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**IDAPA 15
TITLE 01
Chapter 01**

IDAPA 15 - OFFICE OF THE GOVERNOR

15.01.01 - SENIOR SERVICES PROGRAM - IDAHO OFFICE ON AGING

000. AUTHORITY.

These rules have been written under authority of Chapter 52, Title 67, Idaho Code. (7-1-92)

001. SCOPE.

The Idaho Senior Services Program provides State funding for transportation, congregate meals, in-home services, and adult day care for older persons in Idaho to assist them in maintaining independence in a home environment. (7-1-92)

002. -- 009. (RESERVED).

010. DEFINITIONS.

Any item not specifically defined below shall have the same meaning as those listed in Section 67-5006, Idaho Code. (7-1-92)

01. Access Services. Transportation services which make other services readily available and easier to obtain. (7-1-92)

02. Act. The Idaho Senior Services Act. Programs and Services established in Section 67-5001, et. seq., Idaho Code. (7-1-92)

03. Administrative Expenditures. All costs related to the management of services provided for under this act. These costs include but are not limited to salaries, fringe benefits and travel of program administrators and staff not involved in the direct provision of services; office supplies, rent and utilities, for administration staff, and costs incurred in the development, preparation, presentation, management and evaluations of the program. (7-1-92)

04. Adult Day Care. A structured day program which provides individually planned care, supervision, social interaction, and supportive services for frail older persons in a protective group setting. (7-1-92)

05. Area Agencies on Aging. Local agencies designated by the Idaho Office on Aging (IOOA), pursuant to the Older Americans Act of 1965, as amended, that plan, develop, and implement services for older persons within a specified geographic area. (7-1-92)

06. Available Services. Services which are present and ready for immediate use. (7-1-92)

07. Capital Expenditures. Expenditures to include: (7-7-93)

a. Non-expendable personal property that is tangible and has a useful life of more than one (1) year and an acquisition cost of five hundred dollars (\$500) or more per unit; (7-1-92)

b. Real property that is land, improvements to the land, anything growing upon or attached to. (7-1-92)

08. Care Coordination. An activity by which a staff person provides the following assistance to the frail elderly sixty (60) years of age or older: (1) total assessment of the person's functioning ability; (2) a service plan, based upon the assessment, identifying services for each functional need; (3) coordination of multiple services, from many agencies, delivered to the same individual; (4) continuity of care-monitoring and follow-up of the service plan and the individual's functional assessment. (7-1-92)

09. Chore Services. Visits made to the home of individuals sixty (60) years of age or older to provide assistance with minor household repairs, snow removal, yard work, chopping wood, painting, washing windows and walls, or other light home maintenance activities. (7-1-92)

10. Comprehensive and Coordinated. A system of interrelated social and nutrition services designed to facilitate accessibility to and utilization of services efficiently and with a minimum of duplication. (7-1-92)
11. Congregate Meals. Meals served at a community location to individuals sixty (60) years of age or older, a spouse of an individual sixty (60) years of age or older, handicapped or disabled individuals who reside in housing facilities occupied primarily by the elderly at which or adjacent to which congregate nutrition services are provided, residents of long term care facilities or disabled persons living with and accompanied by an eligible individual, or individuals providing volunteer services during the meal hours. Meals must meet at least one-third (1/3) of the recommended dietary allowance in accordance with Federal Regulations. (7-1-92)
12. Demonstration Project. A service project receiving one-time Idaho Senior Services Act funds through the IOOA, whose purpose is to demonstrate new or more effective methods of delivering services fundable under the Act. (7-1-92)
13. Diet Counseling. An interview with a meal site participant conducted by a Registered Dietician for the purpose of obtaining the physician's prescribed diet, the participant's food likes and dislikes, food allergies, and any other food problems in order to prepare a reference card for the dietician and the meal site's cook in modifying meals for the participant. (7-1-92)
14. Direct Costs/Direct Services. Costs incurred from the provision of direct services. These costs include, but are not limited to, salaries, fringe benefits, travel, equipment, and supplies directly involved in the provision of services. Program coordinators and first line supervisors are considered direct costs. Administrative expenditures or costs as defined in Subsection 103.03 are excluded. (7-1-92)
15. Eligible Participants. Persons who are sixty (60) years or older and are residents of the state of Idaho. (7-1-92)
16. Friendly Visiting. Visits made either at home or in an institution for the purpose of providing companionship to individuals sixty (60) years of age or older. (7-1-92)
17. Home-Delivered Meals. Meals delivered to a frail, home-bound individual sixty (60) years of age or older and his or her spouse if determined to be in the best interest of the home-bound person. Meals must meet at least one-third (1/3) of the recommended dietary allowance in accordance with federal regulations. (7-1-92)
18. Homemaker. A person who has successfully completed a basic prescribed training, who, with additional supervision, provides homemaker services. (7-1-92)
19. Homemaker Service. Assistance with household tasks such as housekeeping; essential shopping; meal planning, preparation and purchase; household maintenance and management; budget management; teaching home management skills; limited maintenance personal care. (7-1-92)
20. Indirect Costs. Costs of an organization which are not readily identifiable with a particular project or program but are necessary to the general operation of the organization and conduct of its activities. (7-1-92)
21. Non-Institutional. Those living arrangements or residences that do not have organized, professional supervision of activities of daily living or medical oversight of the residents. Such arrangements or residences may include congregate housing units, board and room facilities, private residences (apartments, houses, condominiums, duplexes, triplexes, fourplexes) hotel rooms, or group homes whose residents are unrelated individuals. Non-institutional does not include skilled nursing facilities, residential care facilities, adult and foster care homes, hospitals, schools and hospitals for the mentally retarded or chronically mentally ill. (7-1-92)
22. Ombudsman. A service providing a mechanism to receive, investigate, and resolve complaints made by or on behalf of, residents of long term care facilities or persons age sixty (60) and older living in the community. (7-1-92)
23. Operating Expenditures. All ongoing day-to-day costs related to the direct provision of those services provided under this act. These costs include but are not limited to direct service providers, staff travel, and

- supplies of supplies, postage, telephone, office space, etc. (7-1-92)
24. Program. The Idaho Senior Services Program. (7-1-92)
25. Respite. Provides short term, intermittent relief to families who are caring for an older person. (7-1-92)
26. Service Provider. A public or private nonprofit agency or private profit-making organization providing services directly to senior citizens in Idaho. (7-1-92)
27. Shopping Assistance. Shopping trips made (1) in which individuals sixty (60) years of age or older are accompanied by another person with the primary intent of assisting in the purchase of food, medicine, and/or other necessities; or (2) to purchase food, medicine, or other necessities for home-bound persons sixty (60) years of age or older. (7-1-92)
28. State Advisory Council. Consists of seventeen (17) individuals, no fewer than fourteen (14) of whom are at least sixty (60) years of age to advise the IOOA in the preparation and execution of plans, projects, and programs. A minimum of twelve (12) members shall be representatives elected from the local area councils (two (2) from each area). The additional members shall be appointed by the administrator of the IOOA as representatives of public and community interest groups. (7-1-92)
29. State Agency. The Idaho Office on Aging, as created in Section 67-5001, Idaho Code. (7-1-92)
30. Telephone Reassurance. Calls initiated by a telephone reassurance workers at a specified time on a regular basis to home-bound individuals sixty (60) years of age or older to determine if they are safe and well, if they need special assistance, and/or to provide psychological reassurance. (7-1-92)
31. Transportation Services. Services designed to transport eligible participants to and from community facilities and resources for the purposes of applying for and receiving services, reducing isolation or otherwise promoting independent living. (7-1-92)

011 -- 149. (RESERVED).

150. DISTRIBUTION OF FUNDS.

Subject to the availability of State appropriations, funds will be assigned to each area on the basis of an allocation formula, excluding funds appropriated specifically for demonstration projects. The formula will be determined by the IOOA and may include but will not be limited to such factors as population age sixty (60) and older, minority population, low-income population, and rural population. (7-1-92)

01. Area Agency Plan. Plan developed by an area agency on aging which specifies the service(s) to be provided, a budget for each service, the goals and objectives to be accomplished for each service during the program year, and the service providers to be utilized in providing each service. The plan must include: (7-1-92)
- a. An annual assessment of needs which specifically and clearly addresses the needs of eligible participants for specific services; (7-1-92)
- b. A description of how each service is to result in establishing or expanding a service in accordance with these regulations, or continuing State funded services initiated in prior years; (7-1-92)
- c. A budget with a projection of costs by "line item" on budget forms prescribed by the State Agency; (7-1-92)
- d. A plan for monitoring and assessment of service providers in both fiscal and program activity; and (7-1-92)
- e. A written assurance that the advice and recommendations of the local Area Council have been considered in the development of the plan and that it has been reviewed and accepted by the Council prior to its

submittal. (7-1-92)

151. -- 199. (RESERVED).

200. AREA AGENCY RESPONSIBILITIES.

The area agencies have the following responsibilities: (7-1-92)

01. Policy and Procedures. Develop policy and procedures to be used by service providers under this act, based on IOOA rules and policies and procedures. (7-1-92)

02. Planning and Coordination. Plan and coordinate the services within their respective areas to insure that older persons receive needed services with minimum duplication. (7-1-92)

03. Contracts. Written funding agreements with service providers to provide services under these rules in accordance with IOOA established policies and procedures. (7-1-92)

04. Subcontracts. Approved written funding agreements with third party providers. (7-1-92)

05. Monitoring. Conduct ongoing review and analysis of service provider reports and annual on-site assessment of service provider performance and compliance. (7-1-92)

06. Disbursing Funds. Processing payments to area agencies and service providers. (7-1-92)

07. Reporting. Submit all program and fiscal reports. (7-1-92)

08. Fees. Establish methods for collecting and accounting of fees; specific costs for services based upon an individual's income. (7-1-92)

09. Compliance. Assure that contracts operate fully in conformance with all applicable State and local laws, regulations, and policies, including fire, health, safety, and sanitation standards. (7-1-92)

10. Audits. Provide for an audit of the program. Require that all service providers fulfill this requirement. (7-1-92)

201. STATE AGENCY RESPONSIBILITIES.

The IOOA shall administer the program through grants to area agencies which will include: (7-1-93)

01. Reporting Procedures. Establish fiscal and program reporting procedures. (7-1-92)

02. Funding. Allocate funds on the basis of a funding formula. (7-1-92)

03. Review. Review and approval of grant applications. (7-1-92)

04. Issuance. Issue of grant awards. (7-1-92)

05. Payment. Process requests for funds. (7-1-92)

06. Monitoring. Monitoring grants awarded by the IOOA. (7-1-92)

07. Fees for Service. Establish a sliding fee scale. (7-1-92)

08. Evaluation. Complete a comprehensive evaluation of the effectiveness of the program. (7-1-92)

09. Technical Assistance. Provide technical assistance to area agencies and service providers. (7-1-92)

10. Appeals Procedures. Establish fair hearing and appeal procedures. (7-1-92)

202. -- 249. (RESERVED).

250. FEE/CONTRIBUTIONS FOR SERVICES.

Services will be available to all eligible participants regardless of income. Contributions (voluntary donations) may be accepted from participants. Methods of receiving contributions from individuals shall be handled in such a manner so as not to differentiate publicly among individual contributions. Fees (mandatory) will be charged for homemaker and chore services according to a sliding fee scale established by the State Agency on the basis of ability to pay. Fees/contributions for services shall be accounted for and used to offset costs of the respective program for which they are collected, which may include direct service, administrative and capital expenditures. Other services, which are not specified in the act, but for which a fee is appropriate may be adopted in the future. Service providers shall be responsible for collecting fees owed by participants and for reporting the collection and use of such fees. (7-1-92)

251. SERVICES.

The services provided herein shall be limited to those provided by the act and are as follows: (7-1-93)

01. Congregate Meals. Funds for Congregate meals will be used to provide nutritionally balanced meals to older persons at congregate sites, diet counseling and nutrition education. All meals served must meet all Older Americans Act requirements. No new post-1982 State appropriations may be used for congregate meals. (7-1-92)

02. In-Home Services. (7-1-93)

a. All in-home services funded under this act shall be either an expansion of existing services or establishment of new services or continuation of State funded services from a previous year. (7-1-92)

b. All in-home services funded under this act shall be coordinated with and not duplicate existing service. (7-1-92)

03. Transportation. (7-1-93)

a. No new post-1982 appropriations may be used for transportation services. (7-1-92)

b. Funds must be used to serve individuals age sixty (60) and older and may not be used as a direct subsidy for an overall public transit system or a general reduced fare program for a public or private transit system. (7-1-92)

c. Expansion must result in transportation services provided to individuals not presently served and for additional services to individuals currently being served. (7-1-92)

04. Adult Day Care. All adult day care services funded through this act shall be either an expansion of existing services or establishment of new services or continuation of state funded services from a previous year. (7-1-92)

252. -- 299. (RESERVED).

300. PAYMENT OF FUNDS.

01. Reimbursement of Funds. Funds will be disbursed to the area agencies based on actual costs incurred according to a request for funds report. (7-1-92)

02. Funds Available. Payments are based on the availability of funds at the State level. Any State fiscal year funds granted to an area agency must be obligated by the area agency by the end of the State fiscal year or returned to the IOOA. (7-1-92)

03. Unused Funds. The amount of any area agency allotment, under the formula for any program year, which the IOOA determines will not be required for that year based on quarterly expenditure rates and monthly expenditure reports shall be re-obligated from time to time to other area agencies, as determined by the IOOA.

(7-1-92)

301. USE OF FUNDS.

01. Costs Allowed. Allowable costs under this act must be both reasonable and necessary for the conduct of activities under the plan and shall be carried out in accordance with all pertinent State rules. Any increase in funding received after State fiscal year 1982 must be expended for in-home services or adult day care. Program funds may be used only for: (7-1-92)

- a. Expansion, continuation, or establishment of services as described in Section 251; (7-1-92)
- b. Expenditures other than the replacement of existing funding for in-home, transportation, adult day care, or congregate meal services; and (7-1-92)
- c. Services to persons not receiving such services through other local, State, or Federal programs; and (7-1-92)
- d. Capital expenditures required for expanding, in-home services, not to exceed ten percent (10%) of the total budget; and (7-1-92)
- e. Accounting and audit costs not to exceed two thousand dollars (\$2,000); and (7-1-92)
- f. Direct costs as defined in Subsection 010.14 and Capital expenditures will not be allowed except as provided in Subsections 301.01.d. and 301.01.e. above. (7-1-92)

02. Matching Federal Funds. Program funds may be used to match Federal funds. (7-1-92)

03. Indirect Costs. Indirect costs are not allowed under the program. (7-1-92)

04. Budget Revision. If the area agency determines at any time that expenditures of any budget categories will exceed the budget by more than five percent (5%), the area agency shall submit a budget revision to the IOOA for approval. (7-1-92)

302. -- 349. (RESERVED).

350. AUDITS.

01. Time Scheduled. The area agency is required to have an audit performed at least every two (2) years on all programs funded under this act. This audit may be combined with other area agency audits. The audit shall be in accordance with generally accepted government accounting standards. (7-1-92)

02. Entity Responsible. Pursuant to Sections 67-445, 67-447, and 67-450A, Idaho Code, the legislative auditors office or its designated representatives shall have the right of examination of any or all fiscal and program records. (7-1-92)

03. Right to Recover. In the event the final audit of the area agency has not been performed prior to the end of each grant period, the IOOA shall retain the right to recover any disallowed costs resulting from a final audit. (7-1-92)

04. Records. All fiscal and program records will be kept readily available for examination and shall be retained for a period of three (3) years or longer if audit findings have not been resolved. (7-1-92)

351. -- 399. (RESERVED).

400. SUSPENSIONS AND TERMINATIONS.

01. Causes for Suspension. The IOOA may suspend funding under this program where conditions

warrant. Suspension may occur for cause only when an area agency has materially failed to comply with: (7-1-92)

- a. Terms and conditions of the grant; and/or (7-1-92)
- b. Idaho Code 67-5001 through 67-5010; and/or (7-1-92)
- c. All pertinent policies, rules, and regulations. (7-1-92)

02. **Obligations Incurred During.** Any obligations incurred by the area agency during the period of suspension shall not be allowable except as authorized by the IOOA. (7-1-92)

03. **Procedure for Suspension.** To suspend program funding, the IOOA must notify the area agency in writing of the action being taken, the reasons for such action, and necessary corrective steps to be taken by the area agency, and right of appeal. (7-1-92)

04. **Causes for Termination.** The IOOA may terminate any grant in whole or in part for cause at any time before the date of completion whenever the area agency materially fails to comply with the terms and conditions rectifying a prior suspension. In the case of termination, the area agency being affected shall in all stages be notified in writing by the IOOA and have the right of appeal according to the IOOA's appeal procedures. (7-1-92)

05. **Stipulated Termination.** The IOOA may terminate any grant in whole or in part without cause, for convenience, when both parties agree that the continuation of the project would not produce beneficial results commensurate with further expenditure of funds. The two (2) parties shall agree upon the termination conditions, including the effective date and portion of grant funds to be terminated. (7-1-92)

06. **Procedure.** When any grant is terminated for cause or convenience of both parties, the following steps will be followed: (7-1-92)

- a. The recipient of award shall complete and submit a final program and financial report to the IOOA; (7-1-92)
- b. The IOOA shall make provisions for an audit of the area agency's books; and (7-1-92)
- c. Unobligated funds from a terminated project are available to the IOOA and may be reobligated to other projects. (7-1-92)

401. -- 449. (RESERVED).

450. CODE OF CONDUCT.

The area agency shall maintain a code or standard of conduct which shall govern the performance of its employees in contracting with and expending State funds. The area agency employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State or local law, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the area agency's employees or by contractors or their agents. (7-1-92)

451. -- 499. (RESERVED).

500. CONTRACTS.

01. **Accounting and Records.** Area agencies must assure that in contracts issued under these regulations there will be a strict and separate accounting and reporting for the cost of services. Bookkeeping records for these services shall be maintained separately, and procedures shall be established assuring that the correct division of costs is maintained for personal service or other cost items. Also, the number of persons served through the program under these regulations must be recorded and reported separately from those served in other programs of the agency. (7-1-92)

02. Procurement of Services. Area agencies must adhere to contract and procurement policies outlined in Chapter 4 of the Area Agency on Aging Policy Manual. (7-1-92)

501. -- 599. (RESERVED).

600. FAIR HEARING AND APPEAL PROCEDURES.

01. Information to be Provided to Client. At the time an eligible individual (EI) applies for in-home services or at any time an EI is denied service; service is discontinued, suspended or reduced; the provider will notify the EI in writing the following: (7-1-92)

- a. His right to a fair hearing; and (7-1-92)
- b. The method by which he may obtain a fair hearing; and (7-1-92)
- c. That he may represent himself at the fair hearing or be represented by a friend, relative, another spokesperson, or legal counsel. (7-1-92)

02. Contents of Notice. The notice must contain the reason for the action, an explanation of the right to a fair hearing and procedure to request it, and the circumstances under which services will be continued until a fair hearing is held. The required notice will be delivered to the EI at least ten (10) days before the date upon which the action is effective. (7-1-92)

03. Fair Hearing Request. Any request for a fair hearing must be submitted to the provider in writing within thirty (30) days from the date the EI receives notice of provider action. (7-1-92)

04. Continuation of Services. If a recipient requests a fair hearing: (7-1-93)
- a. Prior to the date upon which the action being appealed is to become effective, services will not be discontinued, suspended, or reduced until a decision has been rendered. (7-1-92)
 - b. After the date of action, services will be reinstated and continued until the hearing decision. (7-1-92)

05. Notice of Hearing. Written notice will be provided to the EI at least seven (7) days in advance concerning the time, date, and location of the hearing. (7-1-92)

06. Rights of the client before the Hearing. Before the date of the hearing, the EI has the right to: (7-1-93)
- a. Examine pertinent documents and records of the provider; (7-1-92)
 - b. Receive, on request and without charge, copies of documents and records the provider plans to use at the hearing; (7-1-92)
 - c. If he has a communication or physical disability, request assistance, including an interpreter, to enable him to prepare and participate in the hearing. (7-1-92)

07. Conduct of Hearing. The provider will designate an impartial hearing officer to conduct the hearing. (7-1-92)

08. Dismissal of a Hearing. The hearing officer can dismiss the hearing if the client withdraws the hearing request or the client fails to appear at the scheduled hearing unless circumstances beyond his control prevent his attendance. (7-1-92)

09. Hearing Decision. When the hearing is completed, the hearing officer must prepare an official hearing record and issue a written decision to the provider within ten (10) working days. The providers will carry out

the decision of the hearing officer within ten (10) working days following receipt of the hearing officer's decision.
(7-1-92)

601. -- 649. (RESERVED).

650. CONFLICTS.

Where there is any conflict between these rules, and provisions of the Idaho Code, the statutes govern. For matters relevant to these rules but not addressed, refer to applicable sections of the Idaho Code.
(7-1-92)

651. -- 999. (RESERVED).