



ARK-TEX AREA AGENCY ON AGING POLICY & PROCEDURES MANUAL

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Chapter 1: Area Agency on Aging Operations

Purpose

The Ark-Tex Area Agency on Aging, hereafter referred to as (AAA), is an agency mandated under the Older Americans Act of 1965, as amended, Section 305. The AAA has the sole responsibility for providing services in the Northeast Texas Region to qualified older Texans and their family caregivers. Health and Human Services (HHSC) has designated the Ark-Tex Council of Governments (ATCOG) as the Area Agency on Aging for State Planning Region 83102, and serves Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus counties. In addition, the AAA establishes policies, develops procedures, provides technical assistance, and conducts monitoring of programs as may be necessary to ensure compliance with state and federal law and with all terms and conditions of the contract it enters into with HHSC.

Mission

To advocate on behalf of disabled adults and the senior population and assist them in living independent, meaningful, and dignified lives.

Vision

To be the best advocate and service provider for seniors in the Ark-Tex region.

Responsibilities

The AAA's coordinated community-based system shall follow the State approved Area Plan. Listed are a few responsibilities:

1. Have a visible focal point of contact where anyone can call for help, information or referral on any aging issue;
2. Provide a range of options listed in the Area Plan;
3. Ensure that these options are readily accessible to all older persons, including those who are independent, semi-dependent, and totally dependent, no matter what their income;
4. Offer special or targeted resources for vulnerable older individuals who are in danger of losing their independence; and
5. Provide effective referral from agency to agency, no matter how or where contact is made in the community.

Reference: [26 TAC §213.151](#)

Chapter 2: Administrative Responsibilities

Purpose

1. The AAA has established the responsibilities in developing and maintaining an organized and efficient system of administration that demonstrates accountability and compliance with state and federal law and with all terms and conditions of the contract it enters into with HHSC; and
2. Applies to a service under the Older Americans Act provided to a program participant that is funded, in whole or in part, by HHSC.

Structure of AAA

1. Will identify and employ a person as the director and/or manager of the AAA;
2. If the director and/or manager position becomes vacant, the Executive Director will ensure that a qualified staff person is assigned to perform the duties of the manager until the position is filled;
3. Will budget all positions based on the projected percentage of time to be spent performing the duties of an identified service; according to the Ark-Tex Staff Activities Chart (see [Attachment A](#)).
4. Will maintain documentation to support the actual time spent performing the duties of an identified service; and
5. Will comply with the Service Definitions for Area Agencies on Aging for all services funded by HHSC.
6. Will establish an advisory council, according to the Older Americans Act 306(a)(6)(D) using the By-Laws in [Attachment B](#).

Duties of Regional Advisory Council Members

1. Review/Approve the Annual budget.
2. Review/Approve the Area plan before it is due to make any necessary suggestions as to how the unmet needs in the nine-county region may be met.
3. Visit the Senior Centers in our region and fill out the AAA form that will give the AAA feedback as to how the site is performing. The RAC member either mails the form back to the AAA or gives it to staff upon the next RAC meeting. If there are reported issues or concerns from the members, then the AAA will make a monitoring visit to the site.
4. Advocate for the organization and enhance the AAA's visibility.
5. Represents the interests of the AAA and the clientele it serves.

Conflict of Interest

Purpose

This section establishes the AAA's policies and procedures concerning conflicts of interest.

Policy

The AAA must ensure that its board members, employees, volunteers, and aging advisory committee members are not subject to a conflict of interest in accordance with HHSC PI-500, and provide proper notification when potential conflicts of interest do occur.

Procedures

The AAA requires the Notification of Conflict of Interest Form (see [Attachment C](#)) to be completed by all individuals working or volunteering with the AAA to:

1. Ensure that no current employee, volunteer, aging advisory committee member, or governing board member holds a substantial financial interest in the profits of any entity from which services or goods are contracted or purchased by the AAA or any long-term care facility.
2. Ensure that no current employee, aging advisory committee member, or governing board member who exercises any functions or responsibilities in the review of award of any contract or the procurement of services or goods on behalf of the AAA, participates in any decision for contract or procurement of services or goods in which he/she has a direct or indirect substantial personal financial interest.
3. Ensure that no representative of the office of the state long-term care ombudsman, paid or volunteer, directly or indirectly shall have:
 - a. Direct involvement in the licensing or certification of a long-term care facility or of a provider of long-term care service;
 - b. Have a family member residing in a long-term care facility that he/she is assigned or provides advocacy;
 - c. Has ownership or direct investment interest in a long-term care service;
 - d. Is employed by or participates in the management of a long-term care facility, or receives or has the right to receive, directly or indirectly, remuneration under a compensation arrangement with the owner or operator of a long-term care facility;
 - e. Ensure that all respondents to Requests for Proposals and Provider Applications disclose whether potential conflicts of interest exist and, if so:
 - 1) The person and nature for which the potential conflict of interest exists; and
 - 2) The relationship to any current or former employee, current or former advisory council member, current or former board member.

Reference: [26 TAC §213.151](#) (b)(3)(A)(i-ii)

Compliance with Laws, Rules, Regulations, and Other Requirements

Purpose

This section sets forth the AAA's policies and procedures regarding compliance with laws, rules, regulations, and other requirements.

Policy

The AAA will comply with applicable federal and state laws rules, and regulations, standards, and instructions including:

1. The Older Americans Act of 1965;
2. State laws regarding the financial operation of The AAA;
3. 45 Code of Federal Regulations (CFR) §1321.67;
4. 45 CFR §92.25;
5. Uniform Grant Management Standards;
6. Office of Management and Budget Circulars; and
7. HHSC Program Instructions.

Reference: [26 TAC §213.151](#) (c)

Accountability

Purpose

This section sets forth the AAA's policies and procedures concerning its accountability to meet programmatic and fiscal performance targets.

Procedures

1. Financial and Programmatic
 - a. The ATCOG Finance Department maintains and uses a software program, MIP, which is capable of producing expenditure reports, cost center analyses, budgets, and state and federal reports.
 - b. The ATCOG Finance Department computers are backed-up by the ATCOG IT Department hourly.
2. Data Backup Procedures
 - a. A file server contains the AAA files and is backed up hourly using Dell's Data Protection/Rapid Recovery software. All data is replicated hourly at an offsite location 65 miles away in order to provide geographical redundancy. The MedData program along with the HomeMeds/Evidence Based program servers are located in other locations in other states and backed up accordingly by those agencies.
 - b. AAA uses the SPURS Database through Wellsky Aging and Disability System. This is a web-based software program and all data is backed up on a daily basis at their home offices.
3. Performance Measure Projections

- a. The AAA programmatic and fiscal performance targets as outlined in the approved budget are monitored on a monthly basis by the AAA Director and/or Manager and the ATCOG Accounting Specialist, in order to stay within the five percent variance.
 - b. In the event that it cannot meet its performance measure targets for selected key measures, the AAA will request a revision to an approved performance target from HHSC. Such revisions will be requested when the actual performance reflects a five percent variance.
 - c. The AAA will base the explanation for the revision on the methodology used to prepare the current approved projection as follows:
 - 1) If the methodology used to prepare the current approved projection was flawed, explaining the method used and why the method was flawed.
 - 2) If the methodology used to prepare the approved projection was correct at the time the Area Plan was prepared, but because of unforeseen circumstances the projection must be revised, explaining the revision.
 - d. The AAA will submit a key performance measure revision form for each target revision requested. The form must be completed electronically and sent to HHSC's Helpdesk.
4. Submission of Required Reports
- a. The AAA will utilize the AAA Reports Due date Schedule as a tool to ensure that all required reports are completed and submitted to HHSC in a timely manner.
 - b. The AAA will submit reports, via e-mail, to HHSC's Help Desk using the proper Subject Line Nomenclature.
 - c. In the event the AAA is unable to submit a report by the due date, the AAA will request an extension in writing to the Help Desk through electronic notification on or before the due date of the report for which the request is made. The AAA is aware that HHSC may grant the AAA up to two extensions per report and the AAA may be granted no more than eight extensions per fiscal year. The length of extension will be negotiated, with HHSC making the final decision regarding the length of the extension.
5. Comply with Terms of Applicable Interagency Agreements
- a. The AAA will comply with the terms of all applicable interagency agreements, including those agreements legislatively mandated or to which HHSC and the AAA are parties.

Quarterly Performance Report Data Verification Process

Purpose

To track the services and test the overall performance of the AAA subcontractors to ensure quality services are provided to the clients in the communities we serve and that accurate reports are submitted to the AAA.

Policy

The Ark-Tex Area Agency on Aging establishes the following process in order to assure that data at the Fiscal, Performance and Program levels is reported correctly to HHSC Access and Intake Division.

Procedures

1. On a monthly basis after all units of services have been entered into the SPURS Software Program, the AAA Coordinator or designee runs monthly data reports. This information is verified and entered on the QPR quarterly.
2. When preparing the QPR report, the ATCOG Accounting Specialist or designee obtains the expenditures from the General Ledger.
3. The ATCOG Accounting Specialist or designee then inserts the unduplicated clients, unduplicated Providers, and monthly units from the report provided by SPURS in the respective columns of the QPR. In addition, the ATCOG Accounting Specialist or designee then inserts the amounts from the General Ledger into the HHSC Total Expenditures area on the QPR.
4. The QPR is reviewed by the AAA Director and/or Manager and the ATCOG Accounting Specialist or designee before submission to the HHSC Help Desk.
5. The ATCOG Accounting Specialist or designee will submit the QPR Report to AAA.Help@HHSC.state.tx.us with the correct subject line Nomenclature (83102 – QPR FYxx – Qx)

Reference: [26 TAC §213.151](#)

Targeting Service Delivery

Purpose

This section sets forth the AAA's policies and procedures for targeting individuals in accordance with the OAA, as amended, to ensure that those most in need receive services and to reduce individual and social barriers to economic and personal independence for older individuals.

Policy

The AAA gives preference for Title III services, with the exception of Title III-E caregiver services and Ombudsman services, to older individuals age 60+ who are residing in rural areas and show any of the following as described in the Older Americans Act, §306(a)(4)(B)(i). The AAA uses HHSC [AAA-TA301 Poverty Guidelines](#) to define "greatest economic need".

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. The AAA case managers perform an assessment to determine an individual's needs for our services. The case managers place emphasis on the targeted populations addressed in the Older Americans Act, during these assessments.

2. Requiring service providers to adhere to the targeting policy implemented by the AAA and stated in the Provider Agreement.

Reference: [26 TAC §213.151](#)

Interest Lists

Purpose

This section describes the policies and procedures regarding the AAA's method for targeting requirements to prioritize people on interest lists.

Policy

The AAA may use an interest list if resources are insufficient to meet the demand for services. Staff will screen individuals that may be on an interest list and provide resources and referrals as needed. This is to ensure compliance with OAA requirements when sudden or unexpected changes in demand or resources occur.

Procedures

The AAA will use the following indicators to be used to find eligible people with a high probability of service need:

1. Functional impairment or disability resulting in limited mobility; inadequate housing and environment; homebound; living alone; minority; limited English; isolation and lack of access to social and recreational activities; caregiver "burnout" found or no caregiver is available; high-risk nutritional status; the lack of skills or knowledge to select and prepare nourishing and well-balanced meals; disabling illness or chronic health condition; and recent illness, injury or hospitalization.
2. The AAA will require service providers that utilize interest lists to adhere to the same or similar indicators as listed above.
3. The AAA and service providers will be able to list reasons people are on an interest list.

Reference: [C-1000 Area Agency on Aging Administration | Texas Health and Human Services](#)

Means Testing

Purpose

The AAA must not use means testing for purposes of determining a person's eligibility to receive services, in accordance with the Older Americans Act, 315(b)(3).

Policy

The AAA does not use Means Testing, or a person's income and resource data to determine if services will be provided.

Procedure

1. The AAA Director/Manager instructs all staff members they are not to use Means Testing or a person's income and resource data to determine eligibility for services provided by the AAA.
2. Requiring service providers to adhere to the means testing policy implemented by the AAA.

Reference: [26 TAC §213.151](#)

Confidentiality

Purpose

The AAA will comply with all applicable state and federal laws, rules, and regulations related to the confidentiality of program participant information, including [45 CFR 1321.51](#).

Policy

The AAA will comply with confidentiality utilizing the following procedures.

Procedures

The following procedures will be followed:

1. AAA staff members will keep records of their program participant(s) in a secure and locked filing cabinet when not in use.
2. The HHSC computer information system (SPURS) is password protected so only authorized staff members can access program participant(s) records.
3. Requiring service providers to adhere to the confidentiality policy implemented by the AAA.

Reference: [26 TAC §213.151](#)

Satisfaction with Services

Purpose

The AAA must, at least annually, give a program participant an opportunity to express his or her level of satisfaction with the services provided.

Policy

The AAA will comply with satisfaction with services utilizing the following procedures:

Procedures

The following procedures will be used in order to evaluate the satisfaction of services provided to program participants.

1. Congregate Meals, Home Delivered Meals, and Transportation

- a. The AAA will utilize a survey form to complete this portion of the annual customer satisfaction survey of their program participants and clients using a statistical sample size of no less than 10 percent of the total population being surveyed-
2. Benefits Counseling, Care Coordination, and Caregiver Support Coordination Clients and Evidence-Based Intervention Clients
 - a. The AAA case managers attempt to ~~make contact with~~contact their clients on a monthly basis to ensure satisfaction with services.
 - b. The AAA benefits counselors will distribute a survey to clients who receive one-time assistance.
 - c. The AAA evidence-based instructor will distribute a survey to clients at the completion of each course.
- a- 3. The AAA will follow up with the client, service provider, or both regarding any survey response with a valid issue or reasonable concern with services.

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Reference: [26 TAC §213.151](#)

Grievance/Complaints

Purpose

The AAA must implement grievance procedures in accordance with [TAC §81.19](#) of this title (relating to Grievance Procedures for Participants in Older Americans Act Programs); and inform service provider and a program participant of the grievance/complaint procedures.

Policy

The AAA allows participants in Older Americans Act programs to submit grievances, either orally or in writing, regarding specific actions or activities affecting their personal participation in the program or the conduct of the program as it relates to all participants at that site or location.

1. Ensuring that service providers and the AAA staff members notify all Older Americans Act participants of their right to submit a grievance and the proper procedures to follow. In partial fulfillment of the requirement, the AAA will distribute the HHSC "Client Rights and Responsibilities for Older Americans Act Programs Form" to service providers and require that they provide the documents to clients, and case managers will be required to provide this same form to their clients.
2. Accepting grievances in writing or orally.
3. Accepting grievances by an individual on behalf of the participant. If the participant elects this option, he or she will accompany that spokesperson to every meeting at which the appeal is discussed.

Procedures

The AAA employs specific procedures which include, but are not limited to the following:

1. The AAA attempts to resolve grievances at the lowest level of authority to avoid undue paperwork or loss of time. Advising participants orally or in writing that authorities should be contacted concerning a grievance in the order indicated:
 - a. Service Provider Contact
 - b. Area Agency on Aging Director/Manager
 - c. ATCOG Executive Director
2. Asking that an oral grievance state in detail the basis for the appeal and the reasons the participant objects to the action or circumstances in question. To facilitate this statement, a written outline should be prepared for the oral grievance. This outline should contain or refer to the following:
 - a. Ensure that Service Provider and/or the AAA performs the following: Obtains and maintains documentation of receipt of the complaint procedure by the program participant;
 - b. Date stamps receipt of a written complaint;
 - c. Documents receipt of an oral complaint, with the date of receipt and a narrative of the allegations; and
 - d. Investigates each complaint and responds, with phone call or in writing, to the program participant regarding the results of the investigation in a timely manner.
3. If the facts support the grievance, the AAA will ask the site manager or service provider director to make the changes necessary to resolve the issue within 30 working days of the receipt of the written grievance.
4. If the site manager's or service provider's director's decision is not acceptable to the participant, the participant may, within ten working days, appeal to the next higher authority as indicated above relating to resolving issues at the lowest possible level of authority. The site manager or service provider director, and each level of authority at which the grievance has been unresolved, will within ten working days following receipt of a request for continuing grievance action, develop a memorandum detailing the circumstances of the grievance, attach all pertinent documentation regarding the findings and actions taken at that level of authority, and forward it to the next level with a request for a meeting of the parties concerned with the issue.
5. If the grievance is resolved, parties to the grievance will jointly notify each level of authority involved in the grievance of this fact in writing.
6. If the grievance cannot be informally or formally resolved and it becomes necessary to refer it to the Health and Human Services, the Executive Director will issue a decision on behalf of HHSC.

Reference: [26 TAC §213.151\(j\)](#) and [40 TAC, Rule §81.19](#)

Service Participation

Purpose

The AAA must not require a program participant to be a member in a specific private organization, group, association, or fraternal organization as a condition of receiving services, which includes permitting services to be provided in an organization's facility to which admission is limited to members of the organization.

Policy

The AAA does not require a program participant to be a member of a specific private organization, group, association, or fraternal organization as a condition of receiving services, which includes permitting services to be provided in an organization's facility to which admission is limited to members of the organization.

Procedures

1. The AAA Director/Manager or designee will instruct the AAA staff and service providers of this policy.
2. Requiring service providers to adhere to the service participation policy implemented by the AAA.

Reference: [26 TAC §213.151](#)

Contributions

Purpose

The AAA must provide a program participant with an opportunity to contribute toward the cost of the services the program participant receives, must not require a program participant to contribute toward the cost of services the program participant receives, must establish appropriate procedures to safeguard and account for all contributions made, and must use all program participant contributions to support or expand services for which the program participant contributed, in accordance with applicable state and federal laws, rules and regulations.

Policy

The AAA collects program income in accordance with the Older Americans Act; [45 CFR §92.25](#), and the Uniform Grant Management Standards.

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. Assuring that each service provider:
 - a. Provides each older person with an opportunity to voluntarily contribute to the cost of the service;
 - b. Protects the privacy of each older person with respect to his/her contributions; and
 - c. Establishes appropriate procedures to safeguard and account for all contributions.

e.d. May provide a program participant with a contribution schedule that suggests a contribution amount based on the income ranges of the program participant population, but may not determine a program participant's income using means testing.

Reference: [26 TAC §213.151](#)

Facilities

Purpose

The AAA must ensure that facilities in which services are provided are in compliance with applicable local building codes and ordinances and applicable state and federal laws, rules, and regulations.

Policy

The AAA creates controls so that service providers' public facilities are as safe, accessible, and visible as possible.

Procedures

Ensure that service providers comply with all applicable local building codes, ordinances, and health department requirements, as well as all federal and state laws and regulations.

Reference: [26 TAC §213.151](#)

Tobacco Policy

Purpose

The AAA must prohibit the use of tobacco during the hours of operation of and in areas designated for Older Americans Act programs.

Policy

The AAA will ensure the posting of non-smoking signs at senior meal sites and in areas designated for Older Americans Act programs.

Reference: [26 TAC §213.151](#)

Insurance

Purpose

The AAA must maintain insurance that protects the health and safety of its employees and of program participants and complies with all applicable state and federal laws rules, and regulations.

Policy

The AAA will require that all applicable providers will have and maintain the appropriate insurance and license(s).

Procedures

1. The AAA requires our meal and transportation providers, to submit, on a yearly basis, a copy of their current Proof of Liability Insurance Policy.
2. The AAA requires that all home health agencies provide, on a yearly basis, a copy of their current Proof of Liability Insurance Policy.

Reference: [26 TAC §213.151](#)

Records

Purpose

This section sets forth the AAA's policies and procedures for developing, maintaining, and retaining records in accordance with the Uniform Grant Management Standards, Subpart C.

Policy

The AAA establishes written procedures to adequately assure proper development, maintenance, and retention of all financial records, supporting documents, statistical records, and all other records relating to its performance.

Procedures

1. The AAA will keep financial and program supporting documents, statistical records, and any other records pertinent to the services for which a claim for reimbursement was submitted to the AAA. The records and documents will be kept for a minimum of five years following the end of the federal fiscal year to which the record pertains and until any pending litigation, claim or audit findings, issuance or proposed disallowed costs or other disputes have been resolved.
2. The AAA Service Providers will maintain documentation of the following:
 - a. Provider Documents
 - b. Expenditure reports and all accounting records used to prepare the expenditure reports, including records for program income and other cash and in-kind contributions.
 - c. Programmatic records, including client information and services provided to each client.
3. Make available at reasonable times and for required periods all fiscal and program participant records, books, and supporting documents pertaining to services provided for purposes of inspection, monitoring, auditing, or evaluations by the AAA staff, the Comptroller General of the United States and the State of Texas, through any authorized representative(s).
4. Other records that are required by the contract with HHSC and relevant sections of the TAC.

- a. The AAA and its service providers retain all records for a minimum of five years after termination of the contract and/or Provider agreement and until any pending litigation, claim or audit involving these records is resolved.
- b. The AAA, HHSC and/or authorized representatives have access to these records for purpose of audit or to make examinations, excerpts, and transcripts for hearings or other administrative proceedings.
- c. Unless required by Federal, State, or local law, service providers are not required to permit public access to such records.

Reference: [26 TAC §213.151](#)

Contingency Plan

Policy

The AAA must have a written plan ensuring continuity of services to a program participant in the event a service provider is unable to provide a service.

Procedure

The AAA has a contingency plan in place, please see [Attachment D](#).

Designation of Focal Points

Purpose

This section sets forth the AAA's policies and procedures for identification of focal points, defined as facilities established to encourage the maximum collocation and coordination of services for older individuals.

Policy

The AAA designates focal point(s), in compliance with Sections 102 and 306.53 (c) of the Older Americans Act, [26 TAC §213.151](#), and identifies these focal points in grants, contracts, and agreements that implement the area plan. (See [Attachment E](#))

Procedures

1. Establish a strong local role and clear identity of the AAA as a source of access and assistance for eligible person(s) and/or their family members or other caregivers which includes the designation of community focal points at our senior meal centers.
2. Provide information about services provided by our community partners.

Reference: [26 TAC §213.151](#)

Visibility

Purpose

The AAA must use the logo designed by HHSC to ensure a uniform, statewide symbol for AAAs.

Policy

The AAA uses the logo designed by HHSC to ensure a uniform, region-wide symbol for its designation for public information purposes.

Procedures

1. Uses HHSC required logo on all printed materials it develops.
2. Identifies its sponsor agency (HHSC) on all printed materials and other public communication.

Reference: [26 TAC §213.151](#)

AAA Contact Information

Purpose

1. The AAA must publicize its contact information through a variety of media such as telephone directories, resource directories, the Internet, and other outreach tools for persons who reside in any geographical area that lies in whole or in part in the planning and service area served by the AAA.
2. Contact information must begin with the words “area agency on aging” and must include the host agency, as applicable. The AAA must ensure that a telephone call to the AAA is answered “area agency on aging.”

Policy

The AAA will publicize its contact information through a variety of media such as telephone directories, resource directories, the Internet, and other outreach tools for persons who reside in any geographical area that lies in whole or in part in the planning and service area served by the AAA.

Procedures

1. The toll-free number will be answered with the following phrase: “Ark-Tex Area Agency on Aging.”
2. All voice recordings will start with the words “Area Agency on Aging.”

Reference: [26 TAC §213.151](#)

Phrase for Printed Material

Purpose

The AAA must cite HHSC as the primary funding source using the phrase “Funded by the Health and Human Services” or “Funded in part by the Health and Human Services” on all printed material.

Policy

The AAA ensures that HHSC is recognized as the program funding source for the AAA.

Procedures

Citing the Health and Human Services as the AAA’s primary funding source, using the phrase, “Funded by the Health and Human Services” or “Funded in part by the Health and Human Services” on all printed material.

Reference: [26 TAC §213.151](#)

Identification of the AAA Facility

Purpose

The AAA must prominently display a sign outside its primary place of business that: adheres to local ordinances concerning signs and conforms to the requirements of [26 TAC §213.151\(t\)](#).

Policy

The AAA posts a sign outside the main ATCOG office building.

Procedures

1. The AAA posts a sign in front of the main ATCOG office building located at 4808 Elizabeth Street in Texarkana, Texas.
2. The AAA requested the Department of Transportation place a sign at the intersection of Texas Boulevard and Elizabeth Street indicating the location of the Ark-Tex Area Agency on Aging.

Reference: [26 TAC §213.151](#)

Emergency Management

Purpose

When a disaster occurs, the AAA must notify HHSC of its need to provide for emergency management activities, provide information to HHSC regarding the impact of the disaster on the older population in its service area, provide emergency management services in accordance with current Administration on Aging disaster relief guidelines, and collect pertinent data necessary to submit reimbursement requests for disaster services.

Policy

The AAA will consult with the appropriate agencies that have an interest or role in meeting the needs of persons 60 years of age or older, to plan for the occurrence and aftermath of natural, civil defense, or man-made disasters.

Procedures

1. Develops an emergency disaster plan in accordance with HHSC requirements.
2. Require by provider agreement that service providers develop plans for emergency management.
3. Provide assistance, as necessary, to service provider staff persons regarding emergency management activities.

Reference: [26 TAC, Rule §213.151](#) (x)

Reporting Abuse, Neglect, or Exploitation

Purpose

The AAA must instruct its staff persons and representatives, other than a representative of the Office as defined in 26 TAC §88.2, to report allegations of abuse, neglect, or exploitation of a program participant to the Department of Family and Protective Services (DFPS) in accordance with Texas Human Resources Code, Chapter 48. A report must be made by calling 1-800-252-5400 or by following the instructions available at www.txabusehotline.org.

Policy

The AAA protects the confidentiality of all information related to complaints of abuse, neglect or exploitation and ensures referrals to the appropriate reporting agency.

Procedures

The AAA must take appropriate corrective action if:

1. A staff person, other than a representative of the Office as defined in 26 TAC 88.2, does not report an allegation of abuse, neglect, or exploitation of a program participant in accordance with Texas Human Resources Code, Chapter 48; or
2. DFPS confirms abuse, neglect, or exploitation of a program participant by a staff person of the AAA.
3. *****The Ombudsman staff will follow guidelines in the LTC Ombudsman Policy and Procedures when reporting abuse, neglect, and exploitation.*****

[26 TAC, Rule §213.151](#) (y)

Emergency Services

Purpose

The AAA must instruct all of its staff persons to call 911 or another local emergency hotline for fire-fighting, police, medical, or other emergency services, as appropriate, in the event of an emergency involving a program participant.

Policy

The AAA staff will call 911 or another local emergency hotline if an emergency arises involving one of the program participant(s).

Procedures

1. Instruct staff to call 911 or another local emergency hotline when an emergency arises involving one of their program participants.
2. Instruct service provider of the requirement to call 911 or another local emergency hotline when an emergency arises involving one of their program participants.

[26 TAC, Rule §213.151](#) (z)

Reporting Waste, Abuse, or Fraud

Purpose

The AAA must instruct its staff and representatives to report allegations of waste, abuse, or fraud, as defined in [1 TAC §371.1601](#) (relating to Definitions), regarding a service described in subsection (a)(2) of [26 TAC §213.151](#).

Policy

The AAA will instruct staff members to report allegations of waste, abuse or fraud, to the AAA Director/Manager and then to the Texas Health and Human Services and Office of the Inspector General.

Procedures

A report must be made to:

1. Instruct the AAA staff members to report any allegations of waste, abuse or fraud to the AAA Director/Manager,
2. the Texas Health and Human Services Commission (HHSC), Office of the Inspector General, in accordance with the HHSC instructions available at www.hhs.state.tx.us; and
3. HHSC by calling 1-800-436-6184.
4. The Office of the Inspector General investigates reports of waste, abuse, or fraud in accordance with [1 TAC, Chapter 371](#), Subchapter G.

5. Instruct service provider to report any allegations of waste, abuse or fraud to the AAA Manager and also to the appropriate agencies.

[26 TAC, Rule §213.151](#) (aa)

Ethical Conduct

Purpose

The AAA must ensure that its staff and representatives conduct themselves in an ethical manner.

Policy

1. The AAA Director/Manager will instruct staff to conduct themselves in an ethical manner.
2. The AAA Director/Manager will instruct staff they may not:
 - a. Engage in inappropriate treatment of a program participant or person seeking services;
 - b. Withhold or suppress a complaint or report against the AAA or HHSC;
 - c. Retain or distribute program participant information for personal gain;
 - d. Obtain a certification by fraud or deceit; or
 - e. Knowingly participate in the preparation of false or misleading program participant information.
3. Instruct all staff persons and representatives to report allegations of unethical conduct, to HHSC's AAA Section Manager.
4. Instruct service providers to have their staff conduct themselves in an ethical manner and follow instructions from Section 2 above.

[26 TAC, Rule §213.151](#) (bb)

Service Provider Compliance

Policy

The AAA will ensure that a service provider complies with requirements described in [26 TAC, Rule §213.151](#) (y), (z), (aa)(1)(A), and (bb).

Complaints

Policy

The AAA must ensure that a service provider:

1. on or before initiation of a service described in Subchapter D of this chapter, informs a program participant, in writing, of the procedure by which the program participant may file a complaint regarding such service;
2. obtains and maintains documentation of receipt of the complaint procedure by the program participant;

3. date stamps receipt of a written complaint;
4. documents receipt of an oral complaint, with the date of receipt and a narrative of the allegations;
5. investigates each complaint and responds, in writing, to the program participant regarding the results of the investigation in a timely manner; and
6. maintains a written log of complaints filed by program participants that is accessible to the AAA and contains the following information:
 - a. the date of the service provider's receipt of the complaint;
 - b. the name of the person who filed the complaint;
 - c. a description of the nature of the complaint;
 - d. the name of the staff person who conducted the investigation of the complaint;
 - e. the names of persons who were contacted during the investigation of the complaint;
 - f. the outcome of the complaint; and
 - g. the date final action was taken by the service provider in response to the complaint.

Language Barrier Policy

The AAA takes reasonable steps to provide services and information in appropriate languages other than English to ensure that persons with limited English proficiency are effectively informed and can effectively participate in and benefit from its program.

Language Barrier Procedures

The AAA employs the following that include, but are not limited to:

1. Making language translation services through qualified agency employees, volunteers and/or contractual agreements with qualified interpreters through The Language Line.
2. The AAA also supplies a bi-lingual agency brochure for the convenience of the community.

Chapter 3: Fiscal Responsibilities

Purpose

The fiscal responsibilities of the AAA, including responsibilities related to purchases of goods and services, audits, costs allocation plans, and service and administrative match.

Procedures

The AAA will follow the guidelines set forth in [26 TAC §213.153](#) for the following:

1. Purchases of goods and services
2. Independent audit
3. Indirect Cost Allocation Plan
4. Unallowable costs
5. Refunding of payments
6. Capital Expenditures
7. Budget submissions
8. Service and administrative match
9. Program income
10. Adequate proportion
11. Caregiver support program limitation
12. Administrative services

[26 TAC, Rule §213.153](#)

Fixed Assets

Inventory Control

An asset number is assigned to each piece of property and tagged. Property items with a value of \$5,000 or more are entered into the Fixed Asset module of the Accounting software. The Technician responsible for maintaining the Fixed Asset module will be provided with all necessary documentation of acquisition or disposal of all fixed assets.

A physical inventory is conducted every two years and reconciled to the property records in the computer. Any discrepancies are investigated and the cause is documented and corrected.

Approval from the funding agency is obtained, if necessary, before disposal of the asset. ATCOG will provide the funding agency with any required documentation of the disposal. The proceeds of a sale will be credited to the appropriate program.

A separate ledger will be maintained for the computers and other electronic equipment by the IT Director. Any transfer of this type of equipment will be the responsibility of the IT Director.

Budget, Request for Reimbursement, and Request for Adjust Journal Submissions

Purpose

This section sets forth the AAA's policies and procedures concerning its reporting of expenses.

Policy

The AAA ensures that its financial reports meet HHSC's requirements.

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. ATCOG fiscal staff will run a general ledger report that will include vendor and internal costs.
2. Requests for payment will be based on expenditures already booked in the general ledger at that point in time. The expenditures will be requested based upon the service categories that are coded to in the general ledger.
3. The most restrictive funds are drawn first.
4. Year-To-Date General Ledger expenditure reports are compared to Year-To-Date draws to maintain accuracy.
5. RfAJ's are done when necessary to make corrections or to reclassify expenditures.

Compliance with the AAA Responsibilities, Rewards and Sanctions

Purpose

Background. To the extent feasible, and subject to the availability of funds and other resources, the Department will give rewards to those area agencies on aging which the Department finds have demonstrated exceptional performance. When a contractor has failed to comply with the terms of a contract which governs the use of monies appropriated under that contract, the Texas Department on Aging may take actions, described in this section, as may be legally available and appropriate to the circumstance. It is the intent of this rule to outline the rewards available for compliance with a contract and the sanctions available for non-compliance with contract terms and conditions.

Policy

The AAA will follow [40 TAC §81.13](#) Compliance with Contractor Responsibilities, Rewards and Sanctions.

Reference: [40 TAC §81.13](#)

Contracting

Purpose

This section sets forth the AAA's policies and procedures concerning contracting for the provision of services to eligible individuals.

Policy

The AAA applies prudent business judgment in areas of contracting for services and goods to be purchased and the reimbursement methodologies to be used in funding such contracts.

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. Basing its authority to contract on the Older Americans Act of 1965, as amended; HHSC regulations on Administration of Grants Title 45 Code of Federal Regulations (CFR), [Part 74](#); [Title 45 CFR, Part 92](#) [Title 45 CFR, Part 1321](#); [Title 45 CFR, Part 91](#) all policies and rules established by HHSC; and with all state and local laws as they pertain to contracting and reimbursement methodologies;
Reference: [26 TAC §213.153](#)
2. Allowing faith-based providers to be eligible on the same basis as other organizations, and not discriminating for or against because of the religious character or lack of religious character or affiliation; and
3. Prohibiting direct government funding to be used to pay for inherently religious activities such as worship, religious instruction, and proselytizing.

Reference: [AAA - PI 303](#)

Policy

The AAA uses any or all of four contracting methodologies for the procurement of goods and services for the provision of services to older individuals. These contracting methods are Cost Reimbursement, Performance Based Unit Rate, Direct Purchase; and Sole Source Procurement.

Procedures

The AAA employs the following procedures when using any or all of the four contract methodologies:

1. Cost Reimbursement: If the AAA uses the cost reimbursement methodology, it pays the service provider on a reimbursable basis for services rendered. It does not adjust reimbursement to offset poor management planning. Any adjustment it does make to a reimbursement rate is judged on its own merits. The AAA considers adjustments to the share of expenses that federal and/or state funds will pay only in instances where:
 - a. The service provider experiences significant operating losses due to events over which it has no control or reasonably and could not have anticipated; or
 - b. The service provider experiences excess revenues over operational costs due to unanticipated, and/or unbudgeted additional resources; or
 - c. Reductions are made in expenses due to a change in cost allocation methodology.
2. Fixed Unit Rate: If the AAA uses the unit rate performance based contracting method, it agrees to pay to the service provider in the amounts and upon the terms, provisions and budgets as set forth in the contract/vendor agreement as a result of negotiation of a

suitable unit rate. The AAA pays the service provider on a unit rate reimbursement basis for services actually rendered. The service provider agrees to deliver specific services on an at-risk basis. The AAA undergoes a systematic process to ensure that performance-based unit rates are allowable, reasonable, and in compliance with HHSC requirements relating to direct services.

3. Direct Purchase of Service: If the AAA uses the direct purchase of service methodology, it purchases services on a client-by-client basis as determined by an assessment of the individual's service need. See [TAC §83.19](#)
4. Sole Source Procurement: If the AAA uses the sole source method of procurement, it does so only when the award of a contract is not feasible under the other procurement methods. In this event, the AAA complies with the procedures in UGMS and 45 CFR [92.36\(d\)\(4\)](#) concerning procurement by noncompetitive proposals. Specifically, it: ensures that at least one of the following conditions is met:
 - a. The item is available only from a single source;
 - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - c. HHSC authorizes noncompetitive proposals;
 - d. After solicitation of a number of sources, competition is considered inadequate.

Reference: [CRG 92.36\(d\)\(4\)\(i\)](#)

5. Competitive Bidding. The AAA complies with competitive bidding procedures to promote fair and open competition in the procurement process through the use of formal bidding, informal bidding, or competitive proposals as appropriate. Documentation will be maintained by the AAA to demonstrate all such efforts.
6. All service provider contracts/provider agreements require the service provider to have an accounting system that identifies all costs for each specific service being purchased or provided and that complies with [45 CFR, Section 1321, Subpart D](#).
7. The AAA references in the service provider contract/vendor agreement all relevant sections of the TAC relating to the service(s) provided, regardless of the procurement process used.

Reference: [26 TAC §213.153](#)

8. All Requests for Proposal (RFPs) (and all contract files) include the following assurances:
 - a. Title VI of the Civil Rights Act of 1964 ([42 U.S.C. §2000d et seq.](#))
 - b. Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. §794](#))
 - c. Americans with Disabilities Act of 1990 ([42 U.S.C. §12101 et seq.](#))
 - d. Age Discrimination in Employment Act of 1975 ([42 U.S.C. §§6101-6107](#))
 - e. Title IX of the Education Amendments of 1972 ([20 U.S.C. §§1681-1688](#))
 - f. Food Stamp Act of 1977 ([7 U.S.C. §200 et seq.](#))

- g. [Drug Free Workplace Act of 1988](#)
- h. Texas Senate Bill 1 - 1991, as applicable
- i. HHS administrative rules, as set forth in the Texas Administrative Code, to the extent applicable to this Agreement
- j. Certification Regarding Debarment – 45 CFR §92.35 Sub awards to debarred and suspended parties; this document is required annually as long as this agreement is in effect.
- k. Notice of Conflict of Interest (Texas Administrative Code [26 TAC, Rule §213.151](#))
- l. Obligation to Identify Individuals or Entities Excluded from Participation in Federal Health Care Programs

Service and Administrative Match

Purpose

This section sets forth the AAA's policies and procedures concerning match for services provided to eligible individuals.

Policy

The AAA meets the match requirements, as required by the [Older Americans Act §304](#).

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. Provide funds and in-kind contributions, in accordance with the Older Americans Act, §304, to match the expenditures of federal funds made to HHSC for the cost of providing goods and services; and
2. Ensure that an appropriate portion of funds or in-kind contributions is generated to match the federal fund expenditure based on the cost of services it provides.
3. The valuation of services or goods as reported as in-kind must be based on fair market value.
4. The AAA may use state general revenue to match funds appropriated under Title III, Part E of the Older Americans Act.
5. The AAA must not use state general revenue to match administrative funds.

Reference: [26 TAC §213.153](#)

Program Income

Purpose

This section sets forth the AAA's policies and procedures concerning the administration of program income contributions.

Policy

The AAA collects program income in accordance with the Act; [45 CFR, Part 1321](#); [45 CFR, Part 92.25](#), and the Uniform Grant Management Standards.

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. Assuring that each service provider must provide individuals who benefit from funded services under the Older Americans Act to be given the opportunity to voluntarily contribute to all or part of the cost of the services provided. Congregate meal providers must post the full cost of the meals for ineligible individuals.
 - a. The method of solicitation must be non-coercive, means testing may not be utilized, and no older person shall be denied services because of his/her failure to contribute to all or part of the cost of such service.
 - b. The amount of each individual's contribution shall be kept confidential. Appropriate procedures must be in place to safeguard and account for all contributions such as a locked box at congregate meal sites.
 - c. Client contributions may not be used as non-federal match. All collected contributions must be used to expand the service for which the contributions were given and to supplement (not supplant) Title III funds received.
2. AAA staff will:
 - a. Inform consumer of the right to contribute through the Client's Rights & Responsibilities form.
 - b. Inform consumer that all contributions are kept confidential.
 - c. Inform consumer that services will not be denied if an eligible person is unable or chooses not to make a contribution.
 - d. Inform consumer that voluntary contributions are returned to services received in order to help other individuals in need.
3. Nutrition and Transportation Services
 - a. Each provider will collect client contributions and report monthly to the AAA.
 - b. The AAA will document the number of units that program income covers the cost of the service on a monthly basis for each vendor and for each service.
 - c. The cumulative amount of program income for each service is reported on the QPR.

Adequate Proportion

Purpose

This section sets forth the AAA's policies and procedures regarding its responsibility to meet adequate proportion regulations.

Policy

The AAA meets adequate proportion through the expenditure of funding for specific support services categories. HHSC establishes an adequate proportion of the funding received under Title III, Part B, of the Older Americans Act, as amended, for support services to be expended to comply with the Act, Section 306(a)(2).

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. In accordance with the [Older Americans Act, §306\(a\)\(2\)](#), the AAA must expend funds appropriated under Title III, Part B of the Older Americans Act to meet an adequate proportion requirement, as determined by HHSC, for:
 - a. access services;
 - b. in-home services; and
 - c. legal assistance.
2. The AAA may request, in writing, by September 30 of each year, that DADS waive or revise the adequate proportion requirement for any of the categories of services listed in paragraph (1) of this subsection for the next federal fiscal year, in accordance with the Older Americans Act, §306(c).
 - a. The AAA must demonstrate to HHSC there are sufficient services available in the requested category to meet the need for such services.
 - b. The AAA must submit a separate request for each category of service for which a waiver is sought.
3. The AAA must comply with HHSC instructions regarding adequate expenditures for the Medication Management Program funds appropriated under the Older Americans Act, Title III, Part D.

Reference: [26 TAC, Rule § 213.153](#)

Ombudsman Minimum Funding Requirement

Purpose

This section sets forth the AAA's policies and procedures to ensure that it meets the ombudsman minimum funding requirement.

Policy

The AAA meets the minimum funding requirement for ombudsman activities, as defined in the [Older Americans Act, Section 306\(a\)\(9\)](#).

Procedures

The AAA employs specific procedures which include, but are not limited to, the following:

1. Remaining cognizant of its minimum funding requirement, defined by the Health and Human Services Commission as the amount of federal funds expended during fiscal year 2019, plus any additional funding earmarked for the Ombudsman program received over that amount in subsequent years, and ensuring that the current year's funding meets or exceeds this funding level.¹

Chapter 4: Access and Assistance

Purpose

This section establishes the AAA's policies and procedures for its system of access and assistance.

Policy

The AAA system of access and assistance will provide services to individuals that meet the eligibility requirements listed under Targeting Service Delivery.

Procedures

The AAA system of access and assistance will:

1. Employ staff members who possess necessary general and specialized knowledge in the following areas:
 - Information, Referral and Assistance
 - Benefits Counseling
 - Care Coordination
 - Ombudsman Services
- a. Where applicable, the AAA staff members will complete all training and certification requirements necessary for their respective positions as established by HHSC.
- b. Develop working relationships with local service providers to build an integrated service delivery system.
- c. Provide short-term AAA services, if a person is in immediate need of service provision, while awaiting eligibility approval from the regional HHSC office.
- d. Conduct outreach and marketing efforts to inform eligible persons and/or their family members or other caregivers of available services.
- e. Have the capability to respond to racially, culturally and ethnically diverse groups.
- f. Serve as a source of connection to comprehensive information on services, benefits, and opportunities so eligible persons and/or their family members or other caregivers can make informed decisions about services.
- g. Connect a person with existing benefits and services.
- h. Provide clients with an opportunity to express their level of satisfaction with access and assistance services received.
- i. Provide services so that clients maintain hope, dignity, respect and independence.
2. Prohibited Service Activities
 - The AAA will not:
 - a. Accept gifts from a client.
 - b. Lend or borrow money or articles from a client.
 - c. Transport a client in an access and assistance staff person's automobile.

- d. Drive or ride in a client's automobile.
- 3. Client Eligibility/Client Intake

The AAA Benefits Counselors and Case managers will:

 - a. Perform an initial assessment, using the required HHSC forms, in order to determine if client is 60 years and older.
 - b. Determine which clients to serve based upon the AAA policy Targeting Service Delivery policy.
 - c. Eligibility for services will not be based upon a person's income and resource data. (Reference: AAA Policy - Means Testing)
- 4. Confidentiality of Client Records

The AAA staff members, who maintain client files, will comply with the AAA policy in Confidentiality.
- 5. Client Contributions

Case managers will comply with the AAA policy in Contributions.
- 6. Conflict of Interests

The AAA staff will ensure that any conflicts of interest between the function of A&A and provision of direct client services are disclosed to HHSC. The intent is to separate the function of access and assistance from the provision of other client services. (Reference: AAA Policy Conflict of Interest.)
- 7. Reporting

The AAA staff will comply with the AAA policy in Accountability.
- 8. Information, Referral, and Assistance
 - a. The AAA provides an information, referral, and assistance process that assesses the needs of the inquirer, evaluates appropriate resources, assesses appropriate response modes, identifies organizations capable of meeting those needs, provides enough information about each organization to help inquirers make an informed choice, helps inquirers for whom services are unavailable by locating alternative resources, when necessary, actively participates in linking the inquirer to needed service and following up on referrals to ensure the service was received or provided.
 - 1) Target Population
 - Information, referral and assistance services shall be provided to any person age 60 years and older and/or his/her family member or other caregiver.
 - Information, referral and assistance services shall be provided to Medicare beneficiaries of any age under the provisions of funds received from the Centers for Medicare and Medicaid Services.

- 2) Access and assistance staff shall provide telephone, electronic or walk-in information, referral and assistance services in which the inquirer has one-to-one contact with an information, referral and assistance specialist.
- 3) The published phone number will be answered "Area Agency on Aging" when the call is received.
- 4) Service providers shall coordinate with emergency response organizations, such as local law enforcement agencies or other existing agencies/activities as appropriate to provide the necessary coverage.
- 5) The area agency on aging telephone messaging system will provide callers with appropriate emergency phone numbers when calls are received after hours.
- 6) Resource Information
 - Access and assistance staff shall develop criteria for the inclusion or exclusion of agencies and programs in the resource database or use criteria developed by other information, referral and assistance entities. These criteria shall be uniformly applied and published so that staff and the public will be aware of the scope and limitations of the database.
 - A standardized profile shall be developed for each organization that is part of the community service delivery system.
 - Information in the resource database shall be indexed and accessible in ways that support the information, referral and assistance process.
 - Access and assistance staff shall use the AIRS/Infoline Taxonomy to facilitate retrieval of community resource information and to promote the reliability and consistency of information across the service region and across the state.
 - The resource database shall be updated through continuous revision or at intervals sufficiently frequent to ensure accuracy of information and comprehensiveness of its content.
- 7) AAA Information, Referral and Assistance Log
 - Access and assistance staff shall maintain a system for collecting and organizing inquirer information that facilitates appropriate referrals and provides a basis for describing requests.
 - A unit of service is a client's initial request for information or assistance. The area agency on aging shall have a system for recording both initial inquiries and follow-up contacts made by either the client or the agency.
 - The area agency on aging shall use information it records to identify service gaps and overlaps, assist with needs assessments, support the development of products, identify issues for staff training, facilitate the development of the resource information system.
- 8) Cooperation with Local Information and Referral (I&R) Providers.
 - In communities with comprehensive and/or specialized information and referral (I&R) providers, including Area Information Centers, when applicable, the area agency on aging shall develop cooperative working relationships to build an integrated system of information, referral and assistance which

ensures broad access to services, maximizes the utilization of existing resources, avoids duplication of effort and encourages seamless access to community resource information.

- If the area agency on aging is designated by the Texas Information and Referral Network as an Area Information Center, the area agency on aging must meet the expectations of the designation.

9) Professional Conduct

- Access and assistance staff providing information, referral and assistance services shall adhere to the standards of conduct set forth by the Alliance of Information and Referral Systems which are adopted by reference.
- Area agencies on aging are encouraged to seek and maintain agency accreditation with the Alliance of Information and Referral Systems.

Reference: [40 TAC Rule §83.3](#)

Care Coordination

Purpose

This section sets forth the AAA's Policies and Procedures regarding its care coordination services.

Policy

Through the AAA's care coordination and caregiver support programs, the AAA case managers assess the needs of clients and effectively plan, arrange, coordinate and follow-up on services that most appropriately meet the identified needs, as mutually defined by access and assistance staff, the client, and where appropriate, a family member(s) or other caregiver.

Procedures

The AAA Care Coordination program is dictated by the needs of the area agency on aging service area and includes a combination of levels of care. These levels of care coordination include:

1. Service Authorization requiring an assessment

The AAA case manager will conduct an assessment in-person or by phone, complete the HHSC forms, to determine if the client is eligible for services below. This eligibility will be based on the AAA Policy and Procedure Manual under Targeting.

- Adult Day Services
- Caregiver Respite – In Home
- Chore Maintenance
- Emergency Response Services
- Health Maintenance
- Home Delivered Meals
- Homemaker
- Income Support

- Personal Assistance
- Residential Repair
- Voucher- Homemaker

2. Care Management. Care management is a process that assists clients with multiple needs by developing and implementing comprehensive plans of care. Care management services may be provided only to persons' age 60 years and older and/or his/her family member or other caregiver, with priority given to those:
 - a. who have recently suffered a major illness or health care crisis or have recently been hospitalized and need additional attention during the recuperation period in accordance with Human Resource Code, Chapter 101, Subchapter C, relating to Options for Independent Living;
 - b. who live in a rural area;
 - c. who are moderately to severely impaired in activities of daily living and instrumental activities of daily living;
 - d. have insufficient caregiver support; or
 - e. who are in great economic or social need, particularly low-income, minority older persons.

Care Management must include the following:

- a. Comprehensive Client Assessment: A needs assessment may be provided, procured or accepted from a qualified source and must include the following components as listed in [40 TAC §83.3](#) (I)(-a)-(-h-).
- b. Care plan. Care Managers shall develop a written plan that is based upon the client's preferences, as supported by identified priority needs and within available public/private resources. The care plan must specify the amount, frequency and duration of each service to be provided and identify the outcomes to be achieved.
- c. Service Arrangement. Care managers shall arrange for services identified in the care plan to begin at the earliest possible date, consistent with the capacity of the provider and may include, but is not limited to conditions listed in [40 TAC §83.3](#) (III)(-a)-(-e-).
- d. Monitoring/Follow-up Activities. Care managers shall conduct monitoring and follow-up activities which include verifying service delivery, determining the extent to which services meet the needs and expectations of the client, and where necessary, advocating for improvements in service delivery. Monitoring shall include at least monthly contacts with the client and a home visit not less than every six months.
- e. Reassessment. Reassessments shall be conducted and the care plan shall be amended as needed based on changes in client status and provider effectiveness and may be conducted by phone or in person.
- f. Client Case Records. A confidential client case record shall be maintained on each client served and shall be protected from damage, theft and unauthorized inspection and shall contain at least the items as listed in [40 TAC §83.3](#) (VI)(-a)-(-j-).

- g. Care management may not be provided by any entity with a vested interest in the delivery of services purchased by the area agency on aging without an approved waiver from the Department.
- h. Professional Conduct. Care managers must adhere to the pledge of ethics and the standards of practice for professional geriatric care managers as set forth by the National Association of Professional Geriatric Care Managers and adopted by reference.

Reference: [40 TAC Rule §83.3](#)

Intake and Assessment Procedures

Purpose

The Ark-Tex Area Agency on Aging requires Case managers responsible for doing client intake and assessment forms to ensure that all forms are signed by all parties as required, including the Case manager's signature on the AAA Consumer Needs Evaluation. Unsigned client information will not be accepted and client services will not be authorized until the properly completed paperwork is submitted.

Policy

This policy is effective immediately. Non-compliance to this policy will result in a delay of service authorizations and fewer units of service.

Procedures

1. The AAA case managers will interview potential clients during a home visit and/or telephone visit and assess their needs according to the criteria of the program appropriate to the client's needs within two weeks of the initial contact for services. If the client is not seen within two weeks of contact, there must be documentation of the circumstances that prevented the home visit.
2. The AAA case managers will use the required forms, including the AAA Consumer Needs Evaluation to perform the assessments. All forms must be completed entirely and signed by all parties involved. If the client is unable to sign the form and a representative is signing for them, they must identify themselves as signing for the actual care recipient.

The required forms to complete are:

- HHSC Client Intake and Service Request Form
- HHSC Determine Your Nutrition Health
- HHSC Client Rights and Responsibilities for Older Americans Act
- Client Information Release Consent Form (HIPAA Form)
- AAA Consumer Needs Evaluation

- HHSC Caregiver Assessment (caregiver clients only)
3. The AAA case manager will determine eligibility for services based on the AAA Policy and Procedures in Targeting and HHSC Program Instruction 310.
 4. A Care Coordination eligible client that has recently been released from the hospital due to a major illness, surgery, or health care crisis and in need of services during their recuperation period will be given priority, if applicable.
 5. A Caregiver Support Coordination eligible client must be taking care of an individual who is in need of in-home care.
 6. Once the Intake and Assessment forms are deemed correct and entered into the SPURS database system, the AAA case manager will create a service order and obtain approval from the director/manager or designee. The service order will be faxed or emailed securely to the provider.

Reference: [40 TAC §83.3](#)

Client Records and Care Plan Procedures

Purpose

The Ark-Tex Area Agency on Aging requires case managers who are responsible for providing Client care to adhere to all required AOA/ACL and State guidelines and to ensure in writing that the rules are followed by all parties involved.

Procedures

1. Once the Intake and Assessment procedures have been completed by the AAA Case Managers, the client information will be entered into the SPURS System and ensure accuracy of information.
2. The AAA case managers will create a care plan that fits the needs of the client. The care plan will specify the amount, frequency and duration of each service to be provided and identify the outcomes to be achieved.
3. The AAA case manager will contact an appropriate provider to ensure services are available and to arrange services.
4. The AAA case manager will develop a service order detailing the care plan to the provider and submit to the AAA director/manager or designee for approval and signature.
5. Once the service order is approved, the case manager will fax, or email securely, the service order to the provider.
6. The AAA case manager shall complete a service delivery in the SPURS database which includes all time spent on allowable care coordination and/or caregiver support coordination activities for each client they provided services, in addition to a service delivery narrative.

Caregiver coordination contacts include direct contact with the caregiver, care recipient, and/or service provider.

7. The AAA case manager shall collaborate with the provider ensuring services are provided. The provider will submit a Form 2067 to the case manager whenever services cannot be provided as authorized.
8. The case managers will monitor services by conducting a monthly follow-up phone call to ensure that services are being provided, determine the extent to which services meet the needs and expectations of the client, and where necessary, advocate for improvement in service delivery. The case managers will also monitor services by mailing out a Consumer Satisfaction Survey ~~at least annually~~ to each client that has been assisted that year. This survey is included with a self-addressed envelope for the client to return. The survey is to ensure that services are provided, determine whether services meet the needs and expectations of the client, and where necessary advocate for improvement in service delivery.
9. The case managers will reassess clients once every six months and amend the care plan if necessary.
10. The case managers will maintain Client Case Records in accordance with the AAA Policy and Procedure Confidentiality Records and [40 TAC §83.3 \(o\)\(C\)\(ii\)\(VI\)](#).

Benefits Counseling

Purpose

This section sets forth the AAA's Policies and Procedures regarding its benefits counseling services, comprised of both legal assistance and legal awareness services.

Policy

Through the AAA's benefits counseling program, the AAA Benefits Counselor will provide an array of services by assessing the needs of clients and determine the services that most appropriately meet the identified needs, for the client, and where appropriate, a family member(s) or other caregiver.

Procedures

The AAA Benefits Counselor will provide the following services:

1. Legal Assistance. Legal assistance includes the provision of client-specific advice, counseling and representation on matters involving insurance issues, public/private benefits, consumer problems and other legal issues.
2. Legal Awareness. Legal awareness includes general education and outreach on matters involving insurance issues, public/private benefits, consumer problems and other legal issues.
3. Targeting

- a. Benefits counseling services will be provided to people age 60 years and older and/or their family caregiver or other caregivers.
 - b. Benefits counseling services shall be provided to Medicare beneficiaries of any age under the provision of funds received from the Centers for Medicare and Medicaid Services.
4. Focus
- a. Income Maintenance/Public Benefit. Food Stamps, Social Security, Social Security Disability, Supplemental Security Income, veteran's benefits, pensions, railroad retirement, child support, unemployment compensation, general assistance and other income benefits.
 - b. Medical Entitlements. Medicare, Medicaid, QMB/SLMB, Veterans Administration Medical, indigent health and other medical entitlements.
 - c. Insurance. Medicare Supplement, HMO, long-term care policies, individual health policies, group health policies/COBRA and non-health insurance.
 - d. Surrogate Decision Making. Advance directives, durable/general powers of attorney and money management.
 - e. Individual Rights. Age discrimination, disability discrimination, abuse, neglect, exploitation and dispute resolution.
 - f. Housing. Landlord/tenant issues, repair/modification, utilities, rent subsidy, alternative housing, home equity lending/reverse mortgage, homestead tax credit, weatherization, property tax, housing relocation and general property.
 - g. Institutional Care. Acute care, nursing facility care, assisted living facility care and mental health care.
 - h. Consumer Issues. Bankruptcy, collections, financial counseling, bill reductions, solicitation and unfair sales practices/fraud.
5. Benefits Counseling Services Procedures. The AAA Benefits counselor will:
- a. Refer the client to an appropriate provider in the area if a request for assistance involving any of the priority issue areas requires intervention by an attorney or paralegal.
 - b. Develop an appropriate and timely referral process, in consultation with the local legal provider(s), for the purpose of handling requests or referrals which originate from sources other than the Area Agency on Aging.
 - c. Regardless of the referral source, the benefits counselor shall determine whether or not the clients who require legal assistance may be assisted with other resources, such as the Legal Hotline for Older Texans, pro-bono or reduced-fee providers or through services funded by the Legal Services Corporation.
 - d. Monitor services by mailing out ~~an annual~~ Consumer Satisfaction Survey to each client that has been assisted that year. This survey is included with a self-addressed envelope to make it easier for the client to return. ~~The survey is to ensure that services were provided and to determine whether services met the needs and expectations of the client. The survey is to~~ ensure that services are provided, determine whether services meet the needs and expectations of the client, and where necessary advocate for improvement in service delivery.

6. Relationship with Providers. The AAA Benefits counselor will:
 - a. Coordinate with the Texas Legal Services Center, Texas Young Lawyers Association, the private bar and local legal programs (such as law clinics or student law programs), Legal Services Corporation grantees, the Ombudsman Program or other programs.
 - b. Utilize Texas Legal Services Center to provide legal consultation and back-up to access and assistance staff, as needed.
 - c. If consultation/back-up is needed for access and assistance staff in addition to that described above, obtaining such assistance through agreements with programs such as pro-bono or reduced-fee attorneys, law school students, local legal programs or Legal Services Corporation grantees.
7. Education and Outreach. The AAA Benefits Counselor will:
 - a. Disseminate accurate, timely and relevant information regarding any issue identified under the priority areas to targeted persons identified above.
 - b. Provide education and outreach to individuals or through a group setting such as forums, workshops, seminars and training sessions and other public venues, and will be reported as legal awareness.
8. Classification of Activities
 - a. The provision of activities to eligible persons in a one-on-one setting or by telephone where detailed information is provided but no client intake is necessary shall be reported as legal awareness.
 - b. The provision of advice, counseling and/or representation on matters involving insurance issues, public/private benefits, consumer problems and other legal issues shall be reported as legal assistance if a client intake is completed.
 - c. If a client has a simple request for information on any topic including those identified under 40 TAC 83.3 (3), it shall be reported as information, referral and assistance.
 - d. While education and outreach initiatives that include the dissemination of information through mass media may be budgeted as associated costs under legal awareness, the activities may not be reported as units of service.
 - e. Presentations or other activities that describe the services of the area agency on aging in general, including the benefits counseling program, may not be reported as units of service.
9. The area agency on aging shall collaborate with local, state and federal entities to provide education and outreach. Such entities may include but are not limited to the Texas Department of Insurance, Texas Legal Services Center, Texas Medical Foundation, the Centers for Medicare and Medicaid Services and the Social Security Administration.
10. Benefits counselors shall complete the training and certification requirements as set forth in the benefits counseling certification manual issued by the Department.

Reference: [40 TAC §83.3](#)

Intake Procedures

1. The following forms will be completed by the Benefits Counselor during the intake process:

- HHSC Client Intake and Service Request Form
- HHSC Clients Rights and Responsibilities for Older American Act Form
- HIPAA Form

Training for Benefits Counselor and/or Volunteers

1. The AAA Benefits Counselor will complete training and certification requirements as set forth in the [Texas Legal Services Center \(TLSC\) Benefits Counseling Certification Manual](#), to ensure that the AAA staff member who provides benefits counseling possesses the necessary skills and expertise to perform the duties and responsibilities of a benefits counselor.
2. The AAA Certified Benefits Counselor will train all volunteers prior to the volunteer providing services to the public. All volunteers will also complete training and certification requirements as set forth in the Texas Legal Services Center (TLSC) Benefits Counseling Certification Manual.
3. The volunteer will submit an application to become a volunteer Benefits Counselor and submit the completed application to the Benefits Counselor for screening. The BC will then submit the application to the manager or designee for screening and approval. References will be checked after screening approval and the criminal history check will be run at that time. All completed documents will be retained in a locked file with the BC or designee.
4. The volunteer BC is required to submit signed verification of automobile insurance to the manager of the Area Agency on Aging.
5. The volunteer will attend orientation for the volunteer position.

Certification of Benefits Counselors Regarding the Preparation of Advanced Directives

Policy

The AAA Benefits Counselor will be trained to assist clients with the preparation of advanced directives.

Procedures

The AAA will require that a benefits counselor meet the following requirements in order to be certified:

1. Be an employee of the Ark-Tex Area on Aging and affiliated with the Texas Health and Human Services who provides benefits counseling services through an area agency on aging system of access and assistance to persons' age 60 years and older and/or their family members or other caregivers, and
2. Complete the training and certification requirements, set forth in Texas Legal Service Center's benefit counseling and certification manual.

The training referred to above must:

- a. Be approved by the Texas Health and Human Services; and
- b. Includes the following components:
 - 1) Statutory, regulatory, and policy provisions applicable to advance directives in Texas;
 - 2) The use of letters, questionnaires, and checklists for gathering information to provide technical advice, consultation and document preparation for clients;
 - 3) Conducting the client interview (including confidentiality and conflict of interest considerations);
 - 4) How to complete, sign, and witness, the Advance Directives provided for in the Texas Health and Safety Code, Chapter 166, and how to complete, sign, and witness, the Designation of Guardian Before Need Arises provided for in the Texas Probate Code §679;
 - 5) How revocation of the Advanced Directives is accomplished; and
 - 6) Proper procedures for filing and informing health care personnel about the Advance Directives documents.
3. Include an assessment tool approved by HHSC that verifies that the employee or volunteer providing benefits counseling through an area agency on aging system of access and assistance has sufficient knowledge after the training described above, to provide high quality services that meet the needs of clients for technical advice, consultation, and document preparation in regard to the Advance Directives in Texas Health and Safety Code, Chapter 166, and in regard to the Designation of Guardian Before Need Arises provided for in the Texas Probate Code §679. The assessment tool shall require a score of 70% correct answers as the minimum passing grade.

TLSC shall certify an employee or volunteer providing benefits counseling through The AAA system of access and assistance who has completed the training described in above and who has completed the assessment tool with a score of 70% or higher to provide services under [Texas Government Code §81.1011](#).

Reference: [40 TAC §83.4](#)

Long-Term Care Ombudsman Program

Ark-Tex Council of Governments (ATCOG) is a host agency, as defined in Title 26, Texas Administrative Code (TAC), [§88.2](#), that contracts with the Health and Human Services Commission to ensure that the ATCOG local ombudsman entity implements the Ombudsman Program in the ATCOG region.

Policy: ATCOG is responsible for personnel management of persons employed by ATCOG who perform the functions of the Ombudsman Program, in accordance with Title 26, Texas Administrative Code, [§88.402](#).

The ATCOG local ombudsman entity (LOE) will implement the Ombudsman Program in the ATCOG region in accordance with:

- [Title 42, United States Code, §3058g](#);

- [Title 45, Code of Federal Regulations, Part 1324;](#)
- [Title 26, Texas Administrative Code, Chapter 88;](#)
- HHSC Ombudsman Policies and Procedures Manual;
- HHSC Ombudsman Program Protocols; and
- HHSC Ombudsman Certification Training Manual.

Direct Purchase of Service (DPS)

Purpose

This section establishes the AAA's policies and procedures for the Direct Purchase of Service (DPS) procurement method.

Policy

The AAA will use the Direct Purchase of Service (DPS) procurement method to purchase services from providers on a client-by-client basis, as determined by an assessment of the individual's service needs.

Procedures

The AAA will:

Provider Pool

Develop and maintain a provider pool using open enrollment which allows eligible service providers to enroll at any time during the program year.

Provider Agreement

1. Execute a Provider Agreement and obtain all necessary signatures prior to permitting the provider to provide services.
2. The *Certification Regarding Debarment, Suspension, Ineligibility* and HHSC Data Use Agreement will be updated annually.
3. Adhere to Section 2 A and B under terms of Agreement in the signed Provider Agreement.

Service Authorization

The AAA staff members will develop service authorizations, for the specified services, and fax or email securely, to the service provider and will include the following information:

- Service to be provided
- Number of units authorized
- Frequency of service
- Start date and end date of services

Provider Review (Quality Assurance)

Purpose

This section sets forth the AAA's policies and procedures for reviewing provider program and fiscal activities, and imposing penalties and/or sanctions on service providers for non-performance of the contract/provider agreement or non-compliance with service delivery requirements.

Policy

Since the AAA utilizes the Direct Purchase of Service method in dealing with Providers, the following quality assurance areas are assessed:

1. Fiscal and Program: To track the services and test the overall performance of the AAA subcontractors to ensure quality services are provided to the elderly clients in the communities served and that accurate reports are submitted to the AAA.
 - a. NOTATION: Performance Measure Testing is done on a monthly basis. The AAA requires their Service Providers to provide intakes, rosters, invoices, and/or time sheets (if necessary), on a monthly basis. Annual Satisfaction surveys are completed to ensure quality performance from Service Providers.

Procedures

1. Each month the ATCOG Accounting Specialist receives the stamped and dated Provider Payment Invoices from the Service Providers through the ATCOG mail route, email, fax or the Service Providers will hand deliver the paperwork to the ATCOG main office.
2. The ATCOG Accounting Specialist or designee checks the required forms and documentation that accompanies the Provider Payment Invoice. If documentation has been omitted or is incorrect, the ATCOG Accounting Specialist or designee will contact the service provider to resolve the issue.

Congregate Meals, Home Delivered Meals, and Transportation

1. The following documentation is required from the above service providers:
 - a. Provider Payment Invoice for each service provided
 - b. Monthly SPURS Roster for each service
 - c. Summary Report of Meals and Donations
 - d. Worksheet for Calculation of Monthly Units Purchased from Program Income and Non-Federal Cash Match
 - e. Worksheet for Monthly Calculations of Units
 - 1) The AAA Coordinator or designee verifies all dates on required HHSC Intake forms, checks birthdate for eligibility, and then enters intakes into the SPURS database.
 - 2) The AAA Coordinator or designee tallies each roster to verify the monthly units.
 - 3) The ATCOG Accounting Specialist or designee verifies the Summary Report of Meals and Donations Form for program income and HHSC approved In-kind contribution forms.
 - 4) The AAA Coordinator or designee verifies the Worksheet for Monthly Calculations of Units.

- 5) The AAA Coordinator or designee verifies the Provider Payment Invoice.
- 6) The AAA Coordinator or designee enters HHSC Units, Program Income Units, and Other Local Fund Units into the SPURS Database from each roster.
- 7) The AAA Coordinator or designee prints a monthly SPURS Agency Summary Report verifying the data entered into the SPURS Database with the Provider Payment Invoice.
- 8) The AAA Director and/or Manager signs the Provider Payment Invoice for approval and payment.

Quality Assurance

1. At the beginning of each fiscal year, the AAA staff designee will determine which sites to be subject to a Quality Assurance Review. The tools that appear in the Quality Assurance Monitoring Workbook ([See Attachment H](#)) will be used for this purpose.
2. The AAA will track all findings until resolution, continually providing written status reports and technical assistance to service providers concerning all findings and notifying service providers of completion of the process.
5. Each participant with the AAA provider will be mailed a survey. The participant will fill out the survey and mail it back in the provided postage paid envelope.
6. The AAA will track all findings and notify the service provider of findings, if any.

Homemaker and Caregiver In-Home Respite

1. The following documentation is required from the above service providers:
 - a. Billing Statement for each service provided
 - b. Time Sheets for each client for the month, for each service provided
2. The ATCOG Accounting Specialist or designee verifies the number of units recorded on the Billing Statement with the monthly timesheets.
3. The ATCOG Accounting Specialist or designee then verifies the time sheets with the Service Order to see that services have been provided correctly for each client.
4. If the ATCOG Accounting Specialist or designee finds any discrepancies, the AAA Case Managers are provided documentation in order for them to check that a Form 2067 has been provided by the Service Provider explaining why the services were not provided according to the Service Order.
5. The ATCOG Accounting Specialist or designee enters HHSC units into the SPURS database for each service.
6. The ATCOG Accounting Specialist or designee prints a monthly SPURS Agency Summary Report verifying the data entered into the SPURS Database with the Billing Statement.
7. The authorized Case Management Disbursement Voucher is prepared for payment.

Direct Service Program Performance Measure Testing (PMT)

Purpose

Ark-Tex Area Agency on Aging establishes the following process in order to assure that data at the Fiscal, Performance and Program levels is reported correctly to HHSC Access and Intake Division.

Policy

To schedule client file review which will include the review of intakes and other HHSC required forms, assessments, service authorizations, and care plans. This will also include reconciliation of direct service units entered into the SPURS Database and service delivery reports, when requested by management.

Procedures

Benefits Counseling

1. The following forms will be completed by the benefits counselor during the intake process:
 - a. HHSC Client Intake and Service Request Forms
 - b. HHSC Clients Rights and Responsibilities for Older Americans Act Form
 - c. HIPAA form
2. Completed documents prepared by the AAA benefits counselor will be submitted to the AAA Director/Manager or the AAA Coordinator to review a random sampling for accuracy once the information has been entered into the SPURS database system. If errors are found, the documents will be returned to the benefits counselor to obtain the necessary corrections.
3. The AAA Program Assistant and or designee will select a random sample of HICAP and legal assistance clients to review the monthly narrative documentation along with the units that have been entered into the SPURS database system.
4. The AAA Program Assistant and or designee, on a monthly basis, will perform the required screening of all the AAA employees involved in HICAP Assistance, Legal Assistance and Legal Awareness, to determine if they have been excluded from participation in federal health care programs. Exclusion will occur when such person has been convicted of health care fraud. Each AAA staff member that is included in the screening process signs a letter explaining the Notice of Required Employee Screening.
 - a. The screening will include searching both the Office of Inspector General state and federal databases using the employee's name.
 - b. If a name appears, it will be promptly reported to the Health and Human Services Commission.

Case Management

1. The following forms will be completed by the Case manager during the intake process:
 - a. HHSC Client Intake and Service Request Form
 - b. HHSC Determine Your Nutrition Health Form
 - c. HHSC Clients Rights and Responsibilities for Older Americans Act Program Form

- d. HIPAA form
 - e. AAA Consumer Needs Evaluation
 - f. HHSC Caregiver Assessment (caregiver clients only)
2. The AAA Director and/or Manager or the AAA Coordinator will select a random sample of monthly unduplicated care coordination and caregiver client files for verification.

Reference: [AAA-PI 501](#) (Quality Assurance (QA) Reviews for Direct Purchase of Service (DPS) Service Providers

Contractor/Provider Responsibilities, Rewards and Sanctions

Provider Agreements Policy

The AAA holds its service providers responsible for meeting the terms of their Provider agreements. See [Attachment F](#) for Provider Application and [Attachment G](#) for Provider Agreement.

Provider Agreement Procedures

The AAA executes specific procedures that include, but are not limited to, the following:

1. Requiring service providers to comply with contracts/provider agreements, including all operational requirements for implementing such contracts/provider agreements.
2. Requiring that service providers meet routine and standard administrative requirements as published by HHSC and the AAA, including submitting all budget documents and required reports in a complete, timely and accurate manner.
3. Requiring service providers to respond to requests by the AAA for specific corrective action as a result of:
 - a. The proposal review;
 - b. Program and fiscal reviews and assessments;
 - c. Investigation and response to complaints;
 - d. Incorrect or incomplete information on program performance reports; and
 - e. Failure to meet other routine and standard administrative requirements.

Sanction Policy

The AAA takes appropriate action to secure the continuing administrative compliance of its service providers through penalties or sanctions. Sanctions are imposed upon service providers for failure to comply with routine and standard administrative or operational requirements; or failure to comply with federal and state statutes and regulations. When a contractor or service provider has failed to comply with the terms of a Provider agreement, or with federal and/or state statutes, codes, and/or rules that detail the legal obligations and responsibilities incurred as a result of agreeing to the terms of a Provider agreement, the AAA reserves the right to take actions as may be legally available and appropriate to the circumstance.

Sanction Procedures

The AAA will utilize the following steps:

1. Contacting the service provider to resolve the issue.
2. If issue cannot be resolved via the initial contact, confirm the request in writing, specifying the items for which compliance is requested and the date on which such response is due to the AAA.
3. Notifying the service provider by certified mail of the items for which compliance has not been demonstrated and the effective date of the sanction to be imposed, if no adequate response is received from the service provider.
4. Withholding funds from the service provider on a temporary basis for a specifically budgeted function or service or any part thereof, for failure to meet administrative and operational requirements referenced in this Section. Funds are withheld until such time as the matter is resolved to the satisfaction of the AAA.
5. Releasing funds to the service provider once compliance has been demonstrated.
6. Notifying the service provider by certified mail, return receipt requested, of its intention to impose the sanction of termination of the Provider agreement, if the matter is not resolved within a timeframe specified by the AAA.
7. Terminating the Provider agreement as a result of failure to comply as described in this Section, using the following procedures:
 - a. Requesting the service provider's compliance and simultaneously confirming the request in writing by certified mail, return receipt requested, specifying the items for which compliance is requested.
 - b. If no response is received in ten working days, forwarding a written request to the governing official of the service provider by certified mail, return receipt requested, seeking compliance and specifying the sanction to be imposed.
 - c. Imposing the sanction of termination by issuance of a letter of notification by certified mail, return receipt requested, citing the items for which compliance has not been demonstrated, and the effective date of termination of the contract. Such letter will state that payment to the service provider will be made only for costs incurred under the terms of the Provider agreement, up to the date that the termination is effective.
 - d. Providing payment to the contractor or service provider for allowable costs incurred under the terms of the contract/Provider agreement until the date on which the contract/Provider agreement termination is effective.

Data Management

Purpose

This section establishes the AAA's policies and procedures for Data Management services.

Policy

The AAA will perform data management activities as described in HHSC Program Instruction [AAA-PI-312](#) *Data Management Guide*.

PROCEDURES:**The AAA will:**

1. Provide Data Management as a direct service.
2. Identify the AAA staff members providing such services on the narrative required during the annual budget submission.
3. Utilize the chart referenced in the HHSC Program Instruction AAA – PI – 312.
4. Utilize the SPURS Project Training: Job Aids for data entry by all the AAA staff members.

Reference: [26 TAC §213.157](#)

Chapter 6: Older Americans Act Services

1. The following nutrition services are provided by the AAA through service providers:
 - Congregate Meals
 - Home Delivered Meals
 - Nutrition Education
2. The following services to assist independent living are provided by the AAA through service providers:
 - Adult Day Services
 - Caregiver Respite – In-Home
 - Caregiver Information Services
 - Chore Maintenance
 - Emergency Response
 - Health Maintenance
 - Homemaker
 - Income Support
 - Personal Assistance
 - Residential Repair
 - Transportation Demand Response
 - Voucher - Homemaker

Transportation Services

Purpose

This section establishes the requirements for transportation services, a service provided under the Older Americans Act and funded, in whole or in part, by HHSC.

Policy

The AAA will provide transportation services to individuals that meet the eligibility requirements listed in Chapter II of the Policy and Procedures Manual under Targeting Service Delivery and in accordance to HHSC [AAA-PI 308](#).

Procedures

The AAA will:

1. Require that demand-response transportation provide, at a minimum, curb-to-curb, non-emergency services. (Demand-response is defined as transportation designed to carry older individuals from specific origination to specific destination upon request). Clients request the

transportation in advance of their need, usually twenty-four to forty-eight hours prior to the trip.

2. Ensures that transportation services are in compliance with the ADA.
3. Comply with all of the General Service Requirements outlined in [26 TAC §213.201](#).
4. Require that transit providers receiving Title III funding provide transit staff with training in the areas of scheduling and dispatching, defensive driving, passenger handling and assistance, first aid, and CPR training.
5. Prohibit Title III-B funds from being used to purchase transportation for persons who are under the age of 60.
6. Monitor and evaluate performance of transportation programs in accordance with Provider Review (Quality Assurance).

Transportation: Service Provider Forms Procedures

Purpose

The Ark-Tex Area Agency on Aging requires Service Providers/Providers who are responsible for completing the Client Intake and Service Request Form and the Client's Rights and Responsibilities Form to ensure that all forms are signed by all parties as required. Incomplete client information and/or unsigned forms will not be accepted and client services will not be authorized until the properly completed paperwork is submitted

Procedures

1. The AAA Service Providers/Contractors will be responsible for the initial and renewed Client Intakes of transportation participants and will make recommendations as to each client's need for this service. They will use the required HHSC forms, and all forms must be completed entirely and signed by all parties involved. If the client is unable to sign the form and a representative is signing for them, they must identify themselves as signing for the actual care recipient.
2. The required forms to complete are:
 - HHSC Client Intake and Service Request Form
 - HHSC Clients Rights and Responsibilities for Older Americans Acts Programs Form
3. If errors are found that cannot be corrected with a telephone call, the documents will be returned to the appropriate Service Provider to obtain the necessary corrections.
4. The AAA Program Assistant or designee will enter the new clients into the SPURS database using the HHSC Client Intake and Service Request Form.
5. HHSC required forms provided by our Service Providers must be updated no less than annually. These forms are valid until the last day of the month, one year after the original intake date. No units of service for a client will be paid to the Service Provider until an updated set of forms is provided to the AAA.

6. Any intakes that accompany the monthly invoice/rosters will be examined by the AAA Aging Coordinator or designee for accuracy and verify the dates on all HHSC required forms against the first date of service provided on the monthly roster form.

Reference: [40 TAC §83.19](#) and [26 TAC §213.201](#)

Nutrition Services

Purpose

This section establishes the requirements for nutrition services, a service provided under the Older Americans Act and funded, in whole or in part, by HHSC.

Policy

The AAA will provide nutrition services (congregate and home delivered meals) to individuals that meet the eligibility requirements listed in the Policy and Procedures Manual under Targeting Service Delivery and in accordance to HHSC AAA-PI 307.

Procedures

The AAA will:

1. Secure Providers utilizing the Direct Purchase of Service (DPS) procurement method.
2. Establish yearly rates utilizing the HHSC Rate Setting process.
3. Request submission of waiver request from nutrition service provider(s) who serve home delivered meals less than five days a week. A congregate meal provider is not required to request a waiver when its nutrition project is cumulatively serving a total of five days a week between all meal sites.
4. The AAA does not need to seek a waiver in order for nutrition providers to close on holidays. (Please note that there may be no more than 10 holidays per year on which the provider does not serve, unless HHSC has granted prior approval for additional days to be without meal service).
5. Monitor and evaluate performance of nutrition programs in accordance with Provider Review (Quality Assurance).

The Service Provider will:

1. Develop written policy and procedures regarding senior center operations and make them available to senior center staff persons and program participants.
2. Receive written approval from the AAA before the service provider contracts with any entity for meal preparation or service delivery.
3. Require service Provider to develop procedures that protect a client's privacy regarding voluntary contributions, and ensure that no otherwise eligible person is denied service because they will not or cannot contribute to the service.

5. Submit monthly Provider Payment Invoices according to Provider Review (Quality Assurance).
6. Prohibits smoking of tobacco during the hours of operation of senior programs and in footage designated for senior activities funded by HHSC.

Intakes and Assessment Procedures

Purpose

The Ark-Tex Area Agency on Aging requires Case managers and Service Providers/Providers who are responsible for completing Client Intake and Assessment forms to ensure that all forms are signed by all parties as required, including the Case manager's signature on the HHSC [Form 2060](#). Unsigned client information will not be accepted and client services will not be authorized until the properly completed paperwork is submitted. Non-compliance to this policy will result in a delay of service authorizations and fewer units of service.

Procedures

1. Require site managers at congregate meal sites to have clients complete the required HHSC forms: Client Intake and Service Request Form, Client Rights & Responsibilities for Older Americans Act Program Form, and Determine Your Nutrition Health. All forms must be completed prior to the initiation of service and updated every 12 months thereafter.
2. Intakes, Assessments and Nutritional Risk Assessments provided by our Service Providers/Providers must be updated no less than annually. Intakes, Assessments and Nutritional Risk Assessments are valid until the last day of the month, one year after the original evaluation date. No units of service for an individual will be paid to the Service Provider until an updated set of forms are provided.
3. The AAA case managers or Service Providers/Providers will use the required forms, including the AAA Consumer Needs Evaluation. All forms must be completed entirely and signed by all parties involved. If the client is unable to sign the form and a representative is signing for them, they must identify themselves as signing for the actual care recipient. Home visit must be completed prior to the initiation of service and reassessed at least every 12 months thereafter. **Special circumstances may prohibit a home visit, such as a home visit, and a phone assessment would be appropriate. The AAA will notify the Provider if the home visit is waived.
4. The required forms to complete are:
 - [HHSC Client Intake and Service Request Form](#)
 - [HHSC Determine Your Nutrition Health](#)
 - HHSC Clients Rights and Responsibilities for Older Americans Acts Programs
 - [AAA Consumer Needs Evaluation](#) (Home Delivered Meal Clients Only)
 - [HHSC Caregiver Assessment](#) (Case managers Only If Caregiver Situation)

5. Completed documents prepared by the Service Providers/Providers will be submitted to the AAA Program Assistant to examine for accuracy before entering into the SPURS database system. If errors are found prior to data entry, the documents will be returned to the appropriate individual to obtain the necessary corrections.
6. The AAA will reimburse the service Provider for a maximum of two attempted but unsuccessful meal deliveries per program participant per month.

Facilities and Food Service Procedures

Through quality assurance visits the AAA will:

1. Determine that service providers follow procedures and maintain facilities that are in compliance with all applicable federal, state and local fire, health, sanitation and safety laws and regulations. All food preparation, handling, and service activities shall comply with Texas Department of State Health Services Division of Food and Drug, Texas Food Establishment. Reference 25 TAC, Chapter 229 (related to Food and Drug).
2. Determine that senior center complies with applicable local building codes and ordinances and applicable state and federal laws, rules, and regulations including the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504.
3. The contractor must provide a copy of all required inspection results to the AAA within thirty calendar days of receiving results.
4. Post a copy of the latest fire prevention inspection report is posted in a conspicuous place in the senior center and a copy of the report is maintained in the files of the senior center.
5. Determine that service providers comply with requirements described in [26 TAC §213.151](#), relating to records and under Policy and Procedure Manual: Records.
6. Determine that facilities are located in close proximity to the majority of older individuals' residences. The preferred location is a multipurpose senior center within walking distance or with transportation service provided.
7. Determines that all doors, outside stairs, and fire escapes are free from obstruction and in proper condition.
8. Determines that basic first aid supplies are available and maintained, clearly marked, and accessible to all senior center staff persons and program participants.
9. Require that service Provider adhere to the AAA Policy and Procedures: Grievances/Complaints.

Nutrition Services Incentive Program

The AAA must ensure that a service provider:

1. complies with the Older Americans Act, [§311](#), relating to the Nutrition Services Incentive Program; and
2. includes only eligible meals (that is, meals delivered to program participants who meet the criteria described in [26 TAC 213.203 subsection \(b\)](#) of this section) in reports related to the Nutrition Services Incentive Program.

Meal Costs

THE AAA must ensure that a service provider:

1. posts the cost of a meal for purposes of cost recovery as described in [26 TAC 213.203](#) paragraph (2) of this subsection;
2. keeps payments for ineligible meals separate from contributions from program participants.

Meal Requirements

1. Service Provider will comply with the requirements of the [Older Americans Act §339](#) (2)(A) Nutrition Program.
2. Service Provider develops menus based on the new HHSC Dietary Reference Intakes (DRI) and Dietary Guidelines for Americans (DGA) Guidelines.

Menus

The AAA must ensure that, for each meal included on the menu and listed allowable substitutions, a service provider obtains:

1. approval, in writing, from a dietitian consultant that the meal meets one third of the recommended dietary allowance as referenced in the Dietary Reference Intakes for a person 60 years of age or older and the current Dietary Guidelines for Americans as required by the Older Americans Act, [§339](#)(2)(A); and
2. the written approval before the date the meal is served.

The dietitian consultant required by [26 TAC 213.203](#) paragraph (1) of this subsection must:

- a. be a licensed dietitian in accordance with [Texas Occupations Code, Chapter 701](#);
- b. be a registered dietitian with the Commission on Dietetic Registration/American Dietetic Association; or
- c. have a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management.

The AAA must ensure that a service provider's planned menus provide for variety in flavor, consistency, texture, and temperature.

Standard Recipes

The AAA must ensure that a service provider plans and manages food production through the use of standardized recipes adjusted to yield the number of servings needed and to provide for consistency in quality and documented nutrient content of food prepared.

Emergency or Inclement Weather or Service Frequency Less Than 5 Days a Week

If a service provider delivers frozen, chilled, or shelf-stable meals for emergency or inclement weather situations, or if the service provider's service frequency is less than five days per week, the AAA must ensure that the service provider:

1. delivers the meals only if the program participant has sanitary and safe conditions for storing, thawing, and reheating the meals;
2. determines the meals can be safely handled by the program participant or another available person if the participant is unable to safely handle the meal.

Meal Packaging

The AAA must ensure that a service provider:

1. uses supplies and carriers to package and transport hot foods separately from cold foods;
2. uses enclosed meal carriers used to transport easily damaged trays or containers of hot or cold foods to protect such food from contamination, crushing, or spillage and equips the meal carriers with insulation or supplemental hot or cold sources as is necessary to maintain safe temperatures; and
3. complies with the following in packaging meals:
 - a. seals the meal container to prevent moisture loss or spillage to the outside of the container;
 - b. maintains a safe temperature of the packaged meal throughout transport;
 - c. uses a container designed with compartments to separate food items for visual appeal and to minimize spillage between compartments; and
 - d. uses a container a program participant can easily open.

Holding Time

The AAA must ensure that a service provider does not allow more than four hours to expire from the time the cooking or reheating of food is completed and the time the food is served to the program participant.

1. A service provider must keep meals that are prepared and packaged for delivery at the following temperatures:
 - a. 40 degrees Fahrenheit or below for cold food items; and
 - b. 135 degrees Fahrenheit or above for hot food items;
2. does not leave meals unattended at the program participant's residence; and
3. develops written procedures:
 - a. ensuring meals are safe and sanitary for the program participant;
 - b. requiring follow-up with a program participant who was not available when a meal delivery was attempted on the same day the attempt was made; and
 - c. ensuring a significant change in a program participant's physical or mental condition or environment is reported to the service provider and appropriate action taken by the service provider on the same day the service provider is notified of the change.
4. Adheres to [Texas Food Establishment Rules](#) (TFER):
 - a. The food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
 - b. The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control;

- c. The food in unmarked containers or packages or marked to exceed a four-hour limit shall be discarded; and
- d. Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request that ensure compliance with clauses (i) – (iv).

Training

The AAA must ensure that a service provider provides at least one hour of training to a staff person or volunteer of a service provider who is involved in the administration or provision of nutrition services before the staff person or volunteer assumes duties. The training topics must include:

- program participant confidentiality;
- procedures used in handling emergency situations involving clients;
- sanitary methods used in serving and delivering meals;
- general knowledge and basic techniques of working with persons who are aged and persons who are disabled; and
- personal hygiene.

The AAA must ensure that a service provider provides the following training to a staff person or volunteer of a service provider who is involved only in the administration of nutrition services before the staff person or volunteer assumes duties:

1. the training described in paragraph (1) of this subsection; and
2. one hour of training on the content and implementation of applicable forms, rules, procedures, and policies of HHSC, the AAA, and the service provider relating to the administration or provision of nutrition services.

The AAA must ensure that a service provider provides at least two hours of training to a food service supervisor before the supervisor assumes duties. Training topics must include:

- personal hygiene;
- food storage, preparation, and service, including prevention of food-borne illness;
- equipment cleaning before, during, and after meal service;
- selection of proper utensils and equipment for transporting and serving foods;
- automatic and manual dishwashing procedures; and
- accident prevention.

In addition to the training required by paragraph (3) of this subsection, the AAA must ensure that a service provider provides at least six hours of training to a food service supervisor no later than 30 days after the supervisor assumes duties. Training topics must include:

1. practical procedures for food preparation, storage and serving;
2. portion control of food in appropriate dishes;
3. use of standardized recipes;
4. nutritional needs and meal pattern requirements of older adults to be served; and

5. quality control of:

- flavor;
- consistency;
- texture;
- temperature; and
- appearance (including the use of garnishes).

The AAA must ensure that the service provider's food service supervisor complies with [25 TAC §229.172](#) (relating to Management and Personnel).

The AAA must ensure that a service provider documents the provision of training required by paragraphs (1) - (4) of this subsection. The documentation must include the names of the staff person or volunteer being trained and the trainer; the topics covered; and the date, time, and length of the training.

- a. Require the service provider to have an adequate number of staff persons available at the congregate meal site who are certified in:
- First aid;
 - Cardiopulmonary resuscitation; and
 - Operating an automatic external defibrillator, if one is available.

Nutrition Education

Nutrition education helps to promote nutritional well-being and to delay the onset of adverse health conditions from poor nutritional health or sedentary behavior by providing accurate and culturally sensitive information and instruction on nutrition, physical fitness, or health (as it relates to nutrition).

Design material to provide participants with the understanding, skills, and motivation necessary to make informed food, activity, and behavioral choices that can improve their health and prevent chronic disease.

A qualified dietitian or a person with equivalent education and training in nutrition science must develop and approve the material. After the qualified dietitian or other qualified person provides training and guidance on using the materials, a nurse, social worker, therapist, congregate meal site director, wellness coordinator or other person may provide the nutrition education session.

While educational or informational flyers or handouts are good reinforcements of nutrition education, the distribution of flyers or handouts alone is not nutrition education.

Provide nutrition education to all recipients of nutrition services at least once every 12 months. Participants must receive at least 15 minutes of nutrition education annually.

Provide nutrition education to recipients of congregate meals in group settings or one-on-one.

Provide nutrition education to recipients of HDMs:

- in person;

- by phone; or
 - through other electronic means such as webcasts, if such electronic means can give each person an opportunity to ask questions.
1. Document that nutrition education was provided and include the following:
 - name of the meal provider;
 - date of the session;
 - name of the person providing the education;
 - lesson plan or curriculum approved by the qualified dietitian; and
 - name of each person receiving the service.
 2. Report the total units of service and the estimated number of eligible people who received nutrition education using the HHSC information management system.
A unit of service = one session per participant. Count a session for every eligible person attending a nutrition education session.

Reference: [F-1330 OAA AAA Policy and Procedures Manual](#)

Political Activity

The service provider will not:

1. Use a congregate meal site for political campaigning except in those instances where a representative from each political party running in the campaign is given an equal opportunity to participate.
2. Distribute political materials at a congregate meal site.

Religious Activities and Prayer

The service provider will not:

1. Allow a nutrition site staff person to lead a prayer or other religious activity.
2. Prohibit a program participant from praying silently or audibly at a congregate meal site if the program participant so chooses.

Emergency Conditions, Inclement Weather, Disasters and Holidays

The meal provider must ensure there are sanitary and safe conditions for storing, thawing and reheating meals when the provider distributes chilled, frozen, or other meals for emergency conditions, inclement weather, disasters or holidays. The meal provider must also ensure the person can physically manage the meals.

The meal must be labeled and provide the expiration date in large print with instructions for storing, thawing, and reheating, as appropriate.

Meal providers must develop and keep written procedures to address congregate meal site closures and suspension of HDMs for emergency conditions, inclement weather, disasters, and holidays. The AAA's meal provider contract must address the provision of congregate and HDM services during meal site closures. The AAA, sub-recipients, and their meal providers must define emergency

conditions, inclement weather, disasters, and holidays and include those terms in the contract for OAA meals.

Meal providers must ensure people receiving meals are aware of the date, or approximate date, the meal service will resume when they stop meals due to an emergency, inclement weather, disaster or holiday.

The AAA must ensure meal providers:

- keep food, facilities, and equipment available for emergencies and disasters according to a plan developed by the meal provider, who gives priority to program participants 60 years or older; and
- adopt written procedures ensuring the availability of food for eligible people during emergencies, inclement weather, disasters, and holidays.

Reference: [C-1211 OAA AAA Policy and Procedures, 26 TAC §213.203](#)

Homemaker Services

Purpose

This section establishes the requirements for homemaker services, a service provided under the Older Americans Act and funded, in whole or in part, by HHSC.

Policy

The AAA will provide homemaker services to individuals that meet the eligibility requirements listed in the Policy and Procedures Manual under Targeting Service Delivery and in accordance to HHSC [AAA-PI 310](#).

Procedures

The AAA will:

1. Secure Providers utilizing the Direct Purchase of Service (DPS) procurement method, or
2. Provide consumer directed services by providing vouchers to program participant, allowing the program participant to select a homemaker, establish a work schedule and payment rate, and provide the homemaker information and training on the program participant's needs.
3. Informing program participant of options. If the AAA provides homemaker services as both an agency managed service and as a consumer directed service, the AAA must inform a program participant that he or she may choose to receive homemaker services in either of those two ways.
4. Provide the service provider with a monthly service order for each program participant, receiving this service, in accordance with [§83.3\(o\)\(2\)\(B\)](#) prior to start of services.
5. Monitor and evaluate performance of homemaker programs in accordance with Provider Review (Quality Assurance).

The Service Provider will:

1. Adhere to Section 2 A and B under Terms of Agreement in the signed Provider Agreement.
2. Ensure that program supervisor for homemaker services meets the criteria in 26 TAC [§213.207](#).
3. Ensure that homemaker (the person who provides homemaker services to the program participants meets the criteria in 26 TAC [§213.207](#).
4. Ensure that homemaker provides services in accordance with the Texas Health and Human Services definition:

“A service provided by trained and supervised homemakers involving the performance of housekeeping and home management, meal preparation, or escort tasks and shopping assistance provided to older individuals who require assistance with these activities in their place of residence. The objective is to help the recipient sustain independent living in a safe and healthful home environment.”

5. Prohibited Activities: Homemaker services do not include the following:
 - a. personal assistance services as described in TAC §85.305.
 - b. home repair
 - c. pet grooming
 - d. yard maintenance
 - e. moving heavy objects
 - f. performing services for members of the household other than the client.
 - g. transporting the program participant in their own personal vehicle to health care services and other necessary services.
 - h. performing services not requested in the service order/authorization.
 - i. accepting gifts from the program participant.
 - j. bringing persons to the program participant’s home who are not there in any homemaker service-related capacity.
 - k. taking personal property from the program participant’s residence;
 - l. assuming control of the financial or personal affairs of the client or his/her estate, including power of attorney, guardianship or conservatorship; or
 - m. committing any act of abuse, neglect, or exploitation.
 - n. consuming client’s food or drink.
6. Ensure that homemaker does not provide homemaker services prior to the receipt of a service order from the AAA case manager.
7. Submit monthly Provider Payment Invoices according to Provider Review (Quality Assurance).

Emergency Response Services

Purpose

This section establishes the requirements for emergency response services, a service provided under the Older Americans Act and funded, in whole or in part, by HHSC.

Policy

The AAA will provide emergency response services to individuals that meet the eligibility requirements listed in the Policy and Procedures Manual under Targeting Service Delivery and in accordance to HHSC [AAA-PI 310](#).

Eligibility Requirements

1. Must meet at least one of the following criteria:
 - Lives alone and in a private residence;
 - Routinely alone for eight or more hours during a 24-hour period; or
 - Lives with an incapacitated person who is not able to call for help or otherwise assist in an emergency.
2. Is at risk, such as being prone to falling or having an existing medical condition that may be life-threatening if the program participant does not receive immediate assistance.

The AAA case manager, through completing HHSC required forms, will determine that program participant is:

1. Mentally alert enough to operate the equipment properly.
2. Program participant maintains a private telephone line, if the system requires a private line to function properly.

Procedures

The AAA will:

1. Secure Providers utilizing the Direct Purchase of Service (DPS) procurement method.
2. Provide the service provider with an annual service order for each program participant, receiving this service, in accordance with [§83.3\(o\)\(2\)\(B\)](#) prior to start of services.
3. Evaluate performance of emergency response services in accordance with Provider Review (Quality Assurance).

The Service Provider will:

1. Adhere to Section 2 A and B under Terms of Agreement in the signed Provider Agreement.
2. Ensure that Provider is licensed by the Public Security Bureau of the Texas Department of Public Safety as an alarms systems company or by the Department of State Health Services as a personal emergency response system provider.
3. Ensure that emergency response services are provided in accordance with the Texas Health and Human Services definition:

“Services provided to the homebound, frail older individuals who use an automatic monitoring system to link them to emergency medical services when their life or safety are in jeopardy. ERS services include the installation of the individual monitoring unit, training associated with the use of the system, periodic checking to ensure that the unit is functioning properly, equipment maintenance calls, response to an emergency call by a medical professional, para-professional or volunteer, and follow-up with the older individual.”

4. Services are not provided prior to the receipt of a service order from the AAA Case manager.
5. Submit monthly Provider Payment Invoices according to Chapter II – E. Provider Review (Quality Assurance).

Service Activities

1. Coordinate and oversee the installation and management of the system.
2. Coordinate with the program participant and the AAA case manager to see that equipment is installed and operational and services are initiated with 14 days after the service effective data on the service order.

Responder Requirements

1. The AAA must, before emergency response services are initiated, obtain or must ensure that a vendor obtains from the program participant as many names, as possible, of persons who will serve as responders.
2. The AAA must designate or must ensure that a vendor designates public service personnel as the responder of last resort for each program participant.

Prerequisites to Service

1. Obtain a release statement from the program participant that allows the responder to make a forced entry into the program participant's home if he /she is asked to respond to an activated alarm call and has no other means of entering the home to respond.
2. Train program participant how to use the system, demonstrate how to activate an alarm call, and verify that program participants understand the operation of the ERS system during a test run.
3. Explain that program participant must:
 - Provide name and phone numbers of two volunteers who are willing to respond to the program participant when the alarm is activated. These volunteers are in addition to police, fire, and emergency medical services personnel.
 - Participate in a monthly system check. **Unless service provider conducts system checks remotely with equipment.
 - Contact service provider if program participant's telephone number or address changes.
 - Contact service provider if one or more of the program participant's volunteer responders' changes.
 - Ensure that electronic monitoring system is not willfully abused or damaged.

Program Participant File

The ERS Service Provider will maintain a file for each program participant that includes:

- The name, telephone number, address and medical condition of the program participant
- The name and telephone number of the program participant's physician or primary health care provider
- The name and telephone number of each responder
- A record of all completed and attempted system checks
- A record of each incident or alarm call
- A copy of all required notices sent to the AAA
- Home entry release statement
- The program participant's acknowledgment the equipment belongs to the Provider
- Service Orders from the AAA case manager
- Record program participant received a verbal explanation and written copy of the provider agency's complaint procedures

Service Delivery

1. Ensure their ERS service is available and able to respond to an alarm call from a program participant 24 hours a day, seven days a week.
2. In response to an alarm call will:
 - a. Attempt to contact the program participant within one minute of the call, to verify an emergency exists before contacting a responder.
 - b. Immediately contacts a responder if:
 - program participant verifies there is an emergency, or
 - Provider is unable to reach the program participant.
 - c. Documents an alarm call at the time it is received and after it is resolved which includes:
 - name of the program participant
 - date and time the alarm is received
 - time ERS monitor called the program participant in response to an alarm call
 - the name of the contacted responder
 - brief description of the incident and how the incident was resolved
 - d. Notify the responder within 24 hours after becoming aware of a significant change in the program participant's physical or mental condition.
 - e. Notify the AAA case manager, in writing, of any significant change in a program participant's physical or mental condition or environment within seven days after becoming aware of the change.

System Checks

1. Conduct and document a system check by activating the call button to test the electronic monitoring system at least once during each calendar month for each program participant that the AAA case manager has issued a service order.

2. If system check fails to activate the electronic monitoring system of the program participant, completes a system check three times on three different days within one week of such failure.
3. Contact a responder (other than public service personnel) to conduct a system check if the Provider is unable to complete the monthly system check after three attempts to schedule with the program participant.
4. Contact the AAA case manager, by phone and in writing, within 10 days after an unsuccessful system checks.

Equipment Maintenance

1. Connect the home unit equipment to the monitoring system and ensure that the equipment has an alternate power source if the power fails.
2. Replace and repair faulty equipment in the program participant's electronic monitoring system within one business day after learning of the faulty equipment or as soon as program participant is available.
3. Instruct program participant, caregiver, or responder how to replace a battery.
4. Visit program participant's residence to check the electronic monitoring system equipment within five business days after the equipment has registered five or more "low battery" signals in a 72-hour period and replace the defective battery.
5. Document and maintain a record of each instance of faulty equipment and low battery signal.

Suspension and Termination of Services

1. Contact the AAA case manager in order to suspend services before the end date of a service order and remove equipment from program participant's residence if:
 - Program participant moves to an area where the Provider does not provide services;
 - Program participant is admitted to an institution, personal care home, foster care setting, or any other setting where 24-hour supervision is available;
 - Client dies; or
 - Client requests that services end.

Special Reporting Considerations

1. Contact the AAA case manager within one workday of awareness that program participant abuses the service by:
 - Activating four false alarms within a six-month period that result in a response by emergency personnel;
 - 20 false alarms of any kind within a six-month period;
 - Client is away from the home or is unable to participate in the service delivery for at least three consecutive months;
 - Client is no longer mentally alert enough to operate the equipment properly; and/or
 - Client threatens other's health and safety.

Reference: [26 TAC §213.213](#)

Residential Repair Services

Purpose

This section establishes the requirements for residential repair services, a service provided under the Older Americans Act and funded, in whole or in part, by HHSC.

Policy

The AAA will provide residential repair services to individuals that meet the eligibility requirements listed in the Policy and Procedures Manual under Targeting Service Delivery.

Eligibility Requirements

1. Program participant lives in a residence that requires repair or modification to enhance or address:
 - Energy efficiency;
 - Structural integrity; or
 - Health and safety of the program participant.

Procedures

The AAA will:

1. Secure Providers utilizing the Direct Purchase of Service (DPS) procurement method.
2. Complete an on-site visit and complete the required HHSC forms to ensure that the requested residential repairs are essential for the maintaining the health, safety, and independence of the program participant living in the residence.
3. Submit a request in writing to HHSC for approval of repairs in the excess of \$5000 for a unit of service at one residence in a current federal fiscal year. Services will not be performed until a written approval is received from HHSC.
4. Provide the service provider with a service order for each program participant, receiving this service, in accordance with §83.3(o)(2)(B) prior to start of services.
5. Take before and after pictures to assure that service provider has completed the necessary repairs.

The Service Provider will:

1. Adhere to Section 2 A and B under Terms of Agreement in the signed Provider Agreement.
2. Ensure that residential repair service services are provided in accordance with the Texas Health and Human Services definition:
“Services consist of repairs or modifications of dwellings occupied by older individuals that are essential for the health and safety of the occupant(s).”
3. Services are not provided prior to the receipt of a service order from the AAA Case manager.
4. Submit monthly Provider Payment Invoices according to Provider Review (Quality Assurance).

Descriptions of residential repair services

The AAA will provide the following types of residential repair services:

1. Structural, defined as repairs to the structure that are necessary for the program participant's health and safety.
2. Accessibility modification, defined as structural adaptations that meets the needs of individuals who have a disabling condition.
3. Electrical defined as services are replacement, repair, and installation of essential electrical wiring or fixtures including telephone wiring.
4. Plumbing, defined as replacing, repairing and/or installing essential plumbing lines or fixtures.
5. Weatherization, defined as protecting the home or its resident(s) from the effective of the weather and conserving energy.
6. Safety and security modification, defined as measures taken to prevent accidents, fires, or intrusion into a dwelling and the repair, modification, treatment, or removal of safety hazards in the residence.
7. Essential appliances. Essential appliances are appliances necessary to sustain a healthy environment and independent living.

Rental Units

If the residence in which a program participant is living is not owned by the program participant, the AAA must obtain a signed agreement from the owner authorizing the services before services are provided.

Prohibited Activities

The AAA will not provide the following residential repair services:

1. Construct, repair, or maintain outbuildings such as garages, carports, animal shelters or greenhouses;
2. Install, repair, or maintain nonessential appliances or fixtures;
3. Beautify the property or other activities that are strictly for cosmetic purposes

Services completed before payment

The AAA must ensure that before payment is made for residential repair services one of the following occurs:

1. the program participant acknowledges, in writing, the services have been completed; or
2. the AAA has confirmed by an on-site visit that the services have been completed.

Reference: [26 TAC §213.215](#)

Senior Centers

Purpose

This section establishes the requirements for senior centers, a service provided under the Older Americans Act and funded, in whole or in part, by HHSC.

Policy

As provided in the Older Americans Act, §102(36), a senior center is a community facility used for the organization and provision of a broad spectrum of services for persons 60 years of age or older, which may include provision of health (including mental health); social, nutritional, and educational services; and the provision of facilities for recreational activities.

Operations

The AAA must ensure that a service provider of a senior center:

1. complies with applicable local building codes and ordinances and applicable state and federal laws, rules, and regulations including the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504;
2. establishes the senior center in an area central to and easily accessible by program participants;
3. conducts fire prevention inspections on a monthly basis using a trained senior staff person or volunteer of the service provider;
4. posts a copy of the latest fire prevention inspection report in a conspicuous place in the senior center and files the report at the senior center for review by the AAA;
5. keeps doors, outside stairs, and fire escapes free from obstruction and in proper condition;
6. has basic first aid supplies at the senior center available and maintained, clearly marked, and accessible to all senior center staff persons and program participants;
7. has an adequate number of service center staff persons available at the center, during the time the center is open to the public, who are certified in:
 - a. first aid;
 - b. cardiopulmonary resuscitation; and
 - c. operating an automatic external defibrillator, if one is available; and
8. develops written policies and procedures regarding senior center operations and makes them available to senior center staff persons and program participants.

Political Activity

The AAA must ensure that a service provider does not:

1. use a senior center for political campaigning except in those instances where a representative from each political party running in the campaign is given an equal opportunity to participate; or
2. distribute political materials at a senior center.

Religious Activities and Prayer

The AAA must ensure that a service provider does not:

1. allow a prayer or other religious activity to be officially sponsored, led, or organized by a senior center staff person or volunteer; or

2. prohibit a program participant from praying silently or audibly at a senior center if the program participant so chooses.

Inventory

The AAA must maintain an accurate inventory of senior centers that were renovated, acquired, or constructed, in whole or in part, with funds provided by HHSC.

Change in ownership or purpose of a senior center

The AAA must ensure that:

1. a grantee of funds from HHSC to purchase or construct a senior center notifies the AAA, in writing, of the purchase or construction of the center within 30 days after such purchase or completion; and
2. a grantee of funds described in subparagraph (A) of this paragraph and any successor owner of the senior center:
 - a. notifies the AAA, in writing, of
 - a change in the ownership of the senior center; or
 - a change in the purpose of the senior center from the purpose for which it was purchased or constructed; and
 - b. makes such notification 30 days before the change described in clause (i) of this subparagraph.

The AAA must notify HHSC if, within 10 years after purchase of or 20 years after completion of construction of a senior center, either of the following occurs:

1. the owner of a senior center ceases to be a public or nonprofit private agency or organization; or
2. there is a change in the purpose of the senior center from the purpose for which it was purchased or constructed.

The notice required by paragraph (2) of this subsection must be in writing and be given to HHSC within 10 days after the AAA is notified of the occurrence.

If, within 10 years after the purchase of a senior center or 20 years after the completion of construction of a senior center, either of the conditions described in paragraph (2) of this subsection occurs, the United States Government is entitled to recover from the owner of the senior center an amount to be determined by the Older Americans Act, §312.

Insurance

The AAA must ensure that the owner or operator of a senior center maintains insurance coverage for total replacement cost of the center and for the contents of a center funded by HHSC.

Reference: [26 TAC §213.217](#)

Attachments

Attachment A

AAA STAFF ACTIVITIES CHART

TITLE	ACTIVITY	% OF TIME
AAA Director/Manager	Administration	60%
	Care Coordination	10%
	Caregiver Support Coordination	10%
	HICAP	10%
	Ombudsman	10%
ATCOG Accounting Specialist	Administration	80%
Aging Coordinator	Data Management	10%
	IR&A	20%
	Admin	30%
	HICAP	30%
	Care Coordination	10%
Program Assistant	Data Management	60%
	IR&A	34%
	Evidence Based	6%
Benefits Counselor	Legal Assistance -60	2%
	Legal Assistance +60	38%
	HICAP	38%
	MIPPA	2%
	IR&A	20%
Case manager Coordinator	Care Coordination	40%
	Caregiver Support Coordination	40%
	Admin	10%
	IR&A	10%
Case manager	Care Coordination	45%
	Caregiver Support Coordination	35%
	IR&A	20%
Case manager P/T	Care Coordination	45%
	Caregiver Support Coordination	35%
	IR&A	20%
Case manager P/T	Care Coordination	45%
	Caregiver Support Coordination	35%
	IR&A	20%
Managing Local Ombudsman	Ombudsman	81%
	ALF	19%
Assisted Living Ombudsman	ALF	76%
	Ombudsman	24%

Attachment B

BY-LAWS OF THE ARK-TEX COUNCIL OF GOVERNMENTS AREA AGENCY ON AGING REGIONAL ADVISORY COUNCIL

ARTICLE I - NAME OF ORGANIZATION

The name of this organization shall be the Ark-Tex Council of Governments (ATCOG) Area Agency on Aging (AAA) Regional Advisory Council. ATCOG has been designated by the Texas Health and Human Services Commission as the AAA for planning and services in Region V. Region V includes the nine (9) counties of Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River and Titus.

ARTICLE II - AUTHORITY

The creation of the ATCOG AAA Regional Advisory Council was authorized by ATCOG on November 7, 1974, under Section 903.66 of Public Law 93-29, as amended, as a necessary component to enable ATCOG to initiate and conduct area wide aging planning under the above cited act and according to the State Plan for Aging Programs for the State of Texas.

ARTICLE III - PURPOSE

The purpose of the ATCOG AAA Regional Advisory Council, shall be to fulfill the mandate of the Older Americans Act of 1965, as amended, Section 903.66 (13), to advise the ATCOG AAA on all matters relating to the development and administration of the area plan on aging and operations conducted thereunder.

ARTICLE IV - MEMBERSHIP

Section 1 - The Council shall consist of the following:

- A. One (1) representative from each of the nine (9) counties in the Ark-Tex region;
- B. Two (2) elected officials;
- C. One (1) representative from the general public;
- D. One (1) representative from the private sector;

- E. One (1) representative from a health care organization;
- F. One (1) representative from the Title III Service Providers;
- G. One (1) representative from the Veterans Administration;
- H. Two (2) representatives from social service agencies;
- I. One (1) representative from a hospital;
- J. Any Texas Silver-Haired Legislature member representing the Ark-Tex region.

Section 2 - Representatives shall be appointed for a term of five (5) years or until a replacement is found. Regional Advisory Council members are appointed to the Council by the ATCOG Board of Directors, the County Judge, or Title III Service Providers, subject to approval by the ATCOG Board of Directors.

Section 3 - Representatives are expected to attend all meetings. Members who cannot attend the meeting are expected to send a replacement with a written proxy. Two (2) consecutive unexcused absences from meetings without a written proxy shall be cause for removal from the Regional Advisory Council. Unexcused absences shall be defined as those absences which do not carry proxies or in which no notification has been given to the Area Agency on Aging in advance of the absence.

Section 4 - Representatives shall act as liaisons between the Area Agency on Aging staff, the general public, health care organizations, private sector, elected officials, service providers, and older adults in disseminating information and planning for the elderly within the ATCOG region.

Section 5 - Service Providers (those entities holding bonafide contracts with the AAA) may appoint one voting representative to the Regional Advisory Council with the approval of the ATCOG Board of Directors.

Section 6 - The Regional Advisory Council shall consist of more than fifty percent (50%) persons age sixty (60) and older.

ARTICLE V - MEETINGS

Section 1 - The ATCOG Regional Advisory Council shall meet quarterly and at such times as the Chairperson deems necessary. If a meeting is cancelled, the meeting will be rescheduled as soon as possible.

Section 2 - The quarterly ATCOG Regional Advisory Council will meet the first Thursday in Mt. Pleasant, Texas, unless otherwise specified. Notices thereof shall be mailed and emailed by the AAA to each member, the county judges' office for posting in the courthouse, and to the area news media no fewer than five (5) days prior to a regular meeting.

Section 3 - Notice of any special meeting, in matters of urgent business, shall be distributed at least seventy-two (72) hours prior to any special meeting.

Section 4 - All meetings of the Council or of special committees shall be open to the public, and public notice of such meeting shall be given.

Section 5 - A quorum at any Council meeting will be a minimum of at least five (5) voting members in attendance. An act of the majority of the Council members, in a meeting at which a quorum is present will be the act of the Council, unless otherwise specified in the By-Laws.

Section 6 - The Manager of the Area Agency on Aging of the ATCOG and/or a designated ATCOG staff person shall serve as an ex-officio member of all committees; and said person, shall attend each Council and committee meeting.

Section 7 – The Texas Silver-Haired Legislators representing the Ark-Tex region will serve as ex-officio members of the Council.

Section 8 - A voting member of the Council is one that is appointed/elected to represent a county, an elected official, a general public representative, the private sector representative, a health care organization representative, a Title III Service provider representative, or a representative of the Veterans Administration. A voting member or the chairperson may carry a written proxy vote for an absent representative.

ARTICLE VI - OFFICERS

Section 1 - The officers of the Council shall be a Chairperson and a Vice-Chairperson, both of whom shall be elected from the voting membership for the Council. Officers shall serve terms for two (2) years, with election to occur prior to the start of the fiscal year meeting of each year for office to begin at the commencement of each fiscal year.

Section 2 - The Chairperson shall preside at all meetings of the Council. The Chairperson shall be an ex-officio member of all committees. The Chairperson shall represent the Council in presentations to the ATCOG Board of Directors, unless such responsibility is delegated by the Chairperson.

Section 3 - The Vice-Chairperson shall perform all duties of the Chairperson in the case of the absence or disability of the former, and such other duties as may arise, from time to time, when required or requested by the Council.

Section 4 - In case the Chairperson and the Vice-Chairperson are both absent or

unable to perform their duties, the Council shall appoint a Chairperson pro-tempore.

Section 5 - The staff of the Area Agency on Aging, under the direction of the Manager of the Area Agency on Aging, shall assist the officers of the Council in any fashion desired. Specifically, the Manager of the Area Agency on Aging will appoint a member of the staff to take and maintain the minutes of the Council meetings, arrange for the mailing of minutes, agendas, and any other information which is deemed pertinent.

ARTICLE VII- COMMITTEES

Section 1 - Special committees may be appointed by the Chairperson with approval of the Council. Special committees shall serve for special purposes to comply with special needs under Article III.

Section 2 - Terms of membership on special committees shall be established to achieve the purpose for which the committee was created.

Section 3 - Standing committees will be appointed by the Chairperson with approval of the Council. Membership on standing committees shall be for one year. Consecutive terms are permitted.

Section 4 - The method for calling committee meetings shall be the same as that for Council meetings. Special/standing committees may be convened at the discretion of the committee membership to discharge their responsibility. Public notice shall be required, when applicable.

Section 5 - The special/standing committee chairperson shall be selected by the chairperson of the Advisory Council.

ARTICLE VIII - AMENDMENTS

Amendment by the Regional Advisory Council. These By-Laws may be amended by a vote of the Regional Advisory Council approving the amendment at any meeting, provided that the proposed amendment has been submitted in writing to each member of the Council at least five (5) days in advance of each meeting and ratified by a majority vote of fifty-one percent (51%) of the Regional Advisory Council members present and/or voting by proxy at any meeting.

ARTICLE IX - AMENDMENT TO BY-LAWS

Section 1 - Regional Advisory Council members who are Title III subcontractors shall not vote on agenda items that would be considered conflict of interest. Advisory Council members who have a conflict of interest on any agenda item of a meeting recorded in the minutes of the meeting stand as an official record of the abstention. A conflict of interest would be indicated when an individual is:

- A. employed by, cohabitates with, or the spouse of an employee or council member, or participates in the management of a business entity, agency or other organization regulated by or receiving funds from Title III program;
- B. uses or receives a substantial amount of tangible goods, services, or funds from program authorized by the Older Americans Act of 1965, as amended.

Attachment C

NOTIFICATION OF CONFLICT OF INTEREST

I have read the Texas Administrative Code 26 TAC, Rule § 213.151 (b)(3)(A) (i-ii) and hereby notify the Manager of the Ark-Tex Area Agency on Aging of a conflict of interest I hold. That conflict of interest is as follows:

My association with the Ark-Tex Area Agency on Aging is:

- ☐ Employee
- ☐ Volunteer working within programs
- ☐ Advisory council member
- ☐ Governing Board member
- ☐ Service Provider
- ☐ Volunteer Long-Term Care Ombudsman

In that capacity, I agree not to participate in any decision relating to:

- the contract or procurement of services of goods in which I have a direct or indirect substantial personal interest or
- have a substantial financial interest, directly or indirectly, in the contract or procurement of services or goods or the proceeds thereof.

Date

Printed Name

Signature

Attachment D

Area Agency on Aging Protocol Disaster Plan

Introduction:

The Ark-Tex Area Agency on Aging (AAA) is a program of the Ark-Tex Council of Governments. The staff of the AAA will conduct all agency level response operations using the preparation, communication and documentation protocols identified in the main body of this Business Continuity and Emergency Operations Plan.

In addition, the AAA has contractual responsibilities dictated by the Health and Human Services Commission related to disaster preparedness and services for the elderly per the Texas Administrative Code 40.85.201x:

(x) Emergency management.

(1) When a disaster occurs, the AAA must notify HHSC of its need to provide for emergency management activities, provide information to HHSC regarding the impact of the disaster on the older population in its service area, provide emergency management services in accordance with current Administration on Aging disaster relief guidelines, and collect pertinent data necessary to submit reimbursement requests for disaster services.

(2) The AAA must consult with the appropriate agencies that have an interest or role in meeting the needs of persons 60 years of age or older to plan for the occurrence and aftermath of natural, civil defense, or man-made disasters. To accomplish this, the AAA must:

(A) develop an emergency disaster plan in accordance with HHSC requirements;

(B) require by contract or provider agreement that a service provider develop plans for emergency management; and

(C) provide technical assistance as necessary to service provider staff persons regarding emergency management activities.

(y) Reporting abuse, neglect, or exploitation.

Procedures Related to Providers and Clients:

The AAA will maintain information concerning its clients in Homemaker, Respite and “lifeline” services that are most at risk in a disaster. Risk factors may include rural, isolated, frail individuals with no family nor means to evacuate. The AAA case managers will assist such clients, upon their consent, to call the 211 registry during their routine home visits.

Service providers are required by provider agreement to have emergency plans. Plans from Nutrition providers are submitted to the AAA. Nutrition providers are also advised to review and/or update their emergency plans and to assure their 3-day supply of emergency meals is readily available. Current Senior Center Manager contact information is obtained by the AAA and on the atcog.org website.

During a known event with sufficient warning, such as a hurricane, advance communication is issued to providers. If possible, 36 hours prior to landfall, providers will be notified to be prepared to activate their emergency response plans, notify clients of possible closures and distribute emergency meals as appropriate. Senior Center staff notifies the AAA of any unusual client circumstances or unmet need so the issue can be directed to the appropriate emergency management authority. Providers report to the AAA regarding status prior, during and post event, to include the number of clients impacted and the scope of the disaster as it relates to their operations. The AAA Manager will compile the data and communicate all required information to the Health and Human Services Commission as directed.

In the event there is no access to the Ark-Tex Council of Governments location, essential personnel will follow the Emergency Contact Chart and notify essential backups and support staff with plan instructions. The AAA 800 number will be forwarded remotely to designated staff. Staff will perform work duties at home. If the emergency prevents working from home, an alternate site will be given to the staff when initially notified.

If the disaster is community-wide, the coordinators will run reports of active III-B lifeline clients receiving services. Clients requiring welfare checks will be coordinated. The coordinators will ensure that providers rendering AAA services are able to provide services assigned.

If the disaster destroys records retained onsite, client information can be retrieved from the State software system. Documents that are not stored in the system are scanned onto the ATCOG/AAA shared drive and can be retrieved.

Disaster Coordination:

The AAA coordinates with many response and recovery organizations to advocate for people over 60 in times of disaster. They include ATCOG Homeland Security, County Emergency Management Personnel, Salvation Army, Red Cross, United Way, Local Emergency Planning Committee, and the local office of the Texas Department of State Health Services .

Recovery:

The AAA will request disaster relief funds, as needed, through the Health and Human Services Commission.

Reconstitution:

Staff will be updated daily by essential personnel as to the progress of restoration of operations and return to work date.

The following is a list of personnel designated as Essential Personnel, Essential Personnel Backup, and Support Staff:

Essential: Chris Brown and Lisa Reeve

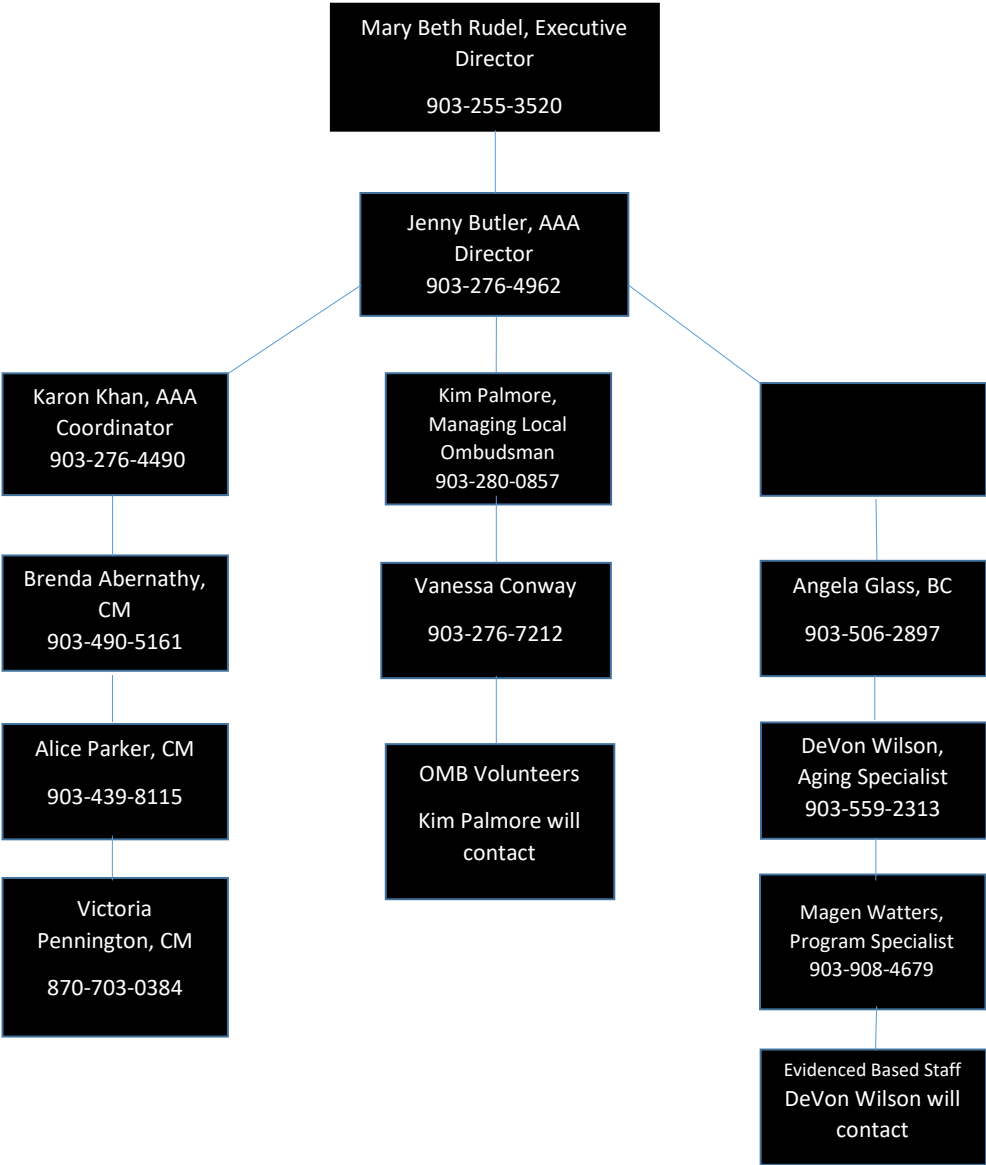
Essential Backup: Karon Khan, Jenny Butler and Kim Palmore

Support Staff: Vanessa Conway, Brenda Abernathy, Angela Glass, DeVon Wilson, Alice Parker, Diane Morgan, and Cynthia Ellis.

Depending on the disaster, providers will be contacted as directed from the Executive Director and/or the AAA Manager.

Contact information for staff is listed on the Emergency Contact Chart. The provider information can be found on the shared drive under Area Agency on Aging, Disaster Plan folder.

EMERGENCY CONTACT CHART



Attachment E

ARK-TEX AREA AGENCY ON AGING

FOCAL POINTS FOR REGION

SENIOR CITIZENS SERVICES OF TEXARKANA, INC.

*Diane Morgan, Executive Director
905 Kilgore
Texarkana, Texas 75501
Phone: 903-831-7696*

Bowie County Meal Centers

Hooks Senior Center (Griffin Center) 107 Main Street Hooks, Texas 75561	Site Manager: Carolyn Coston Sub Site Mgr: James Latimer	903-276-5247
High-Rise Center (Robison Terrace) 1010 Dan Haskins Way Texarkana, TX 75501	Site Manager: Beverly Shurbet Sub Site Mgr: Robert Jackson	903-838-6683
New Boston Senior Center (Oak Terrace) 200 N. Lindsey New Boston, Texas 75570	Site Manager: Dot Upton Sub Site Mgr: Angela Eastman	903-628-5441
Our Place Day Respite Center Alzheimer's Alliance 100 Memory Lane Texarkana, Texas 75503	Site Manager: Allan Wren	903-223-8021
Texarkana Senior Center (Collins Center) 3000 Texas Boulevard Texarkana, Texas 75503	Site Manager: Gaylan Carter Sub Site Mgr: Venus Pace	903-793-5545
Wake Village Senior Center Twin Cities Baptist Temple 216 Wake Village Road Wake Village, Texas 75501	Site Manager: Teri Lusk Sub Site Mgr: Venus Pace	903-733-1447

Cass County Meal Centers

Atlanta Senior Center 306 W. Miller Street Atlanta, Texas 75551	Site Manager: Martha Cauley Sub Site Mgr: Kandie Loy	903-799-7766
Linden Senior Center 507 S. Kaufman Street Linden, Texas 75563	Site Manager: Georganna Morris Sub Site Mgr: Diane Pierce Carolyn Brockett	903-756-3907

Morris County Meal Center

Daingerfield Senior Center Church on the Rock 909 Linda Drive Daingerfield, Texas 75638	Site Manager: Shelli Stovall Sub Site Mgr: Valerie Cherry	903-645-2493
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Titus County Meal Center

Mount Pleasant Senior Center 1406 North Edwards Mount Pleasant, Texas 75455	Site Manager: Jennifer Seaton Sub Site Mgr: Carnella Johnson	903-572-3919
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LAMAR COUNTY HUMAN RESOURCES COUNCIL, INC.

*Shelly Braziel, Executive Director
1273 NW 19th Street
Paris, Texas 75416
Phone: 903-784-2580*

Lamar County Meal Centers

Pshigoda Meal Center (Pshigoda Foundation) 2215 East Cherry Street Paris, Texas 75460	Site Manager:	903-784-0160
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Paris Retirement Village 1400 West Washington Street Paris, Texas 75460	Site Manager: Vicki Skaggs	903-783-9160
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Delta County Meal Center

Cooper Senior Center (Delta Co. Community Center) 221 E. Bonham St. Cooper, Texas 75432	Site Manager: Robbie Craig	903-450-3102
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Red River County Meal Center

Clarksville Senior Center
The Hub Community Center
501 W Broadway Street
Clarksville, Texas 75426

Attachment F

ARK-TEX COUNCIL OF GOVERNMENTS Area Agency on Aging

DIRECT PURCHASE OF SERVICE INFORMATION

I. DIRECT PURCHASE APPLICATION REQUIREMENTS:

A. Purpose

The purpose is to request applications for the provision of services on a Direct Purchase of Service (DPS) basis to qualified participants eligible to receive services under Title III of the Older Americans Act of 1965. As amended, and state general revenue funds.

B. Eligibility To Apply

Organizations eligible to apply are private non-profit, private for-profit, and local city-county governmental entities, which have the capacity to meet the requirements of service delivery under DPS procedures.

1. For-Profit Applicants

Private for-profit entities applying for funding will not require approval by the Texas Department on Aging (TDoA) prior to beginning of service delivery.

2. Debarred/Suspended Parties

Debarred or suspended parties are ineligible to apply for funding and are excluded for participation in this program.

C. Definition of Direct Purchase of Service (DPS)

DPS is a contracting methodology for the purchase of services on client-by-client basis in lieu of annualized contracting, or a fixed sum basis. It is a procurement methodology, which provides flexibility in the purchasing of services for participants in the Title III Programs.

D. Application Process

Interested parties may apply for consideration for participation in the provider pool by submitting a completed and signed Direct Purchase Application; Direct Purchase Of Service Provider Agreement Application; and forms (Assurance of Compliance With the Americans With Disabilities Act of 1990, as Amended, Assurance Of Compliance With the Department Of Health & Human Services Regulations Under Title VI of the Civil Rights Act Of 1964, Assurance Of Compliance With Section 504 Of the Rehabilitation Act Of 1973, As Amended, Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion For Covered Contracts And Grants and Notification of Conflict of Interest).

ARK-TEX COUNCIL OF GOVERNMENTS
AREA AGENCY ON AGING

DIRECT PURCHASE OF SERVICE APPLICATION

Provider Information:

Legal Agency Name: _____

Address: _____

Telephone: _____ Fax Number: _____

Authorizing Official: _____ Title: _____

Billing Contact
Person: _____ Title: _____

Type of Agency: Public _____ Private Non-Profit _____ Private for Profit _____

Certification:

State or federal agency that licenses and regulates your services: _____

Please attach a copy of your license(s).

Bonding:

Is your agency bonded? No _____ Yes _____

If yes, state the Bonding Agency: _____

Please attach documentation of the bond.

Conflicts of Interest:

Please indicate all family relationships the officers of your company may have to any Area Agency on Aging staff person or Advisory Council Member: _____

Service and Bidding Information:

1. Proposed Service _____

A. Capacity: Number of units per month _____

B. Define your unit of service: _____

C. Number of qualified staff available to provide service: _____

D. Service Area: _____

E. Proposed service cost per unit \$ _____

2. Proposed Service _____
A. Capacity: Number of units per month _____
B. Define your unit of service: _____
C. Number of qualified staff available to provide service: _____
D. Service Area: _____
E. Proposed service cost per unit \$ _____

3. Proposed Service _____
A. Capacity: Number of units per month _____
B. Define your unit of service: _____
C. Number of qualified staff available to provide service: _____
D. Service Area: _____
E. Proposed service cost per unit \$ _____

Required Attachments:

In addition, please include the following:

- Agency Quality Assurance and Grievance Policy
- Signed Statement indicating compliance with the American Disabilities Act
- Signed Statement indicating compliance with the Civil Rights Act of 1964
- Signed Statement indicating compliance with the Rehabilitation Act of 1973
- Signed Certification Regarding Debarment
- Copies of all licenses required in your service provision

Please submit Application and Attachments to:
Ark-Tex Council of Governments
Area Agency on Aging
P.O. Box 5307
Texarkana, Texas 75505-5307

III. TERMS OF AGREEMENT

A. ATCOG/AAA shall:

1. Provide a single entry point to social and health services of high risk elder residents in the Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus Counties.
2. Assess and re-asses the health and social needs of qualified elders over age 60.
3. Develop an objective care plan to meet the needs of the target population and to adjust the plan as necessary.
4. Provide a service brokerage function by arranging for, and re-arranging when necessary, frequency and duration of relevant PROVIDER AGENCY services to meet the needs of the target population.
5. Provide technical assistance to the PROVIDER AGENCY as requested and available.
6. Offer the PROVIDER AGENCY information on the needs of area elders.

B. PROVIDER AGENCY shall:

1. Accept and serve on a priority basis, high-risk elders in accordance with the submitted Service Information/Bid Agreement and with arrangements provided by the ATCOG/AAA service brokering function.
2. Provide services in accordance with current or revised Texas Department on Aging policies and standards.
3. Provide ATCOG/AAA with regular and on going feedback on participants in relation to services provided.
4. Participate in planning meetings with ATCOG/AAA to set goals and priorities for services in ATCOG/AAA Region for the target population.
5. Provide services with strict adherence to specified and agreed upon care plan. Notify ATCOG/AAA immediately if for any reason PROVIDER AGENCY becomes unable to perform the service(s) specified.
6. Comply with respective licensing standards of the PROVIDER AGENCY to assure quality of service delivery for ATCOG/AAA participants.

PROVIDER AGENCY shall submit reports of eligible units of service to ATCOG/AAA on a monthly basis. Payment of funds to the PROVIDER AGENCY by ATCOG/AAA under the terms of this agreement shall be subject to the following procedures and conditions:

- A. PROVIDER AGENCY will submit a bill/invoice to ATCOG/AAA on or before the fifth (5th) day of the month requesting reimbursement for eligible units of service during the previous month.
- B. PROVIDER AGENCY requests for reimbursement will be supported by auditable records kept on file by the PROVIDER AGENCY for a minimum of five years after termination of services. These records will be available for purposes of inspection, monitoring, auditing, or evaluations by AAA staff, the Comptroller General of the United States and the State of Texas, through any authorized representative at all reasonable time.
- C. ATCOG/AAA will reimburse the PROVIDER AGENCY within approximately 30 days of receipt of a proper request form, contingent upon receipt of ATCOG/AAA funds authorized for this purpose from the Texas Department on Aging.
- D. PROVIDER AGENCY certifies compliance with federal and state drug-free workplace laws and requirement (*Federal Drug-Free Workplace Act of 1988 and Texas Senate Bill 1-1991*).
- E. PROVIDER AGENCY certifies compliance with the requirements established under the *Americans with Disabilities Act of 1990* as they pertain to PROVIDER AGENCY.
- F. PROVIDER AGENCY certifies compliance with the *Age Discrimination in Employment Act of 1967 (29 USC 621 et.seq)*.
- G. PROVIDER AGENCY certifies compliance with the requirements established under Texas Administrative Code 40 TAC, Rule § 85.201(b)(3)(A)(i-ii) which states:
 - (A) A conflict of interest includes:
 - (i) having a substantial financial interest, directly or indirectly, in the profits of any entity from which services or goods are contracted or otherwise procured by the Provider Agency; and
 - (ii) deriving a personal profit, directly or indirectly, from any entity that would conflict in any manner or degree with the performance of responsibilities of the board member, employee, advisory committee member, or volunteer.

VI. SIGNATURES

This Provider Agreement may be reviewed and amended at any time by an agreement in writing executed by an authorized representative of each entity involved.

Executed in duplicate this _____ day of _____, 20____.

PRINT NAME OF OWNER(S) SOCIAL SECURITY NUMBER/FEDERAL TAX ID#

Signature

Date

Approved and accepted on behalf of the Ark-Tex Council of Governments

Chris Brown, Executive Director

Attachment G

ARK-TEX AREA AGENCY ON AGING OF PROVIDER AGREEMENT

_____, hereinafter referred to as Provider, and Ark-Tex Area Agency on Aging (AAA) do hereby agree to provide services effective beginning October 1, 20XX, in accordance with the Older Americans Act of 1965 (OAA), as amended, regulations of the Health and Human Services (HHS), the AAA Direct Purchase of Services program and the stated Scope of Services.

The AAA Direct Purchase of Services program is designed to promote the development of a comprehensive and coordinated service delivery system to meet the needs of older individuals (60 years of age or older) and their caregivers. This agreement provides a mechanism for the creation of an individualized network of community resources accessible on a program participant-by-program participant basis in compliance with the Older Americans Act, as amended, and Texas HHSC AAA Access and Assistance guidelines.

The purpose of the system of Access and Assistance is to develop cooperative working relationships with service providers to build an integrated service delivery system that ensures broad access to and information about community services, maximizes the use of existing resources, avoids duplication of effort, identifies gaps in services, and facilitates the ability of people who need services to easily find the most appropriate Provider.

1. SCOPE OF SERVICES

The Provider agrees to provide the following service(s) as identified below to program participants authorized by the AAA staff, in accordance with the Provider application, all required assurances, licenses, certifications and rate setting documents, as applicable.

Service:

Service Definition:

Unit Definition:

Service Area:

All Texas Administrative Code standards are located at the Texas Secretary of State website:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=85](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=85)

All Older Americans Act and other required rules and regulations are located at

<https://acl.gov/about-acl/authorizing-statutes/older-americans-act>

Targeting: AAA Access and Assistance services are designed to identify eligible program participants, with an emphasis on high-risk program participants and to serve older individuals with greatest economic and social need, low-income minorities and those residing in rural areas, as required by the OAA.

B. Services & Reimbursement Methodology:

Service	Fixed Rate (include rate)	Variable Rate (identify range)	Cost Reimbursement

2. TERMS OF AGREEMENT

A. The Provider agrees to:

1. Provide services in accordance with current or revised HHS policies and standards and the OAA.
2. Submit billings with appropriate documentation as required by the AAA by the close of business on the fifth (5th) day of each month following the last day of the month in which services were provided.
 - a. If the fifth (5th) day falls on a weekend or holiday, the information shall be delivered by the close of business on the preceding business day.
 - b. The AAA cannot guarantee payment of a reimbursement request received for more than 45 calendar days of service delivery.
 - c. No reimbursement for services provided will be made if Provider payment invoices are not submitted to the AAA within 45 days of service delivery.
 - d. Reimbursement requests for the month of September, which is the last month of the AAA fiscal year, must be received within 30 days after delivery of services. No reimbursement for services provided for the month of September will be made if Provider payments invoices are not submitted to the AAA within 30 days after delivery of services.
 - e. All checks must be deposited or cashed within two weeks of receipt.
3. Encourage program participant contributions (program income) on a voluntary and confidential basis. Such contributions will be properly safeguarded and accurately accounted for as receipts and expenditures on Provider's financial reports if contributions are not required to be forwarded to the AAA. Client contributions (program income) will be reported fully, as required, to the AAA. Provider agrees to expend all program income to expand or enhance the program/service under which it is earned.
4. Notify the AAA Access and Assistance division within 24 hours/1day if, for any reason, the Provider becomes unable to provide the service(s).
5. Maintain communication and correspondence concerning program participants' status.
6. Establish a method to guarantee the confidentiality of all information relating to the program participant in accordance with applicable federal and state laws, rules, and regulations. This provision shall not be construed as limiting the AAA or any federal or state authorized representative's right of access to program participant case records or other information relating to program participants served under this agreement.

7. Send all electronic communications (emails) in a secure encrypted format when corresponding to the AAA regarding a program participant that includes personal information such as name, date of birth, address, phone number, or any other identifiable data.
 8. Keep financial and program supporting documents, statistical records, and any other records pertinent to the services for which a claim for reimbursement was submitted to the AAA. The records and documents will be kept for a minimum of five years after close of contract year. (Fiscal Year October 1 – September 30)
 9. Have an accounting system that identifies all costs for each specific service being purchased or provided and that complies with 45 CFR, Section 1321, Subpart D.
 10. Make available at reasonable times and for required periods all fiscal and program participant records, books, and supporting documents pertaining to services provided under this agreement, for purposes of inspection, monitoring, auditing, or evaluations by the AAA staff, the Comptroller General of the United States and the State of Texas, through any authorized representative(s).
- A. The Provider further agrees:
1. *The agreement may be terminated for cause or without cause upon the giving of thirty (30) days advance written notice.*
 2. *The agreement does not guarantee a total level of reimbursement other than for individual units/services authorized; contingent upon receipt of funds.*
 3. *Acknowledgement it is an independent provider, NOT an agent of the AAA. Thus, the Provider indemnifies, saves and holds harmless the AAA/Ark-Tex Council of Governments against expense or liability of any kind arising out of service delivery performed by the Provider. Provider must immediately notify the AAA if the Provider becomes involved in or is threatened with litigation related to Access and Assistance participants.*
 4. *Employees of the Provider will not solicit or accept gifts or favors of monetary value by or on behalf of program participants as a gift, reward or payment.*
- B. Through the Direct Purchase of Services program, the Ark-Tex Area Agency on Aging agrees to:
1. Review program participant intake and assessment forms completed by the Provider, as applicable, to determine program participant eligibility. Service authorization is based on program participant need and the availability of funds.
 2. Provide timely written notification to Provider of program participant's eligibility and authorization to receive services.
 3. Send all electronic communications (emails) in a secure encrypted format when corresponding to the Provider regarding a program participant that includes personal information such as name, date of birth, address, phone number, or any other identifiable data.
 4. Maintain communication and correspondence concerning the program participants' status.
 5. Provide timely technical assistance to Provider as requested and as available.

6. Conduct quality-assurance procedures, which may include on-site visits, to ensure quality services are being provided.
7. Provide written policies, procedures, and standard documents concerning program participant authorization to release information (both a general and medical/health related release), client rights and responsibilities, contributions, and complaints/grievances and appeals to all program participants.
8. Reimburse the Provider based on the agreed reimbursement methodology, approved rate(s), service(s) authorized, and in accordance with subsection (A)(2) of this document, within 30 days of the AAA's receipt of Provider's invoice.
9. Reimburse the Provider upon receipt of a properly prepared Provider payment invoice, identified in (7) of this subsection, contingent upon the AAA's receipt of funds authorized for this purpose from HHSC.

3. ASSURANCES

The Provider shall comply with:

- m. *Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.)*
It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
- n. *Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794)*
Section 504 works together with the ADA and IDEA to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs and the community.
- o. *Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.)*
Addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications.
- p. *Age Discrimination in Employment Act of 1975 (42 U.S.C. §§6101-6107)*
Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
- q. *Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681-1688)*
Prohibits discrimination on the basis of sex in any federally funded education program or activity.
- r. *Food Stamp Act of 1977 (7 U.S.C. §200 et seq.)*
- s. *Drug Free Workplace Act of 1988*
- t. *Texas Senate Bill 1 - 1991, as applicable*
- u. HHS administrative rules, as set forth in the Texas Administrative Code, to the extent applicable to this Agreement
- v. *Certification Regarding Debarment - 45CFR §92.35 Sub awards to debarred and suspended parties; this document is required annually as long as this agreement is in effect*
- w. *Notice of Conflict of Interest (Texas Administrative Code 40 TAC, Rule §85.201 (b) (3) (A) (i-ii)*
- x. *Obligation to Identify Individuals or Entities Excluded from Participation in Federal Health Care Programs*

4. ATTACHMENT

List of Focal Points in the Ark- Tex AAA Region.

5. SIGNATURES

For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective October 1, 20XX.

Authorized Provider Signature

Print Name

Title

Authorized Signature

Date

(Agency)

(Address)

(City, State, Zip)

(Date)

Attachment H



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	
VENDOR FILE CHECKLIST			
Prior to the Entrance Conference, review the vendor's files for the following documents:			
<input type="checkbox"/> Copy of most recent health inspection <input type="checkbox"/> Approval/Waiver to provide a frozen meal <input type="checkbox"/> Approval/Waiver to provide meal service delivery less than five days per week <input type="checkbox"/> Determine location of meal packaging/preparation and meal delivery sites during previous monitoring			
1. INSPECTIONS			
Did the meal preparation site pass the most recent health and fire inspections?			
Review the annual health and fire inspections of the meal preparation site to verify the status of the inspections			
If the vendor has not been able to obtain an inspection, request documentation that the vendor has requested an inspection within the last six months of the monitoring period.			
Reference: Title III/OAA: 26 TAC §213.203 Nutrition Services; 25 TAC §229.171 Compliance and Enforcement			
Comments:			
Vendor Response and Initials:			
2. Were the most recent health inspection results of the meal preparation site provided to the AAA representative within five calendar days of the vendors's receipt of results?			
Review contract file for date of receipt of most recent health inspection. If the report was not received within five calendar days of the date of receipt of the inspection, ask vendor for documentation to show inspection results were sent to the AAA within the required timeframe.			
Reference: Title III/OAA: 26 TAC §213.203 Nutrition Services; 40 TAC §69.55 Contract Administration-Sub grants and Subcontracts; 25 TAC §229.171 Compliance and Enforcement			
Comments:			
Vendor Response and Initials:			

3. Does the vendor have a copy of the Texas Department of Health Manual on Sanitation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Does the Texas Department of Health inspect the facilities routinely? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Has copy of the inspection report been mailed to Ark-Tex AAA? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Have discrepancies noted in the inspection report been corrected? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments:	
Vendor Response and Initials:	



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	
POLICIES AND PROCEDURES			
1. Are complaints documented and investigated?			
Review vendor's complaint log or record of complaints to verify the vendor documents and investigates reported complaints.			
Reference: Title III/OAA: 40 TAC §81.19 Grievance Procedures for Participants in Older Americans Act Programs; 40 TAC §55.43 Complaints			
Comments:			
Vendor Response and Initials:			
2. Does the vendor have a policy/procedure that requires individuals to be informed, both orally and in writing, of his/her Rights and Responsibilities and the procedure for filing a complaint to include the name and telephone number of the person to call to make a verbal complaint?			
<input type="checkbox"/> Title III - Individuals are required to be informed prior to service initiation			
Reference: Title III/OAA: 40 TAC §81.19 Grievance Procedures for Participants in Older Americans Act programs; 26 TAC §213.151 Area Agency on Aging Administrative Responsibilities; 40 TAC §55.5 Contracting Requirements for Provider Agencies			
Comments:			
Vendor Response and Initials:			
3. Does the vendor submit a 2067 for a significant change in the individual's physical or mental condition in a timely manner?			
Note: A significant change could be, but is not limited to: individual is home but unable to answer the door; change in individual's physical or mental condition; change in condition or appearance of the individual's living space, etc.			
Reference: Title III/OAA 26 TAC §213.203 Nutrition Services			
Comments:			
Vendor Response and Initials:			

<p>4. Does the vendor's distribution of information regarding voluntary contributions comply with Federal and State requirements?</p> <p>Review the vendor's procedure regarding contributions to include the materials and method of distribution.</p> <p>Verify the materials indicate that contributions are (1) voluntary; (2) services will not be denied if a contribution is not made; and (3) the distribution of the information meets the applicable requirement:</p> <p><input type="checkbox"/> Title III- Contribution requests may target individuals in service as long as the solicitation method is non-coercive.</p> <p>Reference: Title III/OAA: §315(b) OAA, Voluntary Contributions; 26 TAC §213.151 AAA Administrative Responsibilities; A&I AAA Program Instruction 304</p>	
Vendor Response and Initials:	
<p>5. Was Nutrition Education Provided to Individuals as required ?</p> <p>Request a copy of the latest materials/presentation and date provided.</p> <p>Review the vendor's Nutritional Education Plan and materials to verify that the nutrition education program/materials meet the following requirements:</p> <p>Title III - nutrition education program is overseen by a dietician or individual of comparable expertise and materials are developed, reviewed and approved by a dietician consultant annually.</p> <p>Reference: Title III/OAA: 6 TAC §213.203 Nutrition Services; A&I-AAA Program Instruction 313 Nutrition Screening and Education Documentation and reporting Requirements.</p>	
Comments:	
Vendor Response and Initials:	
<p>6. Is confidentiality of individual information protected?</p> <p>Review the vendor's procedures and actions for protecting the confidentiality of information.</p> <p>Action should include use of locked record storage area, locking file cabinets to store records.</p> <p>Reference: Title III/OAA: 26 TAC §213.151 AAA Administrative Responsibilities</p>	
Comments:	
Vendor Initials:	
<p>7. Does the written Emergency Management Plan ensure the availability of food to individuals in emergencies and disasters?</p> <p>Review the vendor's Emergency Management Plan to verify:</p> <p><input type="checkbox"/> procedures to provide food to individuals in emergencies and disasters</p> <p><input type="checkbox"/> the plan addresses availability of facilities and equipment with high-risk older individuals as a priority</p> <p>Reference: Title III/OAA: 26 TAC §213.151 Area Agency on Aging Administrative Responsibilities; 26 TAC §213.203 Nutrition Services</p>	
Comments:	
Vendor Response and Initials:	



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	
TRAINING			
1. Have employees and volunteers received required training?			
Reference: Title III/OAA: 26 TAC §213.203 Nutrition Services; 25 TAC §229.163			
Required training within 30 days of assuming duties: <ul style="list-style-type: none"> a. personal hygiene to include proper hair coverings b. food storage, preparation, and service c. equipment cleaning before, during and after meal service d. selections of proper utensils and equipment for transporting and serving food e. accident prevention f. client confidentiality g. general knowledge and basic techniques of working with the aged h. sanitary methods used in serving and delivering meals 			
Vendor Response and Initials			
2. Are employees and volunteers trained for fire emergencies, first aid, emergency, and health and accident procedures, including filing of reports?			
Reference: Title III/OAA: 26 TAC §213.203 Nutrition Services			
Comments:			
Vendor Response and Initials			



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:	Begin:		
Last Name:	End:		
EXITS, SAFETY & FIRST AID			
<p>1. Are there two means of exit from the facility, as remote from each other as possible?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Do the doors open easily in an outward direction in one motion?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Are emergency exits clearly marked and false exits marked "NO EXIT?"</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. Does the facility have an adequate number of smoke detectors?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Are all smoke detectors in working order? (Have staff test alarm in monitor's presence.)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. Does the facility have an adequate number of fire extinguishers that are properly mounted and inspected regularly?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7. Are charts and signs posted for:</p> <p>a. Fire exit routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>b. Instructions for reporting fires? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>c. Emergency telephone numbers? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>8. Are employees and volunteers trained for fire emergencies?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>9. Is a first kit accessible, well marked and properly maintained?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>10. Are danger, caution and safety signs posted where necessary, especially hazardous areas?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
Comments			
Vendor Reponse and Initials			



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	
EXTERIOR OF FOCAL FACILITY			
1. Are walking areas, steps and ramps in good condition? <input type="checkbox"/> Yes <input type="checkbox"/> No			
2. Is there a sign to identify the facility and hours of operation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
3. Are there handrails for steps and ramps? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
4. Are there any barriers difficult for an elderly person to negotiate? <input type="checkbox"/> Yes <input type="checkbox"/> No			
INTERIOR OF FOCAL FACILITY			
1. Is the facility kept clean and orderly? <input type="checkbox"/> Yes <input type="checkbox"/> No			
2. Are all walking areas (floors, steps, ramps, stairs) uncluttered, even and non-slippery? <input type="checkbox"/> Yes <input type="checkbox"/> No			
3. Are window screens in place and in good repair? Free of flies. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
4. Are all floors in good repair and have a cleanable surface? <input type="checkbox"/> Yes <input type="checkbox"/> No			
5. If there are rugs, are they securely fastened? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
6. Is there at least one primary entrance useable by individuals in wheelchairs? <input type="checkbox"/> Yes <input type="checkbox"/> No			
7. Are "No Smoking" signs posted where needed (food preparation areas, etc)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
8. Are steps and stairs in good repair with securely fastened handrails? <input type="checkbox"/> Yes <input type="checkbox"/> No			
9. Are lighting and ventilation adequate in all areas of facility? <input type="checkbox"/> Yes <input type="checkbox"/> No			
10. Is adequate space maintained between furniture for wheelchairs, walkers, etc? <input type="checkbox"/> Yes <input type="checkbox"/> No			
11. Do restrooms have:			
a. Grab bars present at toilet?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Stalls wide enough and deep enough for wheelchairs (32" wide x 48" deep)?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
c. Doors that swing out?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
d. Handrails on each side of toilet and 32" high?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		Vendor Initials	



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	

FOOD PREPARATION AREAS

1. Is the area free of litter, debris and/or unnecessary articles?
☐ Yes ☐ No
2. Are floors clean and dry?
☐ Yes ☐ No
3. Is all kitchen equipment in good repair and operating condition?
☐ Yes ☐ No
4. Are the following areas thoroughly clean?

a. Under sinks?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Behind counters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Base of mixers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Top of fixed equipment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Top of hood?	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Hood of air vent?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is trash collected regularly?
☐ Yes ☐ No
6. Are utensils rather than hands used for mixing?
☐ Yes ☐ No
7. Are disposable gloves used if food is manipulated by hand?
☐ Yes ☐ No
8. Are can openers clean?
☐ Yes ☐ No
9. Are food thermometers available and used to check food temperatures?
☐ Yes ☐ No
10. Are all hot foods maintained at 135 degrees F. from preparation to serving?
☐ Yes ☐ No
11. Are all cold foods maintained at 40 degrees F. from preparation to serving?
☐ Yes ☐ No
12. Are refrigerators:

a. Clean?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Frost free and have no more than 1/4 inch frost?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Set at temperature of 40 degrees F. or less?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Leftovers dated?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
13. Are unauthorized personnel in the food preparation area at any time?
☐ Yes ☐ No

14. Is fresh produce in sound condition and free from spoilage?
☐ Yes ☐ No

15. Are workers instructed to NOT:

a. use tobacco in the kitchen or in serving area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. eat on a serving line?	<input type="checkbox"/> Yes <input type="checkbox"/> No

c. eat in the kitchen other than in an area specified for that purpose?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. touch food with hands more than necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
16. Do workers wash hands thoroughly after:	
a. visiting the toilet?	<input type="checkbox"/> Not observed <input type="checkbox"/> Yes <input type="checkbox"/> No
b. smoking?	<input type="checkbox"/> Not observed <input type="checkbox"/> Yes <input type="checkbox"/> No
c. eating ?	<input type="checkbox"/> Not observed <input type="checkbox"/> Yes <input type="checkbox"/> No
d. coughing, sneezing or blowing?	<input type="checkbox"/> Not observed <input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	
Vendor Reponse and Initials	



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:			
First Name:		Begin:	
Last Name:		End:	
DINING AREAS			
1. Are food spills cleaned up immediately?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
2. Are dining tables surfaces cleaned and sanitized daily?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
3. Are chairs free of dust and food particles?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
4. Are trays and carts in good condition and sturdy?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
5. Are trays and carts kept out of traffic isles?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Comments			
Vendor Reponse and Initials			



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	
DRY STORAGE AREAS			
1. Is the storeroom kept neat and clean? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Is the temperature maintained between 40 to 70 degrees F? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Are all foods stored 6 inches off the floor and 2 inches from the wall? <input type="checkbox"/> Yes <input type="checkbox"/> No 4. Is light bulb two feet from stored items? <input type="checkbox"/> Yes <input type="checkbox"/> No 5. Are flammables stored separately and marked "flammable?" <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Are scoops stored in bulk containers? <input type="checkbox"/> Yes <input type="checkbox"/> No 7. Are items stacked to hazardous heights? <input type="checkbox"/> Yes <input type="checkbox"/> No			
REFRIGERATED STORAGE			
1. Is temperature of frozen food recorded daily? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Is frozen food wrapped in moisture proof materials? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Is "first-in, first-out" storage system used? <input type="checkbox"/> Yes <input type="checkbox"/> No 4. Are foods stored no longer than the recommended storage time? (one month) <input type="checkbox"/> Yes <input type="checkbox"/> No 5. Are walk-in refrigerators floor dry, clean and non-slippery? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Does an emergency device on door permit exit if locked in? <input type="checkbox"/> Yes <input type="checkbox"/> No 7. Is aisle space adequate and uncluttered? <input type="checkbox"/> Yes <input type="checkbox"/> No 8. Are lights in refrigerators/walk-in freezers in operation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Vendor Initials			



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	

CONGREGATE MEALS

- Does the meal being served today correspond to the meal listed on the menu?
☐ Yes ☐ No
- Does the meal include:

a. 3 ounces meat, cheese, beans or egg?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Two 1/2 cup servings of vegetables?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. One serving of bread?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Butter or margarine?	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Eight ounces of milk?	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Whole fruit or 1/2 cup dessert?	<input type="checkbox"/> Yes <input type="checkbox"/> No
- Does staff take food temperature at the beginning of the food service?
☐ Yes ☐ No
- Correct utensils used to ensure proper portion control?
☐ Yes ☐ No
- Are hot foods above 135 F. at service?
☐ Yes ☐ No
- Are cold foods below 41 F. at service?
☐ Yes ☐ No
- Participant attendance records are kept by use of a sign in sheet?
☐ Yes ☐ No
- Are all persons handling food directly wearing disposable sanitary gloves and hair nets?
☐ Yes ☐ No
- Are hand washing supplies available and used by all persons who cook, serve or handle food?
☐ Yes ☐ No
- Are there wrapped straws or sanitary glasses for milk?
☐ Yes ☐ No
- Were congregate participants prohibited from taking milk, butter or margarine from site?
☐ Yes ☐ No
- Daily menus are repeated one time or less each month?
☐ Yes ☐ No
- No participant is denied service because they cannot contribute to the cost?
☐ Yes ☐ No
- Does staff welcome participant to the site?
☐ Yes ☐ No
- Does the staff encourage contribution?
☐ Yes ☐ No

<p>16. Are contributions collected in manner that maintains the confidentiality of the participant and the donation?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>17. Are contributions placed in a lock box?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>18. Are the following posted at the congregate meal site in a location that is easily visible to participants?</p> <p>a. grievance procedures for participants <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>b. menus for the current and upcoming week <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>c. evacuation plan <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>d. amount of the contribution and purpose of the contributions <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>e. full meal costs for ineligible individuals <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>f. Poster regarding non-discrimination compliance policy <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(Spanish and English)</p> <p>g. Texas Health and Human Services Information and Referral toll free 1-800-392-0055 poster</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>h. Texas Health and Human Services 1-800-252-5400 abuse and neglect poster</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. Texas Health and Human Services funding poster <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>j. Ark-Tex AAA 1-800-372-4464 poster <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>19. Special containers and utensils are available upon request and with physician's order, for blind persons, disabled persons and those with limited mobility.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>FILES</p> <p>1. Are participant records kept locked to assure confidentiality?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Obtain a copy of the contribution statement given each participant. (If the contribution policy is posted on the wall lists it's content.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>NUTRITION PROGRAM CONTRIBUTIONS</p> <p>Contributions for Nutrition Services are not required, however, Federal Law states that program participants must be given an opportunity to donate for services provided. Participants may donate within their means. These funds are used to supplement Federal, State, and Local funds in providing this service to any person sixty (60) years of age or older and their spouse regardless of income, religion, race or national origin.</p> <p>Any donation amount is appreciated. (Donations are used to purchase raw foods)</p> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="background-color: yellow; padding: 2px 5px; border: 1px solid black;">Vendor's Initials</div> <div style="border: 1px solid black; width: 50px; height: 20px; margin-left: 5px;"></div> </div>	



MONITORING WORKBOOK

Vendor Name:		Site:	
Completed by:		Dates of monitoring Period:	
First Name:		Begin:	
Last Name:		End:	

HOME DELIVERED MEALS

- Staff and volunteers are trained to report to the service provider when a participant cannot be found and suspension of services has not been authorized.
☐ Yes ☐ No
- The service provider will investigate and carry out appropriate action the same day of awareness when a participant cannot be found or a meal is uneaten.
☐ Yes ☐ No
- Staff and volunteers report significant changes in the participants physical or mental condition or environment.
☐ Yes ☐ No
- Reports of suspected cases of abuse, neglect or exploitation are made within 24 hours of awareness to the Texas Department of Human Services hotline.
☐ Yes ☐ No
- Staff or volunteers hand the meal directly to the participant or, with permission, enter the home and place as directed by participant.
☐ Yes ☐ No
- Supplies and carriers are used that assure that hot foods are packaged and transported in separate carriers from cold food.
☐ Yes ☐ No
- Meals carriers are cleaned and sanitized daily.
☐ Yes ☐ No
- Meals are delivered in sealed containers to prevent spillage and contamination.
☐ Yes ☐ No
- Holding time for hot food does not exceed four (4) hours from the time the food is taken from the equipment in which cooking or reheating is completed until it is delivered.
☐ Yes ☐ No
- The service provider and participants are able to provide safe conditions for storage, thawing and reheating.
☐ Yes ☐ No
- Does the vendor send out customer satisfaction surveys?
☐ How often?
☐ Can vendor provide a copy of the most recently completed survey?
☐ Were any actions taken as a result of the surveys?

Reference: Title III/OAA: 26 TAC §213.203 Nutrition Services

- Does vendor monitor meal delivery routes at least once every 365 days?
☐ Yes
☐ No. If not how often? When was the last time monitored?
☐ Which routes have been monitored and when?

Reference: 40 TAC §55.27 Service Requirements; 26 TAC §213.203 Nutrition Services; 40 TAC §49.31 Record Requirements