

Updated *(insert DATE)*

## Standard Template

### **AoA Program Instruction: Guidance for the Development and Submission of State Plans on Aging, State Plan Amendments and the Intrastate Funding Formula**

This template is to be used by ACL Central and Regional Office staff to prepare the annual Guidance for the Development and Submission of State Plans on Aging, Amendments and the Intrastate Funding Formula. It allows for flexibility in tailoring the document to particular program focus areas as desired by the Administrator/Assistant Secretary for Aging, changes in statutory language, and to be responsive to policy trends in home and community-based long-term services and supports.

Instructions for ACL Central and Regional Office staff for developing and completing the PI are in **shaded text boxes** with *italics* **and should be deleted, along with this cover page, during preparation of the document.** Text in regular type can be used and modified (unless otherwise noted) as necessary.

When creating the PI, please follow these basic guidelines for ensuring the document is 508 compliant:

1. Do not underline text. Underlines are reserved for hyperlinks
2. Use only round or disc bullets created using the bullet list in Word
3. Hyperlinks must include <http://>

## PROGRAM INSTRUCTION

AoA-PI-\_\_ - \_\_

*(Insert year and PI number)*

TO: State Agencies on Aging Administering Plans under Title III of the Older Americans Act of 1965, as amended

SUBJECT: Guidance for the Development and Submission of State Plans on Aging, State Plan Amendments and the Intrastate Funding Formula

LEGAL REFERENCES: Sections 305, 306, 307, 308, 373, and 705, of the Older Americans Act of 1965, as amended

*The Program Instruction should begin with a brief explanation of its purpose and the scope of activities it is intended to cover.*

*Suggested language to use:*

The purpose of this Program Instruction (PI) is to provide States with guidelines in meeting the requirements for developing and submitting FY 20\_\_ *(insert year)* State Plans, amendments, and the intrastate funding formula (IFF), as required by the Older Americans Act of 1965, as amended.

*Because the PI provides a significant amount of information related to the development and submission of the state plan, it should start with an outline of the document and the information to be contained in each section. The outline should include no more than two levels of detail and may be modified as appropriate.*

*Below is a standard outline for the PI:*

**This PI contains the following:**

- I. INTRODUCTION**
  - A. Background
  - B. Purpose
- II. STATE PLAN FOCUS AREAS**
  - A. Older Americans Act (OAA) Core Programs
  - B. ACL/AoA Discretionary Grants
  - C. Elder Justice
- III. STATE PLAN CONTENT**
  - A. Signed Verification of Intent Page from State Governor or designee
  - B. Narrative
  - C. Intrastate Funding Formula
  - D. Attachments
- IV. STATE PLAN/AMENDMENT SUBMISSION REQUIREMENTS AND APPROVAL**

**V. RESOURCES FOR PREPARING STATE PLANS**

**VI. ATTACHMENTS:** (to the State Plan)

- A. State Plan Assurances and Required Activities
- B. Information Requirements
- C. Intrastate Funding Formula (IFF)

**I. INTRODUCTION**

*The State Plan on Aging is the “governor’s plan” for programs and services for older adults and their family caregivers in the state. The State Plan is used by both the ACL/AoA Central Office and Regional Offices to determine if the state is meeting the requirements of the Older Americans Act (OAA/the Act) and is using the Act as a base for a larger system of long-term services and supports in the state.*

*The Introduction should include:*

- *An overview of OAA requirements for the development and submission of State Plans on Aging, plan amendments and the Intrastate Funding Formula (IFF);*
- *A discussion of recent developments and trends in the fields of aging, national demographic trends, the current status of long-term home and community-based services and supports system and the role of the OAA and the Aging Services Network within that system; and*
- *A description of the overall purpose of planning activities as a way of ensuring that OAA programs and services are part of each state’s vision for long-term services and supports.*

*Suggested sub-headings for the Introduction include:*

**A. Background and Overview**

**B. Purpose of the State Plan**

## II. STATE PLAN FOCUS AREAS FOR FY 20\_\_ (enter year)

*This section should list and describe each focus area to be addressed by State Plans on Aging. State Plan focus areas are determined annually by a number of factors, including statutory requirements of the OAA, specific goals and objectives of the Assistant Secretary for Aging, and trends in the design and delivery of supportive services to older individuals and their family caregivers.*

*At a minimum, state plans must address the focus areas outlined below. Additional focus areas may be added as necessary and desired by the Assistant Secretary for Aging and ACL Central Office and Regional Office staff.*

- A. **Older Americans Act (OAA) Core Programs** – this focus area should, at a minimum, include reference to all programs within Titles III and VII. It should direct states to: describe coordination activities between Title III and VI programs; strengthen or expand title III and VII services; increase the business acumen of aging network partners; work towards the integration of health and social service delivery systems; and integrate OAA Core Programs with ongoing discretionary programs, as described in Focus Area B, below.*
- B. **ACL Discretionary Grants** – this focus area should direct states to describe each ACL Discretionary Grant program currently under way in the state, how those programs will be integrated with OAA core and other programs; and include measure objectives for each. Customize this focus area to reflect relevant ACL discretionary programs that states must consider in the preparation of their Plans.*
- C. **Elder Rights/Elder Justice** – this focus area should direct states to describe their activities to prevent, detect, assess, intervene, and/or investigate elder abuse, neglect, and financial exploitation.*

## III. STATE PLAN CONTENT

*This section should clearly describe all required elements to be included in the State Plan when it is submitted to ACL. Below is standard language that should be used and modified as necessary.*

The State Plan should serve as a tool for planning/tracking all efforts on behalf of older adults in the state. States should succinctly incorporate into the State Plan as many of their activities related to aging as possible, regardless of funding source.

The State plan, at a minimum, must include following required elements:

- A. Signed Verification of Intent Page from State Governor or designee;
- B. Narrative;
- C. Intrastate Funding Formula; and
- D. Attachments

1. Assurances (required)
2. Information Requirements (required)

#### **A. Signed Verification of Intent Page from State Governor or Designee;**

The state plan must be signed by the Governor or the individual (designee) to whom the Governor has granted signature authority. Such authority should be obtained in writing from the Governor's office and be on file should ACL need to verify the designation.

#### **B. Narrative:**

The State Plan narrative should be **no more than 30 pages in length**. To stay within this maximum, the State may wish to submit lengthy survey information, demographics, and other supporting documentation, as separate attachments to the plan. The narrative should clearly address the following areas:

1. **Executive Summary** (approximately 3 pages) - The executive summary should stand alone in summarizing the state's planned efforts on behalf of older individuals. A well-written summary can aid the state in educating the public, lawmakers, and other agencies, and can assist in securing additional resources.
2. **Context** – The context sets the stage for the State Plan by describing the broader long-term services and support (LTSS) system in operation within the state and the issues to be addressed in the rest of the document. A summary of needs assessment activities undertaken by the state, findings of such activities and how those findings will be used to prioritize service to at-risk populations, including those with greatest economic and social need, should be included here. Further, the findings should correspond to the outlined goals and objectives in described below. Describe how your state solicited input for development or the plan, e.g., public hearings, website, etc.
3. **Goals** - The goal is the visioning statement(s) describing the strategic direction in which the state is moving. Goals are different from measurable objectives (described below).
4. **Measurable objectives** – Measurable objectives are attainable and specific steps the State will take to achieve its goals. One or more objectives should be included for each of the Focus Areas described in Section II of this PI. In developing measurable objectives, states should consider the role each focus area will play in optimizing the state's long-term services and supports system (LTSS) for older adults and their caregivers.
5. **Strategies** – Strategies outline how the goals and objectives will be achieved. Clear descriptions of each strategy should be provided. Any identified barriers and associated plans for how the State plans to address them should be included here as well.
6. **Targeting** – The Older Americans Act (OAA) requires that states give preference to serving older individuals with greatest economic and social need, with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas. (Sec.305(a)(2)(E)). Numerous factors can contribute to “greatest economic and social need,” including (but not limited to) being an

- American Indian (regardless of membership in a Federal or state-recognized tribe); one's sexual orientation/gender identity (LGBT); being a Holocaust survivor; status as a refugee; or discrimination and/or persecution (past or present) based on religious/social/political beliefs. Such factors can limit the degree to which older adults experience full inclusion in society and are able to access available services and supports. To ensure effective targeting of resources to all older adults with greatest economic and social need, states should describe their approaches for assessing and addressing the needs of such populations of older adults, including (but not limited to) conducting statewide environmental scans and needs assessments, ensuring broad representation on advisory committees, holding public hearings and conducting targeted outreach to ensure all populations are aware of and able to access services.
7. **Outcomes and Performance Measures** (as they relate to each Focus Area) – Outcomes document the benefit older individuals should derive from the state plan goals, objectives and strategies. Such measures are encouraged either as measurable objectives outlined in “4” above, or in addition to objectives.
  8. **Waivers** – Discuss whether your state has sought, or will likely be seeking, waivers for any of the provisions outlined in the OAA, Sec. 316. This discussion should include the purpose, rationale, scope and projected impact associated with each waiver.
  9. **Quality Management** – Quality management of service programs encompasses three functions: data collection to assess ongoing program implementation, remediation of problem areas, and continuous improvement. Describe any quality management activities that will be undertaken during the plan period.

### **C. Intrastate Funding Formula (IFF):**

*When applicable, each State plan submission must be accompanied by a copy of the state's current or revised IFF. If a revised IFF is submitted, the revisions must adhere to statutory requirements.*

*Below is standard language for this section, including statutory references. This text may **NOT** be modified, unless to reflect changes in statutory language as a result of Reauthorization or Technical corrections to the OAA made by Congress.*

Each new State plan submittal must include a copy of the current intrastate funding formula (IFF) and the resulting funding allocation to the planning and service areas. Any revisions to the IFF must be clearly indicated and take into consideration the statutory requirements described below. Any change to IFF factors or weights requires approval by the Assistant Secretary. Revisions that do not coincide with a new State plan submittal must be submitted as a State plan amendment.

### **IFF Statutory Requirements**

Each State's IFF submittal must demonstrate that the requirements in Sections 305(a)(2)(C) have been met, as follows:

**OAA, Sec. 305(a)**

(2)“The state agency shall--

(C) in consultation with area agencies, in accordance with guidelines issued by the Assistant Secretary, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account--

(i) the geographical distribution of older individuals in the State; and

(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals...”

When developing their IFF, States should be aware of the following:

- For purposes of the IFF, “best available data” is the most recent census data (year 2010). More recent data of equivalent quality available in the State may be considered.
- As required by Section 305(d) of the OAA, the IFF revision request includes: a descriptive Statement; a numerical Statement; a list of the data used (by planning and service area); and a demonstration of the allocation of funds to each planning and service area.
- States may use a base amount in their IFFs to ensure viable funding across the entire state.

**IMPORTANT:** In order to facilitate review of the intrastate funding formula (IFF), please include your State’s IFF as a separate, labeled attachment to the plan (see Section III D, below).

**D. Required and Optional Attachments** (to the State Plan document):

The number and type of state plan attachments will vary from state to state; however, **every state plan must include Attachments A (State Plan Assurances and Required Activities), B (Required Information) from this PI and an Attachment C (the IFF).** Other attachments to the plan could include demographic data, needs analysis, special initiatives, etc. Additional attachments are not counted as part of the 30-page narrative limit and should be clearly labeled.

**IV. STATE PLAN/AMENDMENT SUBMISSION REQUIREMENTS AND APPROVAL**

*This section should include specific instructions for states for preparing their state plans for review and submission. The section should contain, at minimum, information pertaining to frequency of submission, suggested formatting, deadlines, submission requirements, approval processes, and how to submit an amendment.*

*Below is standard language that may be modified, as needed:*

**Submission Frequency**

A State Agency on Aging may elect to develop a new State Plan for a two, three or four-year period. A State with a current two or three-year plan may request an extension, or may amend its current plan if needed; however, at the end of a four-year plan, the State must develop a new Plan. **NOTE: There is no statutory authority to extend a Plan beyond a four-year period.**

### **State Plan Format**

When preparing the State Plans for submission, states are encouraged to adhere to good formatting practices. For example, in addition to the maximum page limit allowed for plan narratives, states should ensure that margins and font sizes are within acceptable and readable limits and that the final document includes a cover page, table of contents, page numbers and appropriately labeled and referenced attachments and appendices.

### **Submission Deadlines**

The deadline for submission of new State Plans, extensions, and plan amendments to the appropriate Regional Support Center is: **July 1, 20\_\_ (insert year)**, or at least 90 days prior to the end date of the current plan. States are strongly encouraged to adhere to this deadline as doing so will help to ensure adequate time for review, revision, and approval.

To avoid the need for revision once the final plan is submitted for review, states are strongly encouraged to submit at least one draft no later than **March 1, 20\_\_ (insert year)**. This will allow problems to be identified and addressed before signatures of State officials are obtained.

### **Submission Requirements**

State Plans/Amendments are to be submitted electronically, via email, to the appropriate Regional Support Center of the Administration for Community Living (ACL). The Verification of Intent with original signatures of approving officials may be scanned into or attached to the plan document.

### **Approvals**

The Regional Support Center will review State Plans/Amendments and send recommendations to the Assistant Secretary regarding approval. Certain amendments will be transmitted by the Regional Support Center to the Central Office of ACL for update purposes only.

### **Amendments**

While most State Plan amendments are submitted during the timeframe for new plans, amendments may be submitted anytime they are needed to keep the plan current, and/or to incorporate significant changes desired by the State. States may submit two different types of State plan amendments to their respective Regional Support Centers:

- An amendment for Assistant Secretary (ASA) approval is submitted when a State proposes either of the following:
  - Changes to the intrastate funding formula; or

- Major changes in objectives such as initiating or deleting an objective related to funding a particular service/initiative, e.g., starting/stopping a transportation program, starting/stopping an ADRC or similar long term care reform project.
- An amendment for update purposes i.e., to keep the plan current, is submitted when a State undertakes any of the following:
  - Changes to planning and service areas (PSAs) and/or the designation of area agencies on aging (AAAs);
  - Changes to the State agency on aging structure; or
  - Any other significant change to the plan not listed above.

**NOTE:** States should contact their Regional Support Center for assistance with submission of both types of amendments.

## V. RESOURCES FOR PREPARING STATE PLANS

*This section should provide an updated listing of resources states can use in the development and submission of their state plans. This listing should be updated annually to ensure the most current resources are listed and the links to them are functional.*

*Below is standard language to use in this section:*

States should seek technical assistance from their ACL Regional Support Center throughout State Plan development process. Additionally, several resources and supports are available to assist States in the development and writing of their State Plans, including:

- 1. Your Administration for Community Living (ACL) Regional Support Centers**
- 2. NASUAD’s TASC Planning Zone**

Specific online resources are available for each of the required sections of the State Plan Narrative (Section III-B, above). Go to “The Plan” drop down menu of the TASC Planning Zone at <http://www.nasuad.org/state-technical-assistance/tools-planning>

Data and other resources to assist states with developing measurable objectives and performance measures, maximizing coordination and planning efforts of Core programs, building consumer choice and control into aging services programs, and developing objectives for ACL discretionary programs are available below and in the “[Resource Links](#)” section of the [TASC Planning Zone](#).

- 3. Topic-Specific Planning Resources**

- **Community Living** (ADRCs, Community Living Program, Alzheimer’s Disease Supportive Services Program) <http://www.adrc-tae.org/tiki-index.php?page=HomePage>

- **Evidence Based Disease Prevention Programs**  
<http://www.healthyagingprograms.org/content.asp?sectionid=32>
- **National Resource Center for Participant Directed Services**  
<http://www.bc.edu/schools/gssw/nrcpds/>
- **Elder Abuse/Elder Rights**
  - Long-Term Care Ombudsman: <http://www.ltombudsman.org>
  - Elder Rights: [http://www.nasuad.org/tasc/elder\\_rights\\_program.html](http://www.nasuad.org/tasc/elder_rights_program.html)
- **Quality/Quality Management - HCBS Quality Framework.**  
<http://www.nasuad.org/hcbs/article/home-and-community-based-services-supports-quality-indicator-database-website-and> )
- **Diversity and Aging**
  - Diversity Resources on ACL’s web site:  
[http://www.aoa.acl.gov/AoA\\_Programs/Tools\\_Resources/diversity.aspx](http://www.aoa.acl.gov/AoA_Programs/Tools_Resources/diversity.aspx)
  - National Indian Council on Aging: <http://www.nicoa.org>
  - National Asian Pacific Islander Association: <http://www.napca.org>
  - National Center and Caucus on Black Aged: <http://www.ncba-aged.org>
  - Asociacion Nacional Pro Personas Mayores: <http://www.anppm.org>
  - National Resource Center for LGBT Aging: <http://www.lgbtagingcenter.org>
  - Holocaust Survivors: <http://www.holocaustsurvivorcare.org>

**VI. REQUIRED ATTACHMENTS:** (to the State Plan)

**Attachment A – State Plan Assurances and Required Activities** includes all statutory assurances and activities related to the development/implementation of State plans, and must be reviewed, signed and included in the State plan. Additionally, documentation of how the State will address each assurance must be maintained at the State and made available for review by ACL, as appropriate.

**Attachment B – Information Requirements** includes all specific information requirements related to development/implementation of the State plan. The State responses to these requirements must be listed within the Attachment and submitted with the State plan.

**Attachment C – Intrastate Funding Formula** as described in Section III C.

EFFECTIVE DATE: \_\_/\_\_/\_\_\_\_ *(Insert date)*

INQUIRIES TO:       Regional Administrators  
                           ACL Support Centers

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*(Insert name of current ASA)*  
 Assistant Secretary for Aging

**FY 20\_\_ (Enter Year) State Plan Guidance  
Attachment A**

**STATE PLAN ASSURANCES AND REQUIRED ACTIVITIES  
Older Americans Act of 1965, as Amended**

*The statutory language in Attachments A and B may not be modified unless changed as a result of Reauthorization or Technical Corrections made by Congress. Words or phrases in italics below this point are for emphasis of particular elements of the Assurances, Required Activities or Information Requirements and are NOT instructions for ACL Central/Regional Office staff.*

By signing this document, the authorized official commits the State Agency on Aging to complying with and performing the following assurances and required activities as stipulated in the Older Americans Act of 1965, as amended.

**ASSURANCES**

**Sec. 305, ORGANIZATION**

(a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title--

(2)The State agency shall-- except as provided in subsection (b)(5), designate for each such area (planning and service area) after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging for such area.

(B) provide assurances, satisfactory to the Assistant Secretary, that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of supportive services or nutrition services, or individuals using multipurpose senior centers provided under such plan.

(E) provide assurance that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) and include proposed methods of carrying out the preference in the State plan;

(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(16); and...

(G)(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals.

(c) An area agency on aging designated under subsection (a) shall be--...

(5) in the case of a State specified in subsection (b) (5), the State agency; and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

**States must ensure that the following assurances (Section 306) will be met by its designated area agencies on agencies, or by the State in the case of single planning and service area states.**

**Sec. 306(a), AREA PLANS**

(a) Each area agency on aging...Each such plan shall--

(2) provide assurances that an adequate proportion, as required under section 307(a)(2), of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services--

(A) services associated with access to services (transportation, health services (including mental health services), outreach, information and assistance (which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible) and case management services);

(B) in-home services, including supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

(C) legal assistance; and assurances that the area agency on aging will report annually to the State agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded.

(4)(A)(i)(I) provide assurances that the area agency on aging will—

(aa) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

(bb) include specific objectives for providing services to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas; and

(II) include proposed methods to achieve the objectives described in items (aa) and (bb) of subclause (I);

(ii) provide assurances that the area agency on aging will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in the area served by the provider;

(II) to the maximum extent feasible, provide services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in accordance with their need for such services; and

(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas within the planning and service area; and

(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared,

(I) identify the number of low-income minority older individuals in the planning and service area;

(II) describe the methods used to satisfy the service needs of such minority older individuals; and

(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i).

(B) provide assurances that the area agency on aging will use outreach efforts that will—

(i) identify individuals eligible for assistance under this Act, with special emphasis on--

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(IV) older individuals with severe disabilities;

(V) older individuals with limited English proficiency;

(VI) older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(VII) older individuals at risk for institutional placement; and

(ii) inform the older individuals referred to in sub-clauses (I) through (VII) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and

(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals and older individuals residing in rural areas.

(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, and individuals at risk for institutional placement, with agencies that develop or provide services for individuals with disabilities;

(9) assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;

(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as "older Native Americans"), including-

- (A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;
- (B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and
- (C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans.

(13) provide assurances that the area agency on aging will—

- (A) maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships;

- (B) disclose to the Assistant Secretary and the State agency--

- (i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and
  - (ii) the nature of such contract or such relationship;

- (C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

- (D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship;

- (E) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals.

(14) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

(15) provide assurances that funds received under this title will be used-

- (A) to provide benefits and services to older individuals, giving priority to older individuals identified in paragraph (4)(A)(i); and

- (B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 212;

## **Sec. 307, STATE PLANS**

(a) Each such plans shall comply with all of the following requirements:...

(3) The plan shall...

(B) with respect to services for older individuals residing in rural areas—

(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000...

(7)(A) The plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract.

(B) The plan shall provide assurances that--

(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act...

(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.

(10) The plan shall provide assurance that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.

(11) The plan shall provide that with respect to legal assistance --

(A) contains assurances that area agencies on aging will--

(i) enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance;

(ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and

(iii) attempt to involve the private bar in legal assistance activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis.

(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project

grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency on aging makes a finding, after assessment, pursuant to standards for service promulgated by the Assistant Secretary, that any grantee selected is the entity best able to provide the particular services.

(D) the plan contains assurances, to the extent practicable, that legal assistance furnished under the plan will be in addition to any legal assistance for older individuals being furnished with funds from sources other than this Act and that reasonable efforts will be made to maintain existing levels of legal assistance for older individuals; and

(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.

(12) The plan shall provide, whenever the State desires to provide for a fiscal year for services for the prevention of abuse of older individuals --

(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for--

(i) public education to identify and prevent abuse of older individuals;

(ii) receipt of reports of abuse of older individuals;

(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;...

(13) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State...

(15) The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

(A) to utilize in the delivery of outreach services under section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include--

(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and

(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.

(16) The plan shall provide assurances that the State agency will require outreach efforts that will—

(A) identify individuals eligible for assistance under this Act, with special emphasis on—

(i) older individuals residing in rural areas;

(ii) older individuals with greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas;

(iii) older individuals with greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas;

(iv) older individuals with severe disabilities;

(v) older individuals with limited English-speaking ability; and

(vi) older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.

(17) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, to enhance services and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

(18) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(7), for older individuals who--

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

(B) are patients in hospitals and are at risk of prolonged institutionalization; or

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

(19) The plan shall include the assurances and description required by section 705(a).

(20) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.

(21) The plan shall--

(A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and

(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.

(23) The plan shall provide assurances that demonstrable efforts will be made--

(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

(24) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

(25) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.

(26) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

(27) The plan shall provide assurances that area agencies on aging will provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

### **Sec. 308, PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS**

(b)(3)(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

### **Sec. 705, ADDITIONAL STATE PLAN REQUIREMENTS (as numbered in statute)**

(a) ELIGIBILITY.—In order to be eligible to receive an allotment under this subtitle, a State shall include in the state plan submitted under section 307--

(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter.

(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights.

(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out each of the vulnerable elder rights protection activities described in the chapter.

(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5).

(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for--

(i) public education to identify and prevent elder abuse;

(ii) receipt of reports of elder abuse;

(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except--

(i) if all parties to such complaint consent in writing to the release of such information;

(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

(iii) upon court order...

**FY 2016 State Plan Guidance  
Attachment A (Continued)**

**REQUIRED ACTIVITIES**

**Sec. 305 ORGANIZATION**

(a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—. . .

(2) the State agency shall—

(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals and older individuals residing in rural areas; . . .

(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency; . . .

**Sec. 306 – AREA PLANS**

(a)(6)(F)Each area agency will:

in coordination with the State agency and with the State agency responsible for mental health services, increase public awareness of mental health disorders, remove barriers to diagnosis and treatment, and coordinate mental health services (including mental health screenings) provided with funds expended by the area agency on aging with mental health services provided by community health centers and by other public agencies and nonprofit private organizations;

**Sec. 307(a) STATE PLANS**

(1) The plan shall—

- (A) require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 306; and
- (B) be based on such area plans.

*Note: THIS SUBSECTION OF STATUTE DOES NOT REQUIRE THAT AREA PLANS BE DEVELOPED PRIOR TO STATE PLANS AND/OR THAT STATE PLANS DEVELOP AS A COMPILATION OF AREA PLANS.*

(2) The plan shall provide that the State agency will --

(A) evaluate, using uniform procedures described in section 202(a)(26), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) have the capacity and actually meet such need; ...

(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities (with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas). **Note:** "Periodic" (defined in 45CFR Part 1321.3) means, at a minimum, once each fiscal year.

(5) The plan shall provide that the State agency will:

(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;

(B) issue guidelines applicable to grievance procedures required by section 306(a)(10); and

(C) afford an opportunity for a public hearing, upon request, by an area agency on aging, by a provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under Section 316.

(6) The plan shall provide that the State agency will make such reports, in such form, and containing such information, as the Assistant Secretary may require, and comply with such requirements as the Assistant Secretary may impose to insure the correctness of such reports.

(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency--

(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;

(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or

(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.

(22) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(8).

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*Signature and Title of Authorized Official*

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*Date*

**FY 2016 State Plan Guidance**  
**Attachment B**  
**INFORMATION REQUIREMENTS**

**IMPORTANT:** States must provide all applicable information following each OAA citation listed below. Please note that italics indicate emphasis added to highlight specific information to include. The completed attachment must be included with your State Plan submission.

**Section 305(a)(2)(E)**

*Describe the mechanism(s) for assuring that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) and include proposed methods of carrying out the preference in the State plan;*

**Section 306(a)(17)**

*Describe the mechanism(s) for assuring that each Area Plan will include information detailing how the Area Agency will coordinate activities and develop long-range emergency preparedness plans with local and State emergency response agencies, relief organizations, local and State governments and other institutions that have responsibility for disaster relief service delivery.*

**Section 307(a)(2)**

The plan shall provide that the State agency will --...

*(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306 (c) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2). (Note: those categories are access, in-home, and legal assistance. Provide specific minimum proportion determined for each category of service.)*

**Section 307(a)(3)**

The plan shall--

...

(B) with respect to services for older individuals residing in rural areas--

(i) provide assurances the State agency will spend for each fiscal year not less than the amount expended for such services for fiscal year 2000.

*(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and*

*(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.*

**Section 307(a)(10)**

The plan shall provide assurance that the special needs of older individuals residing in rural areas are taken into consideration and shall *describe how those needs have been met and describe how funds have been allocated to meet those needs.*

**Section 307(a)(14)**

(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(A) *identify the number of low-income minority older individuals in the State, including the number of low income minority older individuals with limited English proficiency; and*

(B) *describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.*

**Section 307(a)(21)**

The plan shall --

(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title (*title III*), if applicable, *and specify the ways in which the State agency intends to implement the activities .*

**Section 307(a)(28)**

(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State’s statewide service delivery model, for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

(B) Such assessment may include—

(i) the projected change in the number of older individuals in the State;

(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

(iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive

**Section 307(a)(29)**

*The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for*

emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.

**Section 307(a)(30)**

*The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.*

**Section 705(a) ELIGIBILITY --**

*In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307--*

*(7) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (6).*

*(Note: Paragraphs (1) of through (6) of this section are listed below)*

*In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307--*

*(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;*

*(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;*

*(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;*

*(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out each of the vulnerable elder rights protection activities described in the chapter;*

*(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);*

*(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3--*

*(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for-*  
*(i) public education to identify and prevent elder abuse;*

*(ii) receipt of reports of elder abuse;*

*(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and*

*(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;*

*(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and*

*(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except--*

*(i) if all parties to such complaint consent in writing to the release of such information;*

*(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or*

*(iii) upon court order.*