

NEW YORK STATE OFFICE FOR THE AGING

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Andrew M. Cuomo, Governor

Greg Olsen, Acting Director

An Equal Opportunity Employer

TECHNICAL ASSISTANCE MEMORANDUM Number 17-TAM-02

Supersedes 15-TAM-01

Expiration Date

DATE: January 25, 2017

TO: All AAA Directors

SUBJECT: Attachment C (Updated Information)

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PURPOSE: To provide AAA's with additional information on the Attachment C process which is a required component of the Four Year Plan or Annual Update and the mechanism by which the AAAs notify NYSOFA of major changes that occur during the year. The additional information transmitted in this TAM includes questions for the AAAs to address related to the operations of a Private Pay Option for Aging Network Services. See E under *Attachment C Program Specific Questions* on page 3 of this TAM: Questions Related to the Operation of a Private Pay Option for Aging Network Services.

BACKGROUND: AAAs prepare, develop, and submit an Area Plan, with such annual adjustments as may be necessary, to the State agency for review and approval (See Older Americans Act Section 306(a)). NYSOFA has developed a uniform format for such Area Plan, including Attachment C Program Design Modifications (OAA §307(a)(1)(A)). In accordance with federal regulation, AAAs must submit their Plan and amendments for review and comment to their advisory council before they are transmitted to NYSOFA for approval (45 Code of Federal Regulations §1321.57(c)). For modifications to a Plan that has been approved by NYSOFA which would significantly impact older adults, the AAA, following review and comment by the advisory council, must submit the completed Attachment C to NYSOFA for approval. Any proposed program design modifications must be approved by NYSOFA before any expenditure can be obligated for the programs which the AAA proposes to modify.

The *Standard Assurances* included in the Plan, include Standard Assurance #3:

“Changes to this Plan: *The AAA assures that it shall submit for approval to NYSOFA necessary documentation for changes, additions, or deletions to this approved Plan”.*

AAAs are required to provide an Attachment C document with their Four Year Plan or Annual Update that includes both a description of the proposed program changes and a certification – from the AAA Director – that the AAA will notify NYSOFA of any program changes as soon as it becomes aware of such changes and that the AAA will submit an Attachment C. In addition, modifications to the Attachment C document must be submitted to NYSOFA throughout the year as warranted by program changes that have a “significant impact” on services.

“Significant Impact”: the criteria for determining Significant Impact includes:

1. The discontinuance of any service, or
2. Major changes in:
 - a. service location;
 - b. access to services;
 - c. service providers;
 - d. types of services being offered;
 - e. the manner in which services are provided;
 - f. service levels (changes of +/- 20% in units or expenditures for any specific service); and,
 - g. changes in administrative operations (e.g. a re-organization, a consolidation).

In an effort to streamline the Attachment C process, and to answer some of the commonly asked questions, this TAM has been produced to provide additional guidance to the AAA network on the specific information that NYSOFA requires in its review of Attachment C submissions. As always, your Aging Services Representative (ASR) is your contact for Attachment C and other program related questions.

Guidance Information:

Please note that the Guide to Completion issued each year with the Four Year Plan or Annual Update contains guidance on what events will trigger the need for an AAA to complete an Attachment C. These events are when the AAA is proposing: a) a major change to a program; b) new direct services; or c) new program activities.

“Major changes” refers to changes in the allocation of resources, the clientele to be served, and/or the manner of service delivery.

“New activities” refers to programs and/or operations not previously offered or conducted by the AAA.

"New direct services" refers to the AAA's switch to the direct delivery of a service which previously had been delivered by a subcontractor, or which the AAA now is adding to its direct operations.

Attachment C Program Specific Questions:

The following questions are being provided as a guide when preparing Attachment C documents. While the Attachment C Committee may ask for additional details, these questions represent the preliminary questions that must be answered/explained within the Attachment C related to the major changes listed. Follow the link below to these documents which are posted on the NYSOFA website as part of this TAM. We anticipate updating this TAM as needed – AAAs are encouraged to refer to this page prior to the submission of an Attachment C to ensure that the most recent questions have been addressed.

<https://aging.ny.gov/ProvidersandStaff/Issuances/Issuances.cfm>

- A. Questions related to closing a congregate meal site
Follow the link above to obtain question set A as a Word document.
- B. Questions related to frozen Home Delivered Meals
Follow the link above to obtain question set B as a Word document.
- C. Questions related to Consumer Direction
Follow the link above to obtain question set C as a Word document.
- D. Questions related to a (proposed) restructuring of the AAA (County Office for the Aging)
Follow the link above to obtain question set D as a Word document.
- E. Questions for AAA to Address Related to the Operation of a Private Pay Option for Aging Network Services
Follow the link above to obtain question set E as a Word document.

Examples of changes that are subject to the Attachment C Process are:

1. 20% or greater changes (increases or decreases) in either units or funding for programs: This is probably the most commonly listed item in the Attachment C. AAAs should be able to explain 20% or greater fluctuations in units/funding for their services from one year to the next. ASRs, and now AAAs, are able to run a report on these variances which should be used as a guide in the preparation of the Attachment C.

2. Directly provided service: In the case where the AAA has decided to offer a service directly instead of through a contract for services - the Attachment C must be submitted to provide an explanation of why this decision was made; any potential effects on clients, units and/or services; and, how the service/program will be provided by the AAA directly.

3. Changes to the NYSOFA Standard Definitions: As occurred recently with the changes to the way units of Information & Assistance (I & A) were counted – if the AAA is projecting an increase/decrease of 20% or more in units but this is only due to the change in definition of countable units, the AAA would note in the Attachment C (for example) that this change is due to “NYSOFA revising the definition of a unit of service for this program and the result will be an increase/decrease of over 20% in the reported units this year”.

Examples of changes that are not subject to the Attachment C Process are:

1. Introduction of new programs not included in the overall AIP: Programs funded through NYSOFA that are not specifically awarded funds through the AIP, but require a separate application for funding, are not included within the Attachment C process. For example, MIPPA requires an application separate from the AIP and would not be included in Attachment C. Program changes related to an AAA’s MIPPA Grant would still require approval from the appropriate program staff at NYSOFA, but not the Attachment C. Similarly, program changes related to BIP; NY Connects; and Systems Integration are not part of the Attachment C review.

2. Changes to AAA personnel: AAAs are not required to submit Attachment Cs when hiring new AAA personnel unless such changes are part of an agency reorganization or are part of other major changes to the Agency. For example, hiring a new Case Manager or Nutrition Coordinator would not necessitate an Attachment C review. However, hiring staff to take on a new major program may require an Attachment C as the ‘new major program’ will have significant impact on the AAA services as outlined in the Guidance Information on page 2 above.

PROGRAMS AFFECTED:

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| <input checked="" type="checkbox"/> Title III-B | <input checked="" type="checkbox"/> Title III-C-1 | <input checked="" type="checkbox"/> Title III-C-2 |
| <input checked="" type="checkbox"/> Title III-D | <input checked="" type="checkbox"/> Title III-E | <input checked="" type="checkbox"/> CSE |
| <input checked="" type="checkbox"/> EISEP | <input checked="" type="checkbox"/> NSIP | <input checked="" type="checkbox"/> Title V |
| <input checked="" type="checkbox"/> Other: Any other program changes | <input checked="" type="checkbox"/> SNAP | <input checked="" type="checkbox"/> Energy |
| | <input checked="" type="checkbox"/> HIICAP | <input type="checkbox"/> LTCOP |

CONTACT PERSON: ASRs

TELEPHONE: 518-408-1696

A. Questions related to closing a congregate meal site

1. What steps did the AAA take leading up to the decision to close the meal site? For example: Did the AAA conduct additional outreach to try to attract more participants once attendance dropped or plan special events, etc.? Please describe the outcome of efforts made to enhance participation at this site.
2. How many participants usually attend the meal site?
3. Do the participants have other meal options - ie, can they attend another site close by or will they need transportation to get to another site? Does the AAA plan to assist with securing or providing necessary transportation?
4. Did the congregate meal site offer additional nutrition programs - such as nutrition education, nutrition counseling, senior center recreation, or chronic disease self-management programs? What plans does the AAA have to continue to offer these programs within this area?
5. What, if any, specific demographic group resides within the area served by the site? (For example, low-income minorities or those with Limited English Proficiency LEP)
6. Is the site located within an area targeted as 'under-served'?
7. Does the AAA need this site to attract targeted individuals for aging services? Is this a key location for certain outreach?
8. How will the closure of this site affect the AAA Targeting and Outreach goals as outlined in the Four Year Plan or Annual Update?

B. Questions related to changing from hot meals to frozen meals under the Home Delivered Meals (HDM) Program

1. Please explain the reasons the AAA is looking to make a change to frozen meals. (Budgetary, logistical, consumer preference, or something else?)
2. Has NYSOFA made any findings regarding meal routes/meal temperatures in the most recent Annual Evaluation or Nutrition Monitoring Report, and what corrective action was required?
3. Do all HDM clients receive an assessment to determine whether they are appropriate for a frozen meal?
4. Are frozen meals mandatory or optional?
5. Will the AAA be making 'wellness calls' or other communications to the HDM clients now that meal deliveries will be weekly?
6. Please provide NYSOFA with any updated copy of the policies and procedures for HDMs specifically including frozen meals.
7. Please clarify the actions the AAA takes when it determines that an individual is inappropriate for a frozen meal. Specifically, describe the action steps that the AAA will take when a HDM recipient presents with the following challenges:
 - a) An individual is unable to consistently remember to heat the frozen meal because of a cognitive impairment. How will the needs of this person be addressed by the AAA?
 - b) An individual is unable to heat a meal because of a broken leg or other condition and cannot ambulate. What options will be provided to this individual?
 - c) An individual does not have the appliance necessary to heat the meal, such as a microwave or stove. Will a microwave be provided for this individual? If not, will not owning a microwave cause an individual to be determined ineligible for a frozen meal?
 - d) What happens to clients who are unable (or unsafe) to operate an oven and/or microwave?

C. Questions related to Consumer Direction

1. Please explain why the AAA is implementing consumer direction under III-B, III-E and/or EISEP? (Workforce shortages, increase consumer control, reach a specific target population that might be difficult to serve, decrease cost of service delivery, etc.)
2. What will the AAA use as a payment mechanism? (Voucher program, Financial Management Agency, etc.)
3. What are the roles and responsibilities of each entity involved in the plan to implement consumer direction? (Brief description of entities: consumer, caregiver, case manager, AAA, Financial Management Agency – if applicable)
4. Has the AAA developed Policies and Procedures for consumer direction services (EISEP and/or respite)? (The appropriate program staff will follow up with the AAA to view and make recommendations on policies and procedures as needed).
5. Has the AAA developed a policy and procedure for obtaining back-up services in the event the regularly scheduled worker is unable to appear at his/her scheduled shift?
6. Will the AAA use the MDS (which is contained within the COMPASS) when conducting the assessment of the consumer and/or caregiver for the consumer directed services?

D. Questions related to a (proposed) restructuring of the AAA (County Office for the Aging):

1. Please explain the reasons for the proposed change to the AAA organization. Why is the County or Not for Profit (NFP) considering a restructuring of the AAA?
2. Please describe the proposed re-structuring in detail.
 - a. Will this change necessitate a relocation of the AAA?
 - b. Will there be a shared office space arrangement?
 - c. Are there plans to change the name of the AAA?
3. Please submit an organizational chart that reflects the proposed re-structuring. The chart must demonstrate that the AAA is either:
 - a) An agency whose single purpose is to administer programs for older persons; or
 - b) A separate organizational unit within a multi-purpose agency which functions only for the purposes of serving as the area agency on aging.

See Section 305(c) of the Older Americans Act [42 U.S.C. §3025] and Federal Regulations 45 CFR 1321.55(a).

In addition, the chart must show the person or entity to whom the AAA Director reports; and, the percentage of time expended on AAA activities vs. any other activities for the AAA Director and key personnel.

4. What is the timeframe for these changes? When would the proposed re-structuring be implemented?
5. Will the County Legislature, Board of Supervisors or Board of Directors (for a NFP) need to approve the proposed re-structuring?
6. A draft and final board resolution must be submitted to NYSOFA as part of the request for approval. A copy of the adopted resolution will need to be submitted to NYSOFA when approved.
7. Describe the plan(s) for the area agency, once designated, to provide for an adequate and qualified staff to perform all of the functions prescribed by federal regulations 45 CFR 1321.55(b) and state regulations 9 NYCRR §6652.5.
8. Confirm the AAA would continue to function as an identifiable advocate for older persons in the county and operate programs according to the standard assurances, requirements and mandates pertinent to each funding program.

E. Questions for AAA to Address Related to the Operation of a Private Pay Option for Aging Network Services

- (1) a.) What service(s) is the AAA proposing to offer as private pay?
b.) What is the estimated starting date for this option?
(Please identify the estimated start date for each service.)
- (2) a.) What are the reasons the AAA is proposing to operate a Private Pay Option for the service(s) identified above? (For example: address excessive waiting list issues; demands for service; service is unique; other reasons.)
b.) Please identify the populations that each private pay service would be made available to.
- (3) In order to implement a Private Pay Option, the AAA is required to have fully developed policies and procedures related to the operation of this program. These documents must be submitted to NYSOFA and address the following:
 - ✓ Whether clients will be assessed and/or case managed;
 - ✓ Demonstrate that the clients will not be 'means tested' or steered away from OAA/State Funded programs to private pay;
 - ✓ Explain how the program will meet current NYSOFA regulations for this service;
 - ✓ Provide instructions to clients on how payments must be made for this service and when participation will end; and,
 - ✓ Explain how clients will retain their place on the waiting list (if applicable) for services and will be offered federal or State programs when appropriate and available.
- (4) a.) How will clients learn about this service(s)?
b.) How will clients navigate through the AAA to this service(s)? (Flow chart/logic model must be provided)
- (5) Has the AAA conducted an analysis to determine the total cost, including the administrative costs, of providing this service(s)? ('Fair market/full cost' calculation must include all components of the program or service.) This information - that includes the final cost of the service along with a copy of the billing letter - must be provided to NYSOFA.
- (6) a.) Please specify the anticipated number of clients that will participate in this option?
b.) Has the AAA determined an optimal size/caseload for this program in order to avoid issues with providing state and Federal programs and services?
- (7) Will the AAA be directly providing this service(s), or will a contract(s) be developed with a local provider(s)? Name of contractor(s), if available: _____
- (8) a.) Does the AAA understand that the revenue generated by the private pay service is not the same as donations or fundraising, and may not be used to match federal or state program funding? (Please affirm)
b.) If the Private Pay Option generates a profit, please explain how the AAA will ensure that those funds will be accounted for separately from other funds and reinvested into providing enhanced or additional services in accordance with the traditional mission of the AAA.