Chapter 3
General Policies and Administration of Title III Older Americans Act (OAA)

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Section I: Overview of the OAA Program

A. The purpose of OAA Title III Program is to encourage and assist state agencies and Area Agencies on Aging in entering cooperative arrangements for:

1. Planning and delivering programs and services;

2. Concentrating resources to develop greater capacity; and

3. Fostering the development and implementation of comprehensive and coordinated service systems to provide supportive services and multipurpose senior centers for older individuals:

   a. Secure and maintain maximum independence and dignity in a home environment for older individuals capable of self-care with appropriate supportive services;

   b. Remove individual and social barriers to economic and personal independence for older individuals;

   c. Provide a continuum of care for vulnerable individuals;

   d. Secure the opportunity for older individuals to receive managed in-home and community-based long-term care services; and

   e. Encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist on a voluntary basis.

B. Agencies include State Units on Aging, such as the Department of Elder Affairs (DOEA). Other agencies include:

1. Area Agencies on Aging;

2. Agencies that administer home and community-based care programs;

3. Indian tribes, tribal organizations, and native Hawaiian organizations;

4. Voluntary organizations or other private sector organizations providing supportive services, nutrition services and senior centers; and

5. Organizations representing or employing older individuals or their families.

Section II: Legal Basis and Specific Legal Authority

- Older Americans Act, Title III, Part A—General Provisions; Purpose; Administration, Sections 301 through 316
- 42 U.S.C. 3021 through 3030c
- Older Americans Act, Title III, Section 307(a) (10)—direct service provision by AAA
- 45 CFR, Part 74—Suspension/Termination of AAA
- 45 CFR, Parts 81 and 90—Title VI of the 1964 Civil Rights Act —Non-discrimination
- 45 CFR, Part 84—Section 504 of the 1973 Rehabilitation Act—Nondiscrimination—disability
- 45 CFR, Part 1321—Hearings
- 45 CFR, Parts 1321.11(a), 1321.53—AAA Role
- Administrative Procedures Act, Section 120.57(2), F.S.
- Older Americans Act, Title III, Part A, Section 306(a)(b)(H) 42 U.S.C. 3026

Section III: Designation of and Designation Changes to Planning and Service Areas (PSAs) for Program Administration

A. Overview of the Process for Designation of and Designation Changes to the Planning and Service Areas Process: The Department, as Florida's State Unit on Aging, has designated eleven (11) Planning and Service Areas:

PSA Counties Included in each PSA are as follows:

- PSA 1: Escambia, Okaloosa, Santa Rosa, Walton
- PSA 2: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, Washington
- PSA 3: Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, Union
- PSA 4: Baker, Clay, Duval, Flagler, Nassau, St. Johns, Volusia

- PSA 5: Pasco, Pinellas
- PSA 6: Hardee, Highlands, Hillsborough, Manatee, Polk
- PSA 7: Brevard, Orange, Osceola, Seminole
- PSA 8: Charlotte, Collier, Desoto, Glades, Hendry, Lee, Sarasota
- PSA 9: Indian River, Martin, Okeechobee, Palm Beach, St. Lucie
- PSA 10: Broward
- PSA 11: Miami-Dade, Monroe

1. It is the policy of DOEA to maintain the integrity of these boundaries for all program planning and administration. The Department shall set specific objectives, in consultation with the AAAs, for each PSA to ensure that services, which are Title III-funded, will be targeted to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas. The state will provide written descriptions of how specific program development, advocacy, and outreach efforts focused on the needs of these individuals must be undertaken.

2. Under federal regulations, any unit of general-purpose local government, region within a state recognized for area-wide planning, metropolitan area, or Indian reservation may make application to be designated as a PSA.

3. If the Secretary of the Department finds that an AAA has failed to comply with federal or state laws, including the area plan requirements of this section, regulations or policies, the state may withhold a portion of the funds to the AAA available under this title.

4. The Secretary of the Department shall not make a final determination to withhold funds under number (3) above without first affording the AAA due process in accordance with procedures established by the Department.

At a minimum, such procedures shall include:

- Providing notice of an action to withhold funds;
- Providing documentation of the need for such action; and
- Conducting a public hearing concerning the action at the request of the AAA.

5. If the Department withholds the funds, it may use the funds withheld to directly administer programs under this title in the PSA served by the AAA for a period not to exceed 180 days, except as provided in number 6 below.

6. If the Department determines that the AAA has not taken corrective action, or if the Department does not approve the corrective action, during the 180-day period described number 5 above, the Department may extend the period for not more than 90 days.

7. The Department shall establish and follow appropriate procedures to provide due process to affected parties, if it initiates an action or proceeding to make designation changes, such as:

a. Revoke the designation of the AAA under section OAA 305(a);
b. Designate an additional PSA in the state;
c. Divide the state into different PSA; or
d. Otherwise affect the boundaries of the PSAs in the state.

8. The procedures described in number 7 above shall include:
a. Providing notice of an action or proceeding
b. Documenting the need for the action or proceeding;
c. Conducting a public hearing for the action or proceeding;
d. Involving AAAs, service providers, and older individuals in the action or proceeding; and
e. Allowing an appeal of the decision of the Department in the action or proceeding to the Assistant Secretary of the Administration for Community Living.

B. Designation Process of Area Agency on Aging: The Department shall designate an AAA whose responsibility shall be to develop a plan for the PSA.

1. The designated AAA shall be one of the following:

a. An established office on aging operating within the PSA;

b. Any office or agency of a unit of general-purpose local government that is designated to function only for serving as an AAA by the chief elected official of the governmental unit;

c. Any office or agency designated by the appropriate chief elected officials of any combination of units of general-purpose local government to act only on behalf of such combination for this purpose; or

d. Any public or non-profit private agency in a PSA or any separate organizational entity within such agency which can and will engage only in the planning of a broad range of supportive and nutrition services for the elderly, under the supervision of the Department.

2. If a multipurpose agency is designated as the AAA, all responsibilities for OAA Title

III programs must be delegated to a sole organizational unit that has full authority and capability to prepare and administer the area plan.

3. A regional or local agency of state government may not be designated as an AAA.

4. If a new AAA is to be designated, the "right of first refusal" shall be given to a unit of general-purpose local government if:

a. The boundaries of such a local governmental unit are reasonably contiguous with the PSA; and
b. There is an office or agency designated by the chief elected official for serving as the area agency.

5. If a new area agency is to be designated and the appropriate unit of general-purpose local government chooses not to exercise its right as stated in this section, preference shall be given to an established office on aging, if applicable; otherwise, designation may be from any other agency permitted in this section.

6. In accordance with federal regulations, designation of an AAA is to be continuous unless withdrawn for cause or voluntarily discontinued. A competitive Request for Proposal (RFP) process will be used to identify the organization best qualified to be the designated AAA whenever an AAA is designated.

a. The Department of Elder Affairs (DOEA) will develop the RFP.

b. A recommendation will be made to the DOEA Secretary based on the bid review team's evaluation.

c. The actual designation will be made by the DOEA Secretary, as the director of the state unit on aging.

d. The contract with the new AAA will not be awarded until an area plan is submitted and accepted.

C. Rescinding Designation Process of an Area Agency on Aging

1. In accordance with Section 430.04, F.S., the Department of Elder Affairs has the authority to rescind designation of an AAA whenever, after reasonable notice and opportunity for a hearing, it finds that:

a. An AAA does not meet the requirements of the Code of Federal Regulations; or

b. An area plan or plan amendment is not approved by the Department; or

c. There is substantial failure in the provision or administration of an approved

plan to comply with provisions of the OAA, as amended, the applicable federal regulations, state statutes or administrative rules; or

d. Activities of the AAA are inconsistent with the statutory mission prescribed in the OAA.

2. At least 90 days prior to the intended action of rescinding the designation of the AAA, and after the AAA has been afforded due process to correct deficiencies, the DOEA Secretary will be responsible for determining the relevant facts and circumstances which warrant such action and prepare a written notification to the agency announcing the intention to rescind designation. The notification shall be delivered to the executive director of the AAA and the board of directors by U.S. Certified Mail, return receipt requested, or by hand delivery. The notification shall contain the following:

a. A statement of the basis for the decision to withdraw the designation as an AAA, including the citation of specific legal or contractual provisions that were allegedly violated;

b. Information on the facts, circumstances, and evidence which substantiate the decision;

c. Information on the technical assistance given by DOEA staff to identify and help with corrective action for deficiencies of the AAA;

d. The effective date of the proposed rescinding of designation; and

e. A statement that the AAA may:

- Submit further information to justify its position;
- Review any pertinent evidence on which the withdrawal is based;
- Attend a public hearing conducted by the Department involving the rescinding of its designation.

3. DOEA shall conduct a public hearing within 30 days of the notice of the intent to rescind designation. The public hearing shall be noticed in the Florida Administrative Weekly to allow participation by the AAA, service provider, older individuals, and other interested parties.

4. DOEA shall render a final written decision within 30 days after the public hearing. A copy of the hearing record will also be provided to the AAA in accordance with Chapter 120.57(2)(b) F.S. If DOEA upholds its original decision to rescind designation of the AAA, the decision shall include the reasons and the following information:

- A statement of the AAA's right to request a hearing regarding the adverse decision in accordance with Chapter 120.57, F.S.;

- A statement of the AAA's right to request an appeal regarding the adverse decision with the Assistant Secretary of the ACL.

5. If the AAA requests a hearing, DOEA shall withhold rescinding designation until the hearing decision is rendered.

6. In the event the Department, as the State Unit on Aging, withdraws an AAA's designation or an AAA voluntarily withdraws, the Department shall:

a. Require the AAA to provide a written plan for the continuity of services in the affected PSA for the Department's approval and implementation;

b. Designate a new AAA in a timely manner; and

c. Obtain the transfer of program, financial and property records, both current and prior years, including all documentation of service provider contracts from the AAA.

7. If necessary, to ensure continuity of services, for a period up to 180 days after the effective date of the withdrawal of the designation of AAA, the Department may:

- Perform the responsibilities of the AAA; or

- Assign the responsibilities of the AAA to another agency in the PSA.

8. The 180-day period may be extended by the Assistant Secretary of the ACL under 45 CFR 1321, if requested by the Department.

Section IV: Other General Information

A. Coordination Requirements with Other Programs and Services

1. Coordination Requirements with OAA Title VI, if applicable

- If an OAA Title VI recipient is located within the PSA, then the AAA must coordinate OAA Title III services with those provided under OAA Title VI.

2. Coordination Requirements with the Community Care for the Elderly (CCE) Program

- The AAA is responsible for ensuring that the planning and administration of the OAA program is coordinated with the CCE program.

- At the service provider level, the OAA program and CCE program shall be effectively coordinated to maximize benefits to older persons.

3. Coordination Requirements with Medicaid Capitated Long-Term Care Programs

a. Consumers shall not be dually enrolled in an OAA Program and a Medicaid capitated long-term care program, except for consumers in need of OAA Legal Assistance services and OAA Congregate Nutrition Services, including transportation to and from congregate meal sites. If the MLTC consumer participates in recreational activities at the meal site, the provider shall not bill the service to the OAA Program.

b. The Statewide Medicaid Managed Care Long-Term Care (SMMC LTC) Program enrollee referral process, listed below, is a provider reference for OAA providers and managed care plans (MCPs) regarding a SMMC LTC enrollees' access to OAA congregate nutrition services.

i. SMMC LTC MCPs must coordinate with local OAA nutrition service providers in each of the planning and service areas (PSAs) to access congregate nutrition services, and transportation to congregate meal sites, if needed. Coordination includes contacting the service provider, with the enrollee's documented consent (to be maintained by the MCP).

ii. The nutrition service provider will access the enrollee's current assessment information from CIRTS and prioritize the enrollee for services. In addition to frailty, priority is based upon OAA targeting criteria. The MCP must ensure the enrollee has a current "701B assessment" in CIRTS upon making the referral.

iii. The nutrition services provider will notify the SMMC LTC MCP case manager prior to release of an SMMC LTC enrollee from the OAA congregate nutrition services priority list. If an individual is receiving OAA congregate meal services prior to Enrollment Management System (EMS) release, then there will be no interruption in the individual's OAA services. The priority list for OAA congregate nutrition services is managed by the local OAA provider.

iv. The SMMC LTC MCP case manager must provide the completed "DOEA Congregate Meal Nutrition Services Referral Form #243" to the nutrition service provider, (to be maintained by the nutrition service provider). The nutrition service provider will contact the enrollee to begin services.

4. Coordination Requirements of Supportive Services for Mentally Impaired and Physically Impaired Older Persons

a. Area plans shall address the coordination of supportive services.

b. At the service provider level, the OAA program shall provide coordination and cooperate with local community mental health provider agencies, and agencies assisting individuals with physical disabilities, making referrals as needed.

5. Cooperation Requirements with Adult Protective Services

Area Agencies on Aging and service providers shall cooperatively respond to requests for assistance from the Department of Children and Families (DCF) Adult Protective Services (APS) staff and assist as appropriate with efforts to prevent adult abuse, neglect, or exploitation. Priority for services shall be given to victims of abuse, neglect, or exploitation. Activities related to DCF APS referrals shall be done in accordance with the APS Referrals.

6. Coordination with other State/Federal DOEA Funded Programs:

a. Each AAA must be aware of other state/federal programs, their activities, and level of participation in the PSA. These programs include:

- Adult Care Food Program
- Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program.
- Emergency Home Energy Assistance for the Elderly Program (EHEAP)
- Local Services Program (LSP)
- Long-Term Care Ombudsman Program (LTCOP)
- Medicaid Home and Community-Based Services (HCBS) Programs
- Statewide Medicaid Managed Care Long-term Care Program (SMMC LTC)
- Program of All-Inclusive Care for the Elderly (PACE)
- Senior Community Service Employment Program (SCSEP) (OAA Title V)
- Senior Corps (Foster Grandparents, Senior Companion, and Retired Senior Volunteers), AmeriCorps, and Learn and Serve America
- Serving Health Insurance Needs of Elders (SHINE) Program
- Office of Public and Professional Guardian (OPPG)

When coordinating with any of the programs listed above, the AAA shall illustrate in the area plan the services to be funded in the PSA. Planning for services in the PSA shall integrate the OAA and other DOEA-funded programs. For additional information, see DOEA's Summary of Programs and Services.

b. Each AAA must coordinate with the SCSEP (OAA Title V) program, including the number and distribution of the subsidized positions in the PSA, and document the support provided to the aging network and the services supporting older persons that are attributable to the Title V, Senior

Community Service Employment Program.

c. Each AAA must include initiatives relating to support for individuals with Alzheimer's disease and related memory disorders. The AAA must develop service provider capacity to support this initiative. Information regarding Florida's Alzheimer's Disease Initiative is contained in Chapter 5 of this Handbook.

B. Reasonable Access to Information and Referral Services: A statutory requirement, applicable to all AAAs, is the obligation to ensure that all older persons in the PSA have reasonably convenient access to information and referral services. Each area plan requires an assurance concerning these essential services.
Requirements for Information and Assistance:

1. The AAA shall ensure the availability of Information and Referral services at times appropriate to meet client service needs, including, at a minimum, having staff in the office during normal business hours. Normal business hours are defined as Monday through Friday, 8:00 a.m. to 5:00 p.m. local time. Staff must be able to assist walk-in clients seeking Information and Referral services.

2. All providers of OAA, Title III services are to be responsive to requests for assistance from older persons or on behalf of older persons and provide comprehensive information on the full range of available public and private long-term care programs, options, services providers, and resources within a community, that can meet the needs inferred from the contact (phone, email, walk-in, etc.), including information on the availability of integrated long-term care services, and federal or state programs that provide supports through home and community-based services programs;

3. Assess the problems and capacities of the individuals;

4. Link individuals to the opportunities and services that are available;

5. To the maximum extent practical, ensure that the individuals receive the services needed by adhering to established follow-up procedures when necessary;

6. Serve the entire community of older individuals, particularly;
- Older individuals with greatest social need;
- Older individuals with greatest economic need; and
- Older individuals at risk for institutional placement.

7. Each AAA shall ensure that up-to-date resources of agencies and organizations targeting services to elders, persons with disabilities and

caregivers, is maintained and made available to the community. Agencies and organizations listed in the statewide aging resource database shall meet the criteria that guide the inclusion and exclusion of providers in the Aging and Disability Resource Center (ADRC) resource directory.

8. This policy refers to an administrative or advocacy response to a request for assistance and is considered an administrative function rather than a direct community service.

9. All providers of OAA, Title III services are to be responsive to opportunities to advance public knowledge about the OAA program by public presentations (speaking to groups, appearing on television or radio shows, or press releases). Such public information should acknowledge the financial support provided by OAA, Title III for community programs serving older persons.

C. Targeting Economic or Social Needs and Outreach Efforts:

1. Targeting Methodology:

a. Older Americans Act, Title III funding provides services to persons 60 years of age or older, regardless of income or assets. The OAA mandates that preference be given to providing services to older individuals with the greatest economic or social needs and individuals at risk of institutional placement, with 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.

b. Each AAA's area plan shall include objectives and a methodology by which providers will address the targeting requirement.

c. AAAs shall ensure that service providers have approved written procedures for prioritizing individuals to receive services when resources are insufficient to meet the demand for services. Examples of indicators which may be used for identifying older persons with a high probability of service need are:

- Functional impairment or disability;
- Inadequate housing and environment;
- Homebound;
- Living alone;
- Low-income minority;
- Limited English proficiency;
- Isolation and lack of access to social and recreational activities;
- Caregiver "burn out," or
- High-risk nutritional status.

2. Outreach Efforts: Outreach is an access service, and is defined as a face-to-face, one-to-one intervention with clients initiated by the agency for the purpose of identifying potential clients or caregivers and encouraging their use of existing and available resources.

Agencies must ensure that outreach efforts are conducted to identify older persons with the greatest economic or social needs, with 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 to inform these elders of the availability of supportive and nutrition services. For additional information, see the outreach service description in Appendix A.

D. Licensure and Safety Requirements for Providers:

Each service provider must meet existing state and local licensure, certification, and safety requirements for the provision of services. Each service provider is responsible for determining the requirements applicable in the area(s) it serves.

E. Leadership and Advocacy:

All providers of OAA, Title III services undertake the inherent obligation to provide area or community leadership on aging issues and to serve as the advocate and focal point for the elderly within the community in cooperation with agencies, organizations, and individuals participating in activities under the area plan monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which affect the elderly. "Advocacy" is initiating positive changes in public or private policies and attitudes towards older persons, acting to improve, modify, or eliminate situations which adversely impact on lives of older persons, or expressing support for older persons and their interests. Advocacy activities may be broadly supportive of the general interests of older persons or may involve specific activities on behalf of individuals.

F. Restrictions on Lobbying:

Federal regulations provide restrictions on the use of OAA, Title III funds for lobbying or political advocacy. In general, the restrictions apply to attempts at influencing elections, partisan contributions, and the introduction or enactment of legislation and legislative liaison activities. Unallowable lobbying with federal funds includes such activities as direct electioneering or participation in campaigns, direct lobbying to politically influence federal or state legislation, and efforts to generate concerted public action on a legislative issue. (The detail of these restrictions is contained in 29 CFR Part 93, 2 CFR Part 200, and 45 CFR Part 93))

G. Community Participation:

One of the primary features of the OAA, Title III program is county and community

involvement in the planning and funding of the system of services for older persons. Each service provider must seek to expand the sense of community participation by expanding the use of volunteers, by involving qualified local persons in both policy making or advisory capacities, by collecting and analyzing information on the needs, opinions and preferences of older persons, by employing qualified staff from local sources, and by securing the required non-federal financial share (local match).

H. Non-Discrimination Policies:

All providers of OAA services shall make every effort to actively recruit and employ qualified older persons and undertake the responsibility to administer their programs in compliance with federally mandated non-discrimination policies. Specific legal authority requirements are:

- Non-discrimination based on race, color, or national origin (45 CFR Part 80 and 81); Title VI of the Civil Rights Act of 1964, as amended.

- Non-discrimination based on handicap in programs or activities receiving federal financial assistance (45 CFR 84).

I. Affirmative Action Plans:

1. To ensure equal employment opportunity for minorities, women and persons with disabilities, each provider of OAA, Title III services must develop and adhere to an affirmative action plan.

2. Affirmative action plans are to address agency policies relating to:

- The recruitment, hiring, placement, training, and education of employees;
- The dissemination of policies;
- The identification of the responsible official of the agency;
- The design of an effective program for monitoring status and progress in equal employment;
- A grievance procedure for applicants or employees; and
- The Americans with Disabilities Act.

J. Staff Training: Responsibilities for AAAs and Service Providers

1. Each AAA is to identify annual training requirements and sources of funding for training for:
- Service provider staff;
- AAA staff;
- Board of directors; and
- Advisory council.

2. Service provider applications shall address staff development and training,

indicating the pre-service, orientation, and in-service training to be provided and the sources of funding.

K. Conflict of Interest

1. The AAAs must have policies and procedures regarding conflicts of interest in accordance with the Older Americans Act, DOEA guidance, and 45 CFR 1321.67. These policies must safeguard against conflicts of interest on the part of the AAA; its employees; its board and advisory council members; and its contractors, subcontractors, and providers/vendors who have responsibilities relating to the AAA's grants and contracts. Conflicts of interest policies and procedures must establish mechanisms to avoid both actual and perceived conflicts of interest and to identify, remove, and remedy any existing or potential conflicts of interest at organizational and individual levels.

2. "Conflict of interest" is a situation wherein a person may be perceived as having private interests or multiple public agency duties and responsibilities, which may interfere with the ethical conduct of duties and responsibilities being rendered to an agency funded with OAA, Title III funds.

3. Because of the potential for "conflict of interest," AAAs and service providers must adhere to the following minimum policies regarding board of directors' membership:

    - No DOEA employee may be a member;
    - Board members cannot have a direct or indirect financial connection with the AAA, contractors, subcontractors, or providers/vendors, and any staff members of these organizations;
    - Members of the AAA's Advisory Council may not serve on the AAA's Board or Board committees;
    - No AAA or provider may employ, in any capacity, any member of its governing board or any family member of a person on the board (i.e., brother, sister, child, parent, grandparent or spouse); and
    - No AAA may make a sub-grant or subcontract with any service provider, if a member of the AAA's board is also a member of the provider's staff, board of directors or advisory council.

3. No AAA or service provider will give preference for services to older individuals because of a contract or commercial relationship that is carried out to implement Title III, unless stipulated by OAA or DOEA contracts or policies.

4. Staff of the AAA cannot serve on the Board of Directors of contractors,

subcontractors, providers/vendors, or the Boards of current AAA Advisory Council or Board.

Section V: Roles and Responsibilities of the AAAs

A. AAA Authority and Capacity:

1. The AAA is a public agency or non-profit, private corporation designated by the State Unit on Aging to carry out the provisions of the OAA, as amended, at the sub-state level. The AAA serves as the advocate for older persons and is the agency responsible for fostering the development of a comprehensive and coordinated system of service delivery for older persons in the PSA.

2. The OAA and federal regulations provide guidance on the types of agencies that may be designated to perform AAA functions and provide specific procedures to be followed in the process of designating a new AAA.

3. There will be only one AAA designated in each PSA.

4. If a multi-purpose (umbrella) agency is the designated AAA, all authority and responsibility for AAA functions must reside in a single organizational unit of the multi-purpose agency.

5. The designated AAA must have sufficient legal authority and administrative capacity to plan, coordinate, implement, and supervise the area plan for the PSA.

6. The board of directors of the AAA is the legally recognized entity designated as the AAA. The responsibility, accountability, and liability for the prompt and complete execution of contractual obligations to DOEA or other agencies rest with the board of directors.

7. Each AAA must have written procedures for complying with its statutorily mandated functions. All policy and procedures must be approved by the AAA board of directors and shall be made available for review by DOEA staff upon request.

B. Responsibilities of the AAAs:

1. Planning, coordinating, administering, and assessing a comprehensive and coordinated system of services to older persons in the PSA. The AAA is limited to engaging in only those activities which are consistent with its statutory mission prescribed in the OAA or policies prescribed by the state, which is given authority and responsibility “to develop policies governing all aspects of programs operated under Part 1321 grants to state and community programs on aging" in 45 CFR, Parts 1321.11(a) and 1321.53.

2. Hiring qualified staff at sufficient capacity to develop the area plan and to perform

the functions of an AAA as prescribed in federal and state regulations and in this handbook.

3. Selecting, administering, and evaluating a network of service provider agencies which are responsible for the provision of services to older persons. Specific objectives must be established by the AAA for providing services to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

4. Ensuring the use of outreach efforts that will identify eligible individuals, with special emphasis on older individuals who have the greatest economic or social need, particularly low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

5. Establishing priorities and methods for serving older persons with greatest economic or social need with 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.

6. Conducting annual evaluations of the effectiveness of outreach efforts in reaching low-income minority persons and older persons living in rural areas.

7. Identifying, allocating and coordinating available resources to achieve the most effective program for older persons.

8. Developing program activities to provide the types of services most needed and provide them in the locations most appropriate to serve those older persons in greatest economic or social need.

9. Conducting advocacy activities including:

    - Soliciting comments from the public on needs of older persons through public hearings.

    - Representing the interests of older persons to local officials and public and private agencies and organizations.

    - Monitoring, evaluating, and, where appropriate, commenting on all policies, programs, hearings, levies, and community actions which affect older persons.

    - Carrying out activities in support of the Long-Term Care Ombudsman Program in the PSA.

10. Engaging in efforts directed at furthering research projects or innovative approaches

to service delivery.

11. Conducting outreach activities to identify older Indians in the PSAs and informing such older Indians of the availability of assistance under the OAA, if there is a significant population of older Indians in the PSA.

12. Establishing policies and procedures for private pay programs, which are encouraged to further service to seniors and their caregivers. The procedures must:

- Adhere to the requirements of the Older Americans Act including:
  - Meeting conflict of interest requirements;
  - Meeting financial accountability requirements;
  - Prohibiting use of funds for direct services under OAA Title III to support the provision of service via private pay programs, except as a part of routing information and referral/assistance or case management referrals; and
- Require that persons who receive information about private pay programs and who are eligible for services provided with Title III funds in the planning and service area be made aware of OAA Title III-funded, State programs, and any similar voluntary contributions-based service options, even if there is a waiting list for those services, on an initial and periodic basis to allow individuals to determine whether they will select voluntary contributions-based services or private pay programs.

13. Expanding services to seniors, caregivers, and persons with disabilities by entering into contract and commercial relationships. This may include:

- Contracts with health care payers;
- Private pay programs; or
- Other arrangements with entities or individuals that increase the availability of home-and community-based services and supports.

All Contracts and Commercial Relationships must be listed in the Area Plan C.IV. All funds received by the AAA from the Department and other sources must be reported on the Area Plan C.I.A. and C.II.A. Any updates to Contracts and/or Commercial Relationships throughout the year must be provided to the Department's OAA Contract Manager for approval by submitting an updated Area Plan C.I.A., C.II.A. and C.IV prior to entering into a new contract or grant. DOEA will provide a response within 10 business days.

The AAA shall develop policies and procedures to:

- Promote fairness, inclusion, and adherence to the requirements of the Act, including:
  - Meeting conflict of interest requirements; and
  - Meeting financial accountability requirements.

C. Direct Provision of Services by the AAA:

1. Area Agencies on Aging will not directly provide supportive, nutrition, or in-home services, except as specifically approved by the Department.

a. Any AAA wishing to provide direct service must determine the basis for the exception by a review of Section 307(a)(8) OAA and submit a written request for exception. Such requests for exception must:

i. Include the basis for the exception which is either:

- Based on the need to assure an adequate supply of the service; and/or
- Based on the service being directly related to the AAA's administrative functions; and/or
- Based on the service being provided more economically, and with comparable quality, by the AAA

ii. Include verifiable evidence and documentation to support such a request for exception;

iii. Include precise measurable objectives for the proposed service;

iv. Include a plan for an objective economic evaluation of the exception, which will address a comparative analysis of the AAA provided direct services and equivalent services as rendered through a service provider agency;

v. Be routed to DOEA; and

vi. Be approved by the DOEA in writing.

b. Approval by DOEA for an AAA to perform direct services will be valid for not more than one area plan cycle. During the cycle, the AAA must work with local service providers to develop the capacity to perform the service if the exception no longer meets the criteria cited in A 1 above.

2. Provision of direct services by the AAA will not be incorporated in the area plan without specific prior approval of the DOEA.

D. Areawide Planning Responsibilities

1. AAA Primary Functions: The AAA's primary functions are to:

a. Develop a comprehensive and coordinated system within the PSA for the provision of supportive and nutrition services for older persons; and

b. Establish, maintain, or develop multiple sources of information, referral, screening, and services, where appropriate.

2. Planning: The term planning refers to the process of making rational decisions affecting the future wherein:

a. An analysis of organizational, network, and PSA capacities and characteristics is conducted;
b. Needs and priorities are established;
c. Goals and objectives are defined to attend to identified needs and priorities; and
d. Strategies are detailed by the agency and service system (network of service provider agencies) to achieve the defined goals and objectives.

3. Area Plan: Area plans are the foundation of the state plan on aging. As determined by the Department, area plans are developed and submitted by each AAA on a four-year cycle, and an update is submitted by the AAA to the Department annually. The area plan will document and provide assurances as to how the AAA and the service provider network will:

a. Address the identified needs of elders within the PSA;

b. Conduct targeted outreach to OAA priority groups of elders in the PSA;

c. Maintain compliance with the rules, regulations and policy guidance governing the Older Americans Act and all other programs sponsored by the Department.

4. Appropriate Planning Criteria: Proper planning is based on the following:

a. Current knowledge of the conditions of older persons.

b. Knowledge about the extent of the need for services.

c. Knowledge about the location of older persons who may need services.

d. Realistic appraisal of existing available organizational, community, and PSA resources.

e. An analysis, based on numbers 1, 2, 3, and 4 above, to determine how best to conduct outreach and provide services to improve the welfare

of elders in the PSA.

5. Evaluation Process: To evaluate the effectiveness of the use of resources in meeting needs, the plan must explicitly incorporate a properly designed system of performance measures including outputs and outcomes. This system must include, at a minimum, a prescribed set of performance measures that the Department considers necessary for the proper administration of the statewide system of Older Americans Act providers. The plan must include the AAA's strategies for achieving the prescribed performance and outcome measures. Required annual updates of the Four-Year area plan must include metrics reporting on identified performance and outcome measures.

E. Uniform Area Plan Format:

1. Plan Format and Availability:

   a. Uniform Format: The Department will prepare a uniform format for use by AAAs in developing their area plans.

   b. Availability: The Department will distribute the uniform area plan format to the AAAs via email transmission or other electronic delivery, which will include relevant guidance and submission time frames.

2. Area Plan Format Comments/Suggestions:

   a. Comments/Suggestions: DOEA's policy is to accept comments or suggestions regarding any aspects of the uniform area plan format from any source at any time during the year.

   b. Format Review: DOEA shall consider such comments and suggestions at the next review of the uniform area plan format.

F. Preparation of the Multi-Year Area Plan:

1. The AAAs shall prepare area plans on a **multi-year cycle**, as directed by the Department. Subsequent years, after the original multi-year plan submission, shall include an **annual update** consisting primarily of financial and programmatic documentation.

2. Area plans will be prepared in a format prescribed and provided by the Department in accordance with the requirements of the Older Americans Act, as amended.

3. Public Hearing Requirement: Each AAA shall conduct at least one public hearing

on the multi-year area plan.

a. Adequate Notice: The AAA shall provide older persons, public officials and interested parties at least 15 days' notice of the **time, date and location** of the public hearing. If the AAA proposes to provide a service directly, other than outreach, information and assistance, or referral, a public hearing must be held. The hearing notice must clearly list each proposed service the AAA plans to provide directly.

b. Reasonable Opportunity**:** The time and location of the hearing must permit a reasonable opportunity for older persons, public officials, and other interested persons to participate. The hearing location must meet Americans with Disabilities Act (ADA) standards for accessibility.

4. Public Review and Comment Requirement: Each AAA must establish a reasonable minimum time period (30 calendar days or greater, except in the case of force majeure and as approved by the Department) for public review and comment on new area plans and annual updates.

G. Preparation of the Area Plan Annual Update:

1. Annual Update Requirements: DOEA will provide the AAAs with specific requirements for the annual update of the multi-year area plan through email correspondence and/or teleconference meeting(s).

2. Review and Approval at the Local Level:

a. The AAA advisory council must review and sign-off on the multi-year area plan and annual update. The signature of the advisory council chair is required prior to the annual update's submission to DOEA.

b. The AAA board of directors must review and approve the area plan annual update. The signature of the board president is required prior to the annual update's submission to DOEA.

c. The AAA must allow for public review and comment on the annual updates, as required in Section V.F.4. above.

H. Review and Approval of the Area Plan and Area Plan Annual Update:

1. DOEA Responsibility: DOEA will carefully review the multi-year area plan or annual update and advise the AAA in writing as to the acceptance of the plan or update. If the plan or update is not acceptable, the Department will provide the AAA with written comments regarding the need for revisions. The Department's responsibility is to ensure that the final multi-year area plan and annual updates conform to OAA requirements, and that all comments and

suggestions identified in the review have been addressed in the final submission.

2. DOEA/AAA Contract: Once the multi-year area plan or annual update is submitted to DOEA, it becomes a referenced exhibit in the formal contract with DOEA for federal and state funding.

a. Changes: DOEA must approve any changes to the goals and objectives of the multi-year area plan or annual updates.

b. Noncompliance Issues: DOEA may require changes at any time in any portion of the multi-year area plan or annual updates if the Department determines the document is incompatible with established policy, or the document is not in compliance with current program guidelines and criteria for use of funds.

3. Identified Multi-Year Area Plan or Annual Update Deficiencies: If there are portions of the multi-year area plan or annual update which DOEA determines to be deficient, DOEA may proceed with the multi-year area plan or annual update and contract approval by placing a condition of award in the contract language, or by requiring the AAA to correct the identified deficiencies by a specific date.

4. Unacceptable Multi-Year Area Plan or Annual Update: If DOEA determines the final multi-year area plan or annual update is unacceptable as submitted and is subject to disapproval, DOEA shall promptly advise the AAA of the likelihood of such disapproval. The AAA shall be given a specified time to revise the multi-year area plan or annual update to be in full compliance with the required changes.

5. Continued Noncompliance: If DOEA determines the AAA changes continue to be inadequate to bring the plan to an acceptable standard, the following policies will apply:

a. Certified Mail/Hand Delivered Notification: The DOEA Secretary shall submit a formal notification letter addressed to the AAA executive director with a copy submitted to the president (chairperson) of the AAA governing board. The notification shall be submitted by U.S. Certified Mail or hand delivered. The notification shall contain the following:

- Reason for Disapproval: A brief statement of the reasons the submitted multi-year area plan or annual update cannot be approved;

- Facts/Circumstances/Evidence: Information as to the facts, circumstances and evidence which substantiate the multi-year area plan or annual update disapproval;

- Chronology: A brief chronological summary of DOEA actions to identify the deficiencies and assist the AAA for corrective action;

- AAA Remedies: A summary of the observed AAA actions to remedy the identified deficiencies to date; and

- Fair Hearing: The AAA's right to request a hearing on this decision under Chapter 120.57(2), F.S., within 15 days after receipt of the formal notification.

b. AAA Designation Withdrawal: The disapproval of a multi-year area plan or annual update is valid justification for withdrawal of the AAA designation. For this reason, the formal disapproval notification may be combined with procedures outlined in Chapter 4, Older Americans Act, Section 1, of this handbook or precede the de-designation process.

I. Public Access to the Area Plan

a. The AAA shall ensure the final Area Plan and annual updates are accessible in a public location, as well as available in print by request. At a minimum, these documents shall be posted on the AAA's website in an easy to find location.

J. Policy on the AAA Staffing and Organization:

1. Each AAA will have an active, functioning, policymaking board. For AAAs that are free-standing, private, non-profit agencies, this is the board of directors. For AAAs that are within a multipurpose agency, there must be an equivalent multi-member policymaking body.

2. Each member of the policy making board must reside and/or work in the PSA. The board of directors should be representative of all geographic areas of the PSA to the degree feasible.

3. Each AAA must have a qualified full-time employee designated as the AAA executive director, or an equivalent title. Section 20.41 (7) F.S. requires the AAAs appoint an executive director in consultation with the Secretary of the Department of Elder Affairs. The individual must have complete authority over staff and routine activities of the AAA. "Full-time" is defined as having no conflicting or competing duties, responsibilities, or assignments and a normal scheduled workweek of not less than 40 hours. "Qualified" is defined as meeting the education, experience, and training specified for the position. The following are minimum qualifications for

the AAA executive director:

a. Bachelor's degree from an accredited college or university in public administration, social work, or a related academic area, with a minimum of five years of professional and/or administrative supervisory experience in social, economic, health, or rehabilitative services. A Master's degree can substitute for one year of the required work experience.

b. Professional or non-professional work experience may be substituted for the required college on a year for year basis.

c. Extensive experience in project management and/or community organization and planning related to elderly services is preferred.

4. Each AAA's board of directors shall annually evaluate the performance of the executive director, as required in Section 430.2053 (5), F.S.

5. Each AAA must have:

a. A qualified, full-time person responsible for the financial activities of the AAA;

b. A qualified, full-time person responsible for the program activities of the AAA;

c. A qualified person responsible for the planning activities of the AAA;

d. A qualified person responsible for the monitoring activities of the AAA;

e. A designated person responsible for the advocacy activities of the AAA;

f. A designated person for the Enterprise Client Information and Registration Tracking System (eCIRTS) administration; and

g. A dedicated Human Resources office to administer daily activities of, and for, its personnel and volunteers.

6. The AAA is responsible for transmitting information about information and assistance and case management services to the Elder Helpline and other applicable agencies when such information is made known to the AAA. Each AAA must designate a resource staff person who is responsible for disseminating information. The information must be maintained in a current Information and Referral (I & R) directory and be available to Elder Helpline staff. The AAA must also list its agency in the area telephone directory under "Area Agency on Aging."

7. Each AAA is responsible for developing written documentation, approved by the board of directors, supporting each of these personnel requirements:

a. Job descriptions must be established for each position funded by Title III, OAA, and associated unpaid positions.

b. The minimum education, training, experience, and qualifications necessary for each position must be established.

c. A salary range for each position must be established. Salary ranges must be reasonably consistent with equivalent positions in state government (i.e., positions with similar duties and responsibilities and similar training, education, and experience qualifications).

d. An approved organizational chart or charts illustrating the structure and relationship of positions, units, supervision, and functions must be developed.

e. Personnel policies, which are incorporated into agency operating procedures, must be developed which address, at least, the following topics:

- Employee recruitment and hiring;
- Lines of authority and supervision;
- Work schedules and hours of operation;
- Employee compensation;
- Employee fringe benefits;
- Incentive compensation (2 CFR Part 230)
    - Bonuses are allowed, however they cannot be paid with funds from the Department of Elder Affairs;
- Employee evaluation and promotion;
- Leave;
- Confidentiality and privacy;
- Employee discipline and termination;
- Employee grievance procedures;
- Accidents, safety, and unusual incidents;
- Transportation/travel, which must be in compliance with Section 112.061, F.S.;
- Employee conduct;
- Employee pre-service and in-service training and staff development; and
- Procedures for selecting the AAA executive director.

Each AAA shall give preference to qualified persons age 60 and over when hiring to fill OAA-funded positions.

K. AAA Advisory Council Requirements:

1. Each AAA must establish an advisory council to advise the AAA on matters relating to the development and coordination of services for older persons. The council shall

advise the agency relative to:

a. Developing and administering a DOEA approved area plan, and operations conducted under the plan;

b. Conducting public hearings;

c. Representing the interests of older persons; and

d. Reviewing and commenting on community partner organization policies, programs, and actions that affect older persons with the intent of assuring maximum responsiveness to older persons.

2. The council shall include older individuals and representatives of older individuals who will enhance the role of the AAA in developing and administering a department-approved area plan. The advisory council shall be made up of:

a. Older individuals, age 60 and older, including minority individuals and older individuals residing in rural areas who are clients or who are eligible to participate in OAA programs. (More than 50 percent of the membership must be 60 years of age or older);

b. Family caregivers of individuals, which may include older relative caregivers, including minority individuals and older individuals residing in rural areas;

c. Representatives of older individuals;

d. Representatives of health care provider organizations, including providers of veterans' health care (if appropriate);

e. Representatives of supportive service provider organizations,

f. Persons with leadership experience in the private and voluntary sectors;

g. Local elected officials;

h. The general public; and

i. As available:

- Representatives from Tribes or Tribal aging programs; and
- Older relative caregivers, including kin and grandparent caregivers of children or adults age 18 to 59 with a disability.

3. Responsibilities of the Advisory Council:

a. The AAA advisory council must have the opportunity to provide input into the development of the multi-year area plan. The signature of the advisory council chairperson is required prior to the plan's submission to DOEA.

b. The AAA advisory council must review and sign-off on the area plan annual update. The signature of the advisory council chair is required prior to the annual update's submission to DOEA.

c. The advisory council must review and approve the AAA's area plan as a prerequisite for the plan's submission to DOEA.

d. The AAA advisory council acts in an advisory capacity only and is not authorized to establish policy or make decisions concerning the OAA, Title III program.

e. The following additional guidelines apply to the AAA advisory council:

1. Membership selection should closely represent the demographics of the PSA. All counties in the PSA must be represented to the extent possible.

2. The following individuals may not be members of the AAA advisory council:

- DOEA employees;
- AAA employees and members of the AAA's board of directors and board committees;
- Employees of service provider agencies under the area plan;
- Members of the boards of directors of service provider agencies operating under the area plan; and
- Immediate family members of an AAA employee (i.e., spouse, parent, grandparent, child, brother, or sister).

3. In any instance where the AAA's advisory council membership conflicts with the preceding membership guidelines, the AAA must prohibit the identified member(s) from voting on any issue and act to comply with the guidelines within 90 days of discovery.

4. The AAA's advisory council must develop, adopt, and maintain by-laws. These by-laws must be available to the public. They must, at a minimum, specify the purposes and procedures of the advisory council, the number of members, terms of membership, procedures

for selection of members, and frequency of meetings. By-laws must also contain specific policies and procedures to identify and eliminate or reduce potential conflict of interest in council membership.

5. AAA advisory council meetings must be held at least quarterly. Minutes of the proceedings of the meetings shall be accurately recorded, promptly transcribed, and distributed to the membership, including ex-officio members.

6. Copies of the by-laws and minutes of advisory council meetings must be available for review by the Department and the public.

7. Non-voting membership or ex-officio members may be chosen to provide technical expertise or broad program insight.

L. Public Information Requirements:

1. Develop a public information program that routinely provides the news media with information about programs, activities, and needs of older individuals throughout the PSA.

2. Ensure providers receive relevant information contained in policy, technical assistance, and informational issuances of the AAA and DOEA, including this handbook, fiscal administration manuals, and their revisions.

3. Each AAA must develop procedures for responding to requests for information. The area plan, program and financial reports, and other documents not subject to confidentiality restrictions shall be available to the public for review upon request. All federal and state policies and procedures must also be available to the public for review upon request. Such information is to be available at reasonable times in the administrative offices of the AAA for review by interested persons upon specific request, including news media representatives.

4. Adopt procedures for responding to requests for copies of documentation. A reasonable amount, not to exceed the actual cost, may be charged for making copies to satisfy requests for information from outside the Florida aging network.

5. Provide positive program publicity at the AAA and provider levels to enhance community support of, and cooperation with the objectives of the OAA, Title III program.

6. Ensure that the public information policy maintains confidentiality regarding persons who are clients or applicants for services.

7. Please contact the Department of Elder Affairs Office of Communications for use of DOEA Logo.

M. Advocacy, Program Development, Outreach and Leadership:

1. Each AAA is statutorily mandated to represent the views, concerns, and interests of older persons with the greatest economic and social needs, with attention to low-income minority older individuals within its geographic area of responsibility. The AAA must establish policies and procedures and execute its duties and responsibilities with due consideration for the views of older persons, groups representing older persons, elected officials, social, civic, and community organizations and agencies, as well as the public. The AAA must develop the area plan with reasonable opportunity for public input and must act to effectively obtain the views of older persons on the community's need for services. The AAA must also have procedures for prompt responses to requests for information from citizens, older persons, or media representatives. Specific responsibilities of the AAA for advocacy and program development are included in the OAA. It should be noted, however, that lobbying or political advocacy using federal and state funds is prohibited.

2. Program Development and Coordination Requirements:

a. Ensure, through management leadership activities, effective program development and coordination to ensure a more efficient, complete, and comprehensive service delivery system. These activities include technical assistance, training, advocacy, public information, inter-agency communication, community participation, and coalition building;

b. Establish cooperative agreements and understandings with community service agencies not under the area plan to extend, expand or improve services available to older persons;

c. Develop service provider agency capacity to perform services under the area plan efficiently, effectively, and economically;

d. Plan realistic initiatives for program development and coordination, which will achieve measurable results within a defined time;

e. Establish, in accordance with the OAA, Section 306(a)(b)(H), effective procedures for coordination with specified federally sponsored programs; and

f. Enter arrangements, as specified in the OAA, with organizations providing day care services for children to provide volunteer opportunities for older individuals.

N. Provider Application and Review Process:

1. Establish written policies, procedures, criteria, and standards for purchasing and

procurement of commodities and services on an open and competitive basis. The AAA's procurement policies and procedures must comply with 430.09, F.S. All contractual agreements at or above $35,000, whether for direct services or administrative support, must be competitively procured. The AAA is responsible for assuring that each application approved for OAA, Title III funding conforms to the applicable statutory and regulatory requirements.

2. The service provider application (SPA) will incorporate the essential elements needed to support a contract under the area plan for OAA, Title III funding. Approval and oversight of the AAA's SPA process is the responsibility of the AAA's Board of Directors.

3. Implement the approved area plan through contracts with service provider agencies.

4. To obtain OAA, Title III funds to provide services under the area plan, an applicant agency shall submit a SPA or an equivalent proposal to the AAA, in accordance with directions provided by the AAA.

5. Any local public agency or any private nonprofit agency or organization incorporated under the laws of the State of Florida is eligible to apply for OAA, Title III funding. Private profit-making agencies are eligible to apply for OAA, Title III funding, but in accordance with Chapter 287, F.S., may not receive advance funding for contractual services. A regional or local agency of the state may not be a service provider under an area plan**.**

6. The minimum standards for handling service provider applications for funding under the area plan are as follows:

a. The AAA must be responsive to requests for technical assistance concerning the application process on a basis that is fair to all applicants.

b. Applications received must be evaluated to ensure that they meet minimum criteria. Each application must include the following:

i. A proposal of supportive or nutritional services consistent with the proposed area plan or Request for Proposal (RFP);

ii. Meaningful and realistic program objectives which comply with DOEA minimum service standards and policies;

iii. A realistic plan on how the service needs of low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas will be met, ensuring that services will be provided to them in accordance with their needs, rather than in

proportion to their percentage of the population served.

iv. Incorporation of reasonable, necessary, and allowable budget information in agreement with DOEA grants accounting standards;

v. A proposal including cost effective services in a defined geographic service area;

vi. A proposal including sufficient staff qualified by experience, education, and training to ensure proper and efficient program and fiscal accountability;

vii. Verifiable assurances that the providers' activities will be operated in accordance with OAA, Title III regulatory requirements; and

viii. Responsiveness to the instructions contained in the service provider application.

1. The AAA will determine the number of copies to be submitted and whether the use of a "draft" application for prior review and critique will be required.

2. The AAA will perform a critical review of each application accepted.

3. Each applicant will be provided information regarding the discrepancies noted by a separate written critique.

4. AAAs are urged to meet with the applicants to discuss the review and evaluation findings.

5. In the event the AAA receives applications from more than one provider agency proposing to provide essentially the same services, the AAA may apply the following considerations in its evaluation process:

- Prior experience of the applicant in providing supportive or nutrition services for older persons;
- Extent of community support and local funding for the applicant; and
- Recommendation of the AAA advisory council because of a qualitative and quantitative review and comparison of all applicants.

h. The AAA shall notify unsuccessful applicants and inform them of their right to obtain a hearing in accordance with procedures approved by the AAA’s board of directors.

i. In those cases, where the accepted application contains weaknesses,

discrepancies, or omissions, the AAA will arrange a meeting with the potential provider agency. The AAA is responsible for coordinating and conducting the meeting. The AAA will clearly identify all revisions required to make the application "approvable" and ensure the service provided understands the requirements and time frame for accomplishment.

j. The service provider must complete all revisions noted by the AAA and respond within the negotiated time frame with a fully acceptable application.

O. Request for Proposal (RFP) and Invitation to Bid (ITB):

1. The AAAs must competitively bid on contracts for DOEA-funded services at least every six years in accordance with applicable state and/or federal regulations. The AAA's procurement policies and procedures must comply with 430.09, F.S. All contractual agreements at or above $35,000, whether for direct services or administrative support, must be competitively procured. All contractual agreements at or above $35,000, whether for direct services or administrative support, must be competitively procured. The "Request for Proposal" or the "Invitation to Bid" may be used by the AAA to obtain proposals for purposes of gaining economy, efficiency, and effectiveness in the delivery of services to older persons.

2. Each AAA shall have specific policies and written competitive solicitation procedures to ensure all interested agencies are offered a fair opportunity to submit responsive proposals. Approval and oversight of the AAA's competitive solicitation process is the responsibility of the AAA board of directors.

P. Technical Assistance and Training:

1. Each AAA must provide an on-going program of technical assistance and training, both programmatic and financial, to service providers under the area plan. The AAA may provide technical assistance by verbal and written communications, during on-site visits, at training or workshop sessions, or during other conferences and meetings.

2. Each AAA must provide technical assistance to applicants, potential service providers, other agencies and organizations of the PSA, and the public concerned with the needs of older persons.

3. Technical assistance may result from specific requests or may result from an apparent need for such assistance based on reports, assessments, inquiries, or other information received by the AAA. Needs for technical assistance may be identified by the AAA, provider or DOEA.

4. The AAA may request technical assistance from the Department in responding to policy issues and inquiries that cannot be addressed locally.

5. The AAA must develop an annual pre-service and in-service training plan. The plan must address topics appropriate to the AAA staff, board, advisory council, and provider agencies. The required ADRC operations pre-service and in-service training may be incorporated into this annual training plan.

6. The AAA is required to offer at least quarterly training for new case managers of any DOEA-funded program. As applicable, the topics must include:

    - DOEA Care Plan and Certification from the AAA;
    - Adult Protective Services (APS) Reporting Requirements;
    - DOEA APS Referral Tracking Tool; and
    - DOEA APS Referrals Operation Manual.
    - Other training topics may include:
        - DOEA Policy Notices and Transmittals;
        - DOEA Programs and Services Handbook Overview;
        - Aging Network Overview;
        - eCIRTS Data Entry and Reporting Requirements;
        - Record-Keeping Requirements;
        - Background Screening Requirements and
        - Confidentiality Requirements.

7. All aging network staff responsible for conducting screening and assessments using the Department Screening (701S), Condensed Assessment (701A), Congregate Meals Assessment (701C), and the Comprehensive Assessment (701B) must be trained and certified as required by DOEA policy.

Q. Ensuring Quality of Service:

1. Each AAA shall establish procedures to assure quality of services delivered. Service providers under the area plan must indicate in their application the methods to be used to assure delivery of high-quality services. In addition to an internal evaluation and the use of management controls designed to verify the quantity, quality, economy, and appropriateness of service, each provider must establish procedures to solicit the views of older persons regarding services rendered.

2. Each AAA must determine the adequacy of the methods and procedures used by service providers to obtain the views of clients about the quality of service. The area plan is to include any standards, criteria, or specific procedures which are to be used by service providers in evaluating quality of service. The AAA may provide policy guidance to assure impartiality, anonymity, and adequacy of a service satisfaction sample. The AAA may also specify appropriate policy requiring service providers to measure evidence of service dissatisfaction. The AAA will monitor a service provider's methodology for determining client satisfaction.

R. Counting Persons Served:

1. The time-period for the federal annual report is October 1 through September 30, and the contract time frame is January 1 through December 31.

2. Service provider agencies are expected to serve older persons of a county, multi-county area, or a community within a county. The service area contains a certain number of older persons. The service provider agency must know the relative impact being made in that service area and to know whether provider programs and services are reaching 3% or 30% of the older persons in the service area. This factor is labeled as the number of unduplicated older persons served by the provider. There must be a beginning and ending point for counting these persons. The beginning may be calendar year, fiscal year, contract year or any other understood period. **Each person is counted only once during the period.** The number of unduplicated persons served by the provider is the number of different persons served, whether they obtain one unit of one service (e.g., one meal); many units of one service (e.g., many meals); or several units of multiple services (e.g., 240 hours of Homemaker service and 100 Home Delivered Meals). Counting begins anew when a new period starts (e.g., a new contract period).

3. The concept of unduplicated persons is also applied to specific services. For service providers delivering multiple services, this means that planning for each service must include an estimate of the number of unduplicated older persons by each service during a given time. An example would be “Homemaker services will be provided over the year to 110 persons for 4,800 units of service (hours).”

4. Adding the separate counts of “unduplicated persons” by each service is not a source to obtain information on the “unduplicated persons served by the provider.” Combining these separate counts of unduplicated persons will not provide the correct count for the provider agency because the same individual is likely to receive multiple services.

5. Registered Services are the cluster of services for which the ACL requires the collection of client-specific data as a component of OAAPS (Older Americans Act Performance System) reporting. OAA registered services:
    - Adult Day Care
    - Adult Day Health Care
    - Chore
    - Congregate Meals
    - Escort
    - Home-Delivered Meals
    - Home Health Aide
    - Homemaker
    - Nutrition Counseling
    - Personal Care
    - Respite
    - Screening and Assessment

S. Service Standard:

1. For each service, there is a service standard which prescribes the quality requirements and performance criteria applicable to the services. These standards are contained in Appendix A of this handbook. Additional Title III C standards are in Chapter 5 Each service standard includes a definition of the service, unit of service, goal of service, and standards for the service.

2. Program, fiscal, contract review, or monitoring/quality assurance visits may involve a review of local procedures and activities to assure that minimum service standards are understood by service provider staff and that each service delivered meets or exceeds the quality standards expected.

T. Review of Area Plan

1. Each service provider agency must be knowledgeable regarding the concepts and planning factors contained in the AAA's area plan for the PSA.

2. Providers must deliver services in accordance with the area plan.

3. Providers should attend public hearings on the area plan and express their views regarding its contents. This helps to ensure that the area plan represents the best approach to a comprehensive and coordinated system of service delivery to older persons.

U. Community Support

1. Title III program deliberately involves community participation in all aspects of service. Each service provider must be able to document community support and participation in the planning and delivery of services.

2. Community support includes, but is not limited to, the following:
- Inviting the public's input into local service delivery planning efforts;
- Volunteer recruitment efforts; and
- Soliciting local government officials and the private sector for cash and in-kind contributions to support programs and services.

V. Community Service System

1. Collaborating with Community Service Systems:

a. Providers shall try to improve and expand the services available to older persons. One method of accomplishing this task is to obtain additional sources of funding for services, such as discretionary grants for specific service, research, training, or demonstration projects. Grant funding may be available

from private charitable foundations or other public programs. Service providers should be alert for such opportunities and submit responsive proposals.

b. In those instances, where the OAA, Title III service provider is not the CCE program provider, operating procedures shall be established to ensure coordinated service delivery at the community level. Each provider shall have arrangements for individual referrals between agencies and for cooperative agreements to ensure that there is no overlapping of service responsibilities or duplication of effort in services to the frail elderly.

c. Each service provider shall also have cooperative arrangements with community mental health provider agencies for appropriate linkages and referrals of older persons.

d. Each service provider shall be responsive to CARES and Department of Children and Families staff involved in SSI-related services and adult protective services.

e. Each service provider shall function as an advocate for the elderly in the community.

f. Each service provider shall also function as a focal point for the concerns of older persons in inter-agency coalitions developed to stimulate community change (e.g., housing, zoning, transportation, health care planning, and accessibility for persons with disabilities).

2. Assessment of Community Services Need:

a. The AAA is responsible for comprehensive planning to meet the needs of elders in the PSA. Each service provider has an obligation to identify and report unmet needs, analyze service delivery, and offer constructive comments or suggestions to the AAA. An efficient, effective, and economical service delivery system can be developed through this shared responsibility.

b. Each service provider must be thoroughly informed about the needs in the community for services to older persons, both in quantitative and qualitative terms. The AAA is a source of statistical, demographic, and needs indicator information. In many instances, service provider agencies may also perform needs assessment surveys or obtain information from waiting lists, key informants, and public input. Studies done by public planning agencies, community service agencies, or commercially oriented information sources such as the chamber of commerce may be of use. The service provider should use research from a variety of sources so that community needs can be assessed from several viewpoints.

3. Service providers must plan service delivery based on sound, factual data-making

informed judgments about service needs in the community using accurate descriptions of existing resources, and forecasts of future trends. The service providers' assessments of community need for services to older persons should explain why certain services are necessary and confirm the AAA's analysis of need.

4. Service Delivery Strategies and Targeting Objectives:

a. Each service provider must be able to assess service needs in the community, analyze possible responses to the current service need, and develop a service delivery strategy based on the most effective use of available resources.

b. In developing a strategy for service delivery, service providers must analyze how service delivery can be provided most successfully. The provider should consider such basic concepts as single or multiple service sites and in-home service delivery or service delivery at an operating site or senior center (or combinations of these methods). Some services require specialized training or licensing for provider staff while other services can use volunteers with only limited training. Some services may require an approved facility (e.g., Adult Day Care); other services may require access to transportation and escorting services to be feasible (e.g., Congregate Meals). Efforts by the provider at the strategy stage can be a solid basis for cost effective and efficient service delivery.

5. Selection of Specific Services to be Offered:

a. After assessing service needs of the community and carefully developing the strategy of service delivery, the service provider must consult with the AAA to determine the specific services that are to be offered in the community. There must be a rationale for selecting the services to be offered; and, by the same token, each service provider must have a basis for deciding which services are not to be available and a reasonable explanation why they are not available. This step involves the hard decisions necessary to maximize the impact of the limited public programs available for services to older persons. Service providers must address the basic decision of providing a wide or narrow range of services for older persons. A wide range of various services allows the service provider to offer a continuum of services, but only a limited quantity or frequency of each service. A narrow range of services permits a greater impact, more intensity, or more frequent services, but offers few service options.

b. In planning the array of services to be offered, service providers must be able to justify the rationale for selecting which services will be available. This is the process of finding the best service array for the provider, the community and for older persons. These difficult decisions involve both the AAA and the service provider working together. The service array decisions should be based on sound logical analysis and should be periodically reviewed to assure that the choices in effect are still clearly the best options for that specific community and

service provider.

c. Each service provider in consultation with the AAA must set a specific targeting objective for the provision of services to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in accordance with their need for services rather than in proportion to their percentage of the population. The targeting objective shall specify the number of individuals in these groups to be served on an annual basis.

W. Service Preference and Assessment of Individual Needs:

1. Statutory Requirement: Service preference in OAA, Title III programs refers to the statutory requirement that services will be provided to older individuals with preference given to those with greatest economic and/or social needs. Attention shall be given to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas. They shall be served in accordance with their need for service instead of their proportion in the population. Service providers should consider the following in serving targeted populations:

- Targeted community outreach;
- Strategic location of service sites;
- Specialization in types and methods of services offered; and
- Selection of responsive and sensitive staff.

In areas where a substantial number of persons are of limited English proficiency, the services of workers who are fluent in the language spoken by a predominant number of such older individuals (Spanish, Creole, etc.) shall be provided. In addition, the AAA shall ensure that assistance is made available to older individuals with limited English proficiency to facilitate their access to and participation in services under Title III. The AAA shall also provide guidance to providers under the area plan on awareness of cultural sensitivities, considering linguistic and cultural differences.

2. Local Procedures: Each service provider, in its application, must describe the local methods and procedures for carrying out the statutory and area plan requirement for giving preference to those older persons of greatest economic or social need, with special 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.

3. Intake Process: Older persons referred for services or who request services shall be screened by service provider during an intake process. The screening process is intended to ensure that the targeted populations are given preference without excluding others from participating in service to the extent services are available.

4. Evaluation of Economic and/or Social Status: A service provider must evaluate an individual's economic or social status in a non-threatening, non-invasive manner, and with the utmost respect for an individual's right to privacy. Service providers must devote special attention to the selection and training of staff assigned to perform this function. The intake procedures must be non-discriminatory, appropriate to determine the individual's need and priority to services and applied consistently to all applicants. The intake process must be flexible enough to adapt to a homebound person; a patient awaiting hospital discharge; persons of widely varying ethnic, cultural, and language characteristics; or persons with widely varying disabilities.

5. Prioritization of Individuals: Staff should use expertise and sound judgment in prioritizing individuals. It may be appropriate during the screening/intake interview to inquire about sources of income, levels of financial resources, and informal support systems to explore eligibility for other types of economic or supportive services, such as Food Stamps, Supplemental Security Income, Medicaid, low-income housing, or Low-Income Home Energy Assistance programs.

6. Preference for Services: Preference for services may be given to those persons of greatest social or economic need, with 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 if the service is available and appropriate to the specific needs of the individual. The service provider may limit or restrict services, even to individuals who are judged to be in a group to receive preference, if the service is not deemed necessary or appropriate. For example, not all persons of greatest economic or social need should be provided such in-home services as homemaker or home-delivered meals.

7. Asset, Income, and Contributions Prohibition: Service providers are cautioned that decisions regarding service provision cannot be based on a determination of assets or income, nor on a required amount or frequency of contributions**.**

8. Discretionary Service Provision: The service provider may perform or deliver services to the extent of the agency resources and service capacity for those individuals judged to need services, but who do not qualify for preference in service delivery. If there is no availability of a specific service, the provider should refer the person to another community resource, or utilize an assessed consumer prioritization list, if appropriate.

9. Timely Assessment of Need for Services: Each service provider must have reasonable local procedures to handle requests for service based on urgent need (e.g., discharge from a hospital to home) and a methodology for timely assessment of the need for services.

10. Procedure for Handling Clients with Special Behaviors: Each service provider must

have reasonable, written local procedures to handle situations involving unruly, disruptive, abusive, or belligerent persons receiving services. The local procedures should ensure that the rights of all individuals are protected and that services are delivered in a non-discriminatory manner. An advisory council may provide the appropriate mechanism to make recommendations in these situations.

11. Referrals for Services:

a. Knowledge of Available Services: Service provider agencies must be aware of the service array available in the community from both public and private agencies and organizations.

b. Inability to Provide Services: When an older person cannot be served because of the nature of the service need or the lack of service capacity within the provider's available resources, efforts shall be made to offer an appropriate referral to another agency.

c. ELDER HELPLINE: When a service provider receives a referral from the ELDER HELPLINE, the provider shall respond to that referral within 14 business days or sooner, as established in the service provider's policies and procedures, in an effective, and appropriate manner.

X. Subcontracts for Services

1. Allocation of Resources

a. The allocation of resources is the responsibility of the service provider. It is understood, however, that the AAA will be accountable for final decisions in these matters.

b. Each service provider has a limited amount of resources to be used for service delivery. After selecting the service array, the next decision is to allocate resources, at least tentatively, for maximum benefit and impact.

c. The resource allocation activity also involves decisions as to the number, qualifications, and training necessary to ensure adequate staff are available for service delivery.

2. Subcontracting Requirements:

a. The AAA may allow a service provider under the area plan to subcontract with another agency to deliver one or more specific service(s).

b. Service providers are responsible for exercising independent judgment in the selection of the subcontractor that can best meet the service needs of the older persons within the service area.

c. As required under the area plan, the service provider, as the prime contractor, must perform the following tasks prior to subcontracting for specific services:

i. Identify in the provider application the intention to subcontract one or more specific services, identify the service(s) to be subcontracted, the amount of funds dedicated to subcontracted services, and the units of service to be provided by the subcontractor.

ii. Adhere to the policies of the AAA regarding competitive bidding or non-competitive negotiations. Competitive procurement must be conducted a minimum of every six years.

iii. Resolve, to the satisfaction of the AAA, the following requirements:

- Non-federal financial participation;
- Methodology for contributions;
- Methodology for reporting the number of unduplicated persons and units of service;
- Methodology for CIRTS reporting; and
- Audit trail for financial transactions.

d. If the service provider intends to subcontract with a profit-making organization, prior approval must be obtained from the AAA before contract.

Y. Service Provider Agency Organization Requirements:

1. Nonprofit, Charitable Agencies: Service provider agencies, if not public agencies, must be incorporated under the laws of Florida. Throughout the remainder of this section, the usage will refer to a service provider as if it were a nonprofit, charitable agency.

2. Public or For-Profit Agencies: For service providers that are public agencies or profit-making agencies, it is understood that the general policies expressed may in some cases require adaptation depending on the type of agency.

3. Incorporation: Incorporation requires that a charter, board of directors and by-laws be developed and application for incorporation be made to the Secretary of State. To retain status as a corporation, an annual report must be filed, and a fee paid to the Secretary of State.

4. IRS Tax Code: Nonprofit agencies should seek recognition from the Internal Revenue Service under Section 501C (3) of the IRS Tax Code as charitable organizations.

5. Board of Directors: The recruitment and selection of a well-qualified, highly motivated, and broadly representative board of directors is crucial to the

effectiveness of the service provider agency. Members of the board of directors are ultimately responsible for the success or failure of the enterprise. Their expertise and qualifications should encompass a wide range of business management, administrative, and technical skills.

6. Organizational Structure: The organizational structure of the OAA, Title III service provider agency should be determined and displayed on one or more organizational charts. These are sketches or diagrams, which show lines of authority and responsibility from the board of directors. Organizational charts should also delineate all job titles and positions including unpaid volunteers, the advisory council, lines of supervision, and any coordination linkages within the organization.

7. Principle Person Responsible: Each service provider's board of directors must establish procedures for selection of the principal person responsible for accomplishment of service under the area plan. Qualifications will be disclosed in the written personnel policies as required in the service provider application. **NOTE**: The term "Executive Director" used in this chapter refers to the principal person responsible for the OAA, Title III program, unless the context indicates otherwise.

8. Oversight Responsibility: Each AAA will have oversight responsibilities regarding the required qualifications, the selection process, and the ultimate selection of any executive director with responsibility for OAA, Title III service delivery under the area plan. Oversight refers to supervision and review of the qualifications and selection process. The AAA's oversight responsibility also applies to a reviewing the qualifications of the executive director when a new service provider agency under the area plan is selected.

9. Acting Executive Director: At any time, there is a vacancy for an executive director, the service provider must delegate an "acting" executive director. An "acting" executive director may not serve for **more than 120 calendar days** without prior written approval of the AAA.

10. Executive Director Compensation: The AAA must establish a consistent and uniformly applied policy limiting the salary range of the executive director to be paid with OAA, Title III funds. Per 430.09, F.S., the chief executive officer or executive director may not receive a salary in excess of 150 percent of the annual salary paid to the secretary of the DOEA from state-appropriated funds, including state-appropriated federal funds. This does not prohibit the AAA from providing salary that is not from state-appropriated funds to the executive director.

Z. Service Provider Personnel and Management Policies:

1. Written Personnel Policies: Each service provider must develop written personnel policies covering, at least, the topics identified in the provider application. These policies must receive approval of the board of directors (or equivalent policy- making board).

2. Current Personnel Policies: Personnel policies must be current and may be prepared and published in booklet form. Personnel policies will be adhered to in all activities and practices of the agency.

3. Employee Benefits: The benefits and privileges available to employees including "fringe benefits" must be explicitly stated in the written personnel policies.

4. Continuity of Care: Each service provider will ensure that personnel policies do not have an adverse impact on the availability of supportive and nutrition services during holiday periods.

5. Service Provider Staff Descriptions and Qualifications Requirements:

a. Written Job Descriptions: Each service provider must develop written job descriptions for each position used in service delivery in the OAA, Title III program, including unpaid (volunteer) positions. Each job description should include the following elements:

- Job title;
- Position description;
- List of duties;
- Identification of how the position is supervised and by whom;
- Identification of other lines of authority; and
- Minimum training, education, and experience required.

b. Functions, Responsibilities, and Tasks: All significant functions, responsibilities, and tasks to be undertaken by the service agency must be allocated to specific position descriptions.

c. Salary Pay Range: Each position paid by OAA, Title III funds must have a written salary/wage pay range giving minimum and maximum amounts. The salary/wage range must be reasonably related to the training, education, experience, and responsibilities for the position. The salary/wage range documentation must be approved by the board of directors (or equivalent policy making board) and must be used in planning the provider budget information.

d. Consideration of Older Workers: When preparing the minimum training, education, and experience portion of a position description, service providers are urged to develop the requirements so that older workers may qualify for employment based on experience rather than formal education or specific training.

6. Staff Selection, Training and Evaluation:

a. Staff Recruitment: Recruiting, hiring, and retaining qualified staff to fill the positions represented by the written job descriptions is the responsibility of each

service provider.

b. Training and Staff Development: Training and staff development is a major function of each service provider. In the service provider application, there must be a staff development and training plan to address the full range of training needs for the OAA, Title III program. All new staff will need at least a brief orientation to the agency, its community role, its service and resource development activities, and its staff functions. Certain activities will require new employees to undergo pre-service training or supervised training on-the-job prior to assumption of job responsibilities. Regular ongoing in-service training needs will vary with the provider's activities and the services being offered. Training workshops and activities must be documented in employees' files.

c. Employee Performance: Each service provider must have a methodology for evaluating employee performance at least annually. Evaluations must be documented and kept confidential.

d. Non-discrimination Requirements: Each service provider must ensure that employment practices are in accordance with non-discrimination requirements.

7. Service Provider Management Activities:

a. Written Operating Procedures: Each service provider must have clearly written operating procedures to guide staff, including volunteers, in their tasks of delivering services.

b. Insurance Coverage: Each service provider must obtain reasonable and adequate insurance, including general liability coverage, directors and officer's insurance and worker's compensation insurance. The board of directors shall determine the types of insurance coverage and amounts based on the functions and activities of the agency and prudent business judgment.

c. Bond Coverage: Each service provider must obtain bonding coverage for individuals who handle cash or cash equivalent in the performance of their assigned tasks.

d. Financial and Compliance Audit: Each service provider under OAA, Title III must obtain the services of an independent auditor for a financial and compliance audit.

e. Record Retention: Each service provider must act to assure that all program, financial, and property records, supporting documents, statistical reports and other documentation pertaining to OAA, Title III funding will be retained for a period of six years after termination of the annual contract. If an audit has been initiated and the audit findings not resolved at the end of six years, the records must be retained until resolution of the audit findings.

f. Record Transfer to AAA: Each service provider must transfer all current and prior years' program, financial and property records to the AAA in the event of suspension, termination, or non-renewal of funding to the service provider agency.

g. Record Disposal: Disposal of records after the six years' retention period will be in accordance with the state and federal policies and procedures approved by the AAA, as applicable.

h. Licensure Requirements: Service providers must fully comply with all applicable state and local licensure, health, fire safety, and sanitation requirements.

AA. Data Collection, Reporting and Performance

1. Data Collection and Reporting:

- Promulgate clear and adequate procedures to collect information and compile reports. Accurate, verifiable information is essential for program, financial and client reporting.
- Retain records in enough detail to record services performed, expenditures made, and clients served. Reports submitted must be timely, accurate, and verifiable.

2. Measuring Results:

a. Self-Assessment: Service providers should frequently compare actual units of service delivered with planned units of service and compare planned number of unduplicated persons with actual number of unduplicated persons served. This tracking of units and unduplicated persons, by service, is to ascertain that the projections made in the application were realistic and that service levels are appropriate.

b. Optimum Level of Service Delivery: Each service provider is accountable for the optimum level of service delivery and must ensure that levels of service delivery are reasonably uniform throughout the year (or contract period).

c. High Level of Service Delivery: A high level of service delivery early in the period, which cannot be sustained, may cause a reduction in service availability late in the period. The reduced service level may result in anxiety, frustration and potential harm to older persons receiving services.

d. Low Level of Service Delivery: Low levels of service delivery at the onset, building to excessive levels at the end of the period, are a poor use of resources and an indicator of poor management practices. This situation may result in having clients who have demonstrated needs being unable to obtain services.

e. Seasonal Fluctuations: Many service providers do experience seasonal fluctuations in levels of service delivery. However, care must be taken not to utilize resources inefficiently in low service delivery periods or develop unrealistic service expectations in peak periods.

f. Tracking Actual Performance: Service providers shall track actual performance and propose adjustments to the AAA.

g. Adjustments: Adjustments may be necessitated by the following changes in circumstances:

i. Priority of needs for service (e.g., greater need for Homemaker than anticipated due to high number of hospital discharges);

ii. Unavailability of local resources, such as trained, qualified staff to perform the service (e.g., vacancies for Home Health Aide, or extended sick leave for the staff person doing Counseling);

iii. Financial resource allocation (e.g., increased costs for Transportation, unplanned use of paid staff for Home Delivered Meals); or

iv. Environmental factors (e.g., loss of donated meal site for Congregate Meals or weather conditions reducing attendance at Congregate Meals).

h. Technical Assistance: After the service provider has determined the causes of over/under service utilization, appropriate adjustments within funding, staff, and management resources available to the service provider, technical assistance should be requested from the AAA concerning the revision of service objectives.

i. Management Cycle: Service provider agencies must complete the management cycle by utilizing actual performance information as a starting point for developing the service provider application for succeeding years.

j. Management of Financial Affairs: The service provider must manage the agency's financial affairs so that expenditure of OAA, Title III funds is at a rate commensurate with service delivery. Each service provider, working with the AAA, must ensure the optimal use of OAA funds to meet the needs of elders.

BB. Use of Volunteers and SCSEP Participants:

1. Maximization of Volunteers: Each service provider can maximize its service delivery capacity using volunteer resources. Non-profit agencies will need the services of dedicated volunteers to serve on the board of directors and any local citizens' advisory council. Volunteers may be recruited, trained, and utilized in many roles within the service delivery system.

2. Volunteer Resources: Service provider agencies should plan and develop volunteer

resources. This requires a concerted effort to:

- Develop jobs/duties suitable for volunteers;
- Recruit and provide orientation to volunteers with appropriate interview and placement activities;
- Provide pre-service training, on-the-job training, and annual in-service training;
- Training on prevention of elder abuse, neglect, and exploitation, shall be included during the initial training session;
- Provide supervision;
- Evaluate the volunteer's performance; and
- Provide appropriate recognition.

Volunteer activities should be recorded and quantified into hours and value to the provider agency. When calculating the dollar value for volunteer hours, the hourly rate published by the independent sector should be used as a standard.

3. SCSEP Workers: When possible, work with the local Senior Community Service Employment Program (SCSEP) by serving as a host site for program participants.

4. Volunteer Activity Report: Area Agencies on Aging are required to submit an OAA Annual Volunteer Activity Report (VAR) electronically. Service provider agencies shall request and receive technical assistance from AAA for the VAR. The Department of Elder Affairs Office of Volunteer & Community Services (OVCS) is available to provide additional interpretation if needed. The AAA should forward the request to OVCS for review and a response.

CC. Client Satisfaction**:**

1. Service Delivery and Quality Goals: The underlying goal of service delivery is to meet the need of the older person for supportive and nutrition services. The ultimate test for service quality is the level of client satisfaction with the service as delivered, and whether the older person's perceived need for service is being met.

2. Determining Client Satisfaction**:** Each service provider must have a mechanism for objectively determining the level of client satisfaction or dissatisfaction with the services delivered. Each service provider must indicate in the service provider application the methods to be used to ensure a high level of participation in determining satisfaction with the services delivered. Such methods may include the following:

- Suggestion boxes;
- Client interviews;
- Surveys;
- Questionnaires;
- Agency or site visits;

- Advisory councils;
- Public meetings; and
- Other methods for obtaining feedback on quality of services.

3. Strengths and Weaknesses of Survey Methodology: Service providers should be knowledgeable about the strengths and weaknesses of each of the survey methods undertaken.

4. Evidence of Client Dissatisfaction: Service providers should be alert for evidence of "dissatisfaction" with services delivered (e.g., anonymous complaints, "no-shows," service drop-outs, and, in the nutrition program, plate waste).

5. Special Efforts to Determine Client Satisfaction: Any method for obtaining views of older persons must recognize the special needs of individuals who are homebound, hearing or visually impaired, mobility challenged, or those affected by language, ethnic, or cultural barriers. Special efforts must be undertaken to include representation from these groups in surveys.

a. Sample Survey Requirement: Each service provider is required to periodically and systematically survey a sample of older persons being served to objectively determine the level of client satisfaction. The information obtained is to be used to improve services and must be made available to AAA monitoring staff as requested.

b. Advisory Council: Service providers with multiple service sites are encouraged to create an advisory council, inclusive of older people, to advise on matters concerning service delivery and advocate on behalf of older persons in the community. Client satisfaction results shall be reviewed by the service provider's advisory council. Based on these reviews, the advisory council should make any necessary recommendations to improve Title III services

DD. Documentation and Reporting of Unusual Incidents by AAA and Service Provider:

1. Notify the Department immediately but no later than forty-eight (48) hours from the Contractor's awareness or discovery of conditions that may materially affect the Contractor's or Subcontractors ability to perform the services required to be performed. Such notice shall be made orally to the Department's Contract Manager (by telephone) with an email to immediately follow *including the Contractor's plan for provision of services.*

2. Maintain files on unusual incidents (e.g., an accident, exposure to bloodborne pathogens, injury, illness, altercation involving services or clients, and other reportable conditions as specified by the Department by contract);

3. Have written procedures to investigate, report, and record unusual incidents;

4. The Contractor shall immediately report knowledge or reasonable suspicion of abuse, neglect, or exploitation of a child, aged person, or disabled adult to the Florida Abuse Hotline on the statewide toll-free telephone number (1-800-96-ABUSE). As required by Chapters 39 and 415, F.S., this provision is binding upon the Contractor, Subcontractors, and their employees.

5. The reporting requirements are associated with any conditions that may materially affect the Contractors or Subcontractors ability to perform the services required to be performed. Such conditions include, but are not limited to the following:
    - Meal site closure or suspension of services;
    - Provider terminations; or
    - Building or service site issues.

    These incident reporting requirements are in addition to the requirements set forth by Chapters 39 and 415, F.S., related to “professionally mandatory reporters” and the required reporting of suspected abuse, neglect, or exploitation of a child, aged person, or disabled adult to the Florida Abuse Hotline.