer, annually, of continuing education relevant to the care of older persons and persons with disabilities.
340:105-11-245. Facility visitation

(a) The area ombudsman staff makes periodic visits to all long-term care facilities in the area covered by the designated area ombudsman entity to ensure Long-Term Care Ombudsman Program services are made available to the residents.

(1) Residents of each facility are visited a minimum of four times each fiscal year.

   (A) Visits made by appointment, including in-service training for facility staff, are not counted toward the ombudsman staff's four visits per year.

   (B) When the ombudsman volunteer visits residents as a citizen observer in inspections by the Oklahoma State Department of Health the visit may be counted.

   (C) Visits made to resolve complaints are counted.

(2) Visits are documented on forms approved by the Office of the State Long-Term Care Ombudsman (Office) and protected according to the program's confidentiality requirements. Visits are:

   (A) unannounced and the dates kept confidential; and

   (B) not posted or revealed to any person other than the director of the Area Agency on Aging designated as the area ombudsman entity who must likewise safeguard them.

(3) The area ombudsman staff accompanies each newly certified ombudsman volunteer to the volunteer's assigned facility, by appointment, for an introductory visit to:

   (A) introduce the volunteer to the administrator, residents, and facility; and

   (B) explain or clarify the role of the ombudsman volunteer.

(4) The area ombudsman staff conducts at least one supervisory visit with each certified ombudsman volunteer to his or her assigned facility each year to:

   (A) assess skills, relationships, and understanding of appropriate role; or

   (B) assist the volunteer with a complaint, other problem, or both.
(5) The area ombudsman staff offers and conducts in-service training for staff of long-term care facilities on residents’ rights, elder abuse prevention, and other topics of importance to residents.

(b) The certified ombudsman volunteer visits residents, and documents the visits, in his or her assigned facility at least two hours per week, for the purpose of assisting the residents to resolve or prevent problems or complaints.

(1) No volunteer may officially begin his or her visitation and other duties in a facility as a certified ombudsman volunteer until he or she:

(A) receives written notice of certification from the Office; and

(B) is accompanied by ombudsman staff on an introductory visit to the assigned facility.

(2) A volunteer who is temporarily unable to fulfill visitation or other program responsibilities, may request or be placed on leave of absence. As defined in this Part, leave of absence may be granted due to:

(A) ill health of volunteer or volunteer’s family;

(B) vacation or extended travel; or

(C) other reason approved by the ombudsman supervisor.

(3) Leave of absence must not exceed three months duration. If the volunteer is unable to resume official duties by the end of the three-month period, the area supervisor notifies the Office and the volunteer's certification is withdrawn.

(4) The volunteer may request voluntary decertification from the Long-Term Care Ombudsman Program at any time and be re-certified at a later date if all other requirements are met.

(c) Ombudsman participation as citizen observers in unannounced inspections by the Oklahoma State Department of Health is allowed by the Oklahoma Nursing Home Care Act, the Oklahoma Residential Care Act, and the Federal Nursing Home Reform Act.

(1) Ombudsman staff and certified ombudsman volunteers may participate.

(2) Inspection schedule information is kept in a locked file and access restricted to ombudsman staff.
(3) Inspection location is shared by state ombudsman staff only with the area ombudsman supervisor.

(4) The ombudsman volunteer for that facility may be notified, but notification is made no earlier than the date of the inspection.

(5) Early notification to a facility is strictly prohibited. Penalties are set in state and federal statutes for violations that result in early notification to a facility.

(d) Upon entering a facility for a visit, ombudsman staff and volunteers notify the administrator or other charge person of their presence. If no charge person is located, any staff person may be notified. This requirement is not intended to delay an ombudsman from proceeding promptly with a complaint investigation or resident visitation.

The certified ombudsman volunteer observes the requirements of the State Long-Term Care Ombudsman Program, including:

(1) complete and sign Form:

(A) SUOA-S-77, Ombudsman Volunteer Application;
(B) OMB-3, Conflict of Interest Statement and Ethical Guidelines, and
(C) ADM-130, Request for Background Check;

(2) complete the two day ombudsman volunteer training program and be certified by the State Long-Term Care Ombudsman Program staff;

(3) accept supervision by the ombudsman supervisor;

(4) respect privacy and confidentiality.

(A) The volunteer does not disclose information regarding any complainant or client’s name, condition, or situation, except to the ombudsman supervisor or the state ombudsman staff without the written permission of the complainant, client, or legal representative.

(B) Supervisory approval is secured before any information is released;

(5) visit weekly with residents in the assigned facility;

(6) attend monthly ombudsman volunteer meetings for continuing education, program updates, and group supervision;

(7) submit monthly reports to the ombudsman supervisor;

(8) wear the badge issued by the Area Agency on Aging ombudsman supervisor when visiting the facility or attending functions as an ombudsman volunteer;

(9) be available to the residents of the facility in which volunteering, to hear their concerns, and to assist them with and follow through on problem-solving;

(10) meet with the facility administrator to establish and maintain a cooperative working relationship;
(11) be familiar with the policies and procedures the facility established for its operation;

(12) be certified as an ombudsman volunteer, limited to the facility named in the certification letter, unless authorized in advance by the Office of the State Long-Term Care Ombudsman; and

(13) be clear in the role of advocate on behalf of the residents. Direct care services, such as lifting or feeding residents, are not performed by the ombudsman while in the facility.
340:105-11-249. Area Agency on Aging ombudsman supervisor I

(a) **Definition.** Under the program supervision of the Office of the State Long-Term Care Ombudsman and the general direction of the director of an Area Agency on Aging, the ombudsman supervisor I provides leadership in development, coordination, and implementation of the Long-Term Care Ombudsman Program and receives, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities.

(b) **Examples of duties.** Examples of duties include:

1. Recruiting, screening, training, and supervising ombudsman volunteers, using guidelines provided by state ombudsman staff;

2. Publicizing the services of the State Long-Term Care Ombudsman Program and issues affecting older residents of long-term care facilities through media releases, public speaking, and other means;

3. Coordinating with state ombudsman staff in complaint investigation and resolution, identification of priority issues, and certification of new ombudsman volunteers;

4. Maintaining confidentiality of files and other information pertaining to complaints and complainants;

5. Keeping the director of the designated area ombudsman entity informed of the current situation and needs at the local level, recommending plans for meeting needs, and advising the director of resources required for their implementation;

6. Being available to residents of long-term care facilities in the planning and service areas (PSA), visiting each facility regularly, and working cooperatively with administrators and staff; and

7. Serving as a consultant to community organizations and agencies on issues and needs affecting older long-term care facility residents, techniques of working with these older people, and the solution of special problems.

(c) **Education and experience.** The required education and experience is graduation from a standard four year high school and two years of responsible full-time paid employment in social, health, or aging services or related occupation that involves meeting the public.
(1) Any equivalent full-time study in an accredited college or university may be substituted for the required work experience.

(2) Passing the General Educational Development (GED) test is accepted in lieu of graduation from a standard four year high school.

(d) **Salary range.** The comparable job family descriptor (JFD) for this position is Adult Protective Services Specialist, #H26A. A person in this position may not be paid more than the midpoint of the approved salary range for Oklahoma Department of Human Services (OKDHS) Office of Personnel Management (OPM) Pay Band I.
340:105-11-250. Area Agency on Aging ombudsman supervisor II

(a) Definition. Under the program supervision of the Office of the State Long-Term Care Ombudsman and the general direction of the director of an Area Agency on Aging, the ombudsman supervisor II provides leadership in development, coordination, and implementation of the Long-Term Care Ombudsman Program and receives, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities.

(b) Examples of duties. Examples of duties include:

(1) recruiting, screening, training, and supervising ombudsman volunteers, using guidelines provided by state ombudsman staff;

(2) publicizing the services of the State Long-Term Care Ombudsman Program and issues affecting older residents of long-term care facilities through media releases, public speaking, and other means;

(3) coordinating with state ombudsman staff in complaint investigation and resolution, identification of priority issues, and certification of new ombudsman volunteers;

(4) maintaining confidentiality of files and other information pertaining to complaints and complainants;

(5) keeping the director of the designated area ombudsman entity informed of the current situation and needs at the local level, recommending plans for meeting needs, and advising the director of resources required for their implementation;

(6) being available to residents of long-term care facilities in the planning and service areas (PSA), visiting each facility regularly, and working cooperatively with administrators and staff; and

(7) serving as a consultant to community organizations and agencies on issues and needs affecting older long-term care facility residents, techniques of working with these older people, and the solution of special problems.

(c) Education and experience. The required education and experience is:

(1) graduation from an accredited four year college or university with major course work in social work, health, gerontology, general social sciences, or related field; or
(2) an equivalent combination of education and experience, substituting one year of full-time paid experience in such areas as community organization, public health, social work, or related field for each year of the required education, with a maximum substitution of two years.

(d) **Salary range.** The comparable job family descriptor (JFD) for this position is Adult Protective Services Specialist, #H26B. A person in this position may not be paid more than the midpoint of the approved salary range for Oklahoma Department of Human Services (OKDHS) Office of Personnel Management (OPM) Pay Band J.
340:105-11-251. Screening criteria for ombudsman

(a) Criteria for subjective screening of potential ombudsman staff and volunteers, are reviewed in addition to standard education and work experience questions.

(b) Persons who are not eligible for ombudsman volunteer certification include any person who:

(1) was fired from employment in a facility where he or she wishes to volunteer and any relative of a fired employee;

(2) is a relative of an employee of the facility where he or she wishes to volunteer;

(3) lacks the ability to be objective or hold confidences;

(4) is a current employee or has any financial interest in a facility in which he or she wishes to volunteer. The person may volunteer in another facility with the stipulation that, if the chosen facility is a competitive facility, acceptance must be made by the administrator of the facility the volunteer chooses;

(5) is a paid sitter, private duty nurse, or private duty aide in the facility where the person wishes to volunteer. If a competitive facility is chosen, the placement is accepted by the chosen facility;

(6) is involved in a pending law suit against a facility, until the legal process is completed and acceptance of the person as a volunteer is made by the administrator of the selected facility;

(7) stands to gain financially through an action or potential action brought on behalf of persons the ombudsman serves; and

(8) was convicted of a crime listed in Section 1-1950.1 of Title 63 of the Oklahoma Statutes or whose name appears on the Sex Offender Registry or the Mary Rippy Violent Offender Registry.

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1. Subjective screening criteria include:

   (1) maturity;
(2) personal stability. A person with no serious personality pathology;

(3) willingness to learn and accept supervision. A person who doesn't have all the answers;

(4) assertiveness. A person who does his or her work, yet will not bowl other persons over in the process;

(5) warmth and empathy for others. A person with a sincere desire to help;

(6) reasonable self-confidence and ego health. A person who has a constant need for love, recognition, reinforcement, and direction can be a tough supervision problem;

(7) commitment to amount and length of time. The person makes a serious commitment of time and energy to do the job since the primary responsibility is to the client;

(8) dependability, such as past employment, other volunteer work, and personal references;

(9) objectivity. The person has the ability to recognize and balance various sides of each issue, evidenced by minimal rigidity, prejudice, and judgmental attitudes toward others;

(10) interests and hobbies;

(11) volunteer experience;

(12) education;

(13) reasons for wanting to be an ombudsman. Reasons may include the person's motives, insight into the needs of the long-term care residents, and own needs for a successful placement or reinforcing relationships; and

(14) transportation. The person has dependable transportation to meet the position's requirement, whether the transportation is provided by the person or an alternative method is available.
340:105-11-252. Conflict of interest statement and ethical guidelines

The Older Americans Act as amended requires assurances that there are no conflicts of interest within the Long-Term Care Ombudsman Program. Mechanisms to identify and remedy any conflicts are mandated. Ombudsman staff and volunteers study the rules in this Section and sign Form OMB-3, Conflict of Interest Statement and Ethical Guidelines, if able to provide the assurances and meet the ethical guidelines described in this subsection. The ombudsman:

(1) and any member of the ombudsman's immediate family may not own, operate, control, or have interest, voting rights, or outstanding indebtedness to or be employed by any company or facility or individual investigated by the ombudsman;

(2) may not solicit or accept from any person or organization, directly or indirectly, money or anything of value if it could reasonably be expected to influence the ombudsman's official actions or judgment or could reasonably be considered a reward for any official action or omission on the part of the ombudsman;

(3) who is assigned or acts as an official representative of his or her agency in the presentation of papers, talks, demonstrations, or making appearances does not solicit or accept fees, honoraria, or reimbursement of expenses for personal gain. Any fees or honoraria offered in connection with these activities are paid to the agency;

(4) is alert to anything that impairs ability to objectively investigate complaints. The ombudsman avoids conflict of interest in the establishment of personal relationships that affect impartiality on the job;

(5) may be involved in serving as an officer or board member of a social, fraternal, or religious organization for which the ombudsman receives no compensation or anything of value, provided the organization is not affected by exercise of the ombudsman's discretion;

(6) may not use or disclose information gained in the course of, or by reason of, the ombudsman's official position or activities in any way without the express consent of the resident or complainant;

(7) discloses all past and current appointments, involvement, membership, or interest that affect or could reasonably be expected to affect the ombudsman's ability to investigate and resolve complaints in an objective and independent manner.
(8) may not effectively recommend or decide to hire or promote another person who is a member of the ombudsman's immediate family;

(9) may not give preferential or favorable treatment in provision of service to a resident who is a member of the ombudsman's family; and

(10) may not conduct business in restaurants or other public places where a public observer might reasonably conclude that confidences could be breached due to lack of privacy.
340:105-11-255. Ombudsman staff and volunteer training

(a) **Ombudsman staff training curriculum.** Ombudsman staff training includes:

1. introduction to the Long-Term Care Ombudsman Program;
2. ombudsman policies and procedures;
3. complaint response system;
4. long-term care regulatory system;
5. residents' rights;
6. characteristics of long-term care facilities and residents;
7. processes of aging;
8. communication skills;
9. legal and ethical issues;
10. visitation practicum;
11. mediation or negotiation skills;
12. community resources or services;
13. volunteer management; and
14. reporting and record keeping.

(b) **Ombudsman volunteer training curriculum.** Ombudsman volunteer training includes:

1. introduction to the Long-Term Care Ombudsman Program;
2. ombudsman volunteer role, including activities and responsibilities;
3. problem solving and complaint investigation;
4. processes of aging;
(5) characteristics of the institutionalized older person;

(6) communication and interviewing skills;

(7) Oklahoma's Nursing Home Care Act, Residential Care Act, or Assisted Living Act, as appropriate;

(8) residents' rights in long-term care facilities;

(9) the regulation of long-term care;

(10) confidentiality; and

(11) reporting and record keeping.