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**IDAPA 15
TITLE 01
CHAPTER 21**

IDAHO COMMISSION ON AGING

15.01.21 - RULES GOVERNING OLDER AMERICANS ACT SERVICES

000. AUTHORITY.

Under authority of Section 67-5003, Idaho Code, the ICOA adopts the following rule. (7-1-98)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 15.01.21, "Rules Governing Older Americans Act (OAA) Services." (7-1-98)

02. Scope. These rules constitute the state regulatory requirements related to services funded under Title III of the OAA, as amended. (7-1-98)

002. WRITTEN INTERPRETATIONS.

This agency may have written statements which pertain to the interpretation of the rules in this chapter. To obtain copies, contact the Idaho Commission on Aging by writing to the Administrator. (7-1-98)

003. ADMINISTRATIVE APPEALS.

The ICOA shall provide AAAs with opportunity to appeal administrative decisions related to these rules in accordance with IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (7-1-98)

004. -- 009. (RESERVED).

010. DEFINITIONS.

Any item not specifically defined below shall have the same meaning as those defined in Idaho Code or IDAPA 15.01.01, "Rules Governing Senior Services Programs." (7-1-98)

01. Access Services. Transportation, Outreach, Information and Assistance and Case Management. (7-1-98)

02. I&A. Information and Assistance Services initiated by an older person or their representative that: (7-1-98)

a. Provides current information about services available within the community, including information about assistive technology; (7-1-98)

b. Assesses the problem, determines the appropriate available service, and makes the referral; (7-1-98)

c. To the maximum extent practicable, by establishing adequate follow-up procedures, ensures that the client receives the needed service and is made aware of other available services. (7-1-98)

03. Legal Assistance. Advice, counseling, or representation by an attorney or by a paralegal under the supervision of an attorney. (7-1-98)

04. Meal Site. A facility or location where eligible persons (and spouses) assemble for a meal, either site prepared or catered. (7-1-98)

05. Outreach Service. A service which actively seeks out older persons, identifies their service needs, and provides them with information and assistance to link them with appropriate services. (7-1-98)

06. Rural. Communities having a population of fewer than twenty thousand (20,000) persons. (7-1-98)

07. USDA Eighty/Twenty (80/20) Commodity Program. Federal program in which the participating AAA agrees to accept a minimum of twenty percent (20%) of its total entitlement in commodities with the balance of eighty percent (80%) being paid in cash at the current USDA reimbursement rate. (7-1-98)

08. USDA One Hundred Percent (100%) Cash-in-Lieu Commodity Program. Federal program in which the participating AAA receives one hundred percent (100%) cash reimbursement in lieu of commodities. (7-1-99)

011. NUTRITION SERVICES.

01. Applicability of Federal Regulations. The ICOA incorporates, by reference, all federal and state statutes and requirements governing the administration, operation and management of the congregate and home-delivered meal programs. (7-1-98)

a. Client's eligibility to receive home-delivered meals shall be based upon the degree to which ADLs/IADLs limit ability to independently prepare meals. (7-1-98)

b. The AAA shall ensure providers comply with all state and local fire, health, sanitation, safety, building, and zoning laws, ordinances, or codes; (7-1-98)

c. Have a valid permit to operate a food service establishment: (7-1-98)

i. Are in compliance with the Federal Occupational Safety and Health Administration (O.S.H.A.) requirements; (7-1-98)

ii. Pass the Food Safety and Sanitation course in compliance with IDAPA 16.02.19, Subsection 400.02, "Rules Governing Food Safety and Sanitation Standards for Food Establishments (UNICODE)"; and (7-1-98)

iii. Comply with the provisions of the Americans with Disabilities Act (PL 101-336). (7-1-98)

02. Commodity Program Participation Requirements. All AAA nutrition service providers shall choose annually to participate in the USDA Eighty/Twenty (80/20) or One Hundred Percent (100%) Cash-In-Lieu Commodity program. (7-1-99)

012. -- 020. (RESERVED).

021. INFORMATION AND ASSISTANCE.

01. Area-Wide Information and Assistance (I&A) Service. Each AAA shall directly provide area-wide toll-free I&A telephone service. (5-3-03)

02. Client Screening. I&A shall provide client screening and appropriate referrals. (4-5-00)

03. Client Assessment. All screened clients requiring assessment shall be referred to case management or adult protection as appropriate. (4-5-00)

04. Reporting Requirements. Each AAA shall maintain records as required by the ICOA. Such records shall include information about the purpose and date of incoming calls, referrals of callers to other service providers, and any follow-up information regarding the outcome of referrals. The AAA shall report to the ICOA the units of service attributable to the I&A services provided. (5-3-03)

022. OUTREACH.

01. Identification of Older Persons in Need of Services. The AAA, in accordance with Section 306 of the OAA, shall assure that outreach efforts focus on identifying those older persons who have the greatest economic or social need, with particular attention to low-income minority elderly, elderly living in rural communities, and severely disabled elderly. (7-1-98)

02. Minimum Requirements. To determine the effectiveness of outreach services, each AAA shall: (7-1-98)

a. Annually review program data to determine success in reaching those older individuals having greatest economic or social need, especially low-income minority elderly, elderly living in rural communities, and severely disabled elderly; and (7-1-98)

b. Require all funded nutrition providers report outreach activities on a quarterly basis. (7-1-98)

023. TRANSPORTATION.

01. Available Services. Each AAA, in accordance with Section 306, OAA, shall assure that continuing efforts are made to make transportation services available to older individuals residing within the geographical boundaries of the PSA. (7-1-98)

02. Transportation to Meal Sites. Where appropriate, the AAA shall assure transportation to congregate meal sites is available. (7-1-98)

024. EXPENDITURES FOR ACCESS SERVICES.

The AAA shall expend for access services the percentage established in the ICOA state plan. (7-1-98)

025. -- 030. (RESERVED).

031. LEGAL ASSISTANCE.

01. Administrative Requirements. The AAA shall assure adherence to all administrative requirements as set forth in rule, unless the ICOA grants a waiver. (7-1-98)

02. Title III-B Funds. Under an approved area plan, the AAA shall expend a minimum percentage of Title III-B funds as set forth in the ICOA state plan in Title III-B funds for legal assistance. (7-1-99)

03. Contracts. Through performance-based agreements with local providers, the AAA shall provide legal assistance to older residents of the PSA. (7-1-98)

a. AAA contracts with for-profit providers of legal assistance services shall conform with standards set forth in 45 CFR 1321.71. Prior to being executed, contracts shall be submitted to ICOA for approval. (7-1-98)

b. Contracts for legal assistance services shall be executed for the purpose of providing direct legal assistance and representation to persons aged sixty (60) years or older. The number of service units to be provided must be clearly stated in the contract. (7-1-98)

c. Contracts for legal services shall include provision for legal services to clients of the AAA's Ombudsman for the Elderly Program and clients aged sixty (60) years or older of the Adult Protection Program. (7-1-99)

04. Idaho Legal Aid Services. AAA contracts with Idaho Legal Aid Services, Inc. shall provide the following assurances: (7-1-98)

a. Services provided under the contract to individuals sixty (60) years of age or older shall be in addition to legal assistance furnished with funds obtained from other sources. (7-1-98)

05. Maintenance of Legal Assistance Records. AAAs shall maintain records documenting legal assistance provided within each calendar quarter to individuals aged sixty (60) years or older. (7-1-98)

06. Provision of Service. In accordance with OAA Section 307 (a) and 45 CFR 1321.71, Subparts (a) through (k), each AAA shall assure provision of legal assistance to older individuals residing within the PSA. (7-1-98)

032. -- 999. (RESERVED).

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